

THE COUNCIL OF THE CITY OF NEW YORK

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Report to the Committee on Finance and the Committee on Public Safety on the Fiscal 2018 Executive Budgets for District Attorneys and Special Narcotics Prosecutor May 22, 2017

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Executive Budget Summary

- **Expense Budget Overview.** The total Fiscal 2018 Executive Budget for the five District Attorneys (DAs or City's prosecutors) and Office of Special Narcotics Prosecutor (OSNP) is \$373.7 million, which is \$4.2 million, or 1.1 percent, more than the Fiscal 2017 Adopted Budget of \$369.5 million. The Fiscal 2018 Personal Services (PS) budget for the DAs and OSNP total \$331.7 million, while the total Other Than Personal Services (OTPS) totals approximately \$42 million.
 - DA New York – \$104 million (\$1.4 million, or 1.3 percent more since adoption)
 - DA Kings – \$97.1 million (\$856,664, or less than one percent more since adoption)
 - DA Bronx – \$72.3 million (\$719,564, or one percent more since adoption)
 - DA Queens – \$63.8 million (\$796,592, or 1.3 percent more since adoption)
 - DA Richmond – \$14.2 million (\$263,699, or 1.9 percent more since adoption)
 - OSNP – \$22.4 million (\$231,750, or 1.1 percent more since adoption)
- **Headcount.** The total Fiscal 2018 Executive Budget headcount for the five DAs and OSNP is 3,650. The headcount remains unchanged from adoption.
 - DA New York – 989
 - DA Kings – 910
 - DA Bronx – 877
 - DA Queens – 530
 - DA Richmond - 131
 - OSNP - 213
- **Fiscal 2018 Executive Budget Changes.** The Fiscal 2018 Executive Budget makes no programmatic changes for Fiscal 2018. However, for Fiscal 2017, the budget includes a net total of \$2.2 million in adjustments for lease payments, for heat, light, and power, and a collective bargaining agreement for laborers.

DA's and OSNP Overview

This report provides an overview of the Fiscal 2018 Executive Budget for the DAs and OSNP. Appendix 1 reports the changes made to the Fiscal 2017 and Fiscal 2018 Budgets since adoption of the Fiscal 2017 Budget. The DAs and OSNP do not have a capital budget. For additional information on the DAs and the OSNP's Budgets and their various programs, please refer to the report on the Fiscal 2018 Preliminary Budget available at: <http://council.nyc.gov/budget/>

District Attorneys and Special Narcotics Prosecutor Financial Summary						
<i>Dollars in Thousands</i>	2015	2016	2017	Executive Plan		*Difference
	Actual	Actual	Adopted	2017	2018	2017 - 2018
Spending						
Personal Services	\$311,993	\$319,008	\$327,205	\$345,485	\$331,738	\$4,533
Other Than Personal Services	37,143	40,811	42,248	58,436	41,950	(298)
TOTAL	\$349,136	\$359,819	\$369,453	\$403,922	\$373,688	\$4,235
Budget by Program Area						
DA-New York	\$107,621	\$109,626	\$102,620	\$125,979	\$103,985	\$1,365
DA-Kings	94,065	97,047	96,223	100,378	97,081	859
DA-Bronx	60,989	61,575	71,616	74,611	72,336	720
DA-Queens	56,953	59,265	62,960	66,184	63,756	797
OSNP	19,206	21,600	22,121	22,121	22,353	232
DA-Richmond	10,302	10,705	13,912	14,649	14,176	264
TOTAL	\$349,136	\$359,819	\$369,453	\$403,922	\$373,688	\$4,235
Funding						
City Funds			\$355,500	\$358,669	\$359,735	\$4,235
State			11,279	32,857	11,279	0
Intra City			2,616	2,641	2,616	0
Federal - Other			58	9,595	58	0
Other Categorical			0	159	0	0
TOTAL	\$349,136	\$359,819	\$369,453	\$403,922	\$373,688	\$4,235
Budgeted Headcount						
DA-New York	1,331	1,396	989	989	989	0
DA-Bronx	834	843	877	877	877	0
DA-Kings	1,042	1,051	910	910	910	0
DA-Queens	634	640	530	530	530	0
DA-Richmond	98	106	131	131	131	0
OSNP	197	202	213	213	213	0
TOTAL	4,136	4,238	3,650	3,650	3,650	0

*The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Executive Budget.

The City's Fiscal 2018 Executive Budget totals \$84.9 billion, \$2.8 billion more than the Fiscal 2017 Adopted Budget of \$82.1 billion. City funds (City tax-levy and non-tax revenues) total \$61.1 billion when compared to the Fiscal 2017 Adopted Budget amount of \$59.3 billion. The DAs and the OSNP's Fiscal 2018 Executive Budget totals \$373.7 million, which is \$4.2 million more than its Fiscal 2017 Adopted Budget of \$369.5 million. The \$4.2 million increase is due to growth in the PS budget of \$4.5 million and a decrease in the OTPS budget of \$298,261. The \$4.2 million increase reflects a change in City tax-levy funding only.

The Fiscal 2017 budget for the City's prosecutors as of the Fiscal 2018 Executive Budget is \$403.9 million, an increase of approximately \$34.5 million or approximately nine percent, since the Fiscal 2017 Adopted Budget. This increase stems primarily from the receipt of approximately \$31.3 million in non-City funds, primarily State and federal grants. Overall, City funds account for 96 percent of the prosecutors Fiscal 2018 Executive Budgets. Combined, other adjustments of \$34.5 million in Fiscal 2017 and \$1.1 million in Fiscal 2018 reconcile the agencies to the current

budget of \$403.9 million for Fiscal 2017 and \$373.7 million for Fiscal 2018. (See Appendix 1 for a list of all Executive Budget changes.)

Since the Fiscal 2017 Adopted Budget, several initiatives have impacted both the DAs and OSNP's budget for Fiscal 2017 and Fiscal 2018, such as the Revenue Agreement with the Mayor's Office of Management and Budget (OMB) that allows the DAs to keep a portion of the revenue they generate. Furthermore, already included in the budget is a \$10 million, five-year grant that the Administration awarded to all five District Attorneys as part of the 2016 anti-violence innovation challenge. Funding will support anti-violence prosecution strategies and build on and improve existing data systems.

DAs and OSNP Budget Issues

Budget Issues

The Council's response to the Fiscal 2018 Preliminary Budget called on the Administration to fully consider the budget needs of the five DAs. In particular, the Council called upon the Administration to fund:

- \$710,000 for a Neighborhood Adjudication program in the Bronx;
- \$425,000 for the Young Adult Court in Brooklyn;
- \$1 million for a Pre-Arrest Diversion program in Brooklyn;
- \$330,000 for the HOPE Program on Staten Island; and
- \$425,000 for a Conviction Integrity Unit in RCDA.

During the Fiscal 2018 Preliminary Budget hearing for the Committee on Public Safety, each office presented budget constraints facing them in Fiscal 2018. Additionally, each District Attorney raised the concern with salary disparities amongst assistant district attorneys, which has led to issues with recruitment and retention. The Fiscal 2018 Executive Plan did not include any budget actions to address the critical needs of the District Attorneys.

The following list provides additional detail on the specific request made by each District Attorney at the Fiscal 2018 Preliminary Budget hearing:

Richmond County District Attorney

- \$250,000 - Programming for victims of domestic violence with substance abuse disorders.
- \$325,000 - Create a domestic violence compliant room.
- \$100,000 - Develop a needs and impact study for a community court.
- \$115,000 - Create an immigrant affairs unit.
- \$425,000 - Create a conviction integrity review unit.
- \$160,000 - Expand the economic crimes unit.
- \$150,000 - Additional information technology staff.

New York County District Attorney

- \$675,000 - Concerns of potential loss in federal funding from two federal grant program.

Queens County District Attorney

- \$3.8 million - Capital funding for network infrastructure.
- \$1.2 million - Assistant district attorney recruitment and retention.

Brooklyn County District Attorney

- \$425,000 - To maintain support for the young adult court.

Bronx County District Attorney

- \$1.1 million - OTPS budget increase.
- \$250,000 - Technology audit.

HealingNYC and Opioids

In March 2017 the Administration announced the launch of a new initiative to combat the opioid epidemic. HealingNYC is comprehensive multiagency effort to reduce opioid overdose deaths by 35 percent over the next five years. While this initiative provided funding across many city agencies in the Executive Budget, the District Attorneys did not receive additional funding. However, it is conceivable that the DAs and OSNP could require additional resources beyond what each officers have already received, if their caseload increases from prosecuting more opioid cases.

Raise the Age

Passed by the New York State Legislature in April, the Raise the Age legislation changed how New York State deals with 16-and 17-year old defendants. The legislation will divert the majority of those cases directly to Family Court or to judges with access to social services and special training. While the New York State budget included \$135 million for Raise the Age, it is unclear if the District Attorneys will receive additional funding. However, the Raise the Age legislation will likely affect the DAs and OSNP daily operations, thus resulting in potential future funding shifts. They could prosecute fewer cases as 16 and 17 year olds are transferred to the Family Court and new youth courts.

Rikers Island

In April 2017, the City Council and the Administration announced their support to close Rikers Island. Additionally, the Independent Commission of New York City Criminal Justice, studying Rikers Island, announced recommendations for not only an overhaul of the City's physical jail structure, but also the criminal justice system. While no funding has been provided to the DAs or OSNP, the DAs and OSNP will play a crucial role in reforming the criminal justice system, thus resulting in potential future funding requests.

Appendix 1: Fiscal 2018 Budget Actions since Fiscal 2017 Adoption

<i>Dollars in Thousands</i>	FY 2017			FY 2018		
	City	Non-City	Total	City	Non-City	Total
DA and SNP as of the Adopted 2017 Plan	\$355,500	\$13,953	\$369,453	\$358,627	\$13,953	\$372,580
New Needs – Nov and Prelim. 2018						
	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal, New Needs	\$0	\$0	\$0	\$0	\$0	\$0
Other Adjustments – Nov and Prelim. 2018						
New York County District Attorney 901						
AID TO PROSECUTION	\$0	(\$35)	(\$35)	\$0	\$0	\$0
Anti-Violence Innovation Challenge	200	0	200	200	0	200
CARP REVENUE PROGRAM	0	3,211	3,211	0	0	0
COMMUNITY PARTNERSHIP	0	57	57	0	0	0
DANY STATE FORFEITURE FUNDS	0	6,280	6,280	0	0	0
FY17 FEMA FUNDS	0	3,777	3,777	0	0	0
Revenue Agreement	963	0	963	0	0	0
Various non-city changes	0	8,229	8,229	0	0	0
Bronx County District Attorney 902						
Various non-city changes	\$0	\$1,658	\$1,658	\$0	\$0	\$0
Anti-Violence Challenge	200	0	200	200	0	200
L1180 Admin Manager (NM) CBA	1	0	1	0	0	0
Various non-city changes	0	838	838	6	0	6
Kings County District Attorney 903						
Anti-Violence Innovation Challenge	\$200	\$0	\$200	\$200	\$0	\$200
L1180 Admin Manager (NM) CBA	29	0	29	8	0	8
Member Item Reallocation	80	0	80	0	0	0
Revenue Agreement	594	0	594	0	0	0
Various non-city changes	0	2,792	2,792	0	0	0
QCDA 904						
Anti-Violence Innovation Challenge	\$200	\$0	\$200	\$200	\$0	\$200
L1180 Admin Manager (NM) CBA	10	0	10	3	0	3
Member Item Reallocation	55	0	55	0	0	0
Revenue Agreement	647	0	647	0	0	0
Various non-city changes	0	2,045	2,045	0	0	0
Richmond County District Attorney 905						
Anti-Violence Innovation Challenge	200	0	200	200	0	200
Revenue Agreement	7	0	7	0	0	0
Summons Day	0	50	50	0	0	0
Subtotal, Other Adjustments	\$3,387	\$28,903	\$32,289	\$1,017	\$0	\$1,017
TOTAL, All Changes Prelim. 2018	\$3,387	\$28,903	\$32,289	\$1,017	\$0	\$1,017
DA and SNP Budget as of the Preliminary 2018 Plan	\$358,887	\$42,856	\$401,742	\$359,644	\$13,953	\$373,597
New Needs - Exec. 2018						
	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal, New Needs	\$0	\$0	\$0	\$0	\$0	\$0
Other Adjustments - Exec. 2018						
New York County District Attorney 901						
CBA Laborers	\$23		\$23	\$24		\$24
DA PARTIAL REIMBURSEMENT	0	(2)	(2)	0	0	0
Heat, Light and Power	(52)		(52)	(15)	0	(15)
JUSTICE ASSISTANCE GRANT 2015	0	1	1	0	0	0
JUSTICE ASSISTANCE GRANT 2016	0	282	282	0	0	0
Lease Adjustment	0	0	0	100	0	100
OCDV BC Transfer DANY Put Up	0	0	0	0	154	154
OCDV BC Transfer DANY Takedown	0	0	0	0	(154)	(154)
VAWA	0	80	80	0	0	0
Victim Witness - FED	0	276	276	0	0	0

<i>Dollars in Thousands</i>	FY 2017			FY 2018		
	City	Non-City	Total	City	Non-City	Total
Victim Witness - State	\$0	\$69	\$69	\$0	\$0	\$0
Bronx County District Attorney 902						
ADD FUNDS TO BUDGET CODE 0321	\$0	\$7	\$7	\$0	\$0	\$0
ADD FUNDS TO BUDGET CODE 0433	0	160	160	0	0	0
ADD PS FUNDS FOR B/C 0321	0	18	18	0	0	0
ADD PS&OTPS FUNDS FOR B/C 0387	0	76	76	0	0	0
ADD PS&OTPS FUNDS TO B/C 0320	0	61	61	6	0	6
Heat, Light and Power	(25)	0	(25)	0	0	0
Kings County District Attorney 903						
Barrier Free Justice	\$0	\$26	\$26	\$0	\$0	\$0
CARP budget	0	385	385	0	0	0
Heat, Light and Power	(175)	0	(175)	(56)	0	(56)
Lease Adjustment	0	0	0	28	0	28
Legislative Initiative DV	0	50	50	0	0	0
Motor Vehicle	0	119	119	0	0	0
OTPS put up - Project Shield	0	1	1	0	0	0
OVS Model office equip	0	(2)	(2)	0	0	0
Project SAVE	0	25	25	0	0	0
Project Shield	0	31	31	0	0	0
Shield YAI OTPS funds	0	0	0	0	0	0
Queens County District Attorney 904						
Heat, Light and Power	(\$1)	\$0	(\$1)	\$4	\$0	\$4
JAG-BYRNE FFY15	0	242	242	0	0	0
Language Line for Queens FJC	0	25	25	0	0	0
OCDV BC Transfer QCDA Put Up	0	0	0	0	176	176
OCDV BC Transfer QCDA Takedown	0	0	0	0	(176)	(176)
Richmond County District Attorney 905						
Byrne JAG	\$0	\$50	\$50	\$0	\$0	\$0
FY17 CARP	0	123	123	0	0	0
Heat, Light and Power	(15)	0	(15)	0	0	0
HOPE Program	0	100	100	0	0	0
Member item reallocation.	28	0	28	0	0	0
OVS VOCA Grant	0	24	24	0	0	0
STOP DWI	0	129	129	0	0	0
VAWA 2016	0	40	40	0	0	0
Subtotal, Other Adjustments	(\$217)	\$2,397	\$2,180	\$91	\$0	\$91
TOTAL, All Changes - Exec. 2018	(\$217)	\$2,397	\$2,180	\$91	\$0	\$91
DA and SNP Budget as of the Fiscal 2018 Executive Plan	\$358,669	\$45,253	\$403,922	\$359,735	\$13,953	\$373,688

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