

THE COUNCIL OF THE CITY OF NEW YORK

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Chair, Justice System Committee



Report to the Committee on Finance and the Committee on Justice System
on the Fiscal 2019 Executive Budget for

Mayor's Office of Criminal Justice

May 14, 2018

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Mayor’s Office of Criminal Justice Executive Budget Overview

Fiscal 2019 Executive Budget

- \$6.2 million
- 31 budgeted positions
- 46% PS funded

Fiscal 2018-2022 Courts Capital Plan

- \$1.2 billion
- 30 budget lines
- 121 project lines

New Needs

Indigent Defense Providers

- Additional Funding for Assigned Counsel Plan (18B) - \$13.8 million
- Indigent Defense for Homicide Cases-\$12.5 million
- Indigent Defense for Non-Homicide Cases-\$7.8 million

Additional New Needs

- Supervised Release Expansion-\$1 million
- CMS Mobile Trauma Response Units-\$1.8 million
- HealingNYC-\$698,561

Crisis Management System Expansion

- \$3.9 million for four new catchment sites
- \$200,000 for public safety coalition
- \$1.8 million for mobile trauma unit

Fiscal 2019 Council’s Budget Response

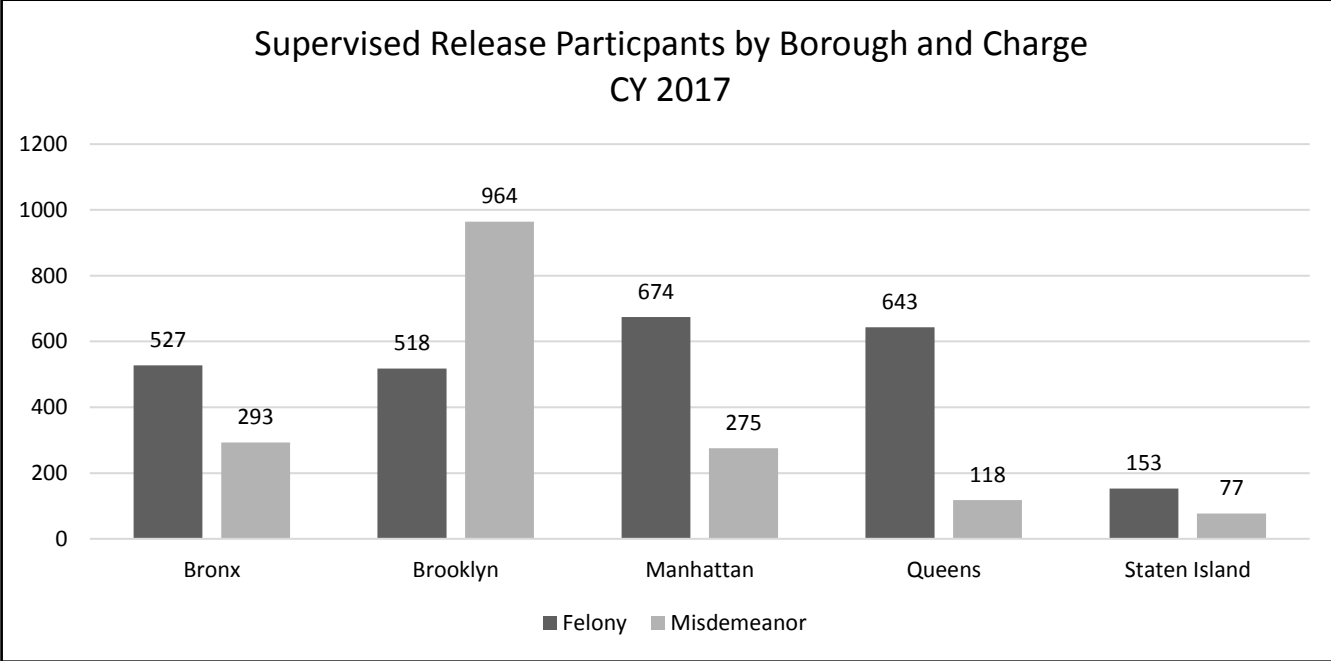
- Support the seven indigent defense providers

Not Included

- Additional \$100 million to cover service enhancements included in the new trial-level indigent defense contract

Included

- Additional \$10 million to cover operating deficits



Mayor’s Office of Criminal Justice Budget Overview

The Mayor’s Office of Criminal Justice (MOCJ or the office) facilitates cooperation and partnerships among the agencies and actors involved in crime-fighting and criminal justice in New York City. MOCJ serves as a liaison between the Police Department (NYPD), the Departments of Correction (DOC) and Probation (DOP), the five District Attorneys’ offices, the Office of the Special Narcotics Prosecutor, the courts, and other agencies to help coordinate consistent citywide policy on criminal justice issues. MOCJ also advises the Mayor on criminal justice matters and is responsible for developing and implementing policies, legislation, and strategies in the fields of public safety and criminal justice.

This report provides an overview of the Fiscal 2019 Executive Budget for the Mayor’s Office of Criminal Justice. Followed by a review of the proposed capital budget for the courts with a discussion of significant changes proposed to the \$1.2 billion Executive Capital Commitment Plan for Fiscal 2018-2022. For additional information on MOCJs’ budget and its various programs, please refer to the report on the Fiscal 2019 Preliminary Budget available at: <http://council.nyc.gov/budget/>

Mayor's Office of Criminal Justice - Expense Budget (002)				
<i>Dollars in Thousands</i>	2018	Executive Plan		*Difference
	Adopted	2018	2019	2018-2019
Personal Services	\$2,887	\$4,526	\$2,820	(\$67)
Other Than Personal Services	3,337	6,243	3,337	0
TOTAL	\$6,224	\$10,769	\$6,157	(\$67)
Budgeted Headcount				
Full-Time Positions – Civilian	31	71	31	0
TOTAL	31	71	31	0

**The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Executive Budget.*

The operating budget for the Mayor’s Office of Criminal Justice is part of the Mayor’s budget in units of appropriation (050 and 051) for criminal justice programs. The Fiscal 2019 Executive Budget for MOCJ totals \$6.2 million with a budgeted headcount of 31 positions. MOCJ’s Fiscal 2019 Executive Budget, remains essentially unchanged when compared to the Fiscal 2019 Adopted Budget. However, MOCJ’s Fiscal 2018 Budget as of the Fiscal 2019 Executive Plan increases by \$4.6 million when compared to the Fiscal 2018 Adopted Budget, largely due to the recognition of federal funding.

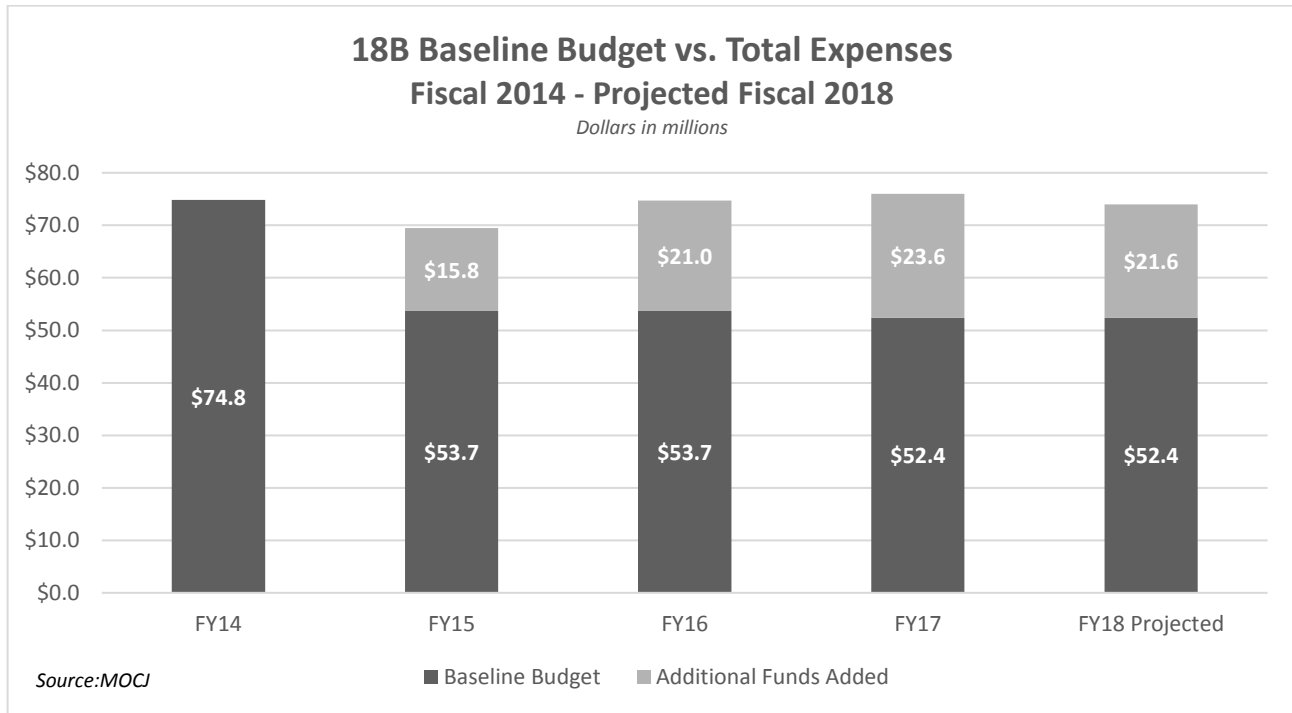
New in the Executive Budget

Indigent Defense

The Fiscal 2019 Executive Budget includes additional funding for the indigent defense service providers. However, as the MOCJ is currently engaged in contract negotiations, further detail on additional at the time of this report remains limited, such as a breakout of funding by provider.

- **Indigent Defense for non-homicide cases.** The Fiscal 2019 Executive Budget includes \$7.8 million in Fiscal 2019 and in the outyears. The additional funding will reduce the workload of the primary attorneys for each non-homicide case by enhancing support for staff.
- **Indigent Defense for homicide cases.** The Fiscal 2019 Executive Budget includes \$12.5 million in Fiscal 2019 and increasing to \$19 million in Fiscal 2020. Funding will cover the homicide startup phase during the first six months of homicide representation from January 2019 to June 2019. The funding will support start-up costs for the program, homicide attorneys, supervisors, investigators, social workers, case costs such as experts, support staff, and operational overhead.

- Additional Funding for Assigned Counsel Plan (18B).** The Fiscal 2019 Executive Budget includes one-time funding of \$13.8 million in Fiscal 2018 to cover reimbursement vouchers on an individual basis. The chart below displays the 18B baseline budget compared to total expenses from Fiscal 2014 to Fiscal 2018.



- HealingNYC.** In March 2018, the Administration announced an additional \$22 million across the District Attorneys, the Department of Mental Health and Hygiene, and the Mayor’s Office of Criminal Justice to combat the opioid epidemic. The Fiscal 2019 Executive Budget includes \$698,561 in Fiscal 2019 and baseline funding of \$656,238 beginning in Fiscal 2020 for HealingNYC. This funding will support a court provider to work with the Bronx DA on implementing a modified version of the HOPE (Heroin Overdose Prevention and Education) program for the Bronx. The HOPE program connects people arrested for misdemeanor drug possession with community-based overdose prevention and treatment services.
- Crisis Management System (CMS) Mobile Trauma Unit.** The Crisis Management System, piloted by the City Council in Fiscal 2013, delivers a multi-agency approach to reduce gun violence in New York City. The Council and Administration fund 18 distinct catchment areas within 17 police precincts in Fiscal 2018. The Fiscal 2019 Executive Budget includes \$1.8 million in Fiscal 2019 and decreasing to \$875,000 in the outyears for five trauma units. The cost per trauma unit is \$350,000 in Fiscal 2019 and the cost per unit decreases in the outyears to \$175,000. The mobile trauma units will respond to shooting incidents and would not be limited to the 18 catchment areas. The providers by borough and precinct are below.

Borough	Organization/Provider	NYPD Precinct
Bronx	Bronx Connect Urban Youth Alliance	44th
Brooklyn	Crown Heights SOS/Center for Court Innovation	77th
Manhattan	Street Corner Resources	32nd
Queens	Life Camp	113th
Staten Island	True 2 Life/Central Family Life Center	120th

Budget Issues

The following section provides issues and concerns as it pertains to MOCJ and legal service providers.

Fiscal 2019 Preliminary Budget Response

In the Fiscal 2019 Preliminary Budget Response, the Council called upon the Administration to ensure that the new contract for indigent defense provides sufficient funding. The indigent defense providers requested \$10 million to cover operating deficits through December 2018. These providers also requested an additional \$100 million to cover service enhancements included in the new trial-level indigent defense contract anticipated to start in January 2019. The request for proposal for indigent defense requires more wrap around services, such as social workers and immigration specialists.

Included

- An additional funding to cover operating deficits for indigent defense providers.

Not included

- Additional \$100 million cover service enhancements included in the new trial-level indigent defense contract anticipated to start in January 2019.

Other Budget Issues

Close Rikers Island. While, there direct budget actions for closing Rikers Island. MOCJ's budget does include additional funding for programs that impact the closing of Rikers Island. As MOCJ is the coordinator for closing Rikers Island. The Council will continue to monitor its budget and other programs related to closing Rikers Island.

District Attorney Funding Analysis. In the Preliminary Budget Response, the Council called upon the Administration to review the issue of salary parity across the District Attorneys. While, additional funding would not directly affect MOCJ's budget, MOCJ is a coordinating agency and works with the DAs on a variety of issues. Furthermore, while, this is not included in the Fiscal 2019 Executive Budget the Council will continue to urge the Administration to review the District Attorneys baseline budgets.

Courts Overview

MOCJ is responsible for assisting with the maintenance of the New York City 29 court facilities, which include civil, criminal, family, housing, small claims, supreme and surrogate courts. Pursuant to New York State Law, localities bear the responsibility of providing adequate, functional and sufficient court facilities. Oversight includes contracting capital projects for work done in any New York City Court Facilities. The State and City agencies who manage the operational and programmatic activities in the courthouse include the Office of Court Administration (OCA) - the administrative arm of the New York State court system, OMB, MOCJ and the Department of Citywide Administrative Services (DCAS).

To meet the current and emerging needs of the City's court facilities, MOCJ and OCA manage the infrastructure improvements and upgrading of courthouse facilities throughout New York City. DCAS' Asset Management Division is responsible for managing the maintenance staff who work in the courts and some capital projects. Depending on the scope of work, DCAS, the Department of Design and Construction DDC (the City's primary capital construction project manager) or the Dormitory Authority of the State of New York (DASNY), New York State's facilities finance and construction authority manages projects.

Courts Financial Plan Summary

The Department of Citywide Administrative Services (DCAS) is responsible for cleaning and maintaining all the City's courts. DCAS' budget includes a U/A pair for asset management – public facilities. The Courts Financial Summary below provides an overview of the portions of DCAS' budget used for court maintenance, disaggregated by Appellate Courts and Unified Courts System. The table below provides an overview of DCAS' actual expenditures for Fiscal 2016 and Fiscal 2017, the Adopted Budget for Fiscal 2018, and planned expenditures for Fiscal 2018 and Fiscal 2019 as proposed in the Fiscal 2019 Executive Plan.

Courts Maintenance Financial Summary						
	Actual	Actual	Adopted	Executive Plan		*Difference
<i>Dollars in Thousands</i>	FY16	FY17	FY18	FY18	FY19	2018 - 2019
Spending						
Appellate Courts						
Personal Services	\$1,610	\$1,343	\$1,752	\$1,752	\$1,752	\$0
Other Than Personal Services	23,184	24,660	26,150	26,307	26,703	\$553
Subtotal	\$24,794	\$26,003	\$27,902	\$28,059	\$28,455	\$553
Unified Court System						
Personal Services	\$46,117	\$41,377	\$43,669	\$43,827	\$43,933	\$264
Other Than Personal Services	2,409	2,353	0	2,917	0	0
Subtotal	\$48,526	\$43,730	\$43,669	\$44,744	\$43,933	\$263
TOTAL	\$73,320	\$69,733	\$71,571	\$72,803	\$72,388	\$817
Funding						
City Funds	\$0	\$16,916	\$17,662	\$17,662	\$18,109	\$447
State	73,320	52,817	53,910	57,141	54,279	369
TOTAL	\$73,320	\$69,733	\$71,571	\$72,803	\$72,388	\$817
Budgeted Headcount						
Appellate Courts	19	18	18	18	18	0
Unified Court System	608	624	642	624	624	0
TOTAL	627	642	642	642	642	0

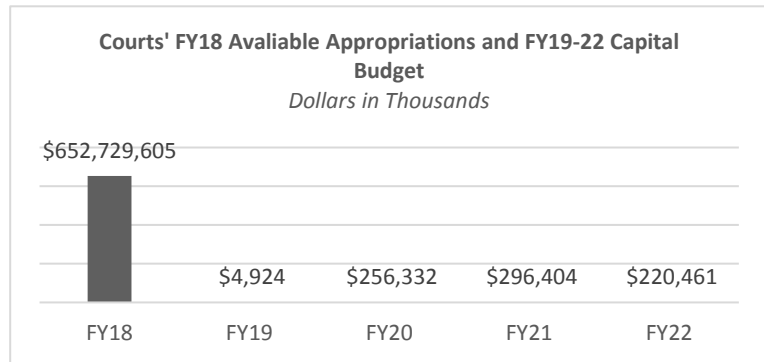
*The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Executive Budget.

The Fiscal 2019 Executive Budget remains nearly unchanged since the Fiscal 2018 Adopted Budget. The Fiscal 2019 Executive Budget increases slightly by approximately \$817,000, primarily due to an increase in lease payments.

Capital Budget Summary

Fiscal 2019 Executive Capital Budget and Commitment Plan for Fiscal 2018-2022:

The Courts’ Fiscal 2019 Executive Capital Budget includes \$778.1 million in Fiscal 2019-2022, with \$4.9 million in Fiscal 2019¹, which represents less than one percent of the City’s total \$49.4 billion Capital Budget for 2019-2022. In Fiscal 2018, the Court’s available appropriations total \$652.7 million as of February 28, 2018.



The Fiscal 2019 Executive Capital Commitment Plan includes \$1.2 billion for Fiscal 2018-2022 for Courts (including City and non-City funds). The Executive Commitment Plan for Fiscal 2018-2022 remains nearly unchanged since the Preliminary Commitment Plan.

Generally, the City’s Preliminary Capital Commitment Plan authorizes new or on-going capital projects implemented by budget lines. Appropriations represent the legal authority to spend capital dollars and are what the Council votes on at budget adoption. Budget lines can be associated with individual projects or a collection of similar projects at multiple locations and each budget line includes planned commitments. The Courts’ Capital Commitment Plan contains 30 budget lines. Generally, these budget lines are broken out by court facility and location. Within those 30 budget lines are 123 project lines. Generally, these projects are associated with an individual address or court facility, such as the facility at 100 Centre Street. However, it does contain lump sum project lines for various court facilities, focusing on large-scale projects, such as fire suppression systems.

Courts Fiscal 2018-2022 Capital Commitment Plan: Preliminary and Executive Budget						
Dollars in Thousands						
	FY18	FY19	FY20	FY21	FY22	Total
Preliminary						
Total Capital Plan	\$198,177	\$321,780	\$349,007	\$234,833	\$160,689	\$1,248,337
Executive						
Total Capital Plan	\$139,356	\$156,259	\$393,485	\$341,107	\$234,359	\$1,248,631
Change						
Level	(\$107,355)	(\$160,591)	(\$82,765)	\$332,248	\$18,248	(\$215)
Percentage Change	(18%)	(28%)	(21%)	90%	28%	(0.01%)

Source: OMB

Below are major projects in the Executive Capital Plan for Fiscal 2018-2022.

- Rehabilitation of Various Court Facilities.** The Fiscal 2019 Executive Commitment Plan includes \$610.5 million over the next four years for the rehabilitation of various court facilities through the City. According to OMB, the majority of this funding is allocated for the Staten Island and Manhattan court master plans.

¹ The Capital Budget provides the required appropriations for Fiscal 2019 and planned appropriations for the subsequent three-year capital program. Appropriations represent the legal authority to spend capital dollars and are what the Council votes on at budget adoption.

- **The Office of Court Administration (OCA) Relocation from 141 Livingston Street to 210 Joralemon Street in Brooklyn.** The Fiscal 2019 Executive Commitment Plan includes \$75.8 million over the next four years for OCA's relocation from 141 Livingston Street to 210 Joralemon Street.
- **Electrical Upgrades to Queens Supreme Court.** The Fiscal 2019 Executive Commitment Plan includes \$51 million over the next three years. According to OMB, this project is expected to be completed in February 2023.
- **Upgrade of Fire Protection/Sprinklers to Bronx County Courthouse.** The Fiscal 2019 Executive Commitment Plan includes \$44.9 million over three years for the fire protection and sprinklers upgrade. The sprinkler upgrade is part of compliance with a citywide mandate to update all city-owned buildings.
- **Upgrade of Fire Alarm System and Sprinklers at Kings County Courthouse.** The Fiscal 2019 Executive Commitment Plan includes \$40.4 million in Fiscal 2018 and 2019 for the fire alarm system and sprinklers upgrade. The sprinkler upgrade to comply with a citywide mandate to update all city-owned buildings.
- **DASNY Design and Planning of Brownsville Community Court.** The Fiscal 2019 Executive Commitment Plan includes \$26.2 million for DASNY design and construction for the Brownsville Community Court.
- **Electrical and System Upgrade of the Surrogate Court.** The Fiscal 2019 Preliminary Commitment Plan includes \$19 million over four years for the electrical and system upgrade at the Surrogate Court.