

Chairwoman Muth
Chairman Bizzarro
Chairwoman Bullock
Vice-Chairwoman Lee
Senator Williams
Senator Street
Members of the Pennsylvania Legislative Black Caucus

Thank you for inviting me to testify at this hearing on racial and gender bias in the court system.

I worked in the Philadelphia Court System for 29 years. I recently retired as Director of the Criminal Listings Department in the First Judicial District, Trial Division-Criminal. My employment with the FJD began in 1992 as a judicial aide to the Honorable Gregory E. Smith. In 2000, I was appointed to the position of Common Pleas Court Trial Commissioner, a quasi-judicial position that presides over administrative court proceedings such as arraignments, Gagnon 1 hearings and bench warrant hearings and case management of all cases entering Common Pleas Court. During my tenure as Trial Commissioner, I earned a Master of Human Services Degree from Lincoln University. In 2006 I was promoted to Supervising Trial Commissioner where I supervised the three units: the Trial Commissioners, the Post Trial Unit (which schedules all violation of probation hearings for Municipal and Common Pleas Court) and the Court Appointment Unit (which assigns counsel to eligible and indigent defendants). In 2010 I was promoted to Director of the Active Criminal Records Department which included Criminal Listings, Criminal Motions, the Post Conviction Relief Act Unit and Data Entry Unit. I retired from the First Judicial District in July 2020.

I have been taught about racial bias from a young age mainly as the result of concerned socially conscious parents. My parents prepared me for these difficulties and instilled in me a work ethic with the additional component of having to work twice as hard to get ahead. While acknowledging the value of my parent's guidance, none of my achievements listed above would have happened if I did not have the support of several elected officials and judges. Few minorities and women have access to this power. Even with their support, I have some personal experiences that may qualify as racial bias.

When I was a judicial aide to Judge Smith, I saw a job posting for the Trial Commissioner position. I applied. Several weeks later, I was informed by Judge Smith that I got the job. I thought this was strange because I had not had an interview for the job. I found out subsequently that there was a White gentleman that the powers that be wanted to appoint to the position and my sponsor, a Black elected official, and several Black judges demanded that two commissioners should be appointed and one should be Black. This is the kind of sponsorship that most White people have inherently that most people of color don't have.

In 2002, the Director of Criminal Listings Department position was vacant. Again, I solicited and received support from elected officials and judges, an access most minorities don't have. The job was posted, I applied and was successful in obtaining what I thought would be a directorship. I was informed after being told I was the successful candidate the position was no longer going to be a Director of a department but the position was being downgraded to a supervisory level at a lower salary and the former Department would become a Unit in another Department. Not only was the person I was replacing a Director, but he also had a deputy director to assist him who had retired and was not replaced. So, even with powerful support, I was devalued in a way most White folks are not. I voiced my

indignation with the decision to change the grade of the job but accepted the position hoping for other opportunities in the future.

Another opportunity did present itself in 2006 when the Director of Active Criminal Records position opened. The job was posted, I applied and was the successful candidate again with the assistance of elected officials and judges. After being in that position for several years, Court Administration severed half of my responsibilities cutting several units from my auspices and moving them to the Clerk of Courts Office. I was insulted and embarrassed but not surprised knowing that these decisions are made in rooms where my sponsors nor anyone of color may have been present or able to make a difference. I remained Director of the Criminal Listings Department (the title given to the Department after the severance) until my retirement in July 2020.

During my tenure as Director of Criminal Listings, I had my most profound experience of racial bias. In 2016, the position of Deputy Court Administrator, Trial Division-Criminal, a Pennsylvania Administrative Office of the Courts position, became vacant. The person in this position would be my direct supervisor. The job was never posted. A White gentleman who was a supervisor in a unit in my Department was offered the job and he accepted thus going from being my subordinate to being my boss. His access to authority, his white privilege and unchecked bias and power allowed this to occur. There was no consideration of the appearance of impropriety but more business as usual.

I know of one incident of gender and racial bias where a complaint of sexual harassment was lodged against a senior member of court administration by an African American female. The investigation of her complaint was assigned to the alleged harasser's white peer and co-worker and not to an objective independent investigator. After interviewing other women of color who had similar stories regarding the alleged harasser, the investigation was closed and the findings were that the allegations were unfounded. The fear of disregard of serious allegations keeps many women of color from reporting egregious violations of their persons. The only consequence in this instance was that the accuser was castigated and ostracized while the alleged perpetrator went unpenalized.

There are countless times I have been in meetings, some fairly large, where I have been the only black person in the room. One cannot help but feel the burden of representing an entire race no less the race of most of the defendants in the system. There have been times when I have voiced an opinion or point in a meeting that is dismissed only to have a white person voice the same point which is then taken seriously. The stress of being in that position is debilitating and withering. I knew what I was getting into before I took these jobs and accepted the positions willingly hoping to prove black men capable of assuming such responsibilities, to be a visible representation of a minority in a position of authority for the public and hoping I could make a way for others to get their foot in the door. I believe I accomplished these goals especially the last as minority representation was increased in my Department on my watch with major assists by the former President Judge Sheila Woods-Skipper and former Administrative Judge Jacqueline Allen.

I do not look back on my time at the First Judicial District with regret or disdain. I think I contributed to the First Judicial District in substantial ways. I worked with some great people. Although gains have been made in the representation of minorities and women in important positions in the FJD, the lack of Black and Brown people amongst line staff, middle management and senior management hampers the mission of the organization and deprives men and women of color fantastic opportunities. As I see it, one of the major fallacies underlying most racial bias is the undervaluation or devaluation of the abilities and contributions of minorities and women. Another is that white privilege has ruled in the FJD long

before I arrived and continues. This is not a new issue and many have given their lives fighting for inclusion. Even though my road has not been nearly as difficult as many others, this journey has taken its toll as it has on countless others. I can only be grateful for the support of many and that my parents instilled in me to work twice as hard to get ahead.

Thank you,

Keith Smith