

THE COUNCIL OF THE CITY OF NEW YORK

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

District Attorneys and Special Narcotics Prosecutor

May 14, 2018

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District Attorney Executive Budget Overview

Fiscal 2019 Executive Budget

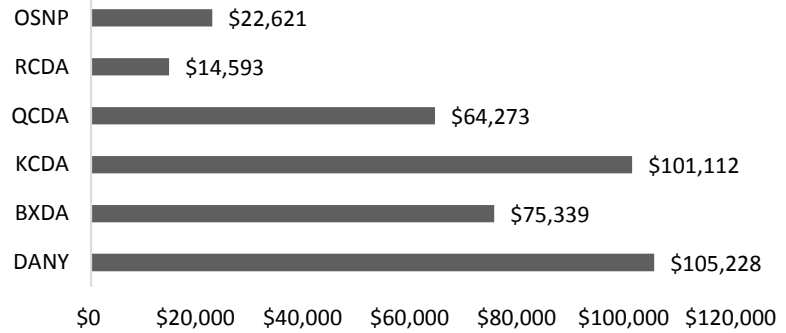
Total \$383.2 million

- 97% City funded
- 88% PS funded

Fiscal 2019 Budgeted Headcount

- DANY - 1,003
- BXDA - 930
- KCDA - 910
- QCDA - 535
- RCDA - 136
- OSNP - 217

Fiscal 2019 Executive Budget \$383.2 million



Council's Fiscal 2019 Budget Response

- Body Worn Cameras - \$2.2 million
- Salary Parity - \$14.8 million
- Remaining Requests
 - KCDA - \$8.8 million
 - BXDA - \$2.5 million
 - QCDA - \$4.5 million
 - RCDA - \$1.2 million
 - OSNP - \$275,000

Fiscal 2019 Executive Budget New Needs

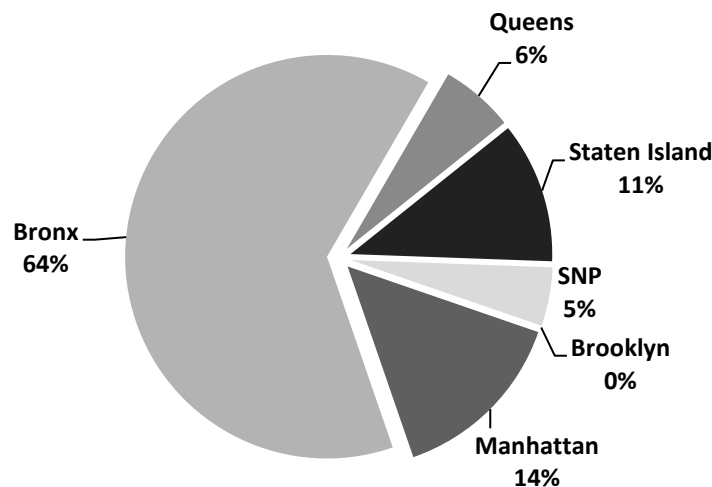
Body Worn Cameras

- DANY-\$613,353
- BXDA-\$1.1 million
- QCDA-\$250,000
- RCDA-\$150,000

Additional New Needs

- BXDA-\$1.6 million
- RCDA-\$330,000
- OSNP-\$200,000

Funded New Needs In the Executive Budget for the DA and OSNP Fiscal 2019: \$4.2 million



District Attorney and Special Narcotics Prosecutor Budget Overview

This report provides an overview of the Fiscal 2019 Executive Budget for the District Attorneys (DA) and Officer of Special Narcotics Prosecutor (OSNP or SNP). The section below presents an overview of the DAs and SNP budgets and how it has changed during the course of Fiscal 2018, followed by a review of the significant budget actions introduced in the Fiscal 2019 Executive Budget. The Fiscal 2019 Preliminary Budget Response is then discussed. Finally, Appendix 1 reports the changes made to the Fiscal 2018 and Fiscal 2019 Budgets since adoption of the Fiscal 2018 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 2019 Preliminary Budget available at: <http://council.nyc.gov/budget/>

The table below provides an overview of the prosecutors' 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 Executive Financial Plan.

District Attorneys and Special Narcotics Prosecutor Financial Summary						
<i>Dollars in Thousands</i>	2016	2017	2018	Executive Plan		*Difference
	Actual	Actual	Adopted	2018	2019	2018 - 2019
Spending						
Personal Services	\$319,008	\$342,668	\$332,299	\$348,524	\$336,974	\$4,675
Other Than Personal Services	40,811	45,570	43,171	56,926	46,191	3,020
TOTAL	\$359,819	\$388,238	\$375,470	\$405,450	\$383,165	\$7,695
Budget by Program Area						
DA-New York	\$109,626	\$116,911	\$104,205	\$125,166	\$105,228	\$1,023
DA-Bronx	61,575	73,639	72,489	75,635	75,339	2,850
DA-Kings	97,047	98,216	98,018	100,659	101,112	3,094
DA-Queens	59,265	62,820	63,844	66,177	64,273	428
DA-Richmond	10,705	14,574	14,521	15,441	14,593	71
OSNP	21,600	22,078	22,392	22,373	22,621	229
TOTAL	\$359,819	\$388,238	\$375,470	\$405,450	\$383,165	\$7,695
Funding						
City Funds			\$361,518	\$365,193	\$370,527	\$9,010
Federal - Other			58	7,032	78	20
Intra City			2,616	2,682	2,325	(291)
Other Categorical			0	79	0	0
State			11,279	30,465	10,235	(1,043)
TOTAL	\$359,819	\$388,238	\$375,470	\$405,450	\$383,165	\$7,695
Budgeted Headcount						
DA-New York	1,396	1,415	989	989	1,003	14
DA-Bronx	843	1,006	877	880	930	53
DA-Kings	1,051	1,055	910	910	910	0
DA-Queens	640	656	530	530	535	5
DA-Richmond	106	143	131	133	136	5
OSNP	202	206	213	213	217	4
TOTAL	4,238	4,481	3,650	3,655	3,731	0

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

The DAs and the OSNP's Fiscal 2019 Executive Budget totals \$383.2 million, which is \$7.7 million more than the Fiscal 2018 Adopted Budget of \$375.5 million. The \$7.7 million increase is due to growth in the PS budget of \$4.7 million and an increase in the OTPS budget of \$3 million. City funds comprise a majority of the \$7.7 million increase to the budget.

The Fiscal 2018 budget for the City's prosecutors as of the Fiscal 2019 Executive Budget is \$405.5 million, an increase of approximately \$30 million or approximately eight percent, since the Fiscal 2018 Adopted Budget. This increase stems primarily from the receipt of approximately \$26.3 million in

non-City funds, primarily State and federal grants. Overall, City funds account for 96.7 percent of the prosecutors Fiscal 2019 Executive Budgets.

Since the adoption of the Fiscal 2018 Budget, several initiatives have impacted both the DAs’ and SNP budgets and headcount for Fiscal 2018 and Fiscal 2019. For Fiscal 2018, these include approximately \$291,000 in new needs and \$7.2 million in other adjustments. For Fiscal 2019, these include \$4.2 million in new needs and \$3.6 million in other adjustments. Combined, the above actions reconcile the DAs and SNP to its current budget of \$405.5 million for Fiscal 2018 and \$383.2 million for Fiscal 2019. (See Appendix 1 for a list of all budget actions since adoption.)

New in the Executive Budget

The table below shows the new needs and headcount increases for the Executive Budget. Of note, the Kings County DA did not receive any new needs or headcount increase in the Executive Budget. However, the Kings County DA expects additional funding to be included in the Adopted Budget for body worn cameras. Of the \$4.2 million added in the Executive Budget for the City’s prosecutors, \$2.2 million or 50.6 percent is allocated for body worn camera (BWC) staff. The section below will discuss the new needs other than BWC funding, while the following section will provide a breakout and detail on body worn camera funding for each office.

New Needs by DA and SNP				
<i>Dollars in Thousands</i>				
	Fiscal 2019		Fiscal 2020	
	Funding	Headcount	Funding	Headcount
DANY	\$613	14	\$649	14
BXDA	\$2,704	50	\$2,704	50
QCDA	\$250	5	\$250	5
RCDA	\$480	3	\$480	3
SNP	\$200	4	\$200	4
Total	\$4,247	76	\$4,283	76

Bronx County District Attorney

- **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 baseline funding of \$499,924 and nine positions in the PS budget for the Overdose Avoidance and Recovery Program (OAR). OAR is a court program designed to divert substance users into treatment without the necessity of pleading guilty to a crime. A combination of assistant district attorneys and clinicians make up the nine additional positions for the OAR program.
- **Trial Preparation Assistants.** The Fiscal 2019 Executive Budget includes baseline funding of \$1.1 million and 26 positions beginning in Fiscal 2019 for trial preparation assistants to support prosecutors in the Bronx. According to the Bronx DA, the additional funding will improve the quality of prosecutions and reduce the number of wrongful convictions.

Richmond County District Attorney

- **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 baseline funding of \$330,000 to support the HOPE (Heroin Overdose Prevention and

Education) program on Staten Island. Funding will support peer navigators that engage will potential eligible program recipients and connect them with the recovery centers for assessment and other services. The total cost to operate this program is approximately \$2 million in Fiscal 2018.

Special Narcotics Prosecutor

- **Trial Preparation Assistants.** The Fiscal 2019 Executive Budget includes \$200,000 and four positions to provide support for attorneys in conducting investigations and to aid in the discovery process to meet expanded disclosure obligations.

Body Worn Camera Funding

The following table shows the breakout of funding and headcount for body worn camera staffing for the DAs. Of note, the Kings County DA did not receive funding for body worn cameras. However, the King County DA expects additional funding to be included in the Adopted Budget for body worn cameras. Furthermore, the distribution of new funding reflects what was requested by each District Attorney based expected volume of body worn camera footage and the number of expected body worn cameras in each borough.

Body Worn Camera Funding				
<i>Dollars in Thousands</i>				
	Fiscal 2019		Fiscal 2020	
	Funding	Headcount	Funding	Headcount
DANY	\$613	14	\$649	14
BXDA	\$1,138	15	\$1,138	15
QCDA	\$250	5	\$250	5
RCDA	\$150	3	\$150	3
Total	\$2,151	37	\$2,187	37

The Fiscal 2019 Executive Budget reflects an increase of \$2.2 million in Fiscal 2019 and in the outyears and 37 positions for four out of five District Attorneys to support the offices as the Police Department deploys body worn cameras citywide. In January 2018, the Police Department announced plans to have all officers performing patrol functions in precincts, transit districts, and housing public service areas equipped with body worn cameras. The proliferation of digital evidence, including officers equipped with body worn cameras is increasing the amount of digital evidence associated with almost every case. The headcount increase for the DAs includes coordinators, digital forensic analysts and supervisors, and information and technology developers and programmers.

Budget Issues

The following section outlines issues and concerns as it pertains to the DAs and SNP Executive Budgets.

Fiscal 2019 Preliminary Budget Response.

In the Fiscal 2019 Preliminary Budget Response, the Council called upon the Administration to fully consider all of the DAs and the OSNP funding requests and to provide \$14.8 million for salary parity across the five DAs. The table below shows each distinctive funding requests the DAs and the OSNP made during the Fiscal 2019 Preliminary Budget hearing. This table is divided into funding requests for body worn cameras, salary parity, and the remaining funding requests made by the DAs and the OSNP.

DA and SNP New Need Requests				
<i>Dollars in Thousands</i>				
	Body Worn Camera Request	Salary Parity Request	Remaining Funding Requests	Total
DANY	\$650	\$3,970	\$0	\$4,620
KCDA	0	1,700	8,804	10,504
BXDA	1,018	6,372	2,456	9,846
QCDA	250	2,500	4,450	7,200
RCDA	250	250	1,185	1,685
SNP	0	0	275	275
Total	\$2,168	\$14,792	\$17,170	\$34,130

The funding requests made by each office varied. The list below shows the various priorities and critical needs not funded in the Fiscal 2019 Executive Budget.

- **Kings County.** The Kings County DA remaining requests total \$8.8 million for salary parity, vertical prosecution staffing, young adult court, the BRAVE program, human trafficking program, and the CLEAR program.
- **Bronx County.** Of the \$2.5 million remaining funding request, the Bronx County DA's funding needs salary parity, human trafficking unit, and witness security and investigations.
- **Richmond County.** The remaining \$1.2 million funding request made by the Richmond County DA, includes support for an immigrant affairs unit, domestic violence complaint rooms, ATI coordinator, salary parity, and a conviction integrity review unit.
- **Queens County.** Of the \$4.5 million remaining request, the Queens County DA's funding needs include salary parity, the criminal court intake bureau staffing, as well, the prescription drug trafficking unit, the human trafficking unit, the economic crimes unit, the civil litigation unit, the property release unit, the animal cruelty unit, the domestic violence bureau programs, and the immigrant affairs unit.

Of the \$34.1 million requested by the City’s prosecutors, \$4.2 million or 12.3 percent was added in the Fiscal 2019 Executive Budget. However, many of the critical budget requests made the by the DAs and SNP were unfunded in this plan, in particular the issue of salary parity. In the Preliminary Budget hearings, each DA outlined the difficulty of hiring and retaining assistant district attorneys, given their pay scales. The chart below shows the amount requested compared to the amount funded in the Executive Budget.

DA and SNP Funding Requests			
<i>Dollars in Thousands</i>			
	Funding Requests	Amount Funded	Unfunded Requests
DANY	\$4,620	\$613	\$4,007
KCDA	\$10,504	\$0	\$10,504
BXDA	\$9,846	\$2,705	\$7,142
QCDA	\$7,200	\$250	\$6,950
RCDA	\$1,685	\$480	\$1,205
SNP	\$275	\$200	\$75
Total	\$34,130	\$4,248	\$29,882

Appendix 1: Fiscal 2019 Budget Actions since Fiscal 2018 Adoption

<i>Dollars in Thousands</i>	FY18			FY19		
	City	Non-City	Total	City	Non-City	Total
DA and SNP Budget as of the Fiscal 2018 Adopted Budget	\$361,517	\$13,953	\$375,470	\$361,367	\$13,953	\$375,320
New Needs						
BXDA Space Build-Out	\$291	\$0	\$291	\$0	\$0	\$0
Subtotal, New Needs	\$291	\$0	\$291	\$0	\$0	\$0
Other Adjustments						
DANY 901						
Other Adjustments	\$1,295	\$19,487	\$20,782	\$0	\$0	\$0
BXDA 902						
Other Adjustments	585	(198)	387	146	0	146
KCDA 903						
Other Adjustments	214	2,076	2,289	0	(2)	(2)
QCDA 904						
Other Adjustments	390	1,282	1,672	0	0	0
RCDA 905						
Other Adjustments	232	356	587	114	0	114
Subtotal, Other Adjustments	\$1,420	\$3,515	\$4,935	\$260	(\$2)	\$258
TOTAL, All Changes	\$1,711	\$3,515	\$5,226	\$260	(\$2)	\$258
DA and SNP Budget as of the Fiscal 2019 Preliminary Budget	\$364,523	\$38,905	\$401,478	\$361,627	\$13,951	\$375,578
New Needs (DANY)						
Body Worn Camera Staffing	\$0	\$0	\$0	\$613	\$0	\$613
New Needs (BXDA)						
Body Worn Camera Staffing	0	0	0	1,138	0	1,138
HealingNYC 2.0	0	0	0	500	0	500
Trial Preparation Assistants	0	0	0	1,067	0	1,067
New Needs (QCDA)						
Body Worn Camera Staffing	0	0	0	250	0	250
New Needs (RCDA)						
Body Worn Camera Staffing	0	0	0	150	0	150
HealingNYC 2.0	0	0	0	330	0	330
New Needs (OSNP)						
Trial Preparation Assistants	0	0	0	200	0	200
Subtotal, New Needs	\$0	\$0	\$0	\$4,248	\$0	\$4,248
Other Adjustments						
DANY 901						
Other Adjustments	\$338	(\$160)	\$178	\$126	(\$49)	\$77
BXDA 902						
Other Adjustments	83	434	499	(62)	0	(62)
KCDA 903						
Other Adjustments	55	297	352	4,720	(1,041)	3,679
QCDA 904						
Other Adjustments	196	464	660	(56)	0	(56)
RCDA 905						
Other Adjustments	17	315	332	(5)	(222)	(227)
SNP (906)						
Other Adjustments	(19)	0	(19)	(71)	0	(71)
Subtotal, Other Adjustments	\$669	\$1,351	\$2,002	\$4,652	(\$1,313)	\$3,339
TOTAL, All Changes	\$669	\$1,351	\$2,002	\$8,900	(\$1,313)	\$7,588
DA and SNP Budget as of the Fiscal 2019 Executive Budget	\$365,192	\$40,256	\$405,448	\$370,527	\$12,638	\$383,165