



New York City Council

Christine C. Quinn, Speaker

Finance Division

Preston Niblack, Director

Jeffrey Rodus, First Deputy Director

Hearing on the Mayor's Fiscal Year 2012 Executive Budget

District Attorneys/Special Narcotics Prosecutor

May 18, 2011

The Committee on Finance

Hon. Domenic M. Recchia, Jr., Chair

The Committee on Public Safety

Hon. Peter F. Vallone, Jr., Chair

Andy Grossman, Deputy Director

Lionel Francois, Legislative Financial Analyst

Overview

The five District Attorneys (DA's) enforce the provisions of the penal law and all other criminal statutes, which include the initial screening of new cases, preparation of hearings, gathering of resources for hearings, and presentation of cases in court for trial and appeal. The Office of the Special Narcotics Prosecutor (OSNP) enforces the provisions of the penal law relative to felony narcotics and predicate felony cases by the investigation of complaints, preparation of indictments, and trial of defendants indicted on felony narcotics charges.

District Attorneys/Special Narcotics Prosecutor

Dollars in Thousands

	2009 Actual	2010 Actual	2011 Adopted	2011 Exec. Plan	2012 Exec. Plan	Difference 2011-2012*
Spending						
Personal Services	\$267,178	\$283,049	\$241,174	\$264,168	\$237,575	(\$3,599)
Other Than Personal Services	36,234	35,052	33,291	38,900	33,721	430
Table Total	\$303,412	\$318,102	\$274,465	\$303,068	\$271,296	(\$3,169)
Spending						
DA-Bronx	\$50,463	\$52,008	\$47,160	\$50,848	\$47,505	\$345
DA-Kings	84,282	87,306	77,821	83,169	77,060	(761)
DA-New York	96,919	102,837	78,909	92,731	76,520	(2,389)
DA-Queens	45,764	48,845	45,738	49,638	46,211	473
DA-Richmond	8,305	8,599	7,695	8,445	7,672	(23)
OSNP	17,679	18,507	17,144	18,237	16,328	(816)
Table Total	\$303,412	\$318,102	\$274,465	\$303,068	\$271,296	(\$3,169)
Funding						
City Funds	N/A	N/A	\$258,658	\$263,226	\$256,958	(\$1,700)
<i>Memo: Council Funds</i>	N/A	N/A	2,100			
Other Categorical	N/A	N/A	0	3,730	0	0
State	N/A	N/A	12,050	23,883	12,050	(0)
Federal - Other	N/A	N/A	2,520	10,073	1,051	(1,469)
Intra City	N/A	N/A	1,237	2,156	1,237	0
Total	\$303,412	\$318,102	\$274,465	\$303,068	\$271,296	(\$3,169)
Headcount						
Full-Time Salaried	3,923	3,911	3,427	3,322	3,330	(97)

*Difference refers to the variance between the Fiscal 2011 Adopted Budget and the Projected Fiscal 2012 Budget.

The Fiscal 2012 Executive Budget reflects a \$3.2-million net decrease when compared to the Fiscal 2011 Adopted Budget for the Prosecutors. This decrease can be largely attributed to PEG reductions from the 2010 November Plan as well as a reduction in the value of federal grants in the budgets of the Prosecutors.

Fiscal 2012 Executive Budget Actions & Highlights

- ☑ **No PEG Program.** The Prosecutors have no Executive Plan PEGs for Fiscal 2012.
- ☑ **Executive Budget Provides “Workload Funding.”** The Executive Plan provides additional City funding for the budgets of four of the DA offices to properly account for their respective “workload” burdens (*see chart below*). This action represents an initial step toward addressing longstanding complaints from some of the District Attorneys that funding is not apportioned among them in a way that reflects their actual needs. Currently these “Workload Funding” supplements are only budgeted for Fiscal 2012 but, according to OMB, they will become part of the DAs’ baseline budgets in the Adopted Plan. The formula for allocating these funds was designed by the Criminal Justice Coordinator (CJC) using the following criteria: Caseload (80%); Homicides (10%); Proactive Investigations (5%); and Efficiency Measures (5%). The CJC analysis is not final. The Council has stressed to both the CJC and OMB that it expects whatever changes emanate from the final CJC analysis to be implemented with the Adoption of the Fiscal 2012 Budget.

<i>(in 000's)</i>	Preliminary Budget	Workload Funding	Other Changes	Executive Budget
New York	\$75,959	\$ -	\$ 561	\$76,520
Bronx	45,386	2,122	(3)	47,505
Brooklyn	74,335	2,608	117	77,060
Queens	44,246	1,615	350	46,211
Staten Island	7,357	322	(7)	7,672
OSPN	16,328	-	-	16,328
Totals	\$263,611	\$6,667	\$1,018	\$271,296

- ☑ **State Budget Alters Deferred Prosecution Revenue Formula.** A change in the State legislation governing the distribution of deferred prosecution revenues was enacted into law as part of the State budget for State Fiscal Year 2011-2012. Instead of allowing the prosecutor’s office generating the revenue to keep up to 10% of the first \$25 million in total revenues generated, 7.5% of the next \$25 million, 5% of the next \$50 million and 1% of any revenues generated in excess of \$100 million *in a single year* (the previous distribution scheme), the amended law would allow the prosecutor’s office to follow this scheme *in each individual case*. The change is expected to allow each office to retain a larger share of the revenues it generates – which is expected to particularly benefit the Manhattan DA.
- ☑ **No New Revenue Agreement.** The February Plan included final Fiscal 2010 Revenue Agreement funding allocations totaling approximately \$6.5 million. These followed initial allocations made in the Fiscal 2011 Executive Plan. A new revenue agreement for Fiscal 2011 and future years is not expected until the CJC’s workload analysis is completed.

☑ Federal Stimulus Funding Declining. The sum of \$5.2 million in federal Stimulus funding flowing from the American Recovery and Reinvestment Act (ARRA) will support the operations of the City’s prosecutors over several years, but is diminishing rapidly beginning in 2012. These funds include approximately \$1.3 million in Fiscal 2010, \$2.7 million in Fiscal 2011, \$1.1 million in Fiscal 2012, and \$111,000 in Fiscal 2013.

Budget Actions in the Executive Plan

Description	Fiscal 2011			Fiscal 2012		
	City	Non-City	Total	City	Non-City	Total
Agency Budget as per the February 2011 Plan	\$263,079	\$30,998	\$294,078	\$249,273	\$14,338	\$263,611
Program to Eliminate the Gap (PEGs)						
None	\$0		\$0	\$0		\$0
Total PEGs	\$0	\$0	\$0	\$0	\$0	\$0
New Needs						
None			\$0			\$0
Total New Needs	\$0	\$0	\$0	\$0	\$0	\$0
Other Adjustments						
Workload Funding – Bronx	\$0	\$0	\$0	\$2,122	\$0	\$2,122
Workload Funding – Brooklyn	0	0	0	2,608	0	2,608
Workload Funding – Queens	0	0	0	1,615	0	1,615
Workload Funding - Staten Island	0	0	0	322	0	322
Heat, Light and Power	147	0	147	85	0	85
Lease Adjustment	0	0	0	933	0	933
Federal Adjustments	0	950	950	0	0	0
State Adjustments	0	6,840	6,840	0	0	0
Other Categorical Adjustments	0	600	600	0	0	0
Intra-City Adjustments	0	455	455	0	0	0
Total Other Adjustments	\$147	\$8,845	\$8,992	\$7,685	\$0	\$7,685
PEG Restorations and Substitutions (PRS)						
None			\$0			
Total PEG Restorations and Substitutions (PRS)	\$0	\$0	\$0	\$0	\$0	\$0
Total Executive Plan Budget Changes	\$147	\$8,845	\$8,992	\$7,685	\$0	\$7,685
Agency Budget as per the Executive 2012 Plan	\$263,226	\$39,842	\$303,068	\$256,958	\$14,338	\$271,296

Council Funding

To supplement the Fiscal 2011 budgets of the City’s prosecutors, the City Council provided these agencies with the sum of \$2.1 million at Budget Adoption. These amounts were provided at the prosecutors’ request to partially restore budget reductions made over the past several financial plans. The supplemental appropriations have enabled the DAs and Special Narcotics Prosecutor to better perform many core and discretionary programs. The \$2.1 million sum was also supplemented by a \$5.9-million enhancement by OMB.

FY 2011 Council Changes

Dollars in Thousands

Budgetary Supplement	\$2,100
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DA - New York	2009	2010	2011		2012	Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	Exec. Plan	Exec. Plan	2011-2012
Spending						
Personal Services	\$86,824	\$93,763	\$72,157	\$82,345	\$69,338	(\$2,819)
Other Than Personal Services	10,095	9,075	6,752	10,386	7,182	430
TOTAL	\$96,919	\$102,837	\$78,909	\$92,731	\$76,520	(\$2,389)
Funding						
City Funds	N/A	N/A	\$74,421	\$77,490	\$72,465	(\$1,956)
Federal – Other	N/A	N/A	432	1,842	0	(432)
Intra City	N/A	N/A	655	1,110	655	0
Other Categorical	N/A	N/A	0	3,600	0	0
State	N/A	N/A	3,400	8,689	3,400	(0)
Total	\$96,919	\$102,837	\$78,909	\$92,731	\$76,520	(\$2,389)
Headcount						
Full-Time Salaried	1,211	1,233	1,004	969	975	(29)
DA – Bronx						
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	Exec. Plan	Exec. Plan	Difference
Spending						
Personal Services	\$47,294	\$49,285	\$44,755	\$48,200	\$45,210	\$455
Other Than Personal Services	3,169	2,724	2,405	2,648	2,295	(110)
TOTAL	\$50,463	\$52,008	\$47,160	\$50,848	\$47,505	\$345
Funding						
City Funds	N/A	N/A	\$43,594	\$44,624	\$43,828	\$234
Federal – Other	N/A	N/A	331	1,488	442	111
Intra City	N/A	N/A	582	582	582	0
Other Categorical	N/A	N/A	0	71	0	0
State	N/A	N/A	2,653	4,083	2,653	0
Total	\$50,463	\$52,008	\$47,160	\$50,848	\$47,505	\$345
Headcount						
Full-Time Salaried	797	787	711	692	696	(15)
DA – Kings						
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	Exec. Plan	Exec. Plan	Difference
Spending						
Personal Services	\$68,387	\$71,692	\$62,792	\$66,975	\$62,113	(\$679)
Other Than Personal Services	15,894	15,614	15,028	16,194	14,947	(\$81)
TOTAL	\$84,282	\$87,306	\$77,821	\$83,169	\$77,060	(\$761)
Funding						
City Funds	N/A	N/A	\$73,888	\$73,788	\$73,949	\$61
Federal - Other	N/A	N/A	821	3,476	0	(821)
Intra City	N/A	N/A	0	464	0	0
State	N/A	N/A	3,111	5,441	3,111	(0)
Total	\$84,282	\$87,306	\$77,821	\$83,169	\$77,060	(\$761)
Headcount						
Full-Time Salaried	1,023	1,020	923	894	891	(32)

DA - Queens	2009	2010	2011		2012	Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	Exec. Plan	Exec. Plan	2011-2012
Spending						
Personal Services	\$40,175	\$42,528	\$37,899	\$41,358	\$38,137	\$238
Other Than Personal Services	5,589	6,317	7,839	8,280	8,074	235
TOTAL	\$45,764	\$48,845	\$45,738	\$49,638	\$46,211	\$473
Funding						
City Funds	N/A	N/A	\$43,691	\$43,787	\$44,164	\$473
Federal - Other	N/A	N/A	460	1,825	460	0
Other Categorical	N/A	N/A	0	59	0	0
State	N/A	N/A	1,587	3,967	1,587	(0)
Total	\$45,764	\$48,845	\$45,738	\$49,638	\$46,211	\$473
Headcount						
Full-Time Salaried	591	575	517	503	507	(10)
DA - Richmond						
<i>Dollars in Thousands</i>	2009	2010	2011		2012	Difference
	Actual	Actual	Adopted	Exec. Plan	Exec. Plan	2011-2012
Spending						
Personal Services	\$7,308	\$7,815	\$6,884	\$7,510	\$6,895	\$11
Other Than Personal Services	997	783	810	935	777	(33)
TOTAL	\$8,305	\$8,599	\$7,695	\$8,445	\$7,672	(\$23)
Funding						
City Funds	N/A	N/A	\$7,374	\$7,551	\$7,351	(\$23)
Federal - Other	N/A	N/A	149	343	149	0
State	N/A	N/A	172	551	172	0
Total	\$8,305	\$8,599	\$7,695	\$8,445	\$7,672	(\$23)
Headcount						
Full-Time Salaried	95	94	92	89	89	(3)
Special Narcotics Prosecutor						
<i>Dollars in Thousands</i>	2009	2010	2011		2012	Difference
	Actual	Actual	Adopted	Exec. Plan	Exec. Plan	2011-2012
Spending						
Personal Services	\$17,190	\$17,966	\$16,687	\$17,780	\$15,882	(\$805)
Other Than Personal Services	488	541	457	457	446	(11)
TOTAL	\$17,678	\$18,507	\$17,144	\$18,237	\$16,328	(\$816)
Funding						
City Funds	N/A	N/A	\$15,689	\$15,986	\$15,201	(\$488)
Federal - Other	N/A	N/A	328	1,099	0	(328)
State	N/A	N/A	1,127	1,152	1,127	0
Total	\$17,678	\$18,507	\$17,144	\$18,237	\$16,328	(\$816)
Headcount						
Full-Time Salaried	206	202	180	175	172	(8)

Appendix A: Budget Actions in the November and February Plans

Description	Fiscal 2011			Fiscal 2012		
	City	Non-City	Total	City	Non-City	Total
Agency Budget as per June 2010 Plan	\$258,657	\$15,808	\$274,465	\$252,369	\$14,338	\$266,707
Program to Eliminate the Gap (PEGs)						
Budget Reduction (Nov.)	(\$2,742)		(\$2,742)	(\$3,918)		(\$3,918)
Total PEGs	(\$2,742)	\$0	(\$2,742)	(\$3,918)	\$0	(\$3,918)
New Needs						
None			\$0			\$0
Total New Needs	\$0	\$0	\$0	\$0	\$0	\$0
Other Adjustments						
State Grants (Nov.)		\$2,985	\$2,985			\$0
Federal Grants (Nov.)		3,165	3,165			0
Categorical Grants (Nov.)		2,116	2,116			0
Fringe Benefits Adj. (Nov.)	554		554	821		821
State Grants (Feb.)		2,008	2,008			0
Federal Grants (Feb.)		3,439	3,439			0
Categorical Grants (Feb.)		1,014	1,014			0
Intra-City Transfers		464	464			0
Revenue Agreement Funding	6,538		6,538			0
Detective Investigator's Assn. Full-Time Release Position	71					
Total Other Adjustments	\$7,163	\$15,191	\$22,283	\$821	\$0	\$821
PEG Restorations and Substitutions (PRS)						
none			\$0			
Total PEG Restorations and Substitutions (PRS)	\$0	\$0	\$0	\$0	\$0	\$0
Total January Plan Budget Changes	\$4,421	\$15,191	\$19,542	(\$3,097)	\$0	(\$3,097)
Agency Budget as per the February 2011 Plan	\$263,079	\$30,998	\$294,078	\$249,273	\$14,338	\$263,611