



# THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

2019 ANNUAL REPORT





# INTRODUCTION

2019 Annual Report | FJD

The publication of this 2019 Annual Report was delayed due to circumstances not within our control. Since May 2019 the First Judicial District has continued to work around logistical difficulties stemming from a targeted malware intrusion. As we all know, in mid-March 2020 the COVID-19 Pandemic resulted in the Court scaling back operations to ensure the safety of our users and staff. Due to these unprecedented events, the entire staff of the FJD has been forced to continuously adapt daily operations in an attempt to return to normalcy.

Complications began on May 21, 2019, when the City shut down FJD computer servers to quarantine malware that threatened to infect our network. This intrusion was part of a larger trend of cyber-attacks targeting municipalities and government agencies across the country. In a concerted decision to act quickly The City and FJD avoided an expansive infiltration by immediately suspending certain applications – including our website, employee email, and electronic filing – and engaged cyber security professionals.

To identify the malware's access point and assess our vulnerability against future cyber-attacks, FJD Information Technology staff worked with cyber security experts to meticulously scan every individual server and rebuild and bolster our network security. While our virtual environment was being addressed, we also took an additional proactive precautionary step and removed the computer work stations of all City Hall FJD staff. Unfortunately, this severely hindered workplace capabilities, including our ability to gather the necessary data for our 2019 Annual Report. We prioritized to provide continuous public access in order to maintain necessary operations. Again the resultant effects of the Pandemic and the imposed shut down in operations, further delayed our ability to gather that data and information necessary to complete our 2019 Annual Report.

As to the effects of the Pandemic, our primary concern was to protect the safety and wellness of our employees, judges, and court users. Critical emergency services remained – such as preliminary arraignments, bail acceptance, and emergency protection from abuse services. Civil emergency filings were accepted in-person at the Stout Center, and emergency judges were available during normal working hours and, as usual, for emergencies during non-business hours. Additionally, we were able to equip staff with necessary laptops and other equipment to allow staff to work remotely and maintain court functionality.

Before employees gradually returned back to work, policies - intended to safeguard the health and safety of court personnel, court users, and members of the public – were developed and are continuously updated to reflect the current Centers for Disease Control and Philadelphia Department of Public Health recommendations.

Prior to May 2019, no playbook existed that would have guided us around the technological adversity we encountered with each consecutive event. However, through the resiliency of our staff, judges, and IT professionals our courts remained operational.



# ACKNOWLEDGMENTS

2019 Annual Report | FJD

*THE FOLLOWING INDIVIDUALS ARE RECOGNIZED FOR THEIR VITAL AND TIMELY ASSISTANCE IN THE SUCCESSFUL PUBLICATION OF THIS REPORT:*

**HONORABLE IDEE C. FOX**

PRESIDENT JUDGE, COURT OF COMMON PLEAS  
CHAIR, ADMINISTRATIVE GOVERNING BOARD

**HONORABLE PATRICK F. DUGAN**

PRESIDENT JUDGE, MUNICIPAL COURT

**HONORABLE JACQUELINE F. ALLEN**

ADMINISTRATIVE JUDGE, TRIAL DIVISION

**HONORABLE MARGARET T. MURPHY**

ADMINISTRATIVE JUDGE, FAMILY DIVISION

**HONORABLE MATTHEW D. CARRAFIELLO**

ADMINISTRATIVE JUDGE, ORPHANS' COURT DIVISION

**HONORABLE GARY S. GLAZER**

ADMINISTRATIVE JUDGE, TRAFFIC DIVISION

**JOSEPH EVERS**

DISTRICT COURT ADMINISTRATOR

*WE WOULD ALSO LIKE TO RECOGNIZE THE FIRST JUDICIAL DISTRICT'S DEPUTY COURT ADMINISTRATORS AND THEIR RESPECTIVE STAFF MEMBERS, FOR THEIR CONTRIBUTIONS TO THIS REPORT.*

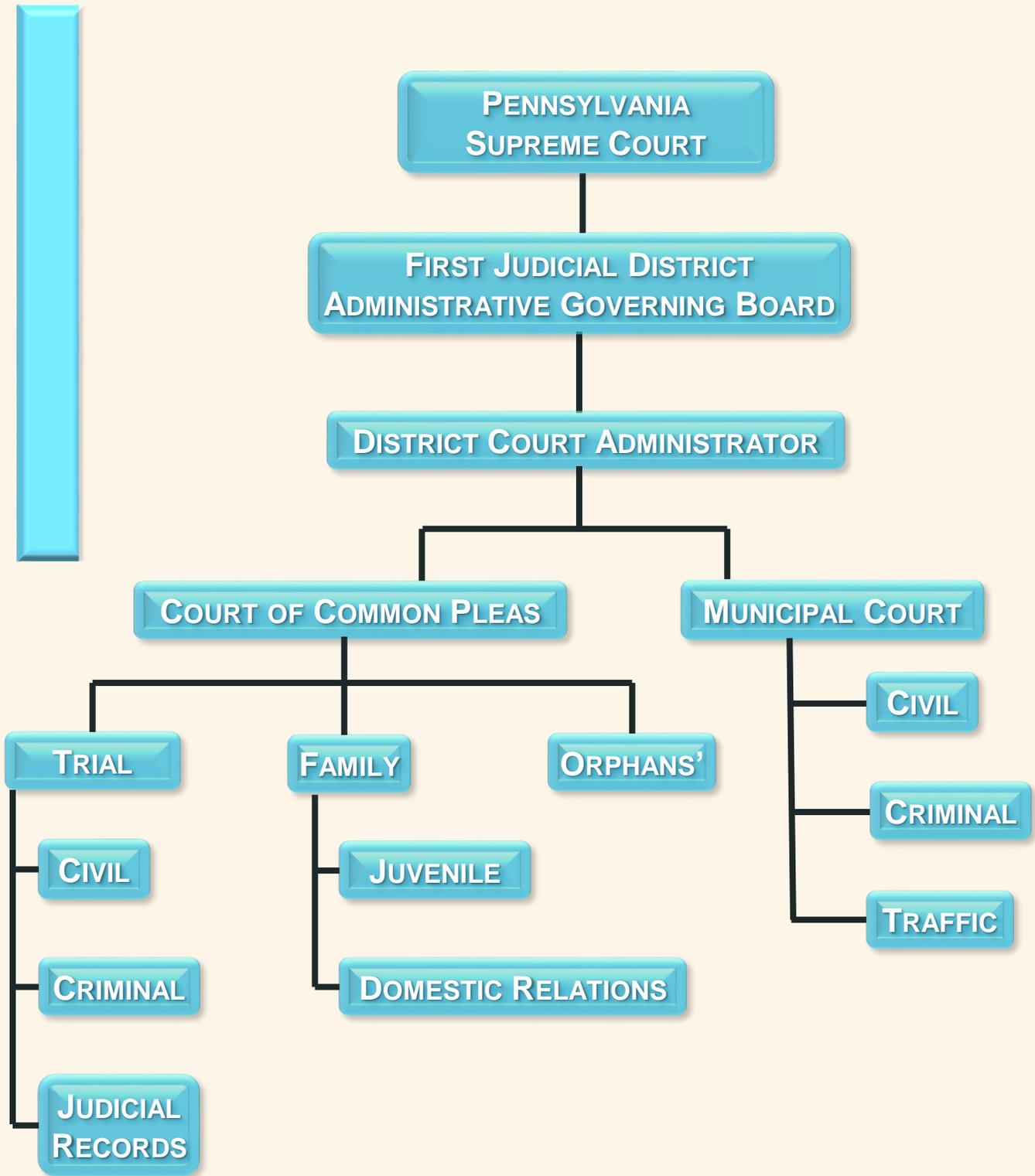


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# ORGANIZATIONAL STRUCTURE





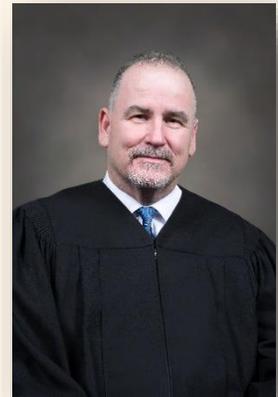
# ADMINISTRATIVE GOVERNING BOARD

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**The Hon. Idee C. Fox**

*President Judge,  
Court of Common Pleas  
Chair of the Administrative Governing Board*



**The Hon. Patrick F. Dugan**

*President Judge,  
Philadelphia Municipal Court*



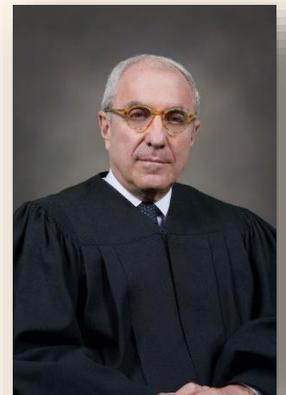
**Jacqueline F. Allen**

*Administrative Judge  
Court of Common Pleas  
Trial Division*



**Margaret T. Murphy**

*Administrative Judge  
Court of Common Pleas  
Family Division*



**Gary S. Glazer**

*Administrative Judge  
Municipal Court  
Traffic Division*



**Matthew D. Carrafiello**

*Administrative Judge  
Court of Common Pleas  
Orphans' Division*



**Thomas B. Darr**

*Court Administrator of Pennsylvania*



**Joseph H. Evers**

*First Judicial District  
Court Administrator*



# JUDGES OF THE COURTS

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## COURT OF COMMON PLEAS



## MUNICIPAL COURT





**COURT OF  
COMMON PLEAS  
TRIAL DIVISION**





## EXECUTIVE SUMMARY

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The Trial Division remains the most active court in the Mid-Atlantic region. In response to the varied demands on a court of this size, the Trial Division sought ways to integrate technology with business practices. This worked well. The resulting efficiencies allowed the Court to reallocate resources to other areas of burgeoning concerns.

In 2008, the First Judicial District Residential Mortgage Foreclosure Diversion Program was initiated in response to a national foreclosure crisis. On July 8, 2009, the First Judicial District Mental Health Court (Mental Health Court) began operations, with a planning grant awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD), to address the unique needs of this population. In October 2016, the Trial Division opened Pennsylvania's first senior justice resource center. Much more has been accomplished in collaboration with criminal justice partner in the MacArthur Foundation Safety and Justice Challenge Grant, first awarded to the City of Philadelphia in 2015.

However, efforts towards continued improvement were challenged. Sometime in 2019, the First Judicial District experienced a malware attack, the effects of which were felt in May. There was the disruption of various software applications and communication programs.

After discovery, the FJD endured a painfully long, remediation process. Work stations were disabled. Employees were displaced.

Nevertheless, the Trial Division remained operational due in large part a staff committed to a disciplined, methodical approach towards case flow management. Civil court events proceeded as scheduled.

Satellite offices were created. Family Court and Municipal Court Traffic Division opened space for Trial Division and OJR staff to continue their important work. Personnel logged extra hours and operated from remote locations to ensure that court events were scheduled in accordance with existing case management systems. The efforts of staff were equally admirable during the restoration period.

As a result, the Trial Division has many accomplishments to report for 2019. The report lists the various departments of the Trial Division and functions within its sections, accompanied by qualitative analysis of the work performed in an effort to provide a snapshot of the volumes and outcomes for the year.



## OFFICE OF JUDICIAL RECORDS

The Office of Judicial Records (OJR) is the keeper of court records. Counted among its many duties, OJR issues processes, enters judgments, and certifies the courts' records. Specialized duties are assigned to the following units: OJR Civil; OJR Criminal; and OJR Financial Services.

In May 2019, the FJD experienced a malware attack that interrupted business operations for a period in excess of three months. For all of OJR, staff had to revert to manual process of some function.

OJR Civil and OJR Financial Services were the most impacted. Access to the civil electronic filing system was severely restricted. Nothing could be submitted electronically to the Civil Section. The civil public dockets were inaccessible, temporarily halting certain business transactions in the area.

Though impacted, OJR Criminal suffered to a lesser extent. The Administrative Office of Pennsylvania Courts (AOPC) Common Pleas Case Management System (CPCMS) allowed OJR Criminal to continue to enter and extract data. However, processes employing the FJD's criminal Document Management System were suspended.

### OJR CIVIL SECTION

#### **CIVIL FILING CENTER**

*Goal:*

*All court users will have equal access to the courts, public proceedings, and any appropriate programs or services provided by the FJD.*

Access refers to more than just the removal of physical barriers. For OJR Civil, it is also about psychological barriers caused by a lack of knowledge of the courts and its processes. Though many functions may be handled remotely, the Civil Filing Center remains the face of OJR. This is where the public goes to file documents, search dockets, or get forms. It is important to have staff that is knowledgeable and committed to providing excellent customer service to any and all persons that enter the Civil Filing Center.

#### *Availability of Public Resources*

In 2019, OJR Civil Section continued efforts to improve Court forms and provide the public with accurate, clear information on procedural matters, in person, through its Citizen's Guides, and online.



*Customer Service*

During the 2019 Business Interruption, the public returned to City Hall for quick, efficient services. Despite a lack of computer equipment and staffing based upon the use of technology, the Civil Filing Center maintained its strong commitment to customer service. They fielded thousands of questions and helped the hundreds of people who entered the Civil Filing Center.

Looking ahead to 2020, OJR Civil Section will continue to work on access goals by expanding information tools. One such tool will include an enhanced case information search. The new program will provide more data in a user friendly format.

***ELECTRONIC REVIEW OFFICE***

The Electronic Review Office reviews electronically filed documents for compliance with the procedural rules. Despite the 2019 Business Interruption, the number of electronically filed documents were a mixed bag. In 2019 more than 470,000 submissions were reviewed and accepted for filing by this office, 11% fewer than in 2018. Approximately 71% were classified as non-discovery motions/petition-related filings. Fewer, 25,473, were classified as discovery motions. Stats for 2020 are expected to be similar.

	2018	2019	#Change	%Change
Non-Discovery Motions/ Petitions	58,063	61,024	2,961	5%
Discovery Motions	29,319	25,473	(3,846)	(13%)
Totals:	87,382	86,497	(885)	(1%)

***ELDER JUSTICE AND CIVIL RESOURCE CENTER***

The Elder Justice and Civil Resource Center opened October 13, 2016 to, among other things, provide individuals of advanced age with useful resources as they traverse the legal process. Partnerships with voluntary attorneys, legal service organizations, and local law schools have proven beneficial. Attorneys and students from Temple Law have dedicated several hours to the Center consulting with numerous patrons, furnishing legal advice (under supervision for law students) and providing other resources as needed. New personnel are expected to further the goals of the center in 2020.



## OJR CRIMINAL SECTION

The OJR Criminal, housed in the Justice Juanita Kidd Stout Center for Criminal Justice, provides clerical services to the criminal section and other courts and divisions. Staff within this section are responsible for accepting and processing motions and appeals, as well as maintaining files and dockets for criminal cases. In 2019, this section met the legal requirements of evolving state and local laws, improved data integrity, and operated in a manner to minimize costs for the Court and environment.

In 2018, upon review of criminal files, grading errors were identified. Some of these errors were attributable to data migration in prior decades. These errors, if left uncorrected, could interfere with compliance efforts pursuant to Act 56 Clean Slate Legislation (the "Act"), which limits access to certain criminal records. OJR Criminal Section worked with its criminal justice partners to resolve some of the migration grading errors.

By 2019, OJR Criminal Section had reviewed over 900,000 criminal files. As an additional safeguard, an Authorization for Release of Limited Access Information form, with accompanying protocols and procedures, was created to allow the defendant to grant written permission for the release of protected information to parties not attached to the case.

To address data integrity issues, the Court Clerk Manual for Criminal was completed. This manual is expected, among other things, to improve consistency of data entry. Copies of the manual were distributed electronically to the respective court clerks and will be updated periodically in response to state and local rule and procedural changes.

OJR Criminal has taken further steps towards a paperless environment. Clerks began using the Knowledge Lake Software to maintain all trial sheets electronically giving clerks, supervisors and administration easy access to the trial sheets in a digital format.

Exhibits are stored electronically in the Criminal Document Management System. The electronic storage and maintenance of the exhibits continues to ensure that a complete case record is transmitted to Appellate Courts through PACFile. PACFile procedures eliminates hours of documentation preparation and transmittal of paper files. In 2019, the District Attorney's Office electronically filed exhibits in 246 cases whereas the Public Defenders Association and the private bar electronically filed exhibits in 111 cases.

OJR continues to scan exhibits from the Waiver Program and hopes expand to other court programs in 2020.



Additionally, OJR furthered conversations with the Philadelphia Prison System, the Department of Corrections, and justice partners on the acceptance of electronic orders and notifications.

To reduce costs and provide for much needed space, OJR Criminal Section continued its Court Records Project. In accordance with the AOPC Record Retention & Disposition Schedule with Guidelines, OJR Criminal Section sent 122,040 Municipal Court, Court of Common Pleas, and Miscellaneous Docket records to the Newman Paper Mill, via the Department of Streets, for destructions. Efforts will continue to reduce the inventory of records at the long-term storage center.

Other unit highlights include:

- Processed 57 Private Detective License renewals and eight new Private Detective licenses;
- Processed more than 4,500 pieces of mail from inmates, distributed motions to the appropriate departments and judges, and mailed documents as requested by defendants and/or inmates;
- Docketed Counsel Payment Vouchers;
- Transmitted Counsel Payment Vouchers to the Counsel Fees Unit;
- Updated the Office of Judicial Records COOP procedures and protocols.

In 2020, OJR Criminal will continue its collaboration with criminal justice partners to make operations more efficient. Plans include the revival of the Reformation Committee.

## OJR FINANCIAL SERVICES

OJR Financial Services provides services to the entirety of the FJD. OJR, Financial Services consists of the following units: Finance, OJR Civil; Bail Acceptance; Accounting, and Controller's Office. Services to the Trial Division include, but are not limited to, the:

- Collection, oversight, and disbursement of civil filing fees;
- Receipting, docketing, and disbursement of escrow payments in civil cases;
- Collection, receipt and disbursement of fines, fees and restitution in criminal cases;
- Assessment and adjustment of Offender Supervision Fees;
- Bail collection and issuance of bail bonds; and
- Bail forfeiture and bail refund - upon case disposition

In 2019, as in years prior, employees of the OJR Financial Services maintained the highest level of dedication to the job by not only assisting the public and judiciary, but continuing to uphold the fiduciary responsibility owed to the courts and citizenry.



Due to the 2019 Business Interruption, within a very brief period, OJR had to adjust from relying on comprehensive, electronic filing and accounting systems to employing manual processes to maintain financial accountability. This group executed a continuity of operations plan, implemented processes to ensure financial accountability and daily processing, and, upon restoration of services, manually entered receipts in the system. Between May and September 2019, OJR Civil processed 12,600+ manual receipts representing amounts in excess of \$2 million.

<b>OJR FINANCIAL SERVICES COLLECTION AND RECEIPTING</b>				
	<b>2018</b>	<b>2019</b>	<b># DIFFERENCE</b>	<b>% DIFFERENCE</b>
<b>CIVIL</b>	\$45,106,938	\$47,000,811	\$1,893,873	4%
<b>BAIL</b>	\$30,104,520	\$38,760,057	\$8,655,537	29%
<b>FINES, COSTS, RESTITUTION</b>	\$8,150,541	\$6,940,521	\$(1,210,00)	(15%)
<b>TOTALS:</b>	<b>\$83,361,999</b>	<b>\$92,701,389</b>	<b>\$9,339,390</b>	<b>11%</b>

For calendar year 2019, OJR Financial Services oversaw the collection and receipting of \$92.7 million and disbursement of \$4.56 mil in restricted and unrestricted revenue, including \$213K in bail poundage to the City of Philadelphia. The following report lists the activities for each unit.

<b>REVENUE</b>	<b>AMOUNTS</b>
<b>RESTRICTED SUP. FEE, DIV. COURTS, POUNDAGE</b>	\$1,854,793
<b>UNRESTRICTED</b>	\$2,707,511
<b>TOTAL</b>	\$4,562,304



Restricted Revenue	Amounts
OSP	\$876,730
OJR	\$524,422
Bail Poundage	\$213,359
Total (MC funds excluded):	\$1,614,511

### ***FINANCE UNIT, OJR CIVIL***

In 2019, financial modules were added to the civil case management system. This addition allows court staff and litigants to review court costs; view amounts deposited and disbursed; and identify payees. OJR Finance continues to track non-monetary transactions by governmental entities and individuals granted *in forma pauperis* status.

#### ***CIVIL COLLECTIONS – ELECTRONIC PAYMENT***

OJR Financial Services collected \$47 mil: 83% allocated to civil filings fees; and 17% to civil escrow payments.

While payments through the electronic filing system remains the most common method of payment, OJR Financial Services reported a 7% decline in its use when compared to 2018 figures. Shifts in transaction methods are attributed, in part, to the 2019 Business Interruption.

Over-the-counter transactions more than doubled in 2019 to approximately \$10.8 mil. OJR Financial Services generated 384,877 receipts in 2019, 3% of which were manual.

#### ***CIVIL COLLECTIONS – ESCROW PAYMENT***

OJR Financial Services continued accounting procedures by setting up individual sub-accounts for each escrow payment – allowing for thorough accountability, accuracy, and speed in receipting and disbursement of funds in compliance with court orders. In 2019, OJR Financial Services recorded receipt of \$8 mil in escrow payments, \$1.7 mil less than received in 2018.



### *CIVIL COLLECTIONS – NON-MONETARY TRANSACTIONS*

For calendar year 2019, OJR Financial Services recorded non-monetary transactions in excess of \$13.2 mil: 91% attributed to the city of Philadelphia; the remainder to IFP filings. During the year, OJR Civil received 110,024 filings from the City of Philadelphia, a 64% increase over the span of a year. These transactions equate to 25% of civil filing fees collected in 2019. IFP Filings declined in 2019. The Court of Common Pleas recorded 3 fewer IFP Civil Filings for the year.

### ***FINANCE UNIT, OJR CRIMINAL***

Accounting for bail, supervision fees, and fines, costs and restitution (F/C/R) remain a major function of OJR. These activities involve the collection and disbursement of legislatively, mandated fines and fees, as well as restitution payments to victims of crimes. In addition to accepting automatic wage deductions, OJR Financial Services accepts payment in-person and online. In 2019, this unit collected of \$45.7 mil: 85% in bail securities; and 15% in F/C/R.

#### *Accounting Units*

The Finance Unit provides accounting services at two locations: Stout Center located at 13th and Filbert Streets, and at the 714 Market Street location (714 Location).

The 714 Location accepts payments during business and, once a month, after business hours. In 2019, this unit receipted 75%, or \$5.23 mil, of the total F/C/R payments collected; an 18% decrease when compared to 2018. Most, 78%, were in the form of electronic payments (e-payments). In contrast to the 714 location, the Stout Center Accounting Unit is the primary location for court assessment and restitution payments. This unit accounted for \$1.6 mil for the year.

As part of its fiduciary responsibility, OJR is responsible for the disbursement of funds to government agencies, victims entitled to restitution, and sureties entitled to refund of bail—only upon full and final disposition of the case. The Stout Center Accounting Unit disbursed over 20,340 checks amounting to \$10.8 mil in bail refund, 86%, and restitution payments, 14%.

#### *Bail Acceptance Unit*

Bail security collection and proper posting of funds, in compliance with bail guidelines and judicial orders, remains a priority for the Bail Acceptance Unit. The Unit collected \$38.7 mil in Bail Bond from professional bail bondsman, Real Estate Bail, and Cash. Real Estate Bail dropped dramatically, 81%, since 2018, while the other method of payments increased. Bail Bond accounted for the largest portion collected – \$28.4 mil, due to the 100% bail security posting.



<b>BAIL ACCEPTANCE – 2019 COLLECTIONS</b>		
<b>Form of Payment</b>	<b>Amount</b>	<b># of Transactions</b>
Bail Bond	\$28,376,580	698
Cash	\$8,302,950	1,997
E-Pay	\$2,050,518	5,419
Real Estate	\$30,010	-
<b>Total:</b>	<b>\$38,760,058</b>	<b>8,114</b>

If adjusted to 10%, in comparison to cash bail payment, Bail Bond would rank second, after Cash. Cash bail is the second most frequently used form of payment.

<b>BAIL ACCEPTANCE – 2019 COLLECTIONS WITH ADJUSTED BAIL BOND (10%)</b>		
Bail Bond adj. to 10%	\$2,837,658	698

E-Pay Bail usage increased 30%, in amount collected, and 5%, in the frequency of transaction. Overall, the Bail Unit observed a 300% increase in bail transactions since the implementation of E-Pay in 2016. E-Pay recorded the second highest transactions numbering 5,419 for 2019.

**FINANCIAL SERVICES/CONTROLLERS OFFICE**

Financial Services Office is responsible for review of deposits, disbursements, and adjustments for all activities related to funds received in the Criminal side. A few of the functions performed by this office are as follow:

- Relationships with outside financial institutions
- Audit participation from the Philadelphia’s Controller’s Office and PA Department of the Auditor General
- Reconciliation of bank accounts related to Cash Bail and Court Assessment
- Compliance with the process set forth by the Administrative Office of Pennsylvania Courts
- Review of court assessment adjustments to all activities in CPCMS
- Collaboration in transmission of information from CPCMS to BANNER in criminal fee judgments
- Disbursement of the funds to appropriate entities, government agencies, victims of crime, etc..



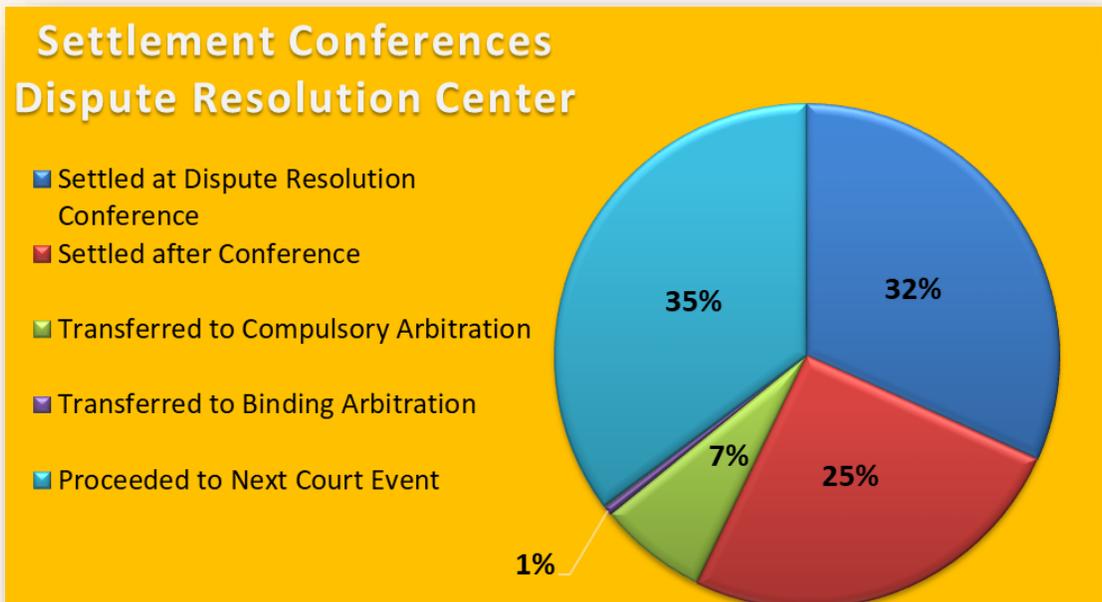
## CIVIL SECTION

The Civil Section completed 2019 with a number of notable successes. For the first time in six years, the civil Time-to-Disposition rate climbed from 90% to 93%. Additionally, the Civil Section conducted 809 trials, the second highest number of trials recorded in a 10-year period.

### ***DISPUTE RESOLUTION CENTER***

Generally, two to three months prior to the projected trial date, a mandatory settlement conference is conducted in the Dispute Resolution Center before a Judge Pro Tempore (JPT), an experienced member of the Philadelphia Bar Association. These conferences are scheduled after discovery period has closed and, when appropriate, expert reports exchanged to allow for meaningful negotiations to take place.

In 2019, JPTs conducted 4,279 settlement conferences. Almost a third of the cases, 1,357, amicably resolved at the conference. In the period between the conference and the next scheduled court event, 1,090 of cases terminated. Less than 10% of the cases were transferred to the Compulsory Arbitration Program (301) or binding arbitration (26). The remaining 1,505 cases, 35%, proceeded to the next significant court event.

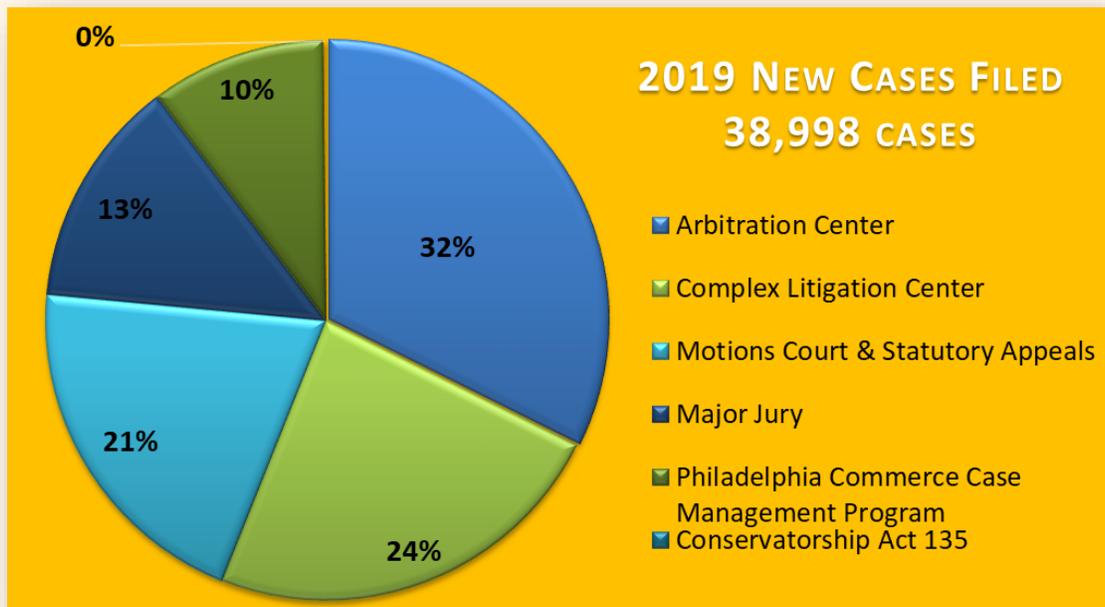




## PROGRAMS WITHIN THE CIVIL SECTION

The Civil Section consists of the following units: The Compulsory Arbitration Center; Complex Litigation Center; Motions Court and Statutory Appeals; Major Jury; Commerce Court and Conservatorship Act 135—less than 0.001% of the civil inventory. Several civil programs are resident within these units.

The Civil Section began 2019 with a pending inventory of 37,372 pending cases. During the year, 38,998 new case filings were accepted. A large percentage of new case filings, 11,559, almost a third, were assigned to the Compulsory Arbitration Center; the Complex Litigation Center recorded the second largest percentage of new case filings, 8,471. In addition to the new case filings, the Complex Litigation Center also received 1,195 arbitration appeals.



### THE ARBITRATION CENTER

#### *Compulsory Arbitration Program*

The Compulsory Arbitration Program is housed in the Arbitration Center located at 1880 John F. Kennedy Boulevard. A case may be assigned to this program in one of three ways: (1) automatically; (2) by stipulation; or (3) by court order. In the first method, all cases in which the amount in controversy is \$50,000 or less, excluding actions in equity and claims to real estate, are automatically assigned to the program.



In cases where the amount in controversy exceeds the dollar limit, the parties may stipulate to transfer the matter to this program. Lastly, if a judge determines that the amount in controversy is less than \$50,000, he or she may transfer the case to the Compulsory Arbitration Program as well.

Once assigned to this program, cases are scheduled for a hearing, usually nine months from the date of filing before a panel of arbitrators<sup>1</sup>. Upon issuance of a decision, a party may appeal for trial de novo. In the absence of appeal, the judgment entered on the award of the arbitrators may be enforced as any other judgment of the Court.

In 1959, in first full year in operation, approximately 7,500 arbitration cases were processed. The program has enjoyed a steady growth since then. Sixty years later, in 2019, the Compulsory Arbitration Program processed 12,442 cases, of which, less than 10%, were appealed.

### *Mediation*

The Arbitration Center continues to partner with the University of Pennsylvania Carey Law School Mediation Clinic to offer mediation services to litigants in cases on appeal from Municipal Court.

Appeals from Municipal Court tend to involve a higher percentage of self-represented litigants who may be less familiar with Pennsylvania's procedural and evidentiary rules. Providing mediation services through the Mediation Clinic results in reduced litigations costs and empower the parties to find a workable resolution.

In the fall of 2019, 26 mediations were conducted by law students with faculty member oversight. Of that total, six settled prior to the scheduled arbitration hearing. The Arbitration Center is exploring other options to improve access for self-represented litigants.

### *Community Activities*

The Arbitration Center continued education and training efforts. Throughout 2019, the Arbitration Center received delegations from other countries interested in its operations. Government officials from Shandong Province, China visited the Center to observe arbitration hearings. Additionally, the Center opened the hearings rooms, for observation, to law school students and city agencies.

<sup>1</sup> To be eligible to serve as an Arbitrator, an attorney must be a member in good standing of the Bar of the Supreme Court of the Commonwealth of Pennsylvania; have tried a civil case in any forum in the Commonwealth; maintain a principal office in Philadelphia; and complete a Certification Seminar. The Director of the Arbitration Center regularly co-hosts, with the Pennsylvania Bar Institute and Philadelphia Bar Association, the requisite Certification course needed to sit as an Arbitrator, as well as other CLE and educational seminars regarding the policies and procedures of the FJD's Compulsory Arbitration Program.



## COMMERCE CASE MANAGEMENT PROGRAM

The Commerce Court is a specialized civil court within the Trial Division that focuses on resolving commercial disputes brought by local, national, and international companies conducting business in the Philadelphia area. Other matters assigned to this program include class actions; motions to open or strike confessed judgments; and sequestration matters.

A major objective of the Commerce Court is vigorous case management with a view towards early resolution. Each Commerce Court judge maintains an individual docket and is responsible for the management of assigned cases from commencement to resolution. Judges are assisted by a dedicated team of five Court Administrative Officers, various Law Clerks, and more than 100 qualified members of the commercial bar who serve as court appointed settlement JPT, receivers, and discovery masters.

### *Class Actions*

Commerce Court manages both commerce and non-commerce class actions. In 2019, no new Commerce Class Actions were assigned to this program. Commerce Class Actions pending at the beginning of the year was cleared by the close of the year.

### *Taxicab Medallion Program*

In the course of working with petitions to open or strike confessed judgments, Commerce Court noticed an influx of cases—more than 100 in a year—involving defaults on taxicab medallion loans. In December 2017, the Commerce Court created the Taxicab Medallion Loan Program to ensure equitable of access to justice. Of the cases in which the defendant participated, 60% resulted in settlements between the lender and the taxicab company.

### *Sequestration*

Commerce Court processes Petitions to Appoint Sequestrators for commercial properties against which tax liens have been filed. In 2019, Commerce Court received 3,122 newly filed petitions, a 65% from the year prior; a 1,035% increase since its inception.

Since the fall of 2013, the City has added more than \$100 million dollars to its coffers through this program. More than \$17 million was collected in 2019. Monies go to the Philadelphia School District to alleviate funding shortfall.



Due to the success of the Real Estate Sequestration Program, at the City's behest, the Commerce Court created a Water/Sewer Sequestration Program in 2019. Petitions to Appoint Sequestrators are filed for commercial properties with liens for unpaid water and sewer charges. During 2019, the City collected over \$3 million in unpaid water and sewer charges through this program.

#### *RESOLVED MATTERS*

In 2019, Commerce Court disposed of 3,199 cases. Of the total number resolved, 88% were resolved within six months of commencement; 97% within 25 months.

#### *PENDING INVENTORY*

As of January 5, 2020, Commerce Court 2,038 pending matters: 670 commercial cases, 1,289 Sequestration cases, 55 Taxi Cab Medallion cases, and 24 Class Actions.

#### *COMMUNITY INVOLVEMENT*

In 2018, the Commerce Court became a member of the Standing International Forum of Commercial Courts, SIFoCC. SIFoCC facilitates conversation among business court judges from all over the world. In 2019, the SIFoCC working group, of which Supervising Judge Glazer is a member published the International Best Practices in Case Management. This document describes best practices for case management in commercial litigation. All working group members advocated for active judicial involvement through the life of the case with a focus on settlement—a hallmark of the Trial Division's Commerce Court.

In 2019, Commerce Court continued to work with the Business Litigation Committee of the Philadelphia Bar Association to identify experienced, diverse members of the bar to serve as JPTs. Also, in 2019, the Commerce Judges and staff presented several continuing legal education seminars on serving as a Receiver, and Discovery or Special Master. The seminars were well attended and have generated a broader pool of JPTs from which the Commerce Judges may make appointments.

Also in 2019, Commerce Court further fulfilled its mandate to provide guidance on issues of Pennsylvania commercial law by issuing opinions in cases involving novel or complex claims. Since its inception, Commerce Court judges have published more than 1,400 opinions – over 50 in 2019. Lastly, the Commerce Court continued to identify and educate future leaders of the commercial bar through the Honorable Albert W. Sheppard Scholarship Fund and the Temple State Court Honors Internship Program.



<b>COMMERCE COURT PROGRAM</b>						
	<b>INVENTORY PENDING 1/7/2019</b>	<b>TOTAL FILED</b>	<b>REOPEN/ REACTIVATE</b>	<b>TOTAL RECORDS DISPOSED</b>	<b>NET DEFERRED</b>	<b>NET TRANSFER</b>
<b>JURY</b>	212	91	12	196	1	105
<b>NON-JURY</b>	382	307	26	394	-31	145
<b>UNTRACKED</b>	3	38	1	2	-2	-28
<b>CLASS ACTIONS-COMMERCE</b>	2	0	0	3	1	0
<b>CLASS ACTIONS-NON COMMERCE</b>	23	43	1	35	-1	-7
<b>INJUNCTIONS</b>	0	2	0	0	0	-2
<b>SEQUESTRATIONS</b>	671	3122	2	2515	9	0

## COMPLEX LITIGATION CENTER

The Complex Litigation Center, located in City Hall, manages the Mass Tort, Major Non-Jury, and Arbitration Appeals Programs.

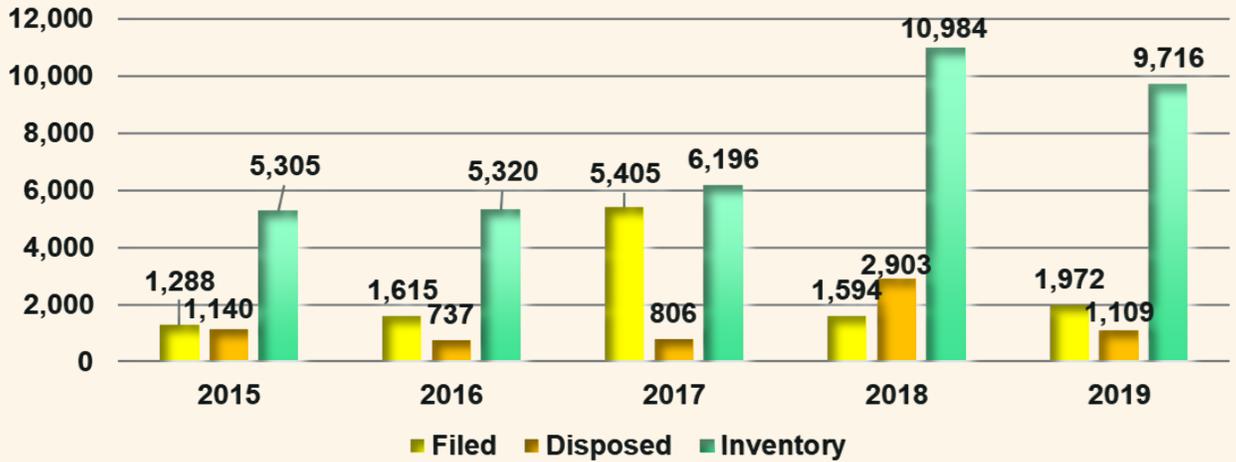
## MASS TORT PROGRAMS

Cases assigned to the Mass Tort Program consists of those involving asbestos, pharmaceuticals, and medical devices. Pharmaceutical cases include Reglan Risperdal, Paxil, Phен Fen, Yaz, Yasmin, Ocella, and Xarelto. Medical device cases include Vena Cava Filters, Essure, Pelvic and Mesh.

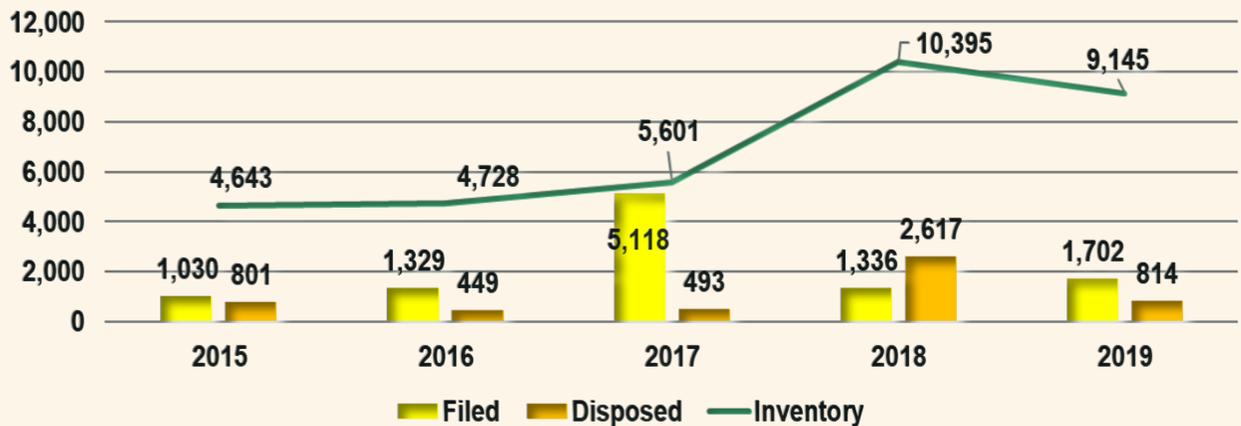
In 2019, Mass Tort Program reported an increase in the number of new filings, with fewer of those involving out-of-state plaintiffs. Mass Tort Program received a total of 1,972 newly filed cases. Pharmaceutical and Medical Devices cases accounted for 86% of the newly case. Only 270 new asbestos cases were filed in 2019, 45% by out-of-state plaintiffs.

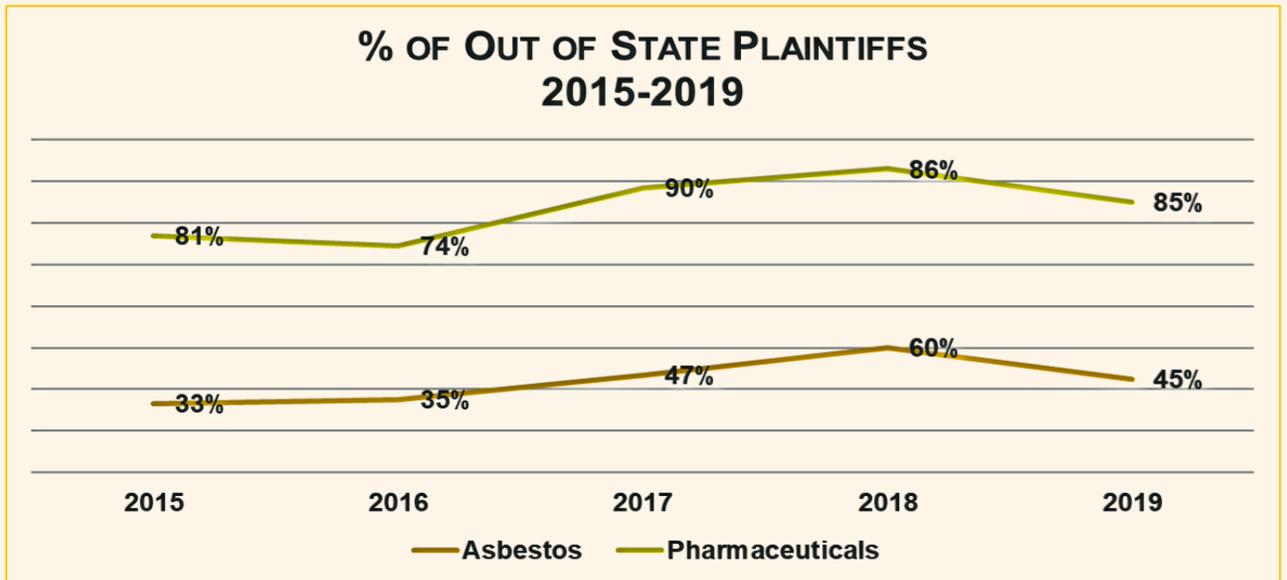
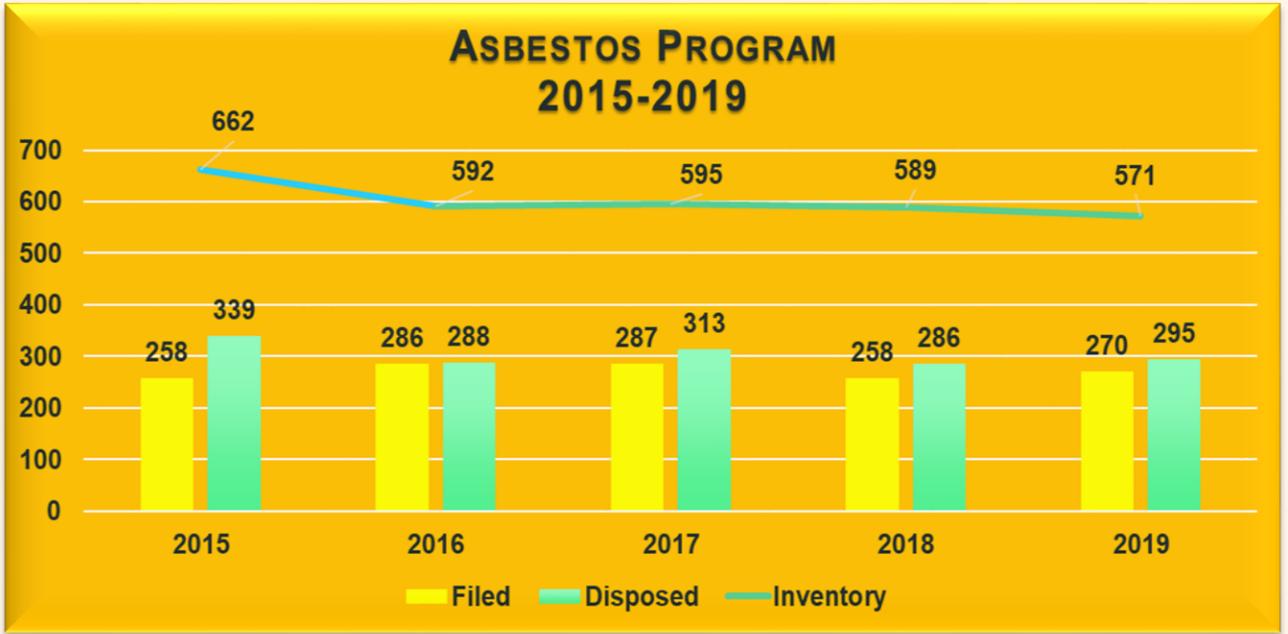


### MASS TORT PROGRAM ALL PROGRAMS 2015-2019



### PHARMACEUTICAL & MEDICAL DEVICES 2015-2019







### *Pending Inventory*

The program began 2014 with a pending inventory of 5,305. At the close of 2019, the pending inventory was recorded at 10,719.

Pharmaceutical cases, Risperdal, Xarelto, and Asbestos, continue to account for a majority of the program's inventory, 88%.

### *Resolved Cases*

During 2019, 1,109 cases were disposed of, more than half of which involved Risperdal. Of the total Mass Tort cases disposed of in 2019, 40% were resolved within 25 months. A bulk of cases (39%) were resolved within 36 months of commencement.

## **MAJOR NON-JURY PROGRAM**

Major Non-Jury manages all major non-jury cases, with the exception of cases assigned to Commerce Court or the Mass Tort Program. Cases include, ejectments, arbitration appeals, and mortgage foreclosures. In 2019, the number of newly filed, non-foreclosure cases assigned to this program was recorded as 6,499.

### ***Non Landlord/Tenant Cases***

In response to Philadelphia's anti-squatting ordinance, a new case type was created. Cases assigned to this program are scheduled for trial approximately six months from the date of commencement. The shorter process addressed many of the challenges such as waste and destruction.

### ***Arbitration Appeals***

Major Non-Jury began the year with a pending inventory of 909 Arbitration Appeals. During 2019, inventory increased 31%. By the close of the year, 1,559 Arbitration Appeals were disposed of leaving a pending inventory of 639, approximately 30% fewer than the year's start.

### ***Mortgage Foreclosure***

In 2019, 3,270 mortgage foreclosure actions were commenced in Philadelphia County. Approximately 2,500 of these cases were placed in the Philadelphia Residential Mortgage Foreclosure Diversion Program. In 2019, the courts disposed of 3,862 foreclosure cases, including five from the diversion program.



## MAJOR JURY PROGRAM

Providing early Court intervention, coordination, and continuous control of cases, the nationally-recognized Major Jury Program encompasses all major civil jury cases except those assigned to Commerce Court or the Complex Litigation Center. Judges assigned to this program are divided into four teams, based upon the year the action commenced: 2019, 2018, 2017, and 1997 - 2016. To maintain consistent oversight of each case, each team is led by a Judicial Team Leader. The Judicial Team Leader and its team of judges issue orders, conduct conferences and trials.

### *Discovery Court*

Judicial Team Leaders and their members preside over matters submitted to Discovery Court. In 2019, 25,473 motions, petitions and stipulations requiring court approval were filed in Discovery Court. The unit also processed and managed 334 Name Change Petitions.

### *Inventory*

The Major Jury Program began 2019 with an inventory of 7,889 pending cases. During the year, 4,727 newly filed cases were assigned 262 fewer in 2019 than in 2018. By the close of the year, 7,063 cases terminated. Of the cases terminated in 2019, 51%, were for cases commenced in 2018; 19% in 2019. By the close of 2019, the Major Jury Program recorded a pending inventory of 7,981 active cases.

## MOTIONS AND STATUTORY APPEALS PROGRAM

Judges assigned to the Motions and Statutory Appeals Programs issue rulings for preliminary injunctions and temporary restraining orders. Civil motions, and petitions filed: compulsory arbitration, tax, equity matters involving the City of Philadelphia, landlord/tenant, lead contamination complaint are assigned to this program as well. The Motion and Statutory Appeals Program also manages appeals from various agencies, and Municipal Court. The three judges assigned to this program issued approximately 28,000 orders throughout the calendar year.



## MOTIONS COURT & STATUTORY APPEALS PROGRAM 2019

	Inventory Pending 1/7/2019	Total Filed	Reopen/ Reactivate	Total Records Disposed	Net Deferred	Net Transfer
Agency Appeals	914	720	140	747	-94	-20
Civil Tax Petitions	2,678	5,377	61	5,187	-16	98
MC Appeals- Post Judgement Orders	154	251	5	150	0	1
Equity- City of Philadelphia	259	453	139	577	0	21
Landlord/Tenant	62	202	28	240	-2	0
Lead Contamination	51	43	2	51	0	0
Penn-DOT Appeals	122	253	3	267	0	-2

### *Housing Retention*

The Civil Section operates the FJD Residential Mortgage Foreclosure Diversion Program and the Civil Tax Petitions, both provide defendants opportunities and resources for housing retention.

### *Civil Tax Petitions*

In 2017, the Trial Division – Civil established a new procedure for Petitions filed under the Municipal Claims and Tax Liens Act, 53 P.S. §§ 7101 et seq. Such petitions have increased dramatically in recent years. The Court observed a 561% increase in Real Estate Tax Lien Petitions by the City for a period beginning in 2010 (813 filings) and 2019 (5,377 filings).

The new procedure was designed to accomplish two tasks. First, to ensure that taxpayers have an opportunity to enter into an agreement with the City to pay delinquent real estate taxes and water bills. Second, that the Court conducts a proper independent review of the record prior to entering a Decree permitting the sale of property, as required by law.



Upon filing, cases are scheduled for a rule returnable hearing before a Hearing Master in City Hall Courtroom 676. Taxpayers who appear in court are offered the assistance of housing counselors, whose presence is coordinated by the Department of Housing and Community Development, and attorneys from Community Legal Services. Within reason, cases may be continued for 90 days to give the parties time to enter into one of several types of payment agreements available to taxpayers, including the Owner-Occupied Payment Agreement, OOPA.

A list is called only after all those present have met with representatives from the City and continuance orders prepared. Where a respondent fails to appear, a master conducts a review of the record to ensure that service has been properly effectuated and, when appropriate, issues a recommendation to the judges that a Decree should be entered.

Where the Hearing Master is not satisfied that service is complete, the case may be continued or referred to a judge for a hearing. Hearings are also scheduled before a judge at the request of either party.

## **FJD RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

The FJD Residential Mortgage Foreclosure Diversion Program (“Diversion Program”) marked its eleventh year in operation. This program provides an opportunity for defendants to negotiate and reach an agreement to save their home. Only foreclosure actions involving owner-occupied residential properties are eligible to participate.

Upon filing, a Conciliation Conference is scheduled to take place approximately forty-five days from the date of commencement. Notice of the conference and a copy of the Complaint are served upon the Defendants. Defendants are instructed to contact the “Save Your Home Philly Hotline,” housed at Philadelphia Legal Assistance. The Hotline provides information about the foreclosure process and assist homeowners them with finding a housing counselor to meet with them about home retention and other settlement options.

The Diversion Program convenes every Thursday in Courtroom 676 City Hall at 9:00 A.M. and 1:00 P.M. Between 150 and 300 cases are scheduled every week. Housing counselors, whose presence is coordinated by the Department of Housing and Community Development, are assigned to each homeowner. Various legal service organizations, including Community Legal Services, Philadelphia Legal Assistance, SeniorLAW Center, and Philadelphia VIP are a present and available to assist homeowners in more complicated cases. Attorneys experienced in mediation and foreclosure issues who have completed the Court’s Continuing Legal Education training session may volunteer in this capacity.



Cases remain in the Diversion Program until: (1) a resolution is reached and the case is discontinued; (2) it becomes apparent that no home retention option is available to the homeowner; or (3) the homeowner fails to participate in the conciliation process. If a case is removed from the Diversion Program but not discontinued, a Case Management Conference is scheduled. At the Case Management Conference, proper service is confirmed and an expedited case management order is issued placing the case on a thirteen month trial track in the Major Non-Jury Program.

The Steering Committee for Diversion Program, consists of representatives from various lender and borrower groups, continue to meet quarterly to discuss important issues relating to foreclosure. The chairs of the Steering Committee in 2019 were David Fein, Esq., of KML Law Group and Margaret Robinson, Esq., of Philadelphia Legal Assistance.

During calendar year 2019, 2,578 mortgage foreclosure cases were placed in the Diversion; 116 involved residential reverse mortgages. During the year, 2,792 were transferred out of the conciliation process. By the close of the year 1,115 remained in the Diversion Program.

#### **CIVIL INVENTORY**

*New Filings:* Including arbitration matters, the Trial Division – Civil received a total of 38,998 new filings during calendar year 2019.

*Dispositions:* Total civil dispositions for 2019 equaled 39,963. Excluding arbitration matters, the Court disposed of 27,521 civil records.

*Trials:* There were 809 trials (309 Jury Trials and 500 Non-Jury Trials) conducted during calendar year 2019, representing a four percent (4%) decrease, when compared with 2018.





## CRIMINAL SECTION

The Criminal Section, housed in the Justice Juanita Stout Center for Criminal Justice in the heart of center city, has preliminary jurisdiction over felony matters and appeals from Municipal Court. The Criminal Sections consists Specialty Court and the following departments: Pretrial Services, Criminal Listing, Courtroom Operations, and Adult Probation and Parole.

In addition to the processing of criminal matters, the Criminal Section consistently exhibited its commitment to community restoration through educational opportunities, mentoring and training programs, and identifying services to assist individuals in addressing underlying issues allowing individuals to return to, or remain in, the community safely. The following report profiles the work and accomplishments of the Criminal Section for 2019.

### SPECIALTY COURT

The First Judicial District Mental Health Court (the “Mental Health Court”) has been positively impacting the lives of defendants with diagnosed mental health issues since 2009. Through the coordinated efforts with justice partners<sup>2</sup>, these defendants receive intensive, wrap-around treatment and individualized probation supervision to protect the interest of public safety while lowering the criminal recidivism rate.

#### *Highlights*

On October 3, 2019 the Mental Health Court celebrated its 10th Year Anniversary and Annual Goal Achievement Ceremony. Since 2009, Mental Health Court has reviewed a total of 592 referrals and accepted 403 participants.

#### *Yearly Data*

In 2019, the number of graduating participants was recorded as 45. Twenty individuals were accepted. The Court processed 1,965 cases: 68% competency and 32% status hearings.

<sup>2</sup> Department of Behavioral Health and Intellectual disAbility Services, Philadelphia Adult Probation and Parole, the Defender Association of Philadelphia, the Philadelphia Office of the District Attorney and the Philadelphia Prison System.



## PRETRIAL SERVICES

The Pretrial Services Department (PTS) furnishes pretrial services to the Criminal Section of the Court of Common Pleas. Services include: supervised release services, appointment of counsel interviews, and enforcement of judicial orders. The department is comprised of four units: Bail Interviewing; Data Verification; Electronic Monitoring; and Bail Services and Supervision. All units are administered by PTS Administration.

### BAIL INTERVIEWING UNIT

*24 hours/7 days*

The Bail Interviewing Unit (BIU), also referred to as the Arraignment Unit, conducts interviews with adults charged with misdemeanors or felonies in Philadelphia County. Interviewers gather information needed by judicial authority for a bail determination.

#### *Highlights*

BIU continued to assist with the city-wide deployment of video conferencing equipment. As of December 31, 2019, all but three Philadelphia Police Department (PPD) processing districts were outfitted with the upgraded equipment. Equipment will be delivered and installed in the remaining districts in 2020.

#### *Yearly Data*

In 2019, BIU conducted 31,840 bail interviews, 948 administratively waived. Generally, the average number of interviews declined 8% over a 4-year period.

Between year 2018 and 2019, BIU recorded an increase, 2.4%, in the number of interviews conducted. Four percent more email addresses collected in 2019, while the number of addresses verified by the unit decreased 3%. BIU recorded most activity occurring between 12:00 am and 8:00 am, similar to 2018. Less activity was observed between 8:00 am and 4:00 pm.

The success rate for E-mail verification remained comparable to the year prior, at 57.6%. In contrast, the success rate for verification of residential addresses continued to decline: 53% in 2017; 48% in 2018; and 46% in 2019.

Bail interviews may be waived for the following categories: Interpreter Needed; Advice of Police; Medical; Defendant Refusal; Volume of Arrest; and Other. Between 2018 and 2019, the number of Interviews Waived increased 20% to 948. The "Advice of Police," was the most frequent used category at 47% followed by "Medical," 23%. "Defendant Refusal," 21%.



The unit recorded a steady reduction, 86% between 2016 and 2019, in the number of bail interviews waived for “Interpreter Needed.” Interpretation services were used, via telephone, for 398 interviews using telephonic. The most frequent use was recorded in February, 2019.

## **DATA VERIFICATION UNIT**

*24 hours/7 days*

The Data Verification Unit (DVU) confirms the validity of warrant information. Unit personnel staff the Bench Warrant Room and generate hearing lists for prison and bench warrant surrenders.

### *Highlights*

In late 2018, DVU was alerted to changes to the CLEAN standards and procedures. By early 2019 the DVU, and PTS as a whole, attained a 100% compliance rate. In 2019, DVU implemented a Live Scan fingerprint protocol. The new protocol reduces the time individuals are unnecessarily detained. Additionally, the DVU partook in a cross-training program with BIU in response to staffing issues.

### *Yearly Data*

The unit reported a 12% increase in the number of NCIC inquiries received. In warrant related matters, “Arrest Notifications Processed” resulting from violations of probation (VOP) detainees and bench warrants increased 40%. A decrease was recorded for Abatement, 4%, and Bench Warrant Withdraw Letters, 3%, in comparison to 2018 statistics.

For the unit, the “Active Bench Warrant Surrenders” and hearings activity increased overall. In 2019, 6,237 individuals (8,541 dockets) appeared for a bench warrant hearing. Of that total, 3,041 individuals (3,491 dockets) surrendered at the Stout Center.

Activity involving the Court of Common Pleas matters, however, were down 6% from the prior year. While 9,278 individuals were processed by the unit, only 12%, involved Court of Common Pleas dockets. The remainder were Municipal Court or summary matters. Of the 12,032 warrants disposed of in 2019, only 11% of those warrants were issued by the Court of Common Pleas.



## **ELECTRONIC MONITORING UNIT**

*24 hours/7 days*

The Electronic Monitoring Unit (EM) supervises individuals ordered to electronic monitoring. Electronic monitoring continues to play a vital role in efforts to reduce the pretrial prison population and the overall costs associated with incarceration. The EM's Field Unit conducts residential investigation for installation purposes. If approved, the unit installs and monitors all electronic monitoring equipment. Due to the procurement of new electronic monitoring cellular field equipment in 2017, the average number of days in custody pending release to electronic monitoring remains down, significantly, from 2017 (30 days). In 2019, the average wait was recorded at 13.6 custodial days.

On average, this unit provided monitoring services to 185 PTS clients, 318 APPD clients, and 10 Breath Alcohol Real Time (BA/RT) clients, per month. The average number of EM alerts for 2019 was 11,049. With the exception of June and December, a majority of the alerts occurred between the hours of 7:00 am and 3:00 pm. In 2019, EM staff uploaded firmware to improve the average battery life for ankle monitor devices.

### *Highlights*

On August 20, 2018, APPD and PTS instituted the Probation EM Court Ordered Installation Surrender process. The process allows eligible individuals to be placed on electronic monitoring without risking temporary incarceration at a correctional facility. Within its first four months of operation, 131 individuals received electronic monitors through this process. That number increased to 288 in 2019

### *Yearly Data*

Through December 31, 2019, EM received 589 pretrial-related court orders, completed 1,189 residential equipment investigations, and facilitated the initial release of 1,488 EM participants.

## **BAIL SERVICES AND SUPERVISION UNIT**

The Bail Services and Supervision Unit (BSS) of the PTS Department is comprised of two groups: (1) Records and Notification; and (2) Pretrial Officers of the Supervision Unit. Workload, for the unit, continued a steady increase. In 2019, the Court ordered 497 individuals to pretrial supervision.



The Records and Notification collects data to aid the Court in the determination of eligibility for appointment of counsel. Staff fields calls from defendants, family members, attorneys and the general public seeking information about court appearance dates, how and where to surrender on a bench warrant, and bail processes.

The Pretrial Officers of the Supervision Unit supervises individuals ordered on bail with conditions (ROSC – Type I and II, Intensive Direct Supervision and Electronic Monitoring/House Arrest) and provides orientation to the pretrial supervision process. Pretrial Officers frequently communicate with the judiciary, attorneys and other related agencies as required. Accountability to record keeping is of the highest nature.

### *Highlights*

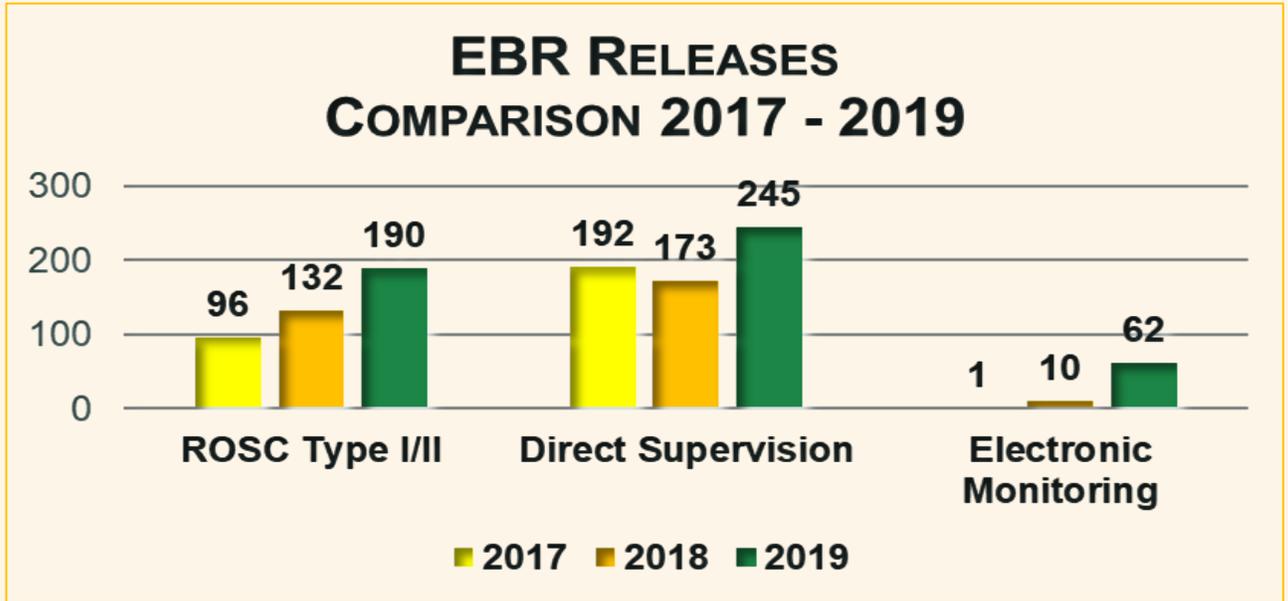
BSS continued efforts to modernize its approach by altering the process in which staff engage and support the community they are tasked with supervising. The unit achieved 2 organizational milestones, both occurring in April of 2019: the creation of the Pretrial Navigator position and the firing of a new unit manager.

The selected candidate hit the ground running with a mission of creating a positive work atmosphere, and increasing the unit's participation with social services and criminal justice partners to accomplish PTS' universally established mission: *To safeguard pretrial justice while maximizing public safety and court appearances.*

Throughout 2019, the unit continued its file purging and scanning project. The unit purged 24,646 records from 2017 to 2019. Staff also began the process of scanning recently disposed supervision files into the newly acquired web-based scanning environment.

From an administrative process perspective, BSS continued to experience operational success regarding previously established programs and workflows.

BSS maintained an integral role in the Early Bail Review Hearing (EBRH) process, which expanded with the Tier II initiative beginning in February of 2019. Staff prepared Individual History Reports and bail petitions. They attended and recorded court proceedings.



#### Yearly Data

The Failure-to-Report (FTR) rate for orientation was recorded at 32% for 2019, a 7% from last year. In total, 2,695 individuals were scheduled for orientation; 161 were detained and unable to attend. Of those assigned to pretrial supervision at the Early Bail Review Hearing, only 19% failed to report.

As of December 31, 2019, Pretrial Supervision was overseeing the largest active caseload total since October of 2016 (ROSC Type I/II – 430, Direct – 140, Electronic Monitoring – 249). Not included in the active supervision figures are an additional 1,608 individuals (ROSC Type I/II – 1,378, Direct – 164, Electronic Monitoring – 66) routinely monitored by assigned Pretrial Officers.



## CRIMINAL LISTINGS

Criminal Listings maintains trial lists for each criminal courtroom, provides continuance dates, schedules preliminary and violation of probation hearings, and processes interpreter requests. Additional, Criminal Listings manages the Court Appointment Program.

Interdepartmental collaboration between Criminal Listings and Courtroom Operations resulted in the efficient handling of a variety of court programs including, but not limited to the Case Ready Pool Program; Non-Sitting Judge Video; and Advanced Review and Consolidation (ARC). These efforts have resulted in thousands of hours being saved.

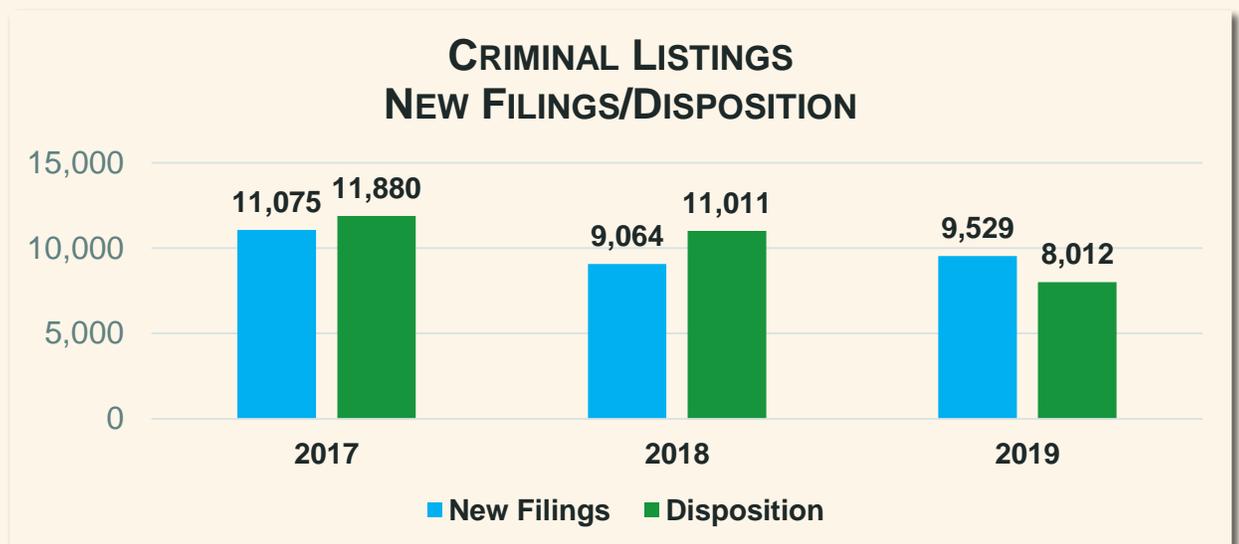
Criminal Listing consists of five units: Trial Commissioner; Court Appointment; Post-Trial Scheduling; Post-Conviction Relief Act (PCRA); and Data Integrity Unit, formally the Data Management Unit. In addition to regularly assigned work, Criminal Listings continue to monitor newly implemented programs and identify new ways to control the criminal case inventory.

### Highlights

All active cases 600 days or older are assigned to the Case Ready Pool Program. This program, assisted by Courtroom Operations and Criminal Listings, was effective in securing earlier hearing and trial dates. The inventory for cases 1,000 days and older decreased 35%.

### Yearly Data

In 2019, Criminal Listings recorded 9,529 new filings, 8,012 dockets. Of the total number of cases disposed, 3,197 (40%) were processed in the SMART Pretrial Courtrooms. The clearance rate for the Criminal Section decreased from 124% in 2018 to 84% in 2019.





## CRIMINAL LISTINGS UNITS

### TRIAL COMMISSIONER

Trial Commissioners preside in administrative proceedings including traffic court appeals, conduct hearings (bench warrant, Gagnon I, special release, probation/parole payment plan) and conferences. They are also responsible for administrative functions, including statistical report generation.

#### *Yearly Data*

In 2019, the number of detainers lifted was recorded at 1,992. All other statistics remained comparable to the year prior.

### COURT APPOINTMENT

All CPCMS data entry and related clerical functions associated with the appointment process are completed by this unit. In the performance of its duties, Court Appointment maintains close interaction with the City of Philadelphia Managing Director's Office, Philadelphia Bar Association, and Pennsylvania Supreme Court.

More court appointments (1.4%) were made in 2019 than in 2018. The largest number of appointments were for felony cases, 68%. Appointments in misdemeanor cases accounted for just 15% of the total; appeals was recorded at 2%.

### PCRA

All petitions for post-conviction relief are processed by the PCRA Unit. Approximately 60 PCRA petitions, a month, were received electronically and mail. After an initial review, a member of the unit notices the appropriate judge of incoming petitions. If the judge is no longer sitting, the petition is assigned to the PCRA Non-Sitting Judge Program. Since September 2017, the PCRA Non-Sitting Judge Program was managed by the Honorable Genece Brinkley.

Amended PCRA filings and supplemental materials are received by this office as well. Documents are docketed and forwarded to the assigned judge. This unit also responds to inquiries from the judiciary, inmates, and legal counsel.



*Highlights*

During the last two years, the PCRA Unit has integrated technology in its operations to enhance its administration of assigned PCRA petitions. Once a petition has been assigned, the PCRA Portal, unveiled in 2018, allows the monitor the flow of the petition. With this tool, staff are able to see cases without events scheduled. To reduce the period of inactivity, an electronic mailer notifying judiciary and their staff of cases requiring action was introduced.

The mailers were disseminated beginning August 15, 2019. At that time 75 cases did not have scheduled events listed. By the close of the year, the number of cases listed as needing the scheduling of court events decreased 63%, to 28.

**POST-TRIAL SCHEDULING**

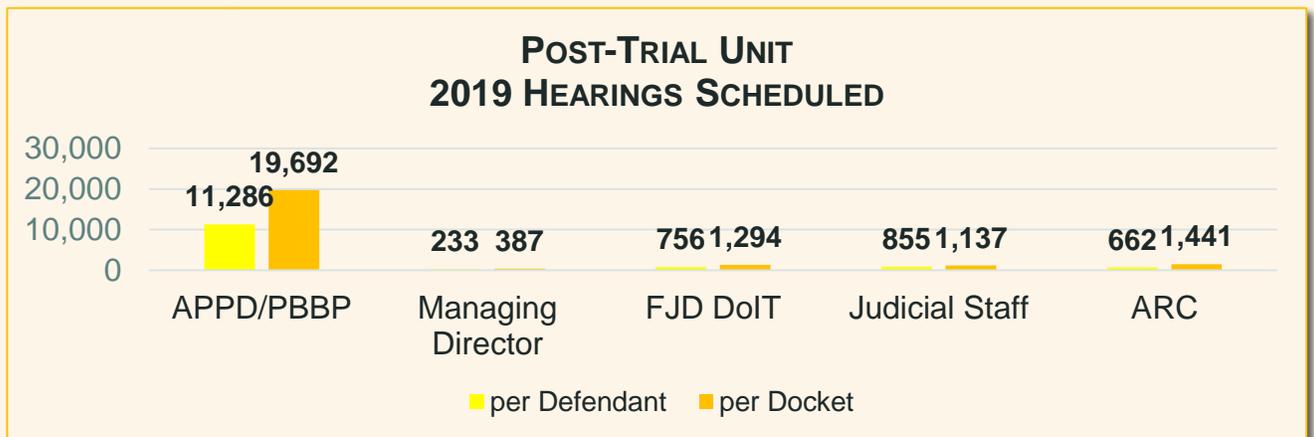
The Post Trial Unit is responsible for scheduling violation of probation hearings, sentencings, and post-trial motions for both the Common Pleas and Municipal Courts. The Post Trial works closely with external agencies including the Pennsylvania Board of Probation and Parole (PBPP) and other criminal justice partners such as the Office of the District Attorney, Defender Association of Philadelphia, and private defense counsel bar.

*Highlights*

The Post Trial Unit was represented at multiple meetings and workshops sponsored by the First Judicial District and the MacArthur Foundation in 2019. These events contributed to improved efficiencies in operations resulting in a reduction of the length of stay for incarcerated persons awaiting a violation of probation hearing.

*Yearly Data*

In 2019, the Post Trial Unit scheduled events for 13,792 defendants, affecting 23,951 dockets. The bulk of the requests were from APPD and PBPP, 82%.





## **DATA INTEGRITY UNIT**, *formerly the Document Management Unit*

The Data Integrity Unit is responsible for court calendar entries in the following programs: Homicide Pretrial Room; Motions Court; and Mental Health Court. Staff manages the case load for the SMART Rooms and ensures that cases continue through their proper progression. Cases are carefully screened to identify co-defendants, pending open cases, and any other factors that may affect the case management process prior to judicial assignment.

The Data Integrity Unit accepts the electronic transmission of Bills of Information submitted by the Office of the District Attorney. Bills of Information are scanned and become part of a court file.

Attorney Attachments are presented to the unit for docketing. The unit maintains an Attorney Attachments spreadsheet that is uploaded weekly to the First Judicial District Intranet page in an effort to avoid scheduling conflicts. Transfers from Municipal Court to the Court of Common Pleas and transfers of juvenile cases to adult court are processed by this unit as well.

Lastly, the Data Integrity Unit provides quality assurance services through the Merge and Unmerge Case Procedure. When incorrect information is associated with a defendant or criminal case, the denial of jobs and advancements, license suspension, or ineligibility for public assistance may result. Complaints are submitted to this group. Once a complaint is deemed valid, all applicable criminal databases are updated either by the Data Integrity Unit or the Administrative Offices of Pennsylvania Courts, depending upon the error type.

In 2019, more than 17,500 active case listings were held in SMART Rooms where many reached some resolution. Unresolved matters were transferred to other courtrooms for trial or consolidation.

## **COURTROOM OPERATIONS**

Courtroom Operations (CROP) assist the judiciary and administration in a variety of ways to improve courtroom efficiencies, in and out of the courtroom. Of notable repute are the various court video programs. Video connectivity between and among the Trial Division and correctional facilities, state and local, is available in ten Court of Common Pleas courtrooms as well as two CROP offices. In 2019, nearly 3,000 matters were disposed of via video conferencing resulting in significant savings in transportation costs, to and from correctional facilities.

CROP manages the Attorney/Client Same Day Video Interview Program; assists in Election Court, Grand Jury Selection, and all Ceremonial Sessions; and provide translation (Spanish) services for the section when needed. Most importantly, CROP works to ensure the safety, care, and comfort of jurors.



Judicial time is a valuable court asset. The Rule 631A Waiver Program allows the judiciary to reallocate time from the whole of the jury selection process to address other court matters in furtherance of the Division's mission. Legal counsel and CROP supervisory staff conduct the more time consuming aspects of the selection process. The presiding judge remains available to make legal rulings on jury service, such as hardship, challenge for cause, etc. Supervisory staff also participate in the selection process for several local and statewide Investigating Grand Juries and Indicting Grand Jury Panels.

### *Highlights*

In 2019, CROP staff received training in the following: Court Document Management System (CDMS), Courthouse Security, FJD Policies and Procedures, Language Access, Implicit Bias; Courtroom duties.

### *Yearly Data*

The Court of Common Pleas Video Program continues to expand. In 2019, over 3,000 county and an additional 383 state matters were resolved via video conferencing—a savings of \$331,929 transportation costs for the City of Philadelphia and the Pennsylvania Department of Corrections. Also in 2019, Attorney/Client Same Day Video Interview program was used by counsel to communicate with 1,242 defendants were accessible by counsel utilizing this program.

Staff, through the Attorney/Client Video Interview Program, scheduled 814 state and county interviews. Almost 30% of scheduled matters were resolved prior to a hearing. Lastly, in 2019, due to staffing shortages, four Tipstiffs were reassigned to the civil section for several months.





## ADULT PROBATION AND PAROLE

The Adult Probation and Parole Department (APPD) provides supervision services to all probation and/or paroled offenders, within the jurisdiction of the FJD, who receive a county or probationary sentence. APPD also supervises offenders convicted in other jurisdictions but reside in Philadelphia.

The department employs evidence based strategies, combining enforcement and support, to help individuals as they transition. APPD partners with various, other agencies and organizations to provide effective, sustainable services.

In November 2018, after 34 years of dedicated service to the FJD, Charles Hoyt retired as Chief Probation & Parole Officer. On February 14, 2019, Darlene V. Miller was installed as the new Chief Probation & Parole Officer, the first female in the FJD's history to serve in this role.

Chief Miller's career with the FJD began 26 years ago and understands and appreciates the impact that APPD has on the lives of many. She maintains a compassionate and hands-on approach in order to positively affect the lives of her client-based population.

### *Highlights*

#### **VOTER REGISTRATION DRIVE**

In partnership with the Office of the City Commissioners, APPD hosted a Voter Registration Drive at its new location. Supervised individuals were informed of their voting rights and encouraged to register so that they can partake in this important civic duty. A total of 76 probationers and parolees registered during the event. APPD will continue to host the initiative in future years.

#### **NEIGHBORHOOD RESOURCE CENTER (NRC) DEVELOPMENT**

APPD has been intensely involved with city agencies in the planning of the Neighborhood Resource Center (NRC). NRCs combine resources and services for a holistic approach to community reintegration, restoration, and wellness. APPD plans to provide court-ordered supervision at these community-centered spaces to reduce barriers to compliance.

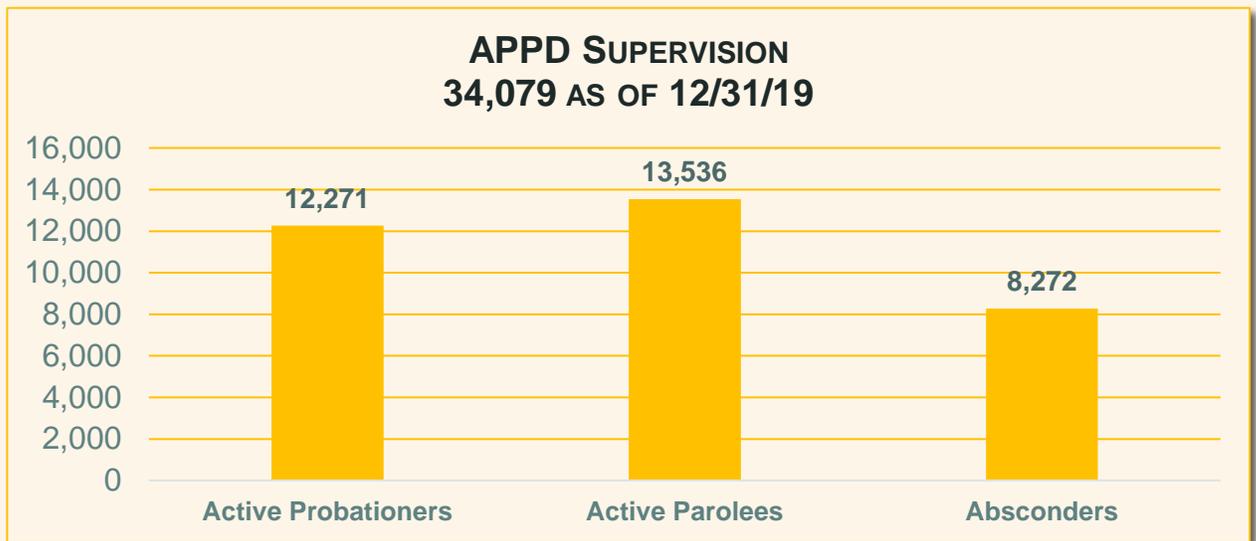
#### **ROOT CAUSES PROJECT (RCP)**

In tandem with the Philadelphia Managing Director's Office and Criminal Justice Advisory Board (CJAB) partners, the APPD is an active participant in the grant-funded Root Causes Project (RCP). A goal of the project is to increase coordination among agencies for effective, impactful



referrals to reentry, health, and social services. Shared program information may include strengths-based needs assessments, resource lists, training materials, program development recommendations, and/or data and metrics guidance. RCP is expected to result in (1) improved connections between individuals in the criminal justice system and services needed; (2) better cross-system alignment with a more targeted allocation of resources; and (3) better data about referrals and recidivism.

*Yearly Data*



2019 WORKLOAD FIGURES	
<b>OFFENDER ADDITIONS</b>	11,732
<b>DOCKET ADDITIONS</b>	16,762
<b>OFFENDER EXPIRATIONS</b>	17,062
<b>DOCKET EXPIRATIONS</b>	25,532
<b>NEW ARRESTS</b>	7,461
<b>GAGNON I HEARINGS</b>	15,469
Held	12,928
Lifted	1,972
Cancelled	569
<b>GAGNON II HEARINGS Gagnon II Hearings</b>	33,037
Dockets Scheduled	20,602
Dockets Scheduled by Unique Date	32,622
<b>Dockets Revoked</b>	--
<b>Drug Tests Administered</b>	43,916
<b>Presentence Investigations</b>	1,373
<b>Needs Assessments Completed</b>	1,736
<b>Case Plans Completed</b>	1,670



## REENTRY PROGRAMS

APPD remains a committed partner in FJD and other organizational reentry programs. In 2019, APPD participated in and/or supported the following programs.

### **MENTOR**

The MENTOR program, coordinated by Judges Michael Erdos and Kai Scott, matches individuals serving county sentences with volunteer mentors. Over the course of the 12-18-month program, mentors provide emotional support and encouragement to participants, as well as practical assistance to overcome some of the traditional barriers to successful reentry. MENTOR also empowers its participants to take advantage of additional resources provided through a network of community-based partner organizations. In 2019, 12 participants successfully completed the program.

Unfortunately, the MENTOR program experienced some challenges during the 2019 year with staffing and funding changes. During these difficulties, only one person was admitted into the program.

### **NEW LEASH ON LIFE (NLOL)**

NLOL is a non-profit prison dog-training program that saves the lives of sheltered dogs at risk of euthanasia and gives incarcerated inmates a chance for redemption. Inmates care for, socialize, and train at-risk shelter dogs. The program also provides workshops on life skills and job readiness. Participants may receive opportunities for paid internships in the animal care field.

In 2019, NLOL reported 38 admissions and 26 successful completions. A successful completion is outlined as a full completion of 90 days of pre- and post-release participation. Pre-release participation includes group and individual counseling, dog and basic animal care training, and Mental Health First Aid (MHFA) training. Participants then move on to a post-release transition which includes but is not limited to job training, education enrollment, family reunification, and case management.

The screening process is overseen by the Office of the District Attorney (DA), Defender Association of Philadelphia (PD), APPD, and social workers from Philadelphia Department of Prisons.

### **PRISONER REENTRY ENHANCED ACCOUNTABILITY TESTING STUDY (PREATS)**

The Prisoner Reentry Enhanced Accountability Testing Study (PREATS) works using a graduated sanction method. Under the direction of the Honorable Ramy Djerassi and in collaboration between the DA, PD, Prison Society, PHMC and APPD, PREATS uses the latest biometric technology to monitor an individual's treatment attendance.



Each time the individual attends a treatment session visit, he/she utilizes the fingerprint scanning device which transmits real-time electronic notification to the probation officer. The electronic notification increases the speed and efficiency of the response and intervention by APPD.

## STEPPING UP

Stepping Up Pennsylvania is a state-wide initiative that seeks to reduce the number of people with mental illnesses in county jails through the enhancement of appropriate diversion options, reentry assistance, and connections to community-based services. Data-driven, systems-level framework is used to achieve the organization's objective. APPD is involved in the Philadelphia area collaborative.

## BRANCHING UP (BU)

BU is a merger of two existing programs in partnership with the Philadelphia Department of Prisons: Temple University's Vocational Certificate in Organic Agriculture; and the Philadelphia Horticultural Society's Roots to Reentry programs. This program is designed to provide participants with industry-specific (landscaping, agriculture, greening, planting, weeding) and business, and job-readiness skills, (interview techniques, resume writing and review, and budgeting). The program incorporates components in nutrition, relationship skills, and anger management. A Vocational Certificate in Urban Greening and Sustainable Landcare is available upon successful completion of the program.

In 2019, BU produced a second cohort of the program with 10 new applicants. Between February and June 2019, five participants completed the 12-week education program on-site at PDP, followed by early parole (where possible) and went on to complete a 6-week paid internship, at Temple University or at PHS.





## MACARTHUR SAFETY AND JUSTICE CHALLENGE

The FJD's Department of Research and Development (RAD) is the data lead for the City's MacArthur Safety and Justice Challenge endeavors. As such, two of the four full-time staff in RAD are funded by the grant. The two, MacArthur-funded Research Assistants work with the Executive Director to chair committees, lead initiatives, and provide reports, metrics, and data visualizations. In addition to regularly generated reports, RAD fields numerous ad-hoc data requests for many MacArthur workgroups and consults with Chairs to improve programs and initiatives. Despite the cyber intrusion which resulted in no access to computers, most files, or emails for two months, 2019 was a successful and productive year. Continually, RAD's MacArthur deliverables are referenced as high quality work and treated as the standard of attainment across the Safety and Justice Challenge Network. Additionally, RAD is continually sought for advice both locally and from other MacArthur sites.

The highly anticipated Race/Ethnicity Data Diagnostic Dashboard debuted in 2019. The interactive dashboard displays relative rate indices at key decision points from arrest to release from prison. It is the primary tool for identifying racial and ethnic disparities throughout the system and developing plans to address and ameliorate systemic inequalities for people of color. This was a substantial achievement as it involves data provided by all justice partners and presents an overall, system-wide view of the relative rate indices to compare outcomes for people of color versus white individuals. It is unique in the level of detail and the number of decision points included in the dashboard. There is no other instrument of its kind that exists. As such, Dr. Henderson was asked to present the Data Diagnostic at the MacArthur Conference in San Diego.

RAD is responsible for generating prison population reports. Every month a Tableau dashboard is released that reflects figures based on data merged from the courts and the prison. At the request of community members, a new, detailed monthly public data report was created based on the Tableau dashboard. This document is posted monthly on the city's MacArthur website. The monthly prison population dashboard is continually revised, and a revamped version was completed with new data views and released to partners in late 2019.

Numerous one-time analytical projects were completed. RAD partnered with Municipal Court and the Philadelphia Police Department to do an evaluation of the Early Bail Review (EBR) program and the results revealed that EBR successfully helps more people obtain release while in pretrial posture, while not contributing to violence in the city. Due to longstanding concerns with the integrity of the prison data, RAD conducted an analysis comparing docket and bail information in the prison data. Based on the outcome of the study, additional fields were added to the monthly prison/court data file and there are ongoing discussions about how the prison can incorporate updated data.



Philadelphia released the inaugural MacArthur Annual Report with unprecedented details on all initiatives and extensive reporting on performance metrics. RAD assembled all the information and was responsible for data visualizations, statistical analysis, report design, and a notable amount of text. The report detailed all initiatives and related data points of interest from July, 2015, to July, 2018, and is the only report of its kind across all MacArthur sites.

RAD convened a Pretrial Research Advisory Council that is populated by national experts in risk assessment, in addition to researchers from the justice partners. The RAC met for the first time in October, 2019 and will be generating and discussing data analysis to assist the MacArthur Pretrial Workgroup with reaching shared goals. As part of the pretrial reform process, RAD created a pretrial bibliography with nearly 60 entries of research articles and relevant resources for reform. It is updated regularly and is so extensive that it was requested to be shared with the entire MacArthur Safety and Justice Challenge Network.

RAD is continually enhancing data capacity and sharing with the justice partners, as well as making information accessible to and consumable for the public. The MacArthur Data Team looks forward to welcoming and working with representation from the newly-formed MacArthur Community Advisory Committee.





# ORPHANS' COURT





# EXECUTIVE SUMMARY

The Orphans' Court protects those who cannot protect themselves. Cases vary greatly from the protection of people of all ages and at all stages of life to the protection of entities such as estates, trusts, and charities. Since 1683, the Philadelphia Orphans' Court, first independent and now a division of the First Judicial District, has been providing protection to those to whom justice might be denied through traditional courts.

Under the leadership of Administrative Judge Matthew D. Carrafiello, with the dedication of Senior Judge John W. Herron, Judge George W. Overton, and President Judge Emeritus Sheila Woods-Skipper, along with the hardworking efforts of the Court staff and administrative personnel, the Orphans' Court Division continues to provide services to those in need.

The Division works diligently to effectuate new programs and systems to protect that ever growing elder section of our population, while zealously protecting those rights which are irreplaceable. The Judges along with the legal, administrative, technical and clerical staff of Orphans' Court will continue to rise to one of the great challenges of the 21st century.

The Orphans' Court continues to work with members of the community, the Bar Associations and agencies such as Philadelphia Corporation for Aging to educate other Judges and the public of the delicate issues involving guardians, incapacitated persons and the elderly.





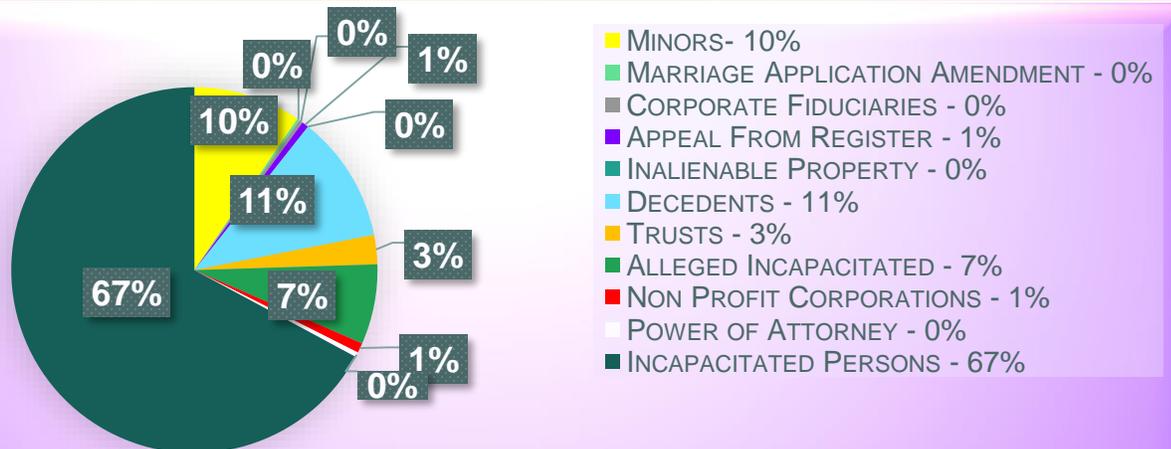
## ORPHANS' COURT CASELOAD

Orphans' Court matters include petitions, reports, inventories and other requests filed with the Clerk of Orphans' Court and motions filed with the Office of Judicial Records for the Civil Trial Division. Matters are assigned to an Orphans' Court Judge. The total matters assigned and disposed are set forth in the tables that follow.

	ASSIGNED	DISPOSED
<b>ORPHANS' COURT PETITIONS &amp; REPORTS</b>	6,079	5,870
<b>CIVIL TRIAL DIVISION MOTIONS</b>	798	769
<b>TOTAL</b>	6,877	6,639

The composition of the Philadelphia County Orphans' Court caseload has dramatically changed due to an expanding aging population who are in need of protection because of the inability to cope with an increasingly complex society and the exploitation of assets accumulated over a longer lifetime.

The charts which follow demonstrate the percentage of cases, grouped by case type, and reveal that 73% of the matters assigned and 74% of the matters disposed involve the areas of guardianship (alleged incapacitated persons and incapacitated persons), and various related petitions and motions.



**DISPOSED PETITIONS BY CASE TYPE  
INCLUDES GUARDIAN REPORTS AND INVENTORIES**



## GUARDIANSHIPS

### INCAPACITATED AND ALLEGED INCAPACITATED PERSONS

Guardians are fiduciaries appointed by the Orphans' Court following a hearing on a petition for the adjudication of incapacity and the appointment of a guardian. They are entrusted with the responsibility of overseeing the personal and/or financial well-being of their wards, the incapacitated persons. A guardian can be appointed as the sole guardian of the person to manage health and safety issues, the sole guardian of the estate to manage finances, or guardian of both the person and the estate.

**Over 70%** of the Court's time involves guardianship matters when monitoring of guardians reports is included. As the population ages, the Court has seen a rise in the percentage of guardianship petitions filed compared to the other more traditional areas handled by the Orphans' Court. With the implementation of the Health Care Act which permits medical decisions to be made by health care representatives, including family members and other adults with knowledge of the preferences and values of an individual, and other avenues of substituted decision making, the Court saw a slight decrease in the number of petitions for adjudication of incapacity filed in 2018 from 2017. However, 2019 saw the opposite with a slight increase in the number of petitions filed.

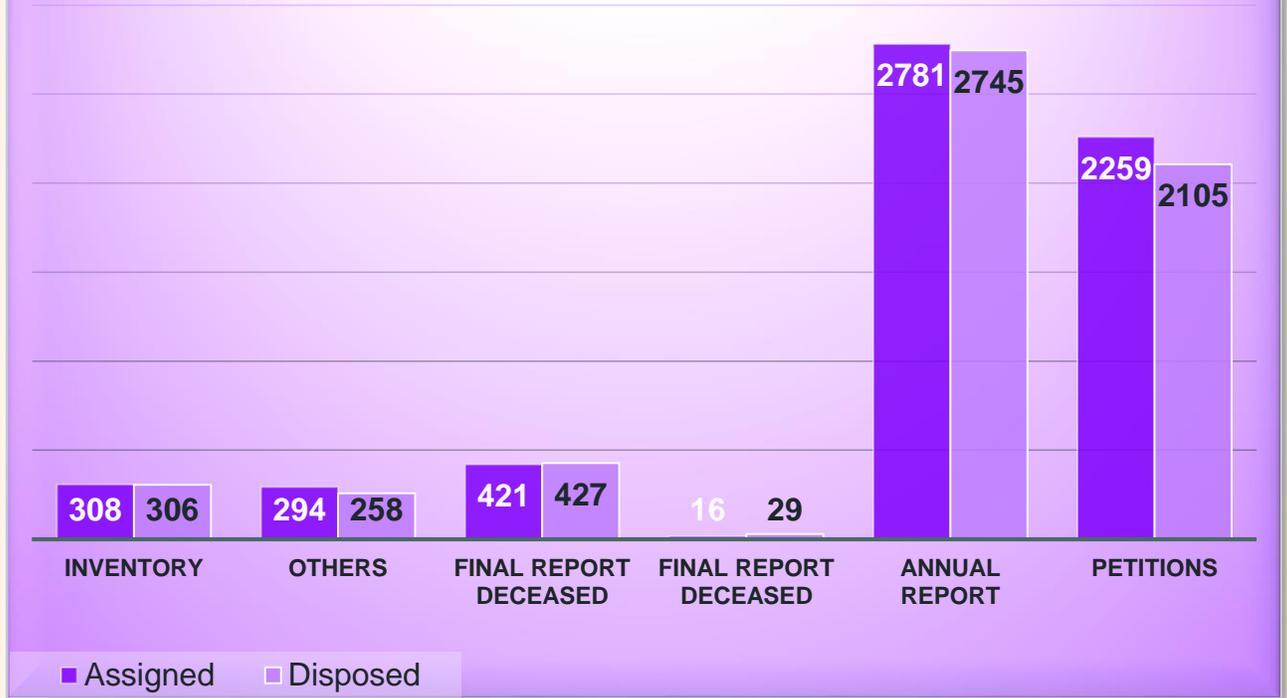
Philadelphia's tradition of encouraging the appointment of lay guardians continues. With the benefit of appointing those most concerned, comes the obligation to see that the guardians act with fidelity, in compliance with the law, and in the best interest of the incapacitated person.

Proposed guardians are required to submit a Pennsylvania Criminal History Record Check to the Court prior to their appointment, and are subject to questioning by the Court as to their fitness to act as a guardian. Guardians' actions, especially with respect to their wards' assets and money, are monitored by the Court. Intensive review is made of reports, inventories, and petitions for disposition and/or expenditures of principal assets.

The Guardian's Manual for Incapacitated Persons, updated in June 2019, includes information regarding the Guardianship Tracking System, how to create and access the GTS system and the required filings. This Manual, which is available on the Court's website and as paper copies in the Courtrooms, provides helpful and useful information for all, but particularly to pro se guardians, to explain their fiduciary duties.



### INCAPACITATED CASES ASSIGNED AND DISPOSED



### GUARDIANSHIP MONITORING

Mandatory filing of annual reports and inventories through the Guardianship Tracking System (GTS) was implemented in Philadelphia County on August 27, 2018. The Guardianship Investigator for the Orphans’ Court Division reviews each Inventory and Annual Report filed by a guardian, tracks guardian compliance with their statutory duty to file reports, and brings any discrepancies to the attention of the assigned Judge. The Guardianship Investigator performs investigation, intervention, counselling and referral to other agencies as deemed necessary.

The Orphans’ Court has seen an exponential growth in its regulatory and monitoring functions over guardians and their reports requiring the creation of a separate Guardianship Tracking and Service Unit. The number of reports filed and reviewed has steadily increased and will continue to rise. *In 2016, the Court reviewed 1,881 filed reports; the Guardianship Investigator reviewed 1,968 in 2017, 2024 in 2018, and 3507 in 2019.*



## **GUARDIANSHIP TRACKING SYSTEM (GTS); GUARDIANSHIP TRACKING AND SERVICE UNIT (GTSU)**

One year after the implementation of the statewide Guardianship Tracking System (GTS), the Court has been continuing to educate guardians of the availability of GTS and of the mandatory reporting requirements. Numerous discrepancies and issues with the GTS system continue to be uncovered and addressed with the assistance of the AOPC GTS analysts and the Help Desk.

Any inventory or report due on or before August 26, 2018 is required to be filed through the Orphans' Court Electronic Filing System (OCEFS). The Guardianship Investigator continues to review all reports and inventories regardless of whether filed in GTS or OCEFS.

Guardianship cases with no docket activity for over ten years and lacking the fields required for migration to GTS remain as "Legacy Incapacitated Cases." By Order of the Administrative Judge of Orphans' Court dated November 29, 2018, the Clerk of Orphans' Court was directed to mark these cases "Deferred" to enable the Court to review each case and take dispositive action to mark the case active or closed, and to pursue such additional action as may be required.

With the assistance from the President Judge and Court Administration, the Orphans' Court was able to obtain a separate dedicated office for the creation of its Guardianship Tracking and Service Unit.

The Director of Technology and the Guardianship Tracking and Service Unit (GTSU) have undertaken the herculean task of reviewing each guardianship file to ascertain the status of the guardianship, whether inventories and reports which are indicated as overdue in GTS were actually previously filed but not migrated to GTS, whether the Court's case management system and GTS are in sync with current information on the guardian and the incapacitated person, or whether circumstances have changed such that the file should be closed. Where reports and/or inventories are overdue, the GTSU has developed protocol to contact the guardians with reminders to create GTS accounts and timely file reports and inventories. When guardians are recalcitrant and not responsive to the efforts of the GTSU, the Court orders that they appear and explain their failure to fulfill their fiduciary duties. In some cases, there are sufficient services available in the community or the nursing home where the incapacitated person resides such that guardian services are no longer required.



## ***GUARDIANSHIP PETITIONS***

Court approval to expend or use any of the incapacitated person's principal assets for his/her benefit must be requested through the use of a petition and obtained prior to any expenditure, disbursement or distribution. Requests for approval of budgets for clothing, food, vacations, utilities, rent, cable, telephone, nursing home costs, prescription and other medical costs must be submitted. Permission is required to establish a burial reserve account, create a trust, or enter into estate planning. Approval to buy or sell real estate or a car and related insurances, repairs and/or modifications must be obtained. Counsel fees and guardian commissions may not be paid without prior approval from the Court.

The incapacitated person's family members and other interested persons who are concerned with the incapacitated person's welfare, care and safety and/or with the guardian's actions concerning their money and assets can request that the Court schedule a review hearing, and/or when served with a petition seeking Court approval of an action, file a written response. When a guardian is not acting in the best interests of his/her ward or without good judgment, he/she may be removed by the Court and a successor guardian appointed. The Court is working closely with Philadelphia Corporation for Aging to ensure that the interests of the elderly incapacitated persons are protected.

In addition to the protection of elderly individuals, the Orphans' Court protects the interests of minors who require the appointment of a guardian of the person to manage medical, school, residential and other issues, or the appointment of a guardian of the estate to handle financial affairs due to being the recipient of proceeds from personal injury lawsuits, beneficiary of an insurance policy, or beneficiary from a wrongful death and survival action. Petitions requesting the appointment of a guardian for a minor are assigned and disposed by the Orphans' Court Division. Guardians for minors' estates are required to file a Guardian Inventory pursuant to statute, and when ordered by a Judge, to file reports. The reports and inventories are reviewed by the Guardianship Investigator.





## DECEDENT ESTATES, APPEALS FROM THE REGISTER OF WILLS, TRUSTS, POWERS OF ATTORNEY

The traditional areas handled by the Orphans' Court Division for Philadelphia County include: Decedent Estates, Appeals from Decrees issued by the Register of Wills, Testamentary Trusts, Inter Vivos Trusts, Charitable Trusts, Cemetery Trusts, Powers of Attorney, and audits of accounts under any case type.

Disputes among family members often arise and/or are intensified following the death of a family member where money, real estate, or other assets are involved. This is routinely seen in petitions filed to remove a personal representative, order a personal representative or a former agent under power of attorney to account for assets and funds, to eject an intestate heir from the decedent's home, or for forfeiture.

Appeals from decisions of the Register of Wills appointing one family member over another based on allegations including undue influence, weakened intellect, confidential relationship, fraud, forgery and/or lack of testamentary capacity are common. These cases are often the most complex and time consuming, as families disintegrate trying to advance their positions, driven by emotions.

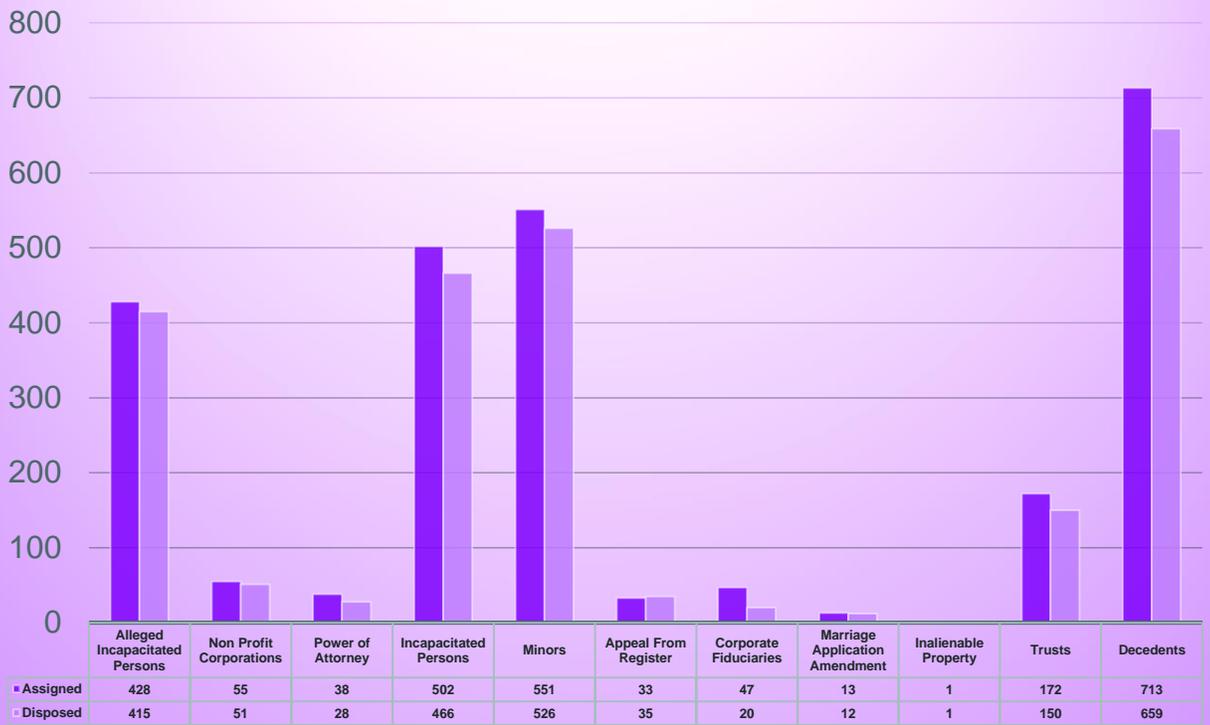
With the shift in wealth away from Philadelphia to surrounding counties, and the termination of long standing trusts, the number of testamentary trusts has declined. Petitions concerning trusts, including Special Needs Trusts represent 6% of the total petitions assigned in the Orphans' Court Division. Petitions for approval of Special Needs Trusts created for disabled individuals, including minors and incapacitated persons, have increased as a result of multi-million dollar awards in personal injury and medical malpractice cases coupled with the desire to preserve assets while receiving benefits.

Philadelphia, through its Orphans' Court Division, continues to require annual approval of corporate fiduciaries who may be appointed to serve as fiduciaries or depositories of fiduciary funds. Said approval has the benefit of compelling those institutions to qualify as doing business within the Commonwealth of Pennsylvania as well as submitting to the jurisdiction of the Philadelphia Orphans' Court Division. The number of approved corporate fiduciaries increased from 49 in 2017 to 55 in 2018 and decreased to 47 in 2019.



### PETITIONS ASSIGNED & DISPOSED

\*DOES NOT INCLUDE GUARDIAN REPORTS & INVENTORIES



### CIVIL TRIAL DIVISION MATTERS ASSIGNED TO ORPHANS' COURT JUDGES

Motions, subject to jurisdiction in the Orphans' Court, arise under many different civil case types. They must be transferred from the Civil Trial Division and accepted into the Orphans' Court Division by each Division's Administrative Judge. The Civil Trial Division motions are then assigned and disposed by Orphans' Court Judges monthly.

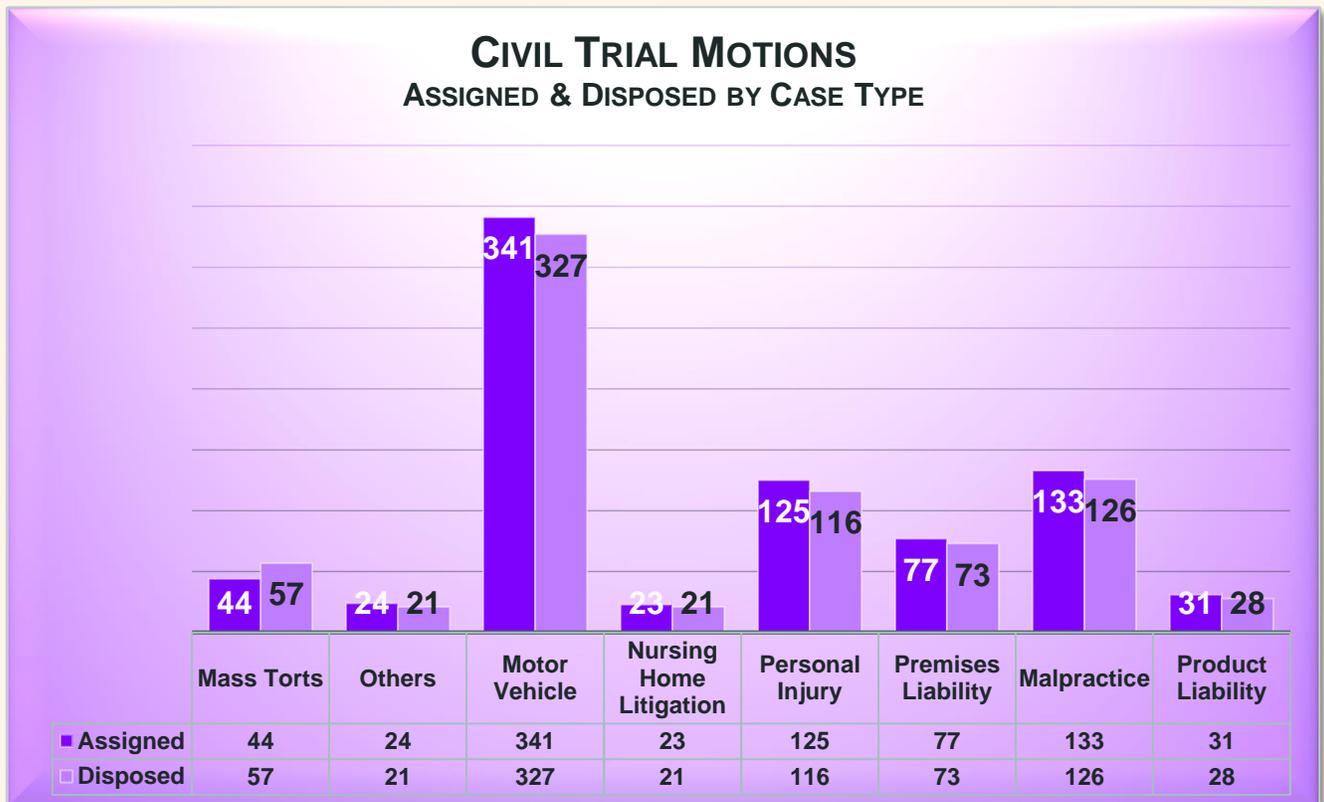
Motions for approval of settlements involving minors and incapacitated persons, are heard by an Orphans' Court Judge under the Civil Court Term and Number.



Motions for approval of distribution in wrongful death/survival actions are assigned to the Administrative Judge of Orphans' Court for his review and approval under the Civil Court Term and Number.

Orphans' Court approval is required for any distribution to a minor, incapacitated person or decedent's estate, whether it is result of a settlement reached either in or out of court, an arbitration award, jury or non-jury trial. For those matters in which the action was started in Orphans' Court, or in which no action has been instituted, such review occurs under the Court's own jurisdiction with petitions filed with the Clerk of Orphans' Court. For those matters in which suit has been filed in Civil Trial Division, the Orphans' Court Division maintains a civil calendar with petitions for approval of distribution being filed with the Civil Trial Division's Office of Judicial Records.

The protection of a minor's and an incapacitated person's interests in litigation is essential. If concern arises over the effectiveness of representation, a *Guardian Ad Litem*, translated as a guardian "for the suit," may be appointed directly by a Civil Trial Judge handling the case to protect his/her interests during the litigation pursuant to Rules of Civil Procedure.





## ORPHANS' COURT ADMINISTRATIVE REVIEW AND DETERMINATIONS

While Orphans' Court hears matters within its jurisdiction as a trial court, and sits as an appellate court for appeals from Decrees of the Register of Wills, its administrative duties include: certification of documents issued by the Register of Wills, acting either as the Register or as the Clerk of Orphans' Court, the examination and appointment of corporate fiduciaries, review and approval of inheritance tax petitions and marriage license waivers. These matters are reviewed administratively in an accurate and timely fashion in large numbers, due to the diligence of the Division's Judges, their staff, administrators and appointed examiners.

The Administrative Judge of Orphans' Court works with the Administrative Judge of the Civil Trial Division in the smooth transition of matters transferred from the Civil Trial Division to the Orphans' Court Division and vice versa. The two divisions efficiently handle the settlement of mass tort cases filed in the Civil Trial Division involving minors, incapacitated persons, and decedent estates. Wrongful death and survival actions, whether filed in the Civil Trial Division or Orphans' Court Division, are reviewed by the Administrative Judge.

	ASSIGNED	DISPOSED
<b>CERTIFICATES OF ATTESTATION</b>	750	750
<b>SAFE DEPOSIT BOX EXAM</b>	0	0
<b>MARRIAGE MATTERS</b>	2	2
<b>TERMINATION REPORTS</b>	7	7
<b>WRONGFUL DEATH SURVIVAL</b>	321	302
<b>INHERITANCE TAX MATTERS</b>	1	2
<b>CORPORATE FIDUCIARY</b>	46	19
<b>TRANSFERRED MATTERS</b>	0	0
<b>APPEAL FROM REGISTER</b>	17	19
<b>BENCH WARRANTS</b>	0	0



# FAMILY COURT





## EXECUTIVE SUMMARY

2019 Annual Report | FJD

On behalf of the dedicated Judges, Administrators and Staff of Philadelphia Family Court, Supervising Judge Walter J. Olszewski and I are very pleased to present Family Court's 2019 Annual Report. On a daily basis, approximately 4,500 people enter our state-of-the-art Courthouse, to address their most personal and sensitive issues, ranging from matters involving domestic violence, child abuse or neglect, delinquent and dependent children, custody of children, support for children and families, divorce and adoption proceedings.

We serve the most vulnerable and at-risk children and families in Philadelphia, and we strive to provide each child and family with innovative programs and resources to meet their unique, varied and often complex needs. Our report highlights some of the measures we have implemented in our various units and departments, in order to provide greater access to justice to so many in need of our assistance. The successes we have achieved in Family Court are a result of the efforts of our committed Judges and employees, who work collaboratively with our stakeholders and partners, and who together seek to improve the quality of justice in Philadelphia.

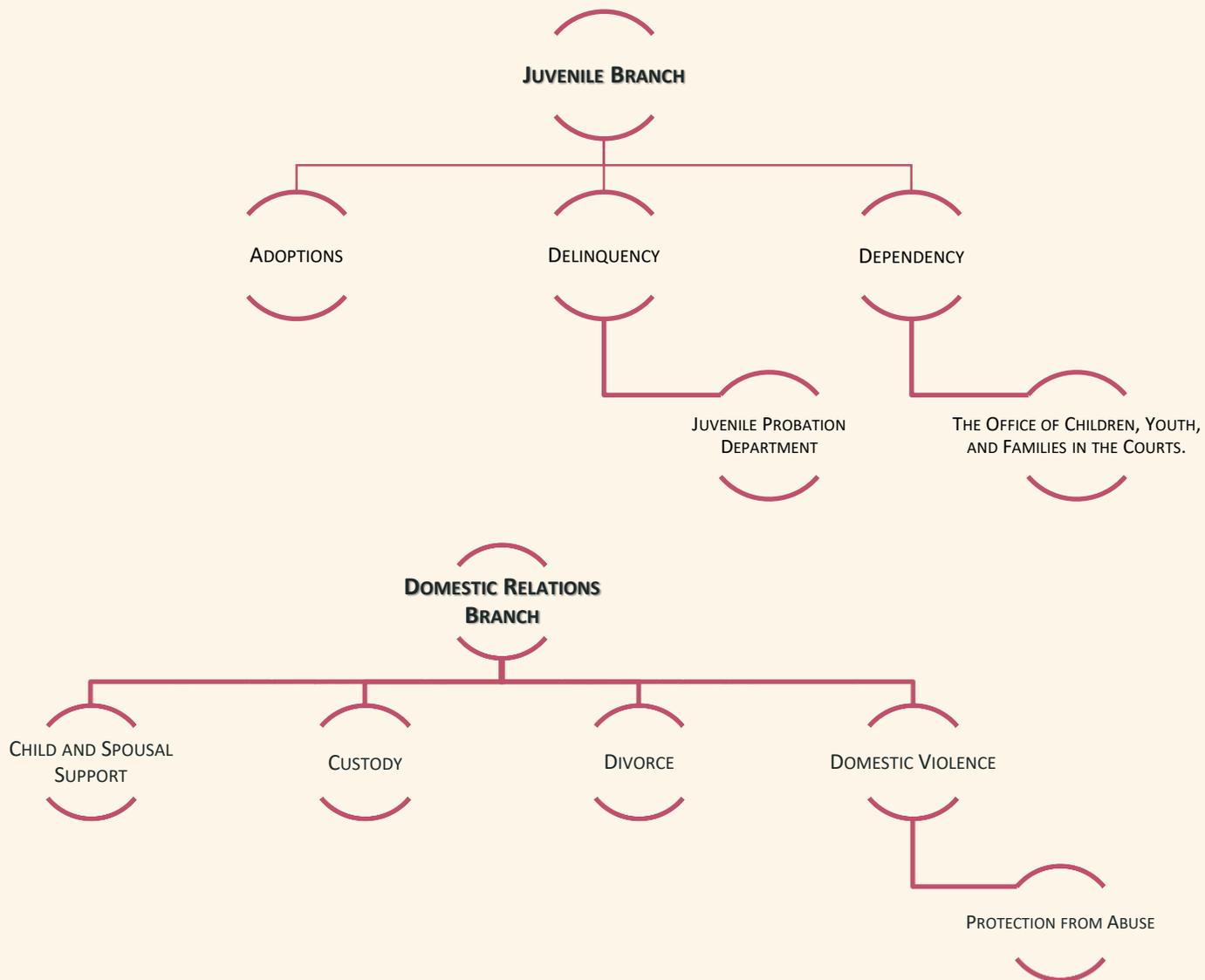
We look forward to continuing to serve the children and our families in Philadelphia, as part of the First Judicial District of Pennsylvania.





## FAMILY COURT OVERVIEW

Led by Administrative Judge Margaret T. Murphy and Supervising Judge Walter J. Olszewski, the Family Division, as part of the First Judicial District (FJD), consists of the Juvenile Branch and Domestic Relations Branch. Currently, Family Court employs approximately 770 full time staff members and has twenty-five judges on the bench. This report provides some highlights of the day-to-day operation of the Philadelphia Family Court. Philadelphia continues to be a model court in both the Juvenile Branch and Domestic Relations Branch by implementing widespread reforms that are both fiscally and socially responsible.





## JUVENILE BRANCH

The Juvenile Branch has jurisdiction over delinquency, dependency, truancy, termination of parental rights, and adoption proceedings. Juvenile Branch judges also preside over criminal matters involving juvenile victims and adult defenders.

Deputy Court Administrators, (DCAs) Mario D'Adamo, Esq. and Katherine Grasela, work directly with the Administrative Judge and Supervising Judge of Family Court to carry out the initiatives identified by the Court Administrator of First Judicial District. The Deputy Court Administrators are responsible for managing the overall operation of the Juvenile Branch.

Lisa Harvey joined the Juvenile Administration Team in April 2019, as Chief, Juvenile Branch. Ms. Harvey is an accomplished lawyer, who during her years with the District Attorney's Office, served as part of the Juvenile Treatment Court's Management Team. She also, co-authored a research article, *Factors Associated with Successful Completion of a Community-Based, Postarrest Juvenile Diversion Program and Subsequent Rearrest* that was published in 2019.

Chief of Juvenile Probation, Faustino Castro-Jimenez, oversees the Juvenile Probation Department along with Deputy Chief Bennie Price, who directs the daily functions of the department.

To lessen the caseloads of the Judges and to meet AOPC timelines, a team of Juvenile Court Hearing Officers, specializing in the fields of delinquency, dependency, and truancy assist Judges in hearing cases, at our 1501 Arch Street Courthouse, the Philadelphia Juvenile Justice Services Center, and in our Regional Truancy Courtrooms.

The Juvenile Branch consists of the Adoptions Branch, the Court Operations Units, the Juvenile Probation Department, Specialty Courts and Courtrooms, Specialized Service Units, and the Office of Children, Youth, and Families in the Courts.





## FILINGS & HEARINGS 2017 - 2019

<b>FILINGS</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>DELINQUENT</b>	2,919	2,411	2,641
<b>DEPENDENT</b>	3,981	3,172	2,240
<b>ADOPTIONS</b>	2,131	1,897	1,878
<b>TOTAL</b>	<b>9,031</b>	<b>7,480</b>	<b>6,759</b>

<b>HEARINGS</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>DELINQUENT</b>	34,980	34,314	30,690
<b>DEPENDENT</b>	44,972	44,775	40,919
<b>ADOPTIONS *</b>	-	-	2,313
<b>TOTAL</b>	<b>79,952</b>	<b>79,089</b>	<b>73,922</b>

\* - 3917 REPORT CREATED IN 2019.



## DELINQUENCY - JUVENILE PROBATION

Justice is best served when the community, victim and youth receive balanced attention and all gain tangible outcomes from their interaction with Juvenile Probation. When crimes occur, it is not an isolated phenomenon, but affects the entire community. Therefore, the mission of the Juvenile Justice System is to protect the community from delinquency, to impose accountability for offenses committed and to provide restoration of the victim. Consequently, there are three clients- the community, victim and offender whom shall receive equal consideration from the Juvenile Justice System in order to reduce crime and restore order. In Philadelphia as in the rest of Pennsylvania, the Juvenile Justice System Enhancement Strategy has been embraced to enhance the capacity of the juvenile justice system to achieve Balanced and Restorative Justice (BARJ).

Philadelphia Juvenile Probation experienced historic lows in youth populations under probation supervision. At the conclusion of 2019, 1,306 youth remained on formal court supervision. The underutilization of congregate care has also led to significant reductions in Juvenile Court. Data from a 2019 Youth Residential Task Force paper commissioned by City Council, showed a 72% reduction within the last four and a half years for youth in delinquent residential placements. Juvenile Probation achieves balanced and restorative justice while positively changing the lives of Philadelphia youth and families through culturally competent, strength focused, community-based services.

### VICTIM RESTORATION

- **\$163,923** in restitution collected for victims of juvenile crime.
- **98%** of juveniles whose cases were closed in 2019, successfully completed a victim awareness curriculum while under supervision.
- **395** Private Criminal Complaints filed by citizens were successfully resolved through mediation.

### YOUTH REDEMPTION

- **18,868** hours of youth community services were completed, which at minimum wage scales translated to **\$136,793** in services to neighborhoods and citizens in Philadelphia.
- **181** completed their H.S. Diplomas or G.E.D. while in congregate care.
- **93%** of juveniles were employed or actively engaged in an educational or vocational activity at case closing.

### COMMUNITY PROTECTION

- **\$80,829** worth of illegal narcotics and US currency were confiscated through probation enforcement operations.
- **13** illegal firearms were confiscated via probation searches.
- **91%** of juveniles successfully completed supervision without a new offense resulting in a Consent Decree or Adjudication of Delinquency.



## JUVENILE JUSTICE REFORMS

Juvenile Probation has enthusiastically embraced reforms that are central to adolescent development and behavior. The reforms have resulted in reduced caseloads, less use of delinquent congregate care, increased partnerships with community-based organizations, and proven outcomes without compromising public safety. They consist of:

- The creation of a validated detention risk instrument that objectively determines the risk level that a youth poses upon the processing of a new arrest. Along with other counties around the State, Philadelphia was involved in the design and implementation of the Pennsylvania Detention Risk Assessment Instrument (PaDRAI) from its inception, and is one of the leading counties in Pennsylvania who still consistently utilizes the instrument for its detention decisions at the Philadelphia Juvenile Justice Detention Center.
- The adoption of the Youth Level of Service (YLS) instrument. The YLS is an evidence-based instrument that measures and identifies a youth's risk level and criminogenic needs. The use of the YLS instrument began in 2014, and a unit was created in February 2018 to standardize its practice and quality of reporting.
- The expansion of the Graduated Response philosophy that methodically applies measured responses based on youthful behaviors. Implemented in 4 stages, culminating with the training for all Juvenile Probation Officers (JPOs) in 2019.
- The introduction of two Evening Reporting Centers (ERCs) that are used in the Graduated Response continuum and allow youth to safely remain in their communities while being under structured supervision. The first Evening Reporting Center was launched in 2013 and has been successful in providing the judiciary alternatives to detention and alternatives to placement options. Judicial administration has embraced their efforts, and in 2020, there is a commitment to open 2 additional ERCs.
- The commitment to utilizing the Global Positioning Systems (GPS) monitoring as an alternative to secure detention or placement, has allowed for youth to remain in their communities while under strict monitoring conditions. A total of 2,230 youth was placed on GPS monitoring in 2019, with 838 of those youth placed on GPS monitoring as an alternative to secure detention. Family Court's decision to place 838 youth on GPS monitoring versus secure detention, saved the City of Philadelphia \$14,224,872.
- In July of 2019, Family Court finalized their commitment to participate in the Juvenile Justice Services enhancement Strategizes, Standardized Program Evaluation Protocol (SPEP). SPEP is a validated data driven rating system that accesses how well an existing program matches the research evidence regarding recidivism risk reduction. This is a statewide initiative designed to better evaluate and prioritize service providers. The training department will take the lead in this innovative approach to assessing service agencies. Staff will be participating in numerous statewide learning community meetings, conferences and trainings.
- The engagement of local stakeholders such as the District Attorney's Office, the Public Defender's Office, and the Department of Human Services. The ongoing partnerships assure reforms are embraced and implemented with fidelity.

Administrative Judge Margaret T. Murphy and Supervising Judge Walter Olszewski have actively placed Juvenile Justice reform as a top priority in their administration.



## SPECIALTY COURTS AND COURTROOMS

### *JUVENILE TREATMENT COURT*

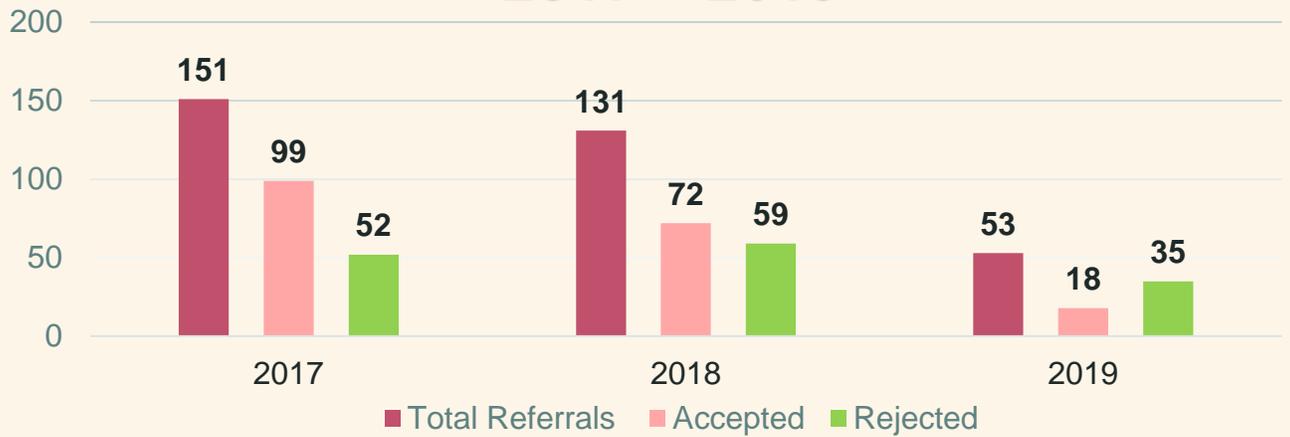
Juvenile Treatment Court (JTC) is a diversion program of the Family Court of Philadelphia. The mission of Juvenile Treatment Court is to eliminate substance abuse and to reduce crime among non-violent substance-abusing juveniles. The objective is to provide coordinated strength-based intervention and treatment with intensive judicial and interdisciplinary oversight. The intended results are to develop socially responsible juveniles and safer communities. Philadelphia's Juvenile Treatment Court operates under the leadership of the Honorable Jonathan Irvine. This court, a collaboration between the Public Defender's Association, The District Attorney's Office, the Juvenile Probation Department, Department of Behavioral Health, Department of Human Services, Philadelphia Health Management Corporation and treatment providers, is a voluntary, pre-adjudication program.

Juveniles are identified for participation in JTC at admission and if initial eligibility is met, the youth is scheduled for a Pre-Trial Hearing in JTC. The target population is newly arrested juveniles ages 14 to 17 with a substance abuse problem, who are not charged with a violent offense and have no history of adjudication for a violent charge. Juveniles who opt into the program agree to a stipulation of the facts of their case(s) and then enter "Deferred Adjudication" status, thereby avoiding the negative consequences associated with being adjudicated delinquent. Youth then enter a drug and alcohol program at the inpatient, intensive outpatient, or outpatient level determined at time of assessment. JTC has partnerships with many treatment providers for outpatient services and medically assisted treatment. Each outpatient provider is responsible for providing the following services to juveniles: assessment, substance abuse treatment, school assistance, court support, supervision, and case management.

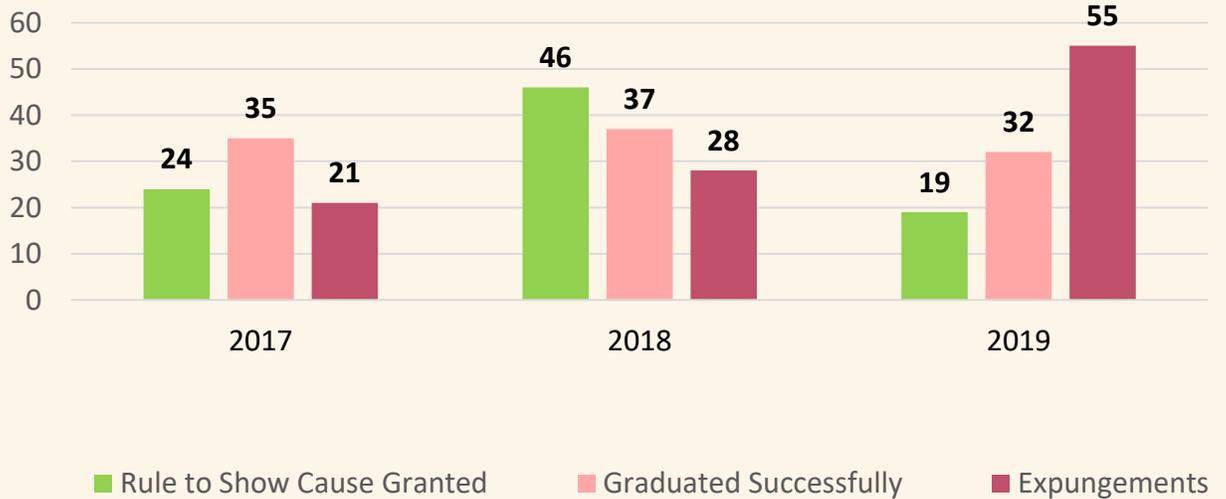
In 2019, due to a grant from the Administrative Office of Pennsylvania Courts, seven JTC members were able to attend the National Association of Drug Court Professionals Conference in Baltimore, Maryland. The team began working with representatives from the Office of Juvenile Justice and Delinquency Prevention, in February of 2019, for technical assistance. This year the team restructured the program, shortened phase time, and began to provide youth with incentives.



## JTC REFERRALS 2017 – 2019



## JTC OUTCOME COMPARISON





## **CROSSOVER COURT**

Supervising Judge Walter Olszewski presides over Crossover Court. Crossover Court handles complex cases involving children who have open dependent and delinquent matters, as well as cases in which there is a court ordered mandate for Shared Case Responsibility. Shared Case Responsibility (SCR) is the practice of mutually providing care of services to youth who are involved in both the juvenile justice system and the child welfare system. Since 2011, Juvenile Probation Officers and Social Workers assigned to a juvenile have taken part in Joint Assessment Meetings (JAM) to develop a coordinated single case plan. During 2019, 380 JAM sessions were conducted that allowed all parties to participate in planning for the needs of the youth and their families with multiple system involvement.

In 2019, over 278 juveniles were reviewed in Crossover Court, resulting in 2,532 hearings. One hundred and sixty-two cases were discharged from Crossover Court; 132 of these cases were completely discharged from probation supervision. 94 youth were on deferred adjudication at the time of discharge, therefore preventing youth from having a record of delinquency. Less than 14% of youth supervised in Crossover Court were rearrested while being supervised by Juvenile Probation.

Recognizing that the multi-system collaboration amongst the courts, child welfare services, and service providers is essential to success and that when there is a lack of communication and collaboration amongst all parties that gaps in services may occur, Supervising Judge Walter Olszewski identified the need for a Crossover Unit within the Probation Department. In 2017, this probation unit was created specifically to supervise the juveniles involved in Crossover Court, the Crossover Unit. The unit consists of ten probation officers assigned to provide supervision to these juveniles. Currently the unit supervises 136 juveniles. Probation officers work cohesively with the Department of Human Services (DHS) and the Community Umbrella Agencies (CUA) to provide the best possible services for juveniles in the community and for the juveniles in dependent residential facilities. Aside from JAM sessions; probation officers participate in monthly meetings with stakeholders involved with these cases to better assess the needs of the juveniles.



## DEPENDENCY

### THE OFFICE OF CHILDREN, YOUTH, AND FAMILIES IN THE COURTS

The mission of Philadelphia’s Office of Children, Youth and Families is to create and maintain best practice standards and operations that ensure the protection, safety, and stability of all Philadelphia’s children, youth, and families who enter the dependency system.

The goal of the Pennsylvania Dependency system is “to ensure every child grows up in a safe, nurturing, and permanent family”. When handling child abuse and neglect cases, the Juvenile Court must strike a delicate balance between parental rights and children’s rights, between family stability and child safety, guided by the mission and goal set-forth. At every stage of the court proceeding, the Court’s obligation is to act in the best interest of the child. Whenever possible, the Court strives to preserve and strengthen families so children can be raised in their own homes. The Juvenile Court is committed to improving the dependency system in all respects by actively engaging in collaborative efforts with system-wide partners.

<b>ACTIVE DEPENDENCY CASE INVENTORY</b>			
<b>PENDING ADJUDICATION</b>		<b>2018</b>	<b>2019</b>
<b>INBOUND CASES</b>			
• NEW FILINGS		3,172	2,241
<b>OUTBOUND CASES</b>			
• ADJUDICATED DEPENDENT		2,594	1,988
• ADJUDICATED NOT DEPENDENT		591	222
<b>ADJUDICATED DEPENDENCY CASE INVENTORY</b>			
<b>INBOUND CASES</b>			
• PENDING FROM PRIOR PERIOD		7,449	6,805
• ADJUDICATED DEPENDENT		2,594	1,988
• OTHER <sup>1</sup>		3	0
<b>TOTAL ADJUDICATED DEPENDENT INBOUND CASES</b>		<b>2,597</b>	<b>1,988</b>
<b>TOTAL OF ACTIVE/ADJUDICATED DEPENDENT CASES</b>		<b>10,046</b>	<b>8,793</b>
<b>OUTBOUND CASES</b>			
• COURT SUPERVISION WAS TERMINATED		3,232	2,707
• OTHER REMOVED <sup>2</sup>		15	14
• REMOVED FROM INVENTORY		3,248	2,721
<b>TOTAL CASES REMAINING ACTIVE/ADJ. DEPENDENT</b>		<b>6,802</b>	<b>6,072</b>
<b>YEAR END TOTAL CASE INVENTORY</b>		<b>7,075</b>	<b>6,298</b>
<sup>1</sup> DEPENDENCY JURISDICTION RESUMED PLUS MISCELLANEOUS			
<sup>2</sup> TRANSFERRED OUT/WITHDRAWN/MISCELLANEOUS			



## PHILADELPHIA LOCAL ROUNDTABLE

The Philadelphia Local Roundtable (PLR) has made many significant reforms to the child welfare system. The PLR, modeled after the AOPC statewide Roundtable, is chaired by the Administrative Judge of Family Court and the Department of Human Services (DHS) Commissioner. Representatives from DHS, the Department of Behavioral Health, the School District of Philadelphia, the Support Center for Child Advocates, the Child Advocacy Unit of the Philadelphia Defender's Association, the City Solicitors Office, Community Legal Services, local colleges and universities, and hospitals attend quarterly Roundtable meetings to share promising practices, address areas of concern within the counties dependency system and to work towards overcoming barriers to timely permanency for children.

## FAMILY ENGAGEMENT INITIATIVE

In September 2019, after a vigorous application process, Philadelphia Family Court was chosen to participate in the AOPC, Pennsylvania State Roundtable's Family Engagement Initiative (FEI) based on the county's strength, dependency system collaboration and data. The initiative focuses on furthering collaborative efforts between judiciary and child welfare agencies to increase family involvement, reduce trauma to children and reduce the time children are separated from those who care for them. This is an aggressive undertaking which will necessitate changes to the dependency case-flow along with enhancement to legal representation.

In order to successfully incorporate FEI into our dependent system, a FEI Oversight team has been assembled, numerous conferences and multiple day trainings in Harrisburg and in Philadelphia are scheduled. It is imperative that we train our system partners on this new approach. Family Court hosted a three-day training session on the Family Finding Model presented by National Expert, Kevin Campbell. Participants included:

- Judges/Juvenile Court Hearing Officers;
- Child Welfare Administrators and staff;
- All lawyers practicing in Dependency Court including, but not limited to: court appointed counsel, Support Center for Child Advocates, Community Legal Services, Defender Association Child Advocacy Unit, City Solicitors;
- Directors, Supervisors, and social workers from many of the Community Umbrella Organizations (CUAs)

There will continue to be trainings even after the scheduled start date of February 2020. This initiative will help achieve better outcomes for the children and families in our dependent system as well as reduce the court docket.



## CASE VOLUME AND COURT PERFORMANCE



Decrease in Dependency filings. A total of 2,241 dependency cases were filed in 2019. A 29% decrease from 2018.



Decrease in Cases Removed from Inventory. There were 2,721 cases removed from inventory in 2019. A 16% decrease from 2018.



Decrease in Year End Total Case Inventory. There were 6,298 cases remaining in inventory in 2019. A 11% decrease from 2018.

Of the children under the courts supervision at the end of 2019, 54% remained at home or were in kinship care, 35% were in foster care, 9% were in congregate care, 2% were hospitalized and the remainder were either in a detention center or deemed “unknown” according to case reports. The percentage change from 2018 to 2019, was static.

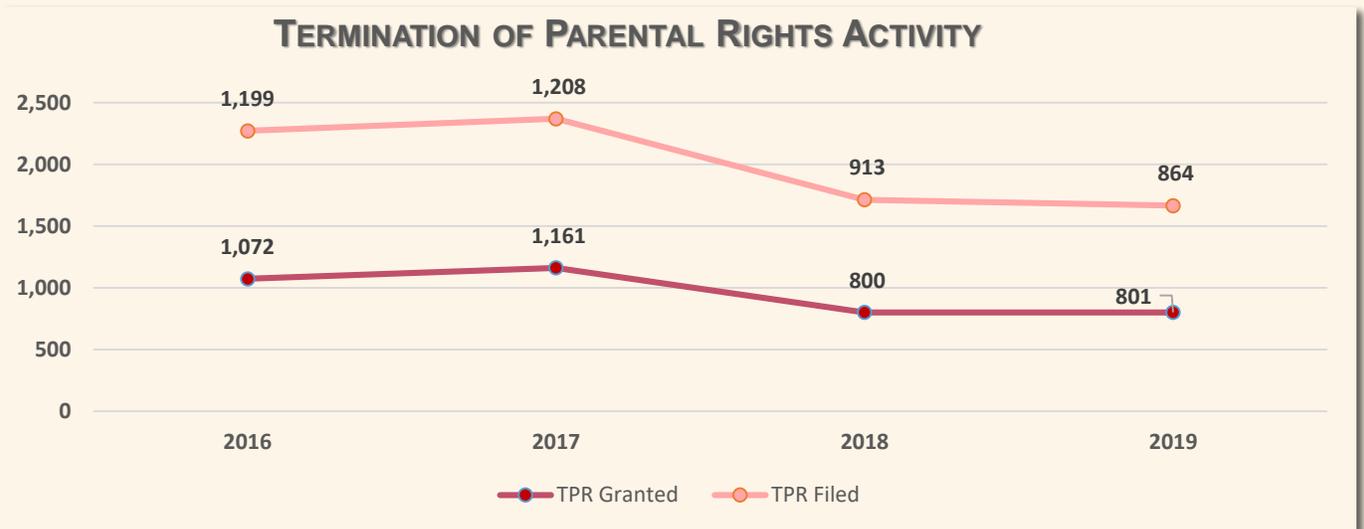




## ADOPTIONS BRANCH

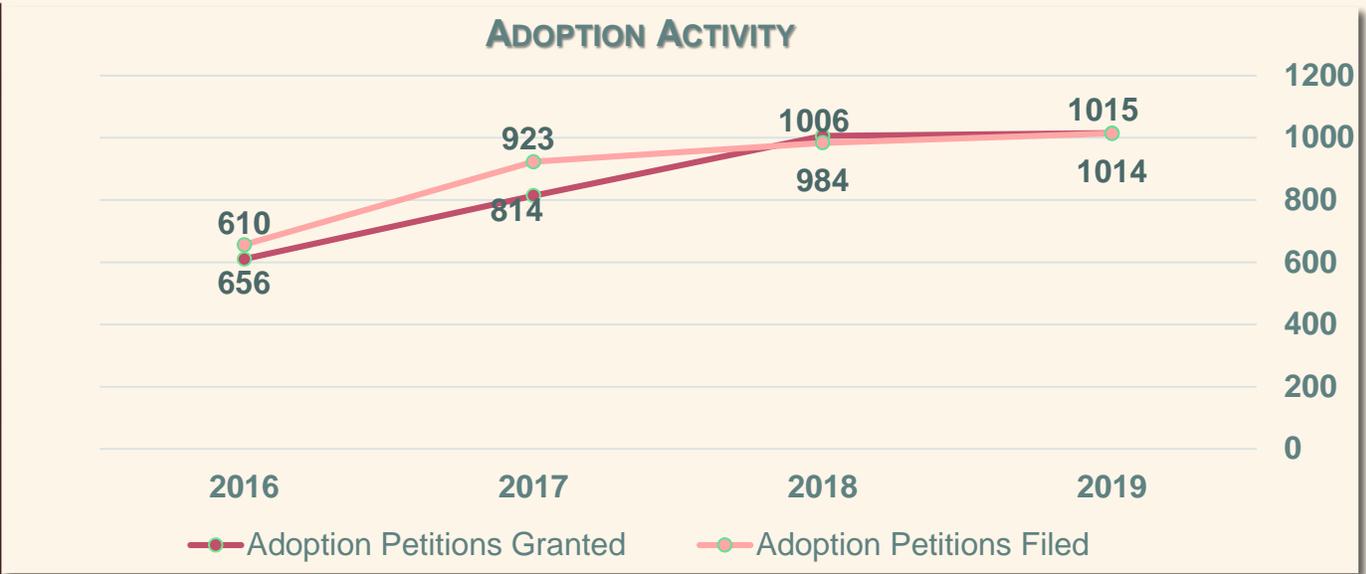
Pursuant to 20 Pa. C.S. 713, Philadelphia County is the only county in the state in which the Family Court Division of the Court of Common Pleas has exclusive jurisdiction over adoption matters. The Branch accurately and expeditiously processes, schedules, and reviews all Termination of Parental Rights and Adoption petitions filed in accordance with the Pennsylvania Adoption Act and the Orphan’s Court Rules, ensuring compliance with the same.

If it is determined that family reunification is not possible, adoption may be named as the permanency plan goal. Adoption can only be named as the permanency plan goal, once the Termination of Parental Rights (TPR) Petition and the goal change petition is granted.



### ACCELERATED ADOPTION REVIEW COURT

After Adoption is formally named as the goal, the case enters the Accelerated Adoption Review Court (AARC), a specialized dependency courtroom focused on achieving permanency. The AARC courtroom examines those cases where parental rights have been terminated but the adoption has not yet been finalized, aiming for timely completion. The goals of AARC are to expedite adoptions and reduce the length of time children spend in foster care. A total of 7,354 AARC matters were heard in 2019.



### NATIONAL ADOPTION DAY

The Adoptions Branch in conjunction with the Philadelphia Department of Human Services, held an Adoption Day celebration following the finalization of ten adoptions on November 15, 2019. This yearly event in recognition of National Adoptions Month, raises awareness of the thousands of children waiting to be adopted both locally in Philadelphia, and nationally. This year, Mayor Jim Kenney and NBC 10’s Stephania Jimenez joined in the festivities. Youth and their forever families enjoyed a day of fun at the Pennsylvania Academy of Fine Arts.

The Juvenile Probation Department collected toys during the month of December for Cradles to Crayons, a non-profit organization, distributing school supplies, toys, and other items to disadvantaged youth throughout the City of Philadelphia. A staff luncheon on December 19, 2019 marked the culmination of the toy drive. The Juvenile Probation Department’s collection efforts provided yet another opportunity to enrich the lives of the youth and families they serve.





## QUICK FACTS

	<u>2017</u>	<u>2018</u>	<u>2019</u>
<b>JUVENILE BRANCH PETITION FILINGS</b>			
<b>DELINQUENT FILINGS</b>			
NEW FILINGS (DOCKETS CREATED)	2,919	2,411	2,641
<b>DEPENDENT FILINGS</b>			
NEW ABUSE/NEGLECT AND STATUS OFFENSE FILINGS	3,981	3,172	2,240
<b>ADOPTION FILINGS</b>			
NEW ADOPTION FILINGS	923	984	1,014
RELINQUISHMENTS	<u>1,208</u>	<u>913</u>	<u>864</u>
<b>TOTAL ADOPTION FILINGS</b>	<b>2,131</b>	<b>1,897</b>	<b>1,878</b>
<b>TOTAL JUVENILE PETITION FILINGS</b>	<b>9,031</b>	<b>7,480</b>	<b>6,759</b>
<b>YEARLY HEARING ACTIVITY</b>			
DEPENDENCY COURT	44,972	44,775	40,919
DELINQUENCY COURT	<u>34,980</u>	<u>34,314</u>	<u>30,690</u>
<b>TOTAL JUVENILE HEARINGS</b>	<b>79,952</b>	<b>79,089</b>	<b>71,609</b>
<b>YEARLY ACTIVITY BY UNIT OR SUPPORT SERVICE</b>			
<b>JUVENILE PROBATION</b>			
YOUTH ON PROBATION	1,897	1,646	1,306
FIELD CONTACTS	34,098	32,561	19,563
AVERAGE LENGTH OF STAY IN DAYS AT THE JUVENILE JUSTICE CENTER AND COMMUNITY BASED DETENTION CENTERS	17.54	18.50	24.75
TOTAL YOUTH MONITORED BY GPS UNIT PER YEAR	1,500	2,204	2,230
YOUTH ON GPS MONITORING AS AN ALTERNATIVE TO DETENTION	815	897	838
<b>DIVERSION</b>			
YOUTH AID PANEL	338	271	349
INFORMAL ADJUSTMENTS	7	4	3
<b>JCJC OUTCOME MEASURES</b>			
CLOSED CASES	1,357	1,129	1,283
COMMUNITY SERVICE HOURS COMPLETED	30,080	23,542	18,868
JUVENILES WITHOUT A NEW OFFENSE**	1,081	961	1,167

\*\*Resulting in a Consent Decree, Adjudication of Delinquency, or Finding of Guilt.



	<u>2017</u>	<u>2018</u>	<u>2019</u>
<b>Yearly Activity by Unit or Support Service</b>			
<b>Victim Services Unit (VSU)</b>			
Victims and Families Served*	*1,837	*1,732	*1,786
Total Services*	*3,865	*3,780	*3,134
Court Accompaniments	2	0	6
CPCMS Restitution to Victims (held back)	\$15,391	\$16,387	\$13,654
<b>Prevention Services Unit</b>			
Families Served	624	504	399
Families/Children receiving DHS Services	55	71	50
<b>Substance Analysis Unit</b>			
Court Ordered Specimen Testing	20,074	18,354	16,897
<b>Fiscal Unit Collections</b>			
Restitution Payments	174,032	226,597	163,923
Court Costs/Fees Juvenile	86,098	88,853	69,533
Adoption Branch Filing Fees***	<u>79,688</u>	<u>111,736</u>	<u>101,063</u>
<b>Total Fiscal Unit Collections</b>	<b>\$ 339,818</b>	<b>\$ 427,187</b>	<b>\$ 334,519</b>

\*The method of counting victims changed in 2016. Previously, if a victim was serviced multiple times, the victim was counted multiple times. Now, if the unit serves a victim multiple times the unit counts that victim one time but counts 100 % of the services individually.

\*\*The Truancy Unit statistics reflect an academic year operating schedule (September - May/June). Change of Case Counting Metrics /Pilot Program/New Truancy Definitions occurred in 2019.

\*\*\* Beginning in 2017, the Fiscal Unit began collecting and receipting Adoption Branch Filing Fees in CPCMS.



## Domestic Relations Branch

The Domestic Relations Branch has jurisdiction over paternity establishment; child and spousal support order establishment, order modification and enforcement; custody; divorce and domestic violence matters. Under the leadership of Deputy Court Administrator, Mary Lou Baker; Directors, Joseph C. Kamnik, Jr.; Roy C. Chambers; Joseph P. McGill, Esq.; Edward V. Lehmann, Jr., and Fred Keller the Domestic Relations Branch consists of over 30 operational units. DCA Baker is also responsible for carrying out initiatives identified by the Court Administrator of the FJD, in addition to working directly with the Administrative Judge and Supervising Judge of Family Court. Eleven Judges and 1 Senior Judge are assigned to Domestic Relations to preside over all support, custody, divorce and domestic violence matters, including criminal abuse matters. The Domestic Relations Branch utilizes state of the art case management techniques that enhance timely case processing, increase performance measures, collect child support, establish paternity and secure medical support for children.

### OVERVIEW

- The Domestic Relations Branch met the 80% threshold in all performance areas and was instrumental in ensuring that the state of Pennsylvania remained the most efficient and effective Child Support Enforcement program in the country.
- In 2019, support collections totaled nearly \$148M.
- In 2019, there were more than 84,218 total filings in the Domestic Relations Branch (22,552 custody, 36,163 support, 8,593 domestic violence and 16,910 divorce) and more than 88,000 interim and final orders entered (33,839 custody, 25,907 support, 24,950 domestic violence, and 3,504 divorce).

### TITLE IV-D CHILD SUPPORT ENFORCEMENT PROGRAM

#### *Mission Statement*

Partnering with the Federal Office of Child Support Enforcement (OCSE) and the State Bureau of Child Support Enforcement (BCSE), the mission of the Child Support Enforcement Program within the Domestic Relations Branch is *to increase the reliability of child support paid by non-custodial parents by: locating parents, establishing paternity, establishing and enforcing realistic support orders, increasing health care coverage for children, and removing barriers to support payments, such as referring non-custodial parents to employment and educational services.* Child support orders are established and enforced in accordance with federal, state and local rules and statutes. In Pennsylvania, the Child Support Enforcement Program utilizes a statewide computer system, PACSES, to establish, monitor and enforce support orders.



## FEDERAL PERFORMANCE MEASURES

Since Federal Fiscal Year (FFY) 2000, the OCSE has assessed the effectiveness of Child Support programs and calculated state incentive payments based on the performance measures as mandated in the Child Support Performance and Incentive Act (CSPIA) of 1998. Performance of 80% or above in each performance measure is required and penalties are incurred if the minimum performance level is not achieved.

The key performance measures are as follows:

- Paternity Establishment – all active children on IV-D cases that were born out of wedlock and have had paternity established divided by all active children on IV-D cases that were born out of wedlock
- Support Order Establishment – open IV-D cases with orders divided by open IV-D cases
- Current Collections – total amount of current support collected and disbursed divided by the total amount of current child support due
- Arrears Collections – IV-D cases with payments disbursed towards arrears divided by the total number of IV-D cases with arrears due

### PATERNITY ESTABLISHMENT

The establishment of paternity is the first step toward determining the child support obligation. In Pennsylvania, there is no legal relationship between the alleged father of a child born out of wedlock unless and until a valid Acknowledgement of Paternity, signed by both parties, is validated and on record with the BCSE; or the court enters an order establishing paternity.

Acknowledgements of paternity may be entered voluntarily, or can be completed in-hospital, at the time of the child's birth. Once paternity is established, the child may be eligible for any of the following:

- Birth Certificate – child's birth certificate will show name of father
- Health Care Benefits – if available, the father may be able to include the child under his health care plan
- Social Security – the child may be eligible to receive Social Security benefits if the father becomes disabled or dies
- Inheritance – upon death of the father, a child may have the right to inherit from his estate
- U.S. Military benefits – the child may be entitled to benefits as a result of the father's military service
- Child Support – the court may establish an order for the father to support the child until the child is emancipated



Utilizing rules and statutes governing paternity establishment, the court may enter default paternity orders or use genetic testing to establish the paternity of a child. During the order establishment process, conference officers routinely establish paternity for children born out of wedlock by executing acknowledgements of paternity or scheduling genetic tests. This testing procedure is non-invasive, i.e., the body is not pierced by any instrument. The instrument used to collect a buccal swab is a cotton or Dacron™. The procedure involves gently stroking the lining of the inner cheek (buccal mucosa) with the applicator. The tissues collected on the swab are buccal epithelial cells that are continually shed as a normal physiological process and are normally present in saliva. These cells contain the DNA required to perform parentage testing. Typically, 4 swabs are collected from each individual in a case, 2 are used for initial testing, which is usually adequate to finish a case; and the remaining 2 are stored indefinitely. There are no age restrictions on individuals from whom specimens are to be drawn. Currently, buccal swabs are used on one-day-old infants as part of in-hospital acknowledgement programs. Because some intergovernmental jurisdictions may not currently utilize Buccal Specimen Collection, it may be necessary to collect blood specimens in reciprocal cases. The Domestic Relations Branch also has access to the Pennsylvania Paternity Tracking System (PTS) that allows them to research and view in-hospital Acknowledgements of Paternity.

The Genetic Testing Lab located in Family Court conducted approximately 3,300 DNA paternity tests.

## **SUPPORT ORDER ESTABLISHMENT/MODIFICATION**

In a continuing effort to improve performance and increase support collections, all conference officers manage their assigned portion of the child support caseload. Officers conduct establishment, modification and enforcement conferences in accordance with the Pennsylvania Rules of Civil procedure and are expected to effectively manage their caseload by establishing realistic orders, and by utilizing the Pennsylvania Automated Child Support Enforcement System (PACSES), and other ancillary applications to ensure compliance.

There were more than 36,000 support filings, including 14,806 new complaints for support and 12,987 petitions to modify an existing support order.

Each new complaint is scheduled for an establishment conference which is conducted under Pennsylvania Rule of Civil Procedure (Pa. R.C.P.)1910.12. If no agreement for support is reached at the conference, or if the defendant fails to appear, the conference officer may enter an interim support order based on the support guidelines as allowed by Pa. R.C.P. 1910-12 (b) (1) (2). If paternity of an out of wedlock child is denied, genetic testing will be ordered, and the case listed for court to resolve the paternity issue. Conference officers also hold conferences on claims for spousal and child support raised in a divorce action and process stipulations and orders for alimony payments.



If the matter is not resolved at the establishment conference, the case is scheduled for a hearing before one of the quasi-judicial support masters assigned to Domestic Relations. All support masters are licensed attorneys who conduct record hearings (by audio-recording). At the conclusion of the hearing, the master prepares a "proposed order," which is the master's recommendation to the Court.

Issuance of the proposed order starts a twenty day period during which either or both sides may file "exceptions" to the proposed order. Exceptions is a document in which a party specifies the mistakes of law, fact or procedure that the party believes were made by the master in the report and proposed order and/or during the hearing.

There were 9,283 record hearings conducted before a support master and there were 1,236 support exceptions filed. Under certain circumstances a case can also be "remanded" to the master by a judge after a court hearing on exceptions.

## **SUPPORT ORDER ENFORCEMENT**

### *Collection of Current and Past Due Support*

Conference Officers routinely monitor and track all child support orders in their assigned caseload to ensure compliance. Support orders are electronically monitored through the Pennsylvania Automated Child Support Enforcement System (PACSES) for payments. Efforts are taken to encourage compliance as soon as the order is entered. If necessary, progressive enforcement remedies are taken. When accounts become delinquent, obligors may be scheduled for enforcement conferences, contempt conferences, or judicial contempt hearings, depending on the circumstances or the severity of the delinquency. There were approximately 19,507 enforcement conferences scheduled before conference officers. Domestic Relations judges presided over approximately 9,295 contempt of support hearings. The underlying objective of the child support enforcement process is to compel payment, and encourage ongoing compliance, so that child support payments become a consistent source of income for families and children.

Cases that meet certain criteria for automated enforcement are selected for one or more of the following enforcement remedies: Income attachment, Federal and Pennsylvania tax intercepts, Credit Bureau Reports, Driver's License Suspensions, Professional License Suspensions, Financial Institution Data Matches, Passport Denials, Property Liens, and Lottery Interceptions.



## CUSTODY

### RESPONSIBILITIES

The judges and custody masters assigned to the Domestic Relations Branch preside over all custody related matters, including, but not limited to, primary custody, partial custody, contempt of custody and relocation matters. Resolution of child custody disputes is one of the more sensitive and emotionally charged functions of the Domestic Relations Branch.

All petitions seeking to establish a custody order or to modify an existing order are referred to the Master's Unit by the Clerk of Family Court and the Intake Unit. There were more than 22,000 custody related filings filed with the Domestic Relations Branch, including approximately 9,000 complaints seeking to establish or modify a custody order. In 2019, the quasi-judicial Custody Masters assigned to the Domestic Relations Branch, conducted more than 12,000 custody related conferences/hearings.

If an agreement is not reached at the master's conference, the master may, in some cases, direct the parties to a judge for a same-day hearing. More than 1,008 cases were referred to court directly from the masters hearing. Where no final agreement is reached at the conference, the matter will be listed for a full judicial hearing. There were approximately 13,343 custody related judicial events scheduled. Through the efforts of the custody masters and judges, nearly 34,000 final and interim dispositions were entered.

### FAMILY COURT HELP CENTER

The Family Court Help Center was opened in 2015 as a resource for pro se litigants to obtain forms and information related to domestic relations matters. Staffed by volunteer attorneys from the Philadelphia Family Law Section, Women Against Abuse, and Philadelphia Legal Assistance, the Help Center is located in the office of the Clerk of Family Court on the 11th floor of 1501 Arch Street, and open from 12:00pm to 3:00pm on normal Family Court business days. Although the initial focus of the Help Center is to provide assistance in custody cases, forms and informational materials are also available for all other domestic relations case types. In 2019, nearly 4,118 pro-se litigants received assistance from the Help Center.



## DIVORCE

### RESPONSIBILITIES

The Domestic Relations Branch has jurisdiction over all facets of divorce proceedings. These include the entry of decrees in divorce and annulments and resolutions of all economic claims arising from divorce actions. Domestic Relations Judges hear all divorce motions, including motions for discovery, substituted service, specific relief, and enter orders approving grounds for divorce. Economic claims arising from divorce actions, such as equitable distribution, alimony, and counsel fees and costs are initially heard by our experienced divorce masters, who conduct non-record hearings. If an agreement is not reached before the divorce master, a proposed Order and Decree is issued, and a party may file for a trial de novo before a Domestic Relations judge.

There were 2,027 new Complaints in Divorce filed and there were 1,595 Divorce Complaints disposed. In addition to new Divorce Complaints, there were 14,883 divorce related pleadings (contested and uncontested) filed within the Domestic Relations Branch.

## DOMESTIC VIOLENCE

### RESPONSIBILITIES

The Domestic Violence Unit is a pro se filing unit designed to provide assistance to victims of domestic violence. Additionally, the Senior Law Center has representatives located in the Domestic Violence Unit to assist elderly clients who are victims of abuse or who may need referrals for additional services. The Domestic Violence Unit conducts interviews with petitioners and prepares Protection from Abuse (PFA) Petitions, which are then submitted to Domestic Relations Judges for review and, if appropriate, the entry of a Temporary PFA Order. Domestic Relations Division Judges hear cases involving domestic violence between family members, or between parties who have had an intimate relationship. Domestic Relations Judges also conduct hearings to vacate or extend restraining orders, and in contempt of PFA orders, both criminal and civil. In 2019, PFA petitions seeking the entry of an order totaled 8,593. In 2019, Domestic Relations' Judges presided over more than 17,300 domestic violence related events.

Judges assigned to the Domestic Relations Division conduct criminal trials on cases charging defendants with indirect criminal contempt for violation of a protection order entered pursuant to the Protection from Abuse Act. In 2019, Domestic Relations Judges conducted 2,568 hearings in criminal abuse cases.



**Philadelphia Family Court  
Domestic Relations Branch  
Calendar Years 2016-2019**

<b>Total DR Filings</b>		<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	
<b>Custody Filings</b>	Custody/Confirm Custody	5,873	6,397	6,080	5,149	
	Partial Custody/Visitation	430	375	341	354	
	Modify Custody	3,477	3,824	3,537	3,809	
	Contempt of Custody	1,837	1,898	1,629	1,834	
	<b>Subtotal</b>	<b>11,617</b>	<b>12,494</b>	<b>11,587</b>	<b>11,146</b>	
	Custody Exceptions	235	204	236	227	
	Motions & Other Filings	8,456	9,196	8,906	11,179	
	<b>Total Custody Filings</b>	<b>20,308</b>	<b>21,894</b>	<b>20,729</b>	<b>22,552</b>	
<b>Support Filings</b>	New Complaints	16,110	13,861	13,594	14,806	
	Modifications	9,941	9,007	8,891	12,987	
	Contempt Petitions	6,090	5,025	4,944	5,455	
	Support Exceptions	1,421	1,183	1,236	1,337	
	Support Motions	1,776	2,105	1,960	1,578	
	<b>Total Support Filings</b>	<b>35,338</b>	<b>31,181</b>	<b>30,625</b>	<b>36,163</b>	
<b>Domestic Violence</b>	<b>New Petitions</b>	<b>9,879</b>	<b>9,423</b>	<b>9,163</b>	<b>8,593</b>	
	<b>Divorce</b>	New Petitions	1,734	1,815	1,850	2,027
		Misc. Filings (Contested & Uncontested)	11,698	12,077	11,946	14,883
<b>Total Divorce Filings</b>	<b>13,432</b>	<b>13,892</b>	<b>13,796</b>	<b>16,910</b>		
<b>Total DR Filings</b>		<b>78,957</b>	<b>76,390</b>	<b>74,313</b>	<b>84,218</b>	
<b>Total DR Petitions Processed</b>		<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	
<b>Custody</b>	Interim, Master and Judicial	32,649	31,999	33,809	33,839	
	<b>Support</b> Establishment only. Disposition of contempt and motion hearings are not counted on statewide child support system - PACSES	29,773	23,520	22,576	25,907	
<b>Domestic Violence</b>	Interim & Final	26,945	26,564	26,382	24,950	
<b>Divorce</b>	Final & Interim Orders only	3,438	3,446	3,614	3,504	
<b>Total DR Dispositions</b>		<b>92,805</b>	<b>85,529</b>	<b>86,381</b>	<b>88,200</b>	



**Collections (OCSE 34A)**

	<b>2017</b>	<b>2018</b>	<b>2019</b>
TANF Collections	\$63,086,198	\$61,829,617	\$62,741,032
Non-TANF Collections	82,693,126	76,618,353	79,040,215
Sub-Total Collections	145,779,324	138,447,970	141,781,247
Non IV-D Collections	8,305,664	6,427,221	6,133,276
<b>Total Collections</b>	<b>154,084,988</b>	<b>144,875,191</b>	<b>147,914,523</b>

**Average Annual Collections Per Case (OSCE 34A)**

TANF Collections	\$1,213	\$965	\$1,310
Non-TANF Collections	4,080	3,308	3,958
<b>Total Collections</b>	<b>2,016</b>	<b>1,587</b>	<b>36,163</b>

**Accumulated Arrears Owed (October 2019 – December 2019) OCSE 157F**

Philadelphia	135,630,283
Pennsylvania	812,538,780

**Additional Information**

Full-Time IV-D Employees	336
Part-Time IV-D Employees	0
Full-Time General Fund Employees	72
Part-Time General Fund Employees	0
District Attorney Employees	13
Open IV-D Cases as of 12/19	87,586
Number of Active Children in Open Cases	118,951
Average Children/Case	1.36



# MUNICIPAL COURT





## EXECUTIVE SUMMARY

2019 Annual Report | FJD

The Philadelphia Municipal Court was established through a 1968 amendment to the Constitution of the Commonwealth of Pennsylvania. Municipal Court is a court of limited jurisdiction with 27 law-trained, full-commissioned judges. Led by a President Judge who is elected by peers, the Court is organized into criminal, civil and traffic divisions. Philadelphia Municipal Court provides service to the public, the Bar, civil and criminal justice agencies and the judiciary. Municipal Court Judges elected Hon. Patrick F. Dugan as the new President Judge in January 2019. In matters concerning liberty, safety and property, special care must be taken to ensure that all are treated fairly, efficiently, timely, compassionately and with respect. Our objectives include but are not limited to the following: 1) to insure access to facilities, information, service and justice for all who encounter case processing; 2) to provide the public, Bar, justice agencies and our judiciary with the enthusiastic and highly competent performance of all support functions needed for the prompt and timely processing of court matters; 3) to provide our employees with the tools, training and support needed for their personal growth related to our continuing effort to improve our services; and 4) to work with the public, Bar, and all justice partners.

The Philadelphia Municipal Court continued its active participation in reform initiatives in the Criminal Division throughout 2019, focusing on enhancing fair and efficient access to justice for the public we serve. Diversion programs and restorative justice initiatives are highlighted in the criminal section of this report. We continue to work to bring about positive change in the criminal justice system. Philadelphia Municipal Court has a successful track record for being visionary in its approach to criminal justice. One of the most successful initiatives of the John D. and Catherine T. MacArthur Foundation Safety and Justice Challenge remains the Early Bail Review program in Municipal Court. This program has garnered national recognition as Philadelphia builds a more equitable criminal justice system to safely reduce incarceration rates, to preserve public safety while working to reduce racial, ethnic and economic disparities.

The Criminal Division witnessed a further decrease in criminal case filings due to changes in charging by the District Attorney, court reform initiatives and the expansion of pre-arrest and post-arrest diversion efforts by criminal justice stakeholders. 39,336 new felony, misdemeanor and non-traffic summary citations were processed during calendar year 2018, with 41,265 cases adjudicated (**clearance rate of 105%**). Felony and misdemeanor cases continue to be diverted from the Court's standard calendars, resulting in savings; reducing costs associated with formal trials, hearings, court-related police overtime and lengthy prison stays for non-violent offenders.

The Criminal Division will continue to: enhance reform initiatives through proactive expansion of diversion programs; improve case processing; examine critical issues of racial and ethnic disparities; provide ongoing cross training for staff; and further initiatives to attain bail improvements in 2020.



During 2019, the Court plans to continue to introduce new procedures and monitor and refine those new procedures that were introduced during 2018. The Court anticipates finalizing a revised judgment by agreement form for landlord-tenant cases. The revised form will have improved language aimed at better informing the litigants so that they avoid the common pitfalls associated with entering into a judgment by agreement. The Court also plans to continue to work on avoiding multiple continuances of code enforcement cases, on requiring that pertinent information is added by the City to code enforcement complaints, and on adopting better guidelines for deciding on the amount of fines when there is a violation. Additionally, the Court will resume its work on finding a viable procedure to increase the number of consumer debt collection cases that are settled.

During 2020, the Court will work with the Minor Court Rules Committee to draft new procedural rules for the Civil Division, which will ultimately be submitted to the Supreme Court for its approval. The rules will recognize the hybrid nature of the Civil Division. The Civil Division's procedures are similar to and different from the procedures used by the courts of common pleas and the magisterial district courts. The public will be invited to comment on the proposed rules after they are drafted.





## CIVIL DIVISION

The Philadelphia Municipal Court's Civil Division is a court of limited jurisdiction, which is authorized to hear three types of civil cases (*42 Pa. C.S. § 1123*). The court hears cases arising under:

- the Landlord and Tenant Act of 1951;
- small claims actions, that are not by or against a Commonwealth party, in which the sum demanded does not exceed \$12,000, and;
- code enforcement actions brought by the City of Philadelphia seeking fines for violations of the City Code.

Additionally, the Civil and Criminal Divisions work together to administer and hear private criminal complaints.

Due to the nature of the division's jurisdiction, many of the cases involve one or more unrepresented litigants. The Civil Division appreciates and strives to meet the challenges of providing a fair and accessible system of justice to pro se litigants. The General Assembly recognized that the Civil Division was established for the purpose of providing "an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel." *42 Pa. C.S. § 1123(a)(4)*.

The Court fulfills its mission of serving pro se litigants by assisting the litigants with drafting the initial pleading. For those interested, the division also provides training of the CLAIMS system, allowing interested litigants to file actions without the assistance of the court or counsel. Since there are no preliminary objections, answers to the complaint or discovery, trials are typically scheduled three to six weeks after a case is filed.

The Court works collaboratively with many interested parties to regularly review and improve its process. These parties include the City of Philadelphia's Law Department, the Philadelphia Housing Authority's Law Department, the Philadelphia Bar Association, Community Legal Services, the Eviction Task Force, the Philadelphia Eviction Prevention Project and individual attorneys who practice in the Civil Division. This collaboration allows the Court to have regular communication with the interested parties and build consensus before processes are changed.





## LANDLORD AND TENANT CASES

The Civil Division hears primarily two types of cases that arise under the Landlord and Tenant Action of 1951. The most common type of case involves a landlord seeking a monetary award and/or the right to use lawful process to evict a tenant who is in violation of a residential or commercial lease. The division also hears cases brought by landlords and tenants after a tenant has vacated the leased premises. These cases concern the return of security deposits and damages to the leased premises.

The number of landlord-tenant cases brought by landlords has remained within the range of approximately 23,000 to 25,000 during the period of 2015 through 2019. The number of lawful evictions conducted during that period by the Court's landlord-tenant officer has ranged from a high of 5,923 in 2015 to a low of 5,391 in 2019. Additionally, the number of appeals to Court of Common Pleas during that period has averaged only 204 per year.

During 2019, in addition to its ongoing work with the Philadelphia Bar Association's Municipal Court Committee (MC Committee). The MC Committee is composed of lawyers representing both landlords and tenants. It meets regularly with the Civil Division's supervising judge and provides a means for sharing information, discussing and developing changes to the Court's procedures, and fostering professional camaraderie. The MC Committee discussed and developed each of the changes made to the Court's procedures during 2019 before they were implemented.

The Court also worked during 2019 with the Philadelphia Eviction Prevention Program (PEPP). It is funded by the City to provide information to landlords and tenants and services to tenants. The services include a Help Center located in the Court's space, a courtroom navigator, and a Lawyer for the Day program, which identifies and represents up to five tenants on the morning list and five tenants on the afternoon list on the day of the trial. In October 2019, the Court expanded the Lawyer for the Day program to five days a week. The Court also worked with PEPP on the creation of a revised resource guide and informative videos.

The Lawyer for the Day program creates the greatest challenge for the Court. The Court, however, continues to work with PEPP to provide feedback, resources and assistance aimed at improving the working of the program. For example, the Court provided an office for the Lawyer for the Day program so that the lawyer may meet privately with the represented tenants and have a dedicated and secure office to store supplies and files. The Court also modified the statement read by the trial commissioner to include an introduction of the Lawyer for a Day program and the courtroom navigator.



The crunch of time and the lack of efficiency are the greatest challenges for the Lawyer for the Day program. In a limited period of time on the day of trial, the program is required to identify potential clients, meet with those clients, and negotiate a settlement or represent them at trial. This challenge is exacerbated in the mornings by the Court needing to resolve all cases by 12:30 p.m. in order to be ready for its afternoon list and in the afternoons by needing to close court by 5:00 p.m.

The Court has requested PEPP to work with its lawyers and staff to do a better job of streamlining the identification of the cases that it takes and of preparing those cases more efficiently and expeditiously. Additionally, the Court has encouraged PEPP to shift its emphasis to a developing program in which more effort is placed on contacting tenants before the day of trial so that PEPP's lawyers are able to meet with tenants before trial and come to court prepared to represent those tenants. The Court has also encouraged PEPP to do a better job of integrating and using Clarifi. It is one of PEPP's partners which provides consumer financial counseling.

The Court has also reviewed and enhanced the procedures that it implemented during 2017 and early 2018. Those procedures are aimed at providing landlords and tenants more information and making sure that pro se litigants are not disadvantaged by not having an attorney.

In 2018, the Court also introduced a notice of noncompliance to inform tenants and landlords when the landlord lacked a rental license or certificate of rental suitability. After finding out that some tenants did not recall receiving the notice that the Court mailed to them, the Court modified its procedure by handing a copy of the notice to all landlords and tenants on the day of trial in cases in which a notice was generated by the Court. The Court continues this practice in 2019 and will monitor the situation to ensure fair practice going forward.

In response to concerns that pro se litigants may feel intimidated when negotiating with a lawyer, the Court introduced a new procedure. In cases in which a pro se litigant and a represented litigant negotiate a judgment by agreement, the pro se litigant meets with a member of the Court's central legal staff before signing the agreement to make sure that the pro se litigant has addressed all existing issues. This meeting is documented by the pro se litigant and attorney signing a form, which is docketed. This procedure has proved to be highly successful in ensuring the comprehension of the judgment by agreement by all involved.

One measure of this success is that the Court is no longer seeing petitions in which pro se litigants claim that they were confused or unaware of the terms of judgment by agreement, of the persons with whom they were negotiating, or of their right to see or try their case before a judge.

PHA is a landlord which files a significant number of cases in the Court. During 2019, PHA continued to reach agreements in a high percentage of its cases.



## CODE ENFORCEMENT CASES

There were no changes to the Court's procedures in code enforcement cases. In 2019 we added two new Code Enforcement codes at the request of the City bringing the current total of Code Enforcement codes to 28. The Court continues to discuss with the City the possibility of providing more meaningful information in its code enforcement complaint. The additional information would assist the court and defendants in understanding the basis for the action and the amount of the fine requested by the City for the violation. The Court has found the City's addition of more information in cases involving properties in violation of City Ordinances to be helpful and is encouraging the City to add additional information in other types of cases such as those involving unpaid Water Department bills.

The Court is also continuing to work to reduce the number of continuances in code enforcement cases. These cases do not get any better with age and the Court's role is limited to determining whether or not there is a violation and, if so, the amount of the appropriate fine.

## SMALL CLAIMS CASES

In 2019, the Court directed its trial commissioners to read an opening statement at all hearings for consumer debt collection cases to provide clarification of court procedure for pro se litigants. The statement provides litigants with information regarding judgments by agreement and their rights to a trial in front of a judge.

## SECURITY

The Court coordinated with the Sheriff's Office to enhance the security in the Widener bldg. The Sheriff's Office agreed to provide additional sheriffs detailed to the 10th floor. The 10th floor is occupied by the filing and administration offices and was previously without a continuous security presence.

## TRAINING

In 2019 all civil employees received Language Assistance training, Spotting Competency and Cognitive Deficit Issues in Litigants training and Legal Advice v. Procedural Advice training.



## COMPUTER CRISIS

On May 21, 2019 the FJD fell victim to a viral attack which required a shutdown of computer operations throughout the FJD. While the Criminal Division was able to resume partial operation quickly, the Civil Division endured a prolonged period of turmoil during which CLAIMS, our electronic filing system, was not available. The Civil Division successfully navigated this crisis by mining the resources and talents of its employees. The Civil Division resumed full courtroom operations in less than a week and began accepting initial and post-trial filings via paper shortly thereafter. Once the Civil Division was restored to full operation, its employees worked tirelessly to update CLAIMS with all dispositions and paper filings done during its inaccessibility.





## ADMINISTRATIVE CHANGES IN 2019

### *First Filing*



In 2019, the First Filing Unit approved 39,220 initial complaints, 286 additional complaints and 206 amended complaints, **a total of 39,712 filings**. This was an increase of 2,692 approved filings from the previous year total of 37,020. The cashiers received training for a check deposit on site program, which allows for direct deposit of checks from the cashier's booth. However, unlike recent years when many significant changes were implemented involving exhibit confidentiality/non-confidentiality, landlord compliance/non-compliance, the cashier processing system transition and cashier booth modernization, there were no changes in the CLAIMS system or enhancements that affected the First Filing Unit. The Unit also manages requests to Philadelphia Municipal Court under the Americans with Disabilities Act (ADA). For 2019, the Unit handled 15 wheelchair requests, 21 sign language interpreter requests, 217 continuance requests and 86 telephonic hearing requests, having received 1,643 phone calls on the ADA line.

### *Second Filing*

In 2019, the Second Filing Unit expanded front counter training for all interviewers, enabling the Unit to further decrease the number of non-filing clients put on the list. The Unit increased the number of petitions, answers to the breach, and petitions received from the Sheriff's Office. The Second Filing Unit also successfully managed the transition to the paper world when the CLAIMS system was unavailable for a few months. As a team, unit staff created a plan to assist the general public and attorney filings with minimal interruptions.



Going forward, Second Filing Unit employees anticipate continued improvement in both written and communication skills. With the December 2019 departure of the Unit's part time employee, a permanent rotation of the interviewers at the front counter will be required. An additional objective remains increased employee cross-training with other units and in the courtrooms to facilitate our understanding of their functions and tasks. The Unit staff looks to update functions and processes as it seeks to make the Second Filing Unit more accessible and user friendly.

### ***Courtroom Technicians***



The Courtroom Technicians Unit functions both inside and outside of the courtroom. In court, Court Tech Unit employees manage the audio recording equipment, working cooperatively with other



courtroom personnel and the presiding judge to ensure smooth operations and access to justice for all litigants. Unit employees also enter dispositions on the Municipal Court Civil Division docket in all judicial courtrooms in real time. Beyond the courtroom, the Courtroom Technicians Unit is responsible for the quality control of all dispositions entered in Municipal Court, and the maintenance of the Philadelphia Municipal Court Civil Division docket to ensure its accuracy and integrity.

### ***Dispute Resolution***

In 2019, the Dispute Resolution Unit continued its successful long-running program teaching dispute resolution skills for small claims and landlord/tenant matters to third-year law school students at Temple University's Beasley School of Law. This mediation training program remained a very popular clinical course at the school. The unit also trained new volunteer mediators to replace individuals who left.



The Dispute Resolution Unit's efficient workflow was sustained as it successfully continued the additions and modifications to the landlord/tenant process that had been made in recent years. These changes included the Attorney for the Day program and the Judgment by Agreement attorney disclosure document/Philadelphia Municipal Court Civil Legal Staff attorney certification review for certain unrepresented tenants or landlords. The unit staff maintained positive relationships with the individuals serving as Attorney for the Day, as well as court navigators and landlord or tenant advocates.



In late 2019, Philadelphia City Council adopted legislation requiring legal representation for tenants who meet specified qualifications. With the legislation's eventual implementation, it is anticipated that the dynamics of landlord/tenant litigation will change. The Dispute Resolution Unit looks forward to the challenge and has the confidence to adjust as it strives to ensure that all parties are treated professionally and fairly.

### ***Judgments and Petitions***

The Judgments and Petitions Unit's extensive responsibilities include all post trial matters except for pro-se petitions. Unit employees process and file Writs of Possession and Alias Writs. In addition to these eviction procedures, the unit administers Affidavits of Breach, Attorney Petitions, Satisfactions of Judgment, Wage Attachments for the collection of money judgments, Writs of Execution, Writs of Revival and more. Staff work individually with pro-se litigants at the unit's front counter, and review and accept attorney filings through the electronic CLAIMS system.

After the First Judicial District's computer system was hacked in June 2019, the Court managed to continue operations by returning to acceptance of "paper" filings for a few months. With access limited to one computer located in City Hall, the Unit's dedicated employees went back and forth between buildings to obtain copies of dockets. The Judgments and Petitions Unit staff went above and beyond, including working seven days a week, to ensure that all filings were processed accurately and timely to avoid a backlog. With the commitment and keen eye for detail that are required in this unit, the Judgments and Petitions Unit employees look forward to continued success in 2020.





## 2019 STATISTICS

### ADA ACCOMMODATIONS AND INTERPRETER SERVICES

During 2019, the Civil Division received 1,643 communications from individuals with disabilities. As a result of those communications, the Civil Division's ADA Coordinator provided four sign language interpreters, facilitated ten wheelchair requests for access to the courtrooms, and assisted with continuance requests from 205 individuals. In addition, 111 disabled individuals had telephonic court proceedings because their disabilities prevented them from attending court in person.

The Court continued to provide interpreter services in the courtrooms. Additionally, Language Line, a telephonic language service, was used outside of the courtroom. Language Line enabled individuals with linguistic barriers to communicate with court administrative staff handling filing and scheduling issues. It was also used during negotiations and mediations. Below is the number of interpreters that were ordered from 2014 to 2019.

2015 - 307 per diem interpreters ordered  
2016 - 393 per diem interpreters ordered  
2017 - 350 per diem interpreters ordered  
2018 - 532 per diem interpreters ordered  
2019 - 743 per diem interpreters ordered

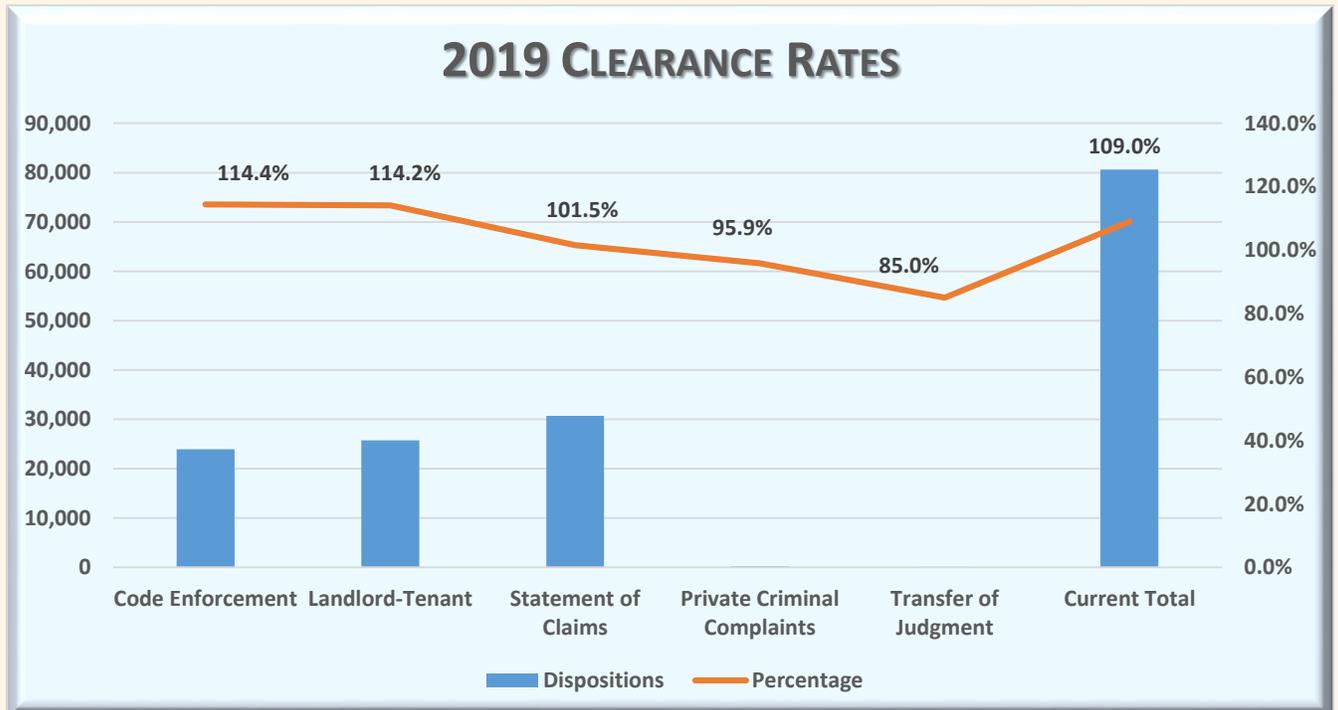
### WAGE ATTACHMENT IN LANDLORD TENANT CASES

During 2019, the Court processed new wage attachments in 83 landlord-tenant cases. Thirty-one of those cases involved pro se landlords. The Court collected and disbursed \$155,850.84.





2019 FILINGS & DISPOSITIONS		
TYPE	FILINGS	DISPOSITIONS
CODE ENFORCEMENT	20,935	23,944
LANDLORD-TENANT	22,575	25,772
STATEMENT OF CLAIMS	30,240	30,706
PRIVATE CRIMINAL COMPLAINTS	217	208
TRANSFER OF JUDGMENT	20	17
<b>CURRENT TOTAL</b>	<b>73,987</b>	<b>80,647</b>





## FIRST FILINGS- CASE INITIATION 2015 – 2019

	2015	2016	2017	2018	2019
CODE ENFORCEMENT	39,346	35,305	38,846	39,262	20,935
LANDLORD/TENANT	24,391	24,466	24,856	23,046	22,575
SMALL CLAIMS	21,874	17,465	26,895	28,426	30,240
PRIVATE CRIMINAL	356	291	275	214	217
<b>TOTAL FILINGS</b>	<b>85,967</b>	<b>77,527</b>	<b>90,872</b>	<b>90,948</b>	<b>73,967</b>

## FIRST FILINGS- CASE DISPOSITION 2015 - 2019

	2015	2016	2017	2018	2019
CODE ENFORCEMENT	44,734	40,431	29,647	37,857	23,944
LANDLORD/TENANT	28,892	26,943	29,666	26,134	25,772
SMALL CLAIMS	25,185	19,795	27,500	29,929	30,706
PRIVATE CRIMINAL	465	374	276	248	208
<b>TOTAL DISPOSITIONS</b>	<b>99,276</b>	<b>87,543</b>	<b>87,089</b>	<b>94,168</b>	<b>80,630</b>



## SECOND FILINGS 2015 - 2019

	2015	2016	2017	2018	2019
<b>WRITS (LANDLORD/TENANT)</b>	26,475	25,500	26,732	24,073	23,870
<b>WRITS (SMALL CLAIMS)</b>	5,564	4,957	4,763	4,937	5,023
<b>WRITS (CODE ENFORCEMENT)</b>	10,869	12,249	15,477	17,343	13,526
<b>WRITS (TRANSFERS OF JUDGMENT)</b>	73	87	67	64	38
<b>PETITIONS</b>	10,523	10,475	10,605	9,775	10,791
<b>RELISTMENTS</b>	3,260	3,036	4,359	7,846	4,864
<b>ORDERS TO SATISFY</b>	3,120	2,781	4,091	3,766	3,120
<b>OTHER SATISFACTIONS</b>	9,682	8,552	8,269	9,045	9,072
<b>SETTLED DISCONTINUED &amp; ENDED</b>	3,058	3,083	2,936	3,060	3,056
<b>CONTINUANCES</b>	23,838	19,752	18,460	21,636	20,850
<b>TOTAL</b>	<b>96,462</b>	<b>90,472</b>	<b>95,759</b>	<b>101,545</b>	<b>94,210</b>

## Dispute Resolution 2015 - 2019

	2015	2016	2017	2018	2019
<b>ADR MEDIATION AGREEMENT HOUSING</b>	1564	1440	1392	1011	1248
<b>RESOLVED MEDIATION AGREEMENT, SDE</b>	29	15	19	23	23
<b>ADR MEDIATION AGREEMENT SMALL CLAIMS</b>	126	148	118	86	148
<b>ADR MEDIATION AGREEMENT SC HOUSING</b>	22	22	28	15	16
<b>ADR MEDIATION WITHDRAWN WITHOUT PREJUDICE</b>	31	8	16	15	21
<b>Total</b>	<b>1772</b>	<b>1633</b>	<b>1573</b>	<b>1150</b>	<b>1456</b>



## CRIMINAL DIVISION

The Philadelphia Municipal Court continued its proactive participation in reform initiatives and the expansion of its successful diversion programs in the Criminal Division throughout 2019. Our primary focus and goals continue to be one which strives to provide fair and efficient access to justice for the public we serve. We have been effective in implementing numerous restorative justice programs which continue to improve the operational efficiency of Municipal Court within the First Judicial District of Pennsylvania. We continue to collaborate with our criminal justice partners to bring about additional systemic improvements, explore alternatives to incarceration for non-violent offenders, and work to reduce racial, ethnic and economic disparities.





## DIVERSIONARY & PROBLEM-SOLVING COURT

### VETERANS COURT

Municipal Court, in conjunction with veterans' agencies, Commonwealth & Defense attorneys, continues to successfully streamline cases involving veterans. The program assists justice-involved veterans struggling with mental health, substance abuse or other reintegration issues. The presiding judge of Veterans Court is a veteran of the Iraq and Afghanistan wars. Building on the success of established programs, Veterans Court oversees a range of services offered to qualified veterans involved in the criminal justice system.



The judicial branch recognizes the tremendous service veterans provided to our country and believes it is the court's duty to offer veterans programs and services to overcome challenges that are unique to their experiences. Veterans Court provides veterans with immediate access to representatives from the Veterans Administration (VA) to determine benefits eligibility and to perform an assessment to settle on the appropriate level of care. The assessment determines each veteran's suitability for an array of VA programs, including alcohol, substance abuse, mental health or medical treatment, as well as housing, job training, job referrals and other ancillary services. If a Veteran is unable to receive services through the VA, a liaison from the Department of Behavioral Health and Intellectual Disabilities assists with service coordination. In 2019, Veterans Court admitted 48 Veterans and had a total of 101 active participants. 34 Veterans (multiple cases) successfully graduated.

In 2019 an innovative partnership between Philadelphia Veterans Court, SCI-Phoenix Veterans Service unit and the Veterans of Graterford/Vietnam Veterans of America Chapter 466 was piloted.



The program was designed to assist Veterans Court participants who are facing significant challenges in their lives with peer support and alternative perspectives from currently incarcerated Veterans, most of whom are serving life sentences. The self help model consists of motivational enhancement with cognitive behavioral approaches to change a participants mindset from that of criminogenic thinking. It is also designed to help the currently incarcerated veteran view current societal issues and changes through the eyes of a peer. The ultimate goal is to help all participating individuals develop healthy coping skills to overcome everyday ills, address veteran specific concerns that may have led them each to their involvement in the justice system, and to further develop a veteran peer support network. The program is staffed by Veterans Court mentors, SCI-Phoenix staff, therapists, and Veteran peer support specialists/peers. In 2019, 27 Veterans participated in the court stipulated program with a number of Veterans Court participants asking to return on a volunteer basis.

During 2019, Philadelphia Veterans Treatment Court referred a total of 59 unduplicated individuals to a trauma program called Healing Ajax. It utilizes the Trauma Recovery Empowerment Model (TREM), which is a manualized, evidenced based treatment that is recognized under SAMSHA's best practices listing. It consists of 24 sessions that address varying issues associated with trauma. Of the Veterans who attended, 34 completed the full 24 session cycle.

Veterans Court has continued to use innovative therapeutic options through a referral partnership with Shamrock Reins. Equine assisted activities and therapies literally change lives and provide cognitive, emotional, physical and social benefits. The participants from Philadelphia Veterans Court are engaged, excited every week, and some have even included their families in the equine therapy program. In October, 2019, seven MC judges toured the grounds of Shamrock Reins and experienced, first-hand, the therapeutic benefits of equine assisted rehabilitation.

## **DOMESTIC VIOLENCE**

In April 2019, Domestic Violence Court celebrated its five year anniversary. Domestic Violence Court is a collaborative, two-tiered program addressing anger management, underlying substance abuse and mental health related issues. Batterers' Intervention Treatment is provided at various partner agencies, including Menergy, Men's Resource Center and Joseph J. Peters Institute (JJPI). In the courtroom, case managers assist clients with direct linkages to social services, such as, education, housing, clothing, and employment to support holistic care. In 2019, 102 individuals accepted the DV Diversion program and 81 successful discharges.

Women Against Abuse, Inc. enhanced its partnership with the program by having an advocate present for each court date. Their legal center offers free legal advocacy and representation for survivors of all gender identities dealing with relationship violence-related legal matters, including:



Protection from Abuse (PFA), Child Custody and Child Support, Legal Options Counseling, Safety Planning, and Court Accompaniment. In 2019, their DV Diversion Legal Specialist served 67 victims/survivors for DV Diversion Court. A small portion of the victims/survivors were also defendants in the Domestic Violence Diversion Court.

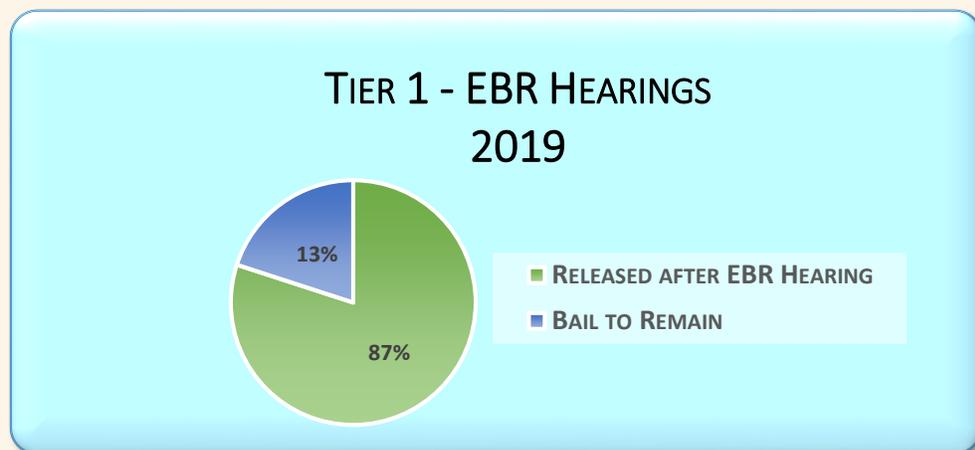
## EARLY BAIL REVIEW

Early Bail Review, one of the first major initiatives in the MacArthur Safety and Justice Challenge, remains a successful cornerstone of pretrial reform efforts in Municipal Court.

Tier 1 Individuals who are in jail on bail of \$50,000 or less and charged with non-violent misdemeanor or felony charges (with no other holding matters) are added to an early bail review list and scheduled for a hearing within five business days of the preliminary arraignment. Prior to their hearing, defendants are interviewed by the Public Defender, who communicate with family members, community contacts, and employers in preparation for the hearing. Private Counsel also arrange bail related interviews with their clients.

In February 2019, a Tier 2 expansion was implemented which includes individuals in jail with bail set at \$100,000 or less. Parameters include no other holding matters and exclude certain sex offense and gun charges.

Those released from custody are provided detailed instructions from the judge, the assistant district attorney, the public defender and the pretrial service representative to ensure that they satisfy the conditions of their release and appear for the next court date. If released to pretrial supervision, defendants are instructed to report to Pretrial Services within two business days of the hearing and are connected with appropriate services.





### *Incarceration Days Saved*

In calendar years 2019, as a result of EBR, 402 individuals were released within an average of six days.

### *TIER 1 Early Bail Release Outcomes*

87% of defendants released after an EBR hearing appeared at their next court date.

82% of defendants ordered to Pretrial Services after an EBR hearing appeared for the pretrial orientation session.

## **AMP (ACCELERATED MISDEMEANOR PROGRAM)**



The Accelerated Misdemeanor Program (AMP) is an alternative to traditional prosecution methods by diverting offenders with low level misdemeanor arrests. AMP hearings are scheduled to police district courtroom locations throughout the City. The cases are heard and disposed expeditiously with sentencing options of community service and mandatory costs to be completed in advance of successful completion. The expansion of this program (AMP 2) has the same sentencing options but also addresses underlying behavior issues through court-ordered social service assessment and treatment.

The AMP unit provides a community service representative in the courtroom to give direction to offenders on their hours ordered, along with a list of court approved sites and contact information to report compliance. To assist them with this task, the Court has partnered with over 100 organizations within the City including the Department of Parks & Recreation.



AMP staff work closely with these organizations to track offender progress and report updates to the AMP assigned District Attorney and Public Defender. All sentence information is entered into a Community Service database to ensure accurate reporting of offender compliance. In addition, courtroom statistics are tracked and entered daily for proper case management. Staff members also assist offenders and criminal justice agencies by phone and manage AMP dockets and file systems. In 2019, the District Attorney has diverted a total of 4059 cases resulting in positive accomplishments and the completion of close to 12,000 community service hours.

Since its inception in 2011, the District Attorney's Charging Unit has referred 37,877 cases to AMP. AMP staff work diligently to ensure accurate reporting of offender compliance, SER class program results and courtroom statistical data. Staff from other Municipal Court departments have been cross trained to end assistance and expand their knowledge of the criminal justice system. We expect the program to expand further in 2020 with more diverse defendants with underlying behavioral concerns for social services and diversionary adjudications.

### **SER (SEXUAL EDUCATION RESPONSIBILITY) CLASS**

Recognizing the need for sound strategies to address sexual exploitation by criminal offenders, the Court, District Attorney's Office and Defender Association partnered with representatives from JJPI (Joseph J. Peters Institute) in developing a diversion class for defendants charged with solicitation. The evaluation of and treatment for individuals arrested for solicitation of a prostitute includes participation in a one-day, four-hour group therapy experience. The aim of the class is to diminish the demand for prostitution within the city of Philadelphia; to provide high quality, professional clinical intervention; and to provide accurate information to individuals regarding the impact on the sex worker, the community and on the individual soliciting sex.

The District Attorney's Charging Unit flags eligible solicitation cases for AMP. In lieu of community service, defendants must complete the four-hour SER class held at JJPI, pay a mandatory program fee (to JJPI) and mandatory court costs. Attorneys and court staff assigned to AMP are prepared to assist defendants who accept the offer. If a defendant chooses not to complete the SER class, the case is scheduled for trial. In addition, defendants convicted of solicitation at trial are ordered to complete the SER class as mandated as part of any Commonwealth negotiation for solicitation offenses.

In 2019, 98 defendants were scheduled to take the class and 81 successfully completed the program (83% completion rate).



## **PROJECT DAWN COURT - *PROSTITUTION INITIATIVE***

The “Project Dawn” initiative is for women who are on bail, or in custody on detainers or open prostitution cases. Municipal Court continues to work with the Commonwealth and Defender Association to streamline prostitution cases by centralizing treatment, housing and ancillary services. The project includes a component of therapy for survivors of Commercial Sexual Exploitation (CSE). Project Dawn operates with the dual goals: 1) decreasing the number of non-violent offenders in Philadelphia county jails and 2) reducing recidivism for this population of women. Project Dawn strives to provide holistic and evidence-based treatment options to its participants, supporting them through their recovery journeys by addressing mental health, substance abuse and significant trauma histories.

In 2019, Project Dawn admitted 4 individuals, 5 cases, 11 probation matters and recognized 7 individuals for successfully completing the program. Project Dawn has also partnered with Joseph J. Peter Institute (JJPI) to work with women in transition from abuse, addiction or incarceration in the early part of recovery and re-entry into society.

## **VIDEO CRASH COURT**

Municipal Court continues its use of expanded video technology in association with the prison to conduct expedited misdemeanor trials, thereby eliminating the need to transport defendants to the courthouse for negotiated pleas and stipulated trials. Video Crash Court hearings are typically scheduled three weeks post arrest. Through the cooperation of the District Attorney’s office, judges are also able to immediately address many Municipal Court probation/parole issues that in the past resulted in longer lengths of incarceration pending judicial review. In 2019, 53 cases were adjudicated through Video Crash Court.

## **THE CHOICE IS YOURS (TCY)**

The Choice is Yours (TCY) is an innovative alternative to incarceration program that diverts non-violent felony drug offenders away from prison and toward positive social services and support. TCY strives to reduce recidivism rates and address the problem of prison overcrowding without compromising public safety. In partnership with Jewish Employment and Vocational Services (JEVS), TCY’s goals are to: (1) reduce the likelihood of recidivism among TCY participants; (2) reduce state and city costs by cutting the number of trials among the TCY target population; (3) reduce costs associated with pre-trial and post-trial incarceration; and (4) provide participants with the skills and training necessary to become productive, employable individuals without the stigma of a criminal conviction.



The TCY program primarily targets first-time felony drug offenders charged with Possession with Intent to Deliver (PWID). The District Attorney's Office has sole discretion in approving or rejecting a defendant's participation in TCY. Participants engage in a variety of activities, including: job readiness training (resume preparation, networking skills, interviewing and job search), computer classes, education and skills training (GED, college and technical classes), community service, job placement and advancement, mentoring from community members, and regular check-ins (progress listings) with the TCY judge.

Recognizing its success, additional funding was secured through the first-round grant of the MacArthur Safety and Justice Challenge enabling additional participants the opportunity to enroll in the program. In 2019, 45 cases were accepted into the TCY program.

## **DUI TREATMENT COURT**

DUI Treatment Court completed its 12<sup>th</sup> anniversary in 2019 with Philadelphia Flyers great Todd Fedoruk and Restaurateur Tony Luke, Jr., as keynote speakers. The program continues to promote public safety, to hold offenders accountable for their actions, and to help offenders maintain sobriety and be responsible and productive members of the community. The target group for DUI Treatment Court includes DUI offenders who qualify for Levels 3 or 4 of the Sentencing Guidelines promulgated by the Pennsylvania Commission on Sentencing and who need drug and/or alcohol treatment. DUI Treatment Court is dedicated to the treatment and adjudication of individuals with multiple DUI offenses who have no related history of violent crime or other legal complications. These individuals serve reduced jail time by attending extensive treatment. In 2019, DUITC enrolled 26 new participants and witnessed 66 successfully complete the program. There are 44 active participants at varying stages currently in the program. The DUITC was awarded a competitive grant through the AOPC to enhance best practices in DUITC in 2019.

## **PHILADELPHIA DRUG TREATMENT COURT**

2019 witnessed the 22<sup>nd</sup> year of operation for Philadelphia's Drug Treatment Court. The Philadelphia Drug Treatment Court, the first drug court in Pennsylvania, was established in response to the dramatic growth in drug related criminal activity occurring in Philadelphia. Recognizing that sound strategies to address the drug involvement of criminal offenders must be a fundamental priority of the criminal justice system, the Court represents an effort to establish a new working relationship between the court and the substance abuse treatment system. The Court completed a joint research study between Public Health Management Corporation (PHMC),



Temple University and Municipal Court to explore the benefits of peer specialists in problem solving courts. They collaborated with the Mayor's Office and US Department of Education to develop and implement a Young Adult Diversion track focused on vocational and educational training for 18-24 year old program participants and received a grant award from AOPC to enhance best practices in its program. The Treatment Court team hosted an international delegation of three (3) Supreme Court Justices and 32 judges from Thailand in conjunction with Penn Law. In 2019, 158 participants enrolled in the drug court program and 83 individuals successfully completed the program. There is a 78% graduation rate. As of December 2019, there are 284 active participants enrolled in Drug Treatment Court.

### **MENTAL HEALTH INITIATIVE**

Many of the mental health challenges brought before the Municipal Court have been centralized and streamlined. Operationally, the ability to centralize mental health cases for criminal defendants has proven beneficial in dealing with questions of competency and coordinating orders for mental health evaluations. At subsequent status hearings, the judge monitors defendants returned to the community. Through the collaborative efforts of the District Attorney and defense counsel, hundreds of cases have been monitored for treatment with prosecution eventually withdrawn. Other cases have had non-trial dispositions requiring mental health supervision and treatment. Access to case managers and social workers supported clients in community placements. In 2019, 305 defendants with multiple cases (498) were processed through this initiative.

### **DETAINDER ALTERNATIVE PROGRAM (DAP)**

As part of the MacArthur Safety & Justice Challenge, the Detainer Alternative Program (DAP) was created to provide the Philadelphia Adult Probation & Parole Department (APPD) with an alternative to incarceration for individuals who fail to comply with specific terms of their probation, generally involving substance abuse and treatment. Rather than being detained in county custody, DAP provides individuals with an opportunity to address the underlying issues which placed them in jeopardy of committing a technical probation violation. Case managers and probation officers are assigned to ensure compliance with treatment while on probation. APPD considers DAP to be a "heightened sanction" under the terms of an individual's probation. In 2019, 132 individuals were scheduled and 49 individuals successfully completed the DAP program.



## OFFICES OF THE CRIMINAL DIVISION

### TRIAL COMMISSIONERS



As case scheduling initiatives are introduced in the criminal division, trial commissioners play an essential role in monitoring results in specific areas. As authorized by the President Judge of Municipal Court, trial commissioners work closely with the PPD court liaison officers, prosecution and defense attorneys in the assignment of trial and diversion program court dates from the pre trial discovery courtroom. Various case types are scheduled to this courtroom and commissioners adhere to PA criminal rules of procedure, and Municipal Court case scheduling protocols in the assignment of court dates.

Trial commissioners also handle arraignments for private criminal complaints and non-traffic summary cases.

### CRIMINAL LISTINGS DEPARTMENT

This Department creates and maintains all trial, preliminary hearing and hybrid courtroom calendars utilizing CPCMS. Staff ensure dates are available to the arraignment court clerk by monitoring reports daily and remaining available 24/7 to assist the courtroom. Staff perform ongoing CPCMS calendar training to all general tipstaves and all new hires in the Criminal Division. In May 2019, zoning of courtroom was removed thereby providing for more equitable distribution of cases in the Criminal Division. Criminal listings staff maintain the prompt daily scheduling and management of Early Bail Review (EBR) cases. Staff continue to provide case flow management reports essential to identifying scheduling and calendaring issues in CPCMS for review by the President Judge. Upon receipt of information from general tipstaves, staff collaborate on data entry tasks to the police court attendance report addressing court related police overtime issues.



Case management tools have assisted in identifying calendar issues. Staff review DMS weekly to ensure hearing notices are scanned for the next court hearing and notify the Office of Judicial Records as issues arise. In addition to administrative duties, attorney attachments judicial orders are reviewed and processed in a timely, efficient manner to ensure defense counsel are notified of hearings. In 2019, 782 Orders were processed. Misdemeanor custody and Fugitive felony our of county cases, combined 337 cases, are processed expeditiously by staff and calendared to address bench warrants. Over 1500 cases were administratively rescheduled.



## DOCUMENT MANAGEMENT SCANNING UNIT

Municipal Court's Criminal *Document Management Scanning Unit* is responsible for the quality control and scanning of non-traffic summary citations that are electronically transferred from PARS to CPCMS. Staff ensure quality assurance for all case data. Citations are bar coded and scanned into the Criminal Document Management System (CDMS). In addition to new filings, staff assigned to this unit scan all AMP case related documents from preliminary arraignment through final disposition. Both lend to a paperless environment in courtrooms. Staff ensure all case data in CPCMS including proper charge grades, offense dates, courtroom location and scheduled appearance are correct. In 2019, this unit scanned over 50,000 documents. Quality control measure are refined to ensure accuracy with questionable charges referred to the District Attorney.



## ARRAIGNMENT COURT ADMINISTRATION

In accordance with Act 187 of 1984, Arraignment Court Magistrates (formerly Bail Commissioners) are quasi-judicial officers of the Municipal Court, certified annually by the PA Minor Judiciary Education Board. Arraignment Court Magistrates preside in the Preliminary Arraignment Courtroom which operates 24 hours per day, 365 days per year. Arraignment Court Magistrates are detached, neutral authorities whose responsibilities include administering Oaths and Affirmations; presiding at preliminary arraignments; setting bail, reviewing pretrial release guidelines; conducting hospital arraignments; appointing counsel; scheduling trials and preliminary hearings; and issuing Arrest and Search & Seizure Warrants.



Criminal Legal Clerks staff the courtroom and are responsible for scheduling all arraignments via video from police stations across Philadelphia. Clerks are responsible for myriad duties including initial case flow management for all first listing felony and misdemeanor charges and the data transfer of cases from PARS to CPCMS. 2019 witnessed the filing of over new felony and misdemeanor cases with an average arrest to arraignment turnaround of 17 hours. The onset of 2019 was met with litigation involving improvements to the setting of bail at the preliminary arraignment. The President Judge implemented immediate improvements to the bail process which will continue in 2020.



## COURTROOM OPERATIONS DEPARTMENT

Courtroom operations staff are responsible for insuring trial and hearing lists are maintained in an efficient manner for the presiding judge. Tipstaves open court, swear-in witnesses, mark evidence, act as a liaison between all parties, maintain order in the courtroom, enforce rules and maintain professional decorum. Tipstaves are responsible for assigning court continuance dates real-time in CPCMS. Continuance dates are coordinated consistent with court calendars and attorney and police schedules. Staff training is a continuing goal to ensure access to justice is afforded to anyone entering our courtrooms. In 2019, staff successfully completed the Cyber Awareness training and language access webinar enabling court staff to effectively communicate with all courtroom participants. Staff participate in bi-annual training including but not limited to Implicit and Explicit Bias, Fire / Safety, Conflict Management, Stress Management, Mental Health Simulation Training and a Life Works overview. Cross training for existing staff is conducted by an internal trainer.



## INTERPRETER SERVICES

Ensuring credibility in the administration of justice includes providing equal access to justice for individuals with limited English proficiency. The Court employs a full-time Spanish interpreter who provided interpreting services for over 2,000 cases in 2019, and contracts with per diem interpreters for all other languages, dialects and hearing-impaired participants of the criminal justice system. Additionally, language lines are utilized as needed.



## SUMMARY CODING DEPARTMENT

This department is charged with processing and maintaining all non-traffic summary citations issued by the Philadelphia Police Department and Special Police agencies (6,302 in 2019). Initial case flow management occurs with the manual case creation into CPCMS from filings electronically transferred from PARS. Staff are responsible for data entry of final dispositions real time in courtrooms, bench warrants, quality control, and record management. Along with various clerical tasks, the department handles file preparation for courtrooms located in the Stout Center for Criminal Justice. There were 1,375 expungements in 2019. Case filing filings continue to decrease as charging has reverted to violations of civil ordinances in Philadelphia.



## PRIVATE CRIMINAL COMPLAINTS & SUMMARY DIVERSION

In 2019, the District Attorney filed 218 private criminal complaints and 82 unemployment compensation cases with Municipal Court. Staff in this department work closely to ensure cases are properly scheduled from CLAIMS and CPCMS computer applications. In addition to handling calendaring and docket entry requirements in the case management system, staff prepare diversion class enrollment forms, quality control documents for scanning to the CDMS, prepare case management reports, and provide support to judicial staff, external agency staff, attorneys and the general public. Working closely with trial commissioners presiding at status hearings, staff are responsible for recording hearing results and continuance dates to cases in CPCMS.



In 2019, Municipal Court received 6,302 new filings for non-traffic summary offenses. 1,022 individuals successfully completed the Summary Diversion Program and collections for the Victim Compensation Fund amounted to \$35,210. Upon successful completion of the diversion program, cases are dismissed and, by agreement of the Philadelphia District Attorney's Office, the record of the non-traffic summary offense is automatically expunged.



## TRAINING

A training assessment coordinator developed a structured plan for newly hired general tipstiffs as well as a cross training plan for more experienced staff in diversion and specialty programs. Progress reports are shared regularly with managers to review employee development. In addition to finalizing manuals, the coordinator met with additional personnel to create a Pre-Trial Discovery Courtroom Operation Guide. The coordinator acts as chair and collaborated with a committee to enhance mandated staff training during two judicial conferences. New topics included communication skills, workplace etiquette, cyber security, emergency management planning and a presentation on domestic violence resources. The coordinator worked with criminal division staff to ensure we achieved a 100% compliance rate for mandatory AOPC Language Access Program training.



## CONCLUSION

2019 witnessed a change in judicial leadership with the election of a new President Judge. From the onset, lines of communication with the judiciary and staff were opened in a proactive manner to enhance services provided to the public.

The Criminal Division continued positive reform initiatives. Felony and misdemeanor cases continue to be diverted from the Court's standard calendars, resulting in savings; reducing costs associated with formal trials, hearings, court-related police overtime and lengthy prison stays for non-violent offenders. We anticipate the commencement further discussion on pretrial improvements as it relates to bail, the preliminary arraignment court operations, and case processing.

The Civil Division continues to provide mediation and dispute resolution services in civil actions and to adjudicate thousands of cases annually while maintaining and enhancing the original e-filing system in Philadelphia. The Civil Division continues to provide access to justice by making CLAIMS available to pro se litigants and providing them with a comprehensive training session and training materials. The Civil Division's state-of-the-art conference center is used regularly by the Bar Association, the AOPC and the FJD for continuing legal education and training.

The Civil Division's most significant challenge during 2019 was managing the computer crisis while maintaining the provision of vital services to its litigants. The Civil Division also continued to work with the Philadelphia Eviction Prevention Program and the Philadelphia Bar Association's Municipal Court Committee. It looks forward to working with the Minor Court Rules Committee on a new set of procedural rules. These collaborations have enhanced and will continue to contribute to the court's ability to provide a judicial system in which cases are timely heard providing a forum where litigants have the option to proceed pro se.

The Court will continue its mission to provide access to justice to all parties requiring services in Municipal Court.



# MUNICIPAL COURT Traffic Division





## EXECUTIVE SUMMARY

2019 Annual Report | FJD

Eight years have passed since the initial enactment of reform measures at the Philadelphia Municipal Court, Traffic Division.

The Court was reinvented; former judges were replaced by attorneys who, as hearing officers, preside over 70% of the hearings conducted. Commissioned Judges from the Municipal Court are assigned daily to the Traffic Division to preside over matters that may result in incarceration upon conviction, based upon the egregiousness of the offense or the term suspensions that are mandated upon a finding of guilt.

Under the leadership of Administrative Judge Gary S. Glazer, Traffic Court's ideology focuses on (1) expediency and timeliness of court proceeding; (2) integrity, independence and accountability; (3) access to justice; and (4) public trust and confidence.

The Traffic Division employees, many of who have more than twenty years of experience with the First Judicial District, have embraced the changes – both legislative and internal procedures, value the transformation, and work relentlessly to ensure the ideals of the Traffic Division are upheld.

This report provides an encapsulated view of the accomplishments and highlights encountered by the Traffic Division.





## ECITATION PROGRAM

After almost two decades devoted to the initiation, planning and implementation, the majority of all motor vehicle citations issued in the City of Philadelphia by *law enforcement agencies* were transmitted to the Court electronically.

eCitation has modernized the process of issuing citations to drivers who fail to comply with Pennsylvania motor vehicle laws. The program reduces the number of errors based on illegible handwriting, enhances case-flow management, avails the police officer of additional time to respond to urgent calls from the public, safeguards the integrity of court operations, and ensures the Court's compliance with Rule 406 of the Pennsylvania Rules of Criminal Procedure.

### IMPLEMENTATION & HARDWARE

Traffic Division initially pledged to provide **\$1,013,711.51** from its Technology Budget to cover the expense of purchasing and installing essential hardware, including, but not limited to, printers, bar-code scanners, cage mounts for printers and scanners, thermal paper, and extended warranties. To date, the foregoing expenses incurred by the Traffic Division amounted to **\$842,328.44** – all of which was paid through Traffic Division's budget.

### ISSUANCE

27,550 eCitations were issued by the *Philadelphia Police Department*, generating **\$1,716,117.11** that was disbursed to the Commonwealth of Pennsylvania, the City of Philadelphia, and other governmental agencies. That \$1.7 million in revenue exceeded the associated expenditures incurred by the Traffic Division for the eCitation program.





## CASE MANAGEMENT

There was a ten percent reduction in citation issuance in 2019; records reflect that 89,678 citations were issued in the City of Philadelphia.

AGENCY	CITATIONS
PHILA. POLICE	73,526
PA STATE POLICE	12,393
PHILA. POLICE OVERWEIGHT	1,232
BRIDGE POLICE	884
BRIDGE POLICE TRUCK ENFORCEMENT	486
DREXEL UNIVERSITY POLICE	340
TEMPLE UNIVERSITY	275
UNIVERSITY OF PENNSYLVANIA	183
SEPTA POLICE	119
AMTRAK	102
STATE POLICE TRUCK ENFORCEMENT	87
FUEL TAX	78
ACCIDENT INVESTIGATION DIVISION	77
OTHER	67
PHILA. HOUSING POLICE	55
AIRPORT POLICE	27
PUBLIC UTILITIES COMMISSION	9
PA DEPT. OF TRANSPORTATION	8



## ADJUDICATIONS

With fewer citations issued, the adjudication rate dropped by 7,422 citations, as compared to 2018.

	2018	2019
<b>TRIAL: GUILTY</b>	57,686	48,120
<b>TRIAL: NOT GUILTY</b>	5,474	5,956
<b>GUILTY PLEA</b>	12,920	11,769
<b>DISMISSAL</b>	876	844
<b>PROSECUTION WITHDRAWN</b>	20,277	23,175
<b>TOTAL DISPOSED</b>	101,306	93,884

## APPEALS

Under the summary trial appeal program, the Traffic Division continued to process, on behalf of the Court of Common Pleas, Trial Division, all aspects of the appeals de novo, nunc pro tunc, and Informa Pauperis Petitions filed by defendants subsequent to their conviction on a summary offense.

	2018	2019
<b>APPEALS DE NOVO</b>	6,292	5,023
<b>NUNC PRO TUNC (FILED)</b>	3,106	2,412
<b>NUNC PRO TUNC (GRANTED)</b>	2,246	1,549*

\*Of the 1,549 petitions granted, 964 of those were unopposed by the Commonwealth of Pennsylvania



## ADJUDICATIONS RENDERED ON APPEAL

	2018	2019
<b>APPEALS WITHDRAWN</b>	120	106
<b>GUILTY VERDICTS</b>	3,436	2,947
<b>NOT GUILTY VERDICTS</b>	2,856	2,076

## BANKRUPTCY FILINGS

Eighty debtors filed for protection under the federal bankruptcy code. Sixty-six of those cases were discharged or dismissed by the United States Bankruptcy Court. Appropriate notifications were sent to the requisite departments of transportation to facilitate the restoration process of the debtors' driving licenses.

## OTHER HEARINGS

The restoration of one's driving privileges is a multi-faceted procedure. Through a plea of guilty or not guilty, the citations are brought to conclusion through the adjudication process. Fulfillment, however, is not achieved for the convicted defendant until a *financial determination hearing* is conducted and a payment installment order is established. In 2019, the Court enrolled 43,701 defendants into a payment agreement. An additional 57 defendants established an administrative payment plan based on their exigent circumstances presenting them from personally presenting themselves at court.

Similarly, an owner's automobile may be impounded for non-compliance with the vehicular rules, pursuant to Sections 6309, 6309.1, and 6309.2 of the Pennsylvania Motor Vehicle Code. At the *impoundment hearing*, the Court may consider the violations of the owner and the driver at the time the vehicle was seized. In 2019, 8,909 individuals appeared before a hearing officer to effectuate the release of their vehicle before proceeding to the Philadelphia Parking Authority.

Thirty-six *red-light camera appeals* to convictions imposed by the City's Office of Administrative Review were scheduled and adjudicated at the Traffic Division in 2019. These appeal cases are separate and distinct from the red-light violations that are issued by City Police for violating Section 3112(a)(3)(i) of the Pennsylvania Motor Vehicle Code.



## COMPLIANCE

Defendants who plead guilty or are adjudicated as guilty at trial have an obligation to comply with the provisions of the Pennsylvania Motor Vehicle Code relative to the payment of fines. An active warrant is imposed by the Traffic Division against such drivers after 35 days from the date of conviction. In 2019, 1,054 defendants were transported from prison to court for an immediate *warrant hearing*. In addition, 411 scofflaw warrants were provided to the Fugitive Unit of the Sheriff's Department; 46 of those responded to the warrants and presented themselves to the Court on their own accord.





## FINANCIAL

Under the leadership of Administrative Judge Gary S. Glazer, the Court collected a total of **\$18,783,857.98** in revenue, which was disbursed as follows:

- Commonwealth of Pennsylvania - \$8,503,079.51
- City of Philadelphia - \$4,659,627.07
- Conduent - \$1,333,290.54
- Philadelphia Parking Authority - \$566,432.46
- FJD - \$2,663,767.79

Through the Court's proactive endeavor to collect on defendants' outstanding balances of \$25.00 or more, Conduent generated the "Use Your Tax Refund Wisely" notice to 39,336 individuals, excluding those citations pending appeal. 18,484 payments were received totaling **\$1,809,279.06**.

**\$1,487,984.16** was collected from defendants through the Court's Interactive Voice Response System (IVR). IVR allows a defendant to retrieve information pertaining to their case file, obtain general information, or pay a citation via telephone.

### OTHER METHODS OF REVENUE COLLECTION

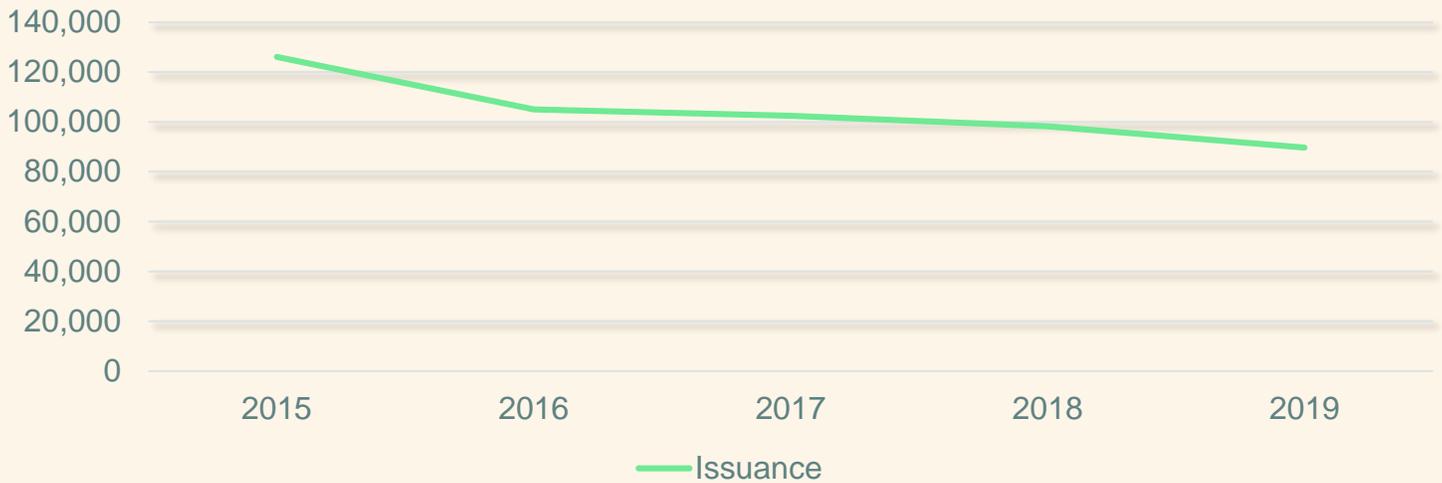
<b>Cash</b>	\$5,553,018.00
<b>Web</b>	\$5,816,152.06
<b>Check</b>	\$2,126,755.07
<b>Credit Cards</b>	\$4,212,017.02
<b>Recurring Payment Plan</b>	\$465,310.79

### DISTRIBUTION BY FISCAL YEAR

YEAR	STATE	CITY	XEROX FEE	WARRANT FEE	PPA	2360 FEE	TOTAL REVENUE	ISSUANCE
2015	9,291,55.21	6,435,217.01	1,635,931.24	2,368,716.94	755,747.77	1,509,051.50	21,996,219.67	126,147
2016	9,755,052.18	5,995,331.57	1,630,641.83	2,561,679.25	712,555.26	1,432,465.55	22,087,725.64	105,026
2017	9,003,161.02	5,213,845.12	1,451,989.83	2,742,466.31	622,108.51	1,329,894.57	20,363,465.36	102,414
2018	8,681,266.35	4,968,093.27	1,371,158.88	2,704,181.48	587,775.98	1,193,464.35	19,505,940.31	98,210
2019	8,503,079.57	4,659,627.07	1,333,290.54	2,663,767.79	566,432.46	1,057,660.55	18,783,857.98	89,678



### CITATION ISSUANCE – ALL AGENCY



### TOTAL DISTRIBUTION/ CITATION ISSUANCE

