

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Mark Levine
Chair, Committee on Health



Report of the Finance Division on the
Fiscal 2021 Preliminary Plan, Fiscal 2021 Capital Commitment Plan and Fiscal 2021
Preliminary Mayor's Management Report for the
Office of the Chief Medical Examiner

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Table of Contents

Office of the Chief Medical Examiner Overview	1
Report Structure	1
Fiscal 2021 Preliminary Budget Highlights	1
Financial Plan Summary.....	3
Headcount	3
New Needs.....	4
Newly Passed State Legislation and City Implications.....	4
Other Adjustments	5
Fiscal 2020 Preliminary Mayor’s Management Report.....	5
The Forensic Biology Laboratory	5
The Forensic Toxicology Laboratory	6
Death and Autopsy	7
Mortuary Services.....	8
Identification.....	8
Contract Budget.....	9
Capital Plan Overview	9
Preliminary Capital Budget for Fiscal 2021-2024	9
Preliminary Capital Commitment Plan for Fiscal 2020-2024.....	10
Fiscal 2021 Preliminary Capital Commitment Plan Highlights:	11
Appendices:	12
A: Budget Actions in the November and the Preliminary Plans.....	12
B: OCME Contract Budget.....	12

Office of the Chief Medical Examiner Overview

The New York City Office of the Chief Medical Examiner (OCME or the Office) conducts independent investigations using advanced forensic science in the service of families, communities, and the criminal justice system. The Office's work provides answers for those affected by sudden and traumatic loss and helps to protect public health. OCME experts investigate approximately 8,500 deaths per year in New York City and test tens of thousands of items of evidence in the OCME laboratories. These results inform legal proceedings, shape public health policy, and help families settle their affairs.

With more than 700 employees working throughout the five boroughs, OCME constitutes the largest medical examiner's office in the United States and operates the only molecular genetics laboratory housed in a medical examiner's office in the country. The Office's DNA crime laboratory remains the largest such public laboratory in the world, testing physical evidence from criminal cases in the City. OCME also maintains a specialized mass fatality management team that regularly shares its expertise in responding to disasters with other jurisdictions.

The Office maintains jurisdiction over the Repository at the World Trade Center Memorial. The Repository lies within the structure of the National September 11 Memorial complex and is accessed, operated, and maintained solely by OCME. Under the professional auspices of the Office, the Repository provides a dignified and reverential setting for victim remains to repose, temporarily or in perpetuity, as the identification work continues.

Regarding the authority and responsibilities of the Office, OCME investigates all deaths of persons in NYC occurring from criminal violence, by accident, by suicide, suddenly when in apparent health, or in any unusual or suspicious manner. OCME also reviews all applications for a permit to cremate the body of any person who dies in NYC. In addition, OCME serves as the mortuary for the City, with a legal mandate to take custody of all unidentified and unclaimed remains in the five boroughs.

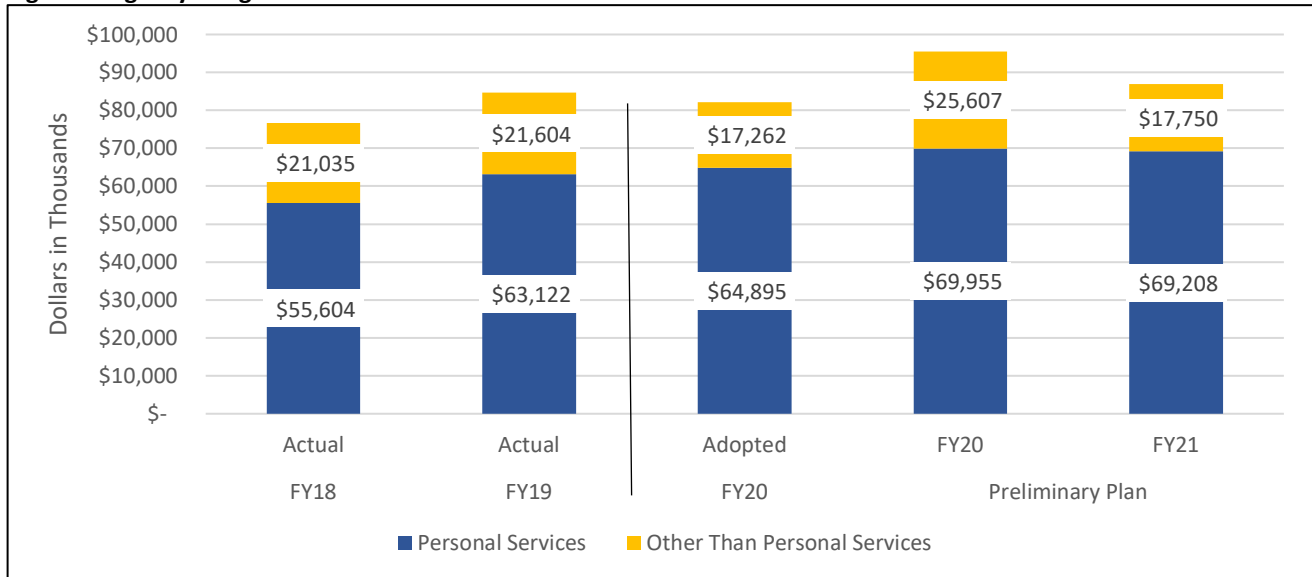
Report Structure

This report reviews the Office of the Chief Medical Examiner's \$87 million Fiscal 2021 Preliminary Budget. The report provides highlights of the Fiscal 2021 Preliminary Budget, a financial summary, the Fiscal 2020 Preliminary Mayor's Management Report, and an analysis of OCME capital projects in DOHMH's Preliminary Commitment Plan for Fiscal 2020-2024.

Fiscal 2021 Preliminary Budget Highlights

OCME Fiscal 2021 Preliminary Budget totals \$87 million, including \$69.2 million for Personal Services (PS) to support 768 full time employees and \$17.8 million for Other Than Personal Services (OTPS).

Figure 1: Agency Budget Overview: PS vs. OTPS



Highlights of OCME’s Fiscal 2021 Preliminary Plan

- **New Needs.** Since the Fiscal 2020 Adopted Budget, OCME has identified \$3.5 million in new needs for Fiscal 2020 and \$2.9 million in new needs for Fiscal 2021 for Criminal Justice Reform.
- **Preliminary Mayor’s Management Report (PMMR) Highlights.** Notable performance metrics reported by the Department of OCME in the 2020 PMMR include the following.
 - ✓ Processes necessary to certify deaths falling within the agency’s jurisdiction;
 - ✓ Mortuary services to the City;
 - ✓ Response to disasters and emergencies when fatalities are involved; and
 - ✓ Services to the City for forensic purposes.

Financial Plan Summary

Table 1: OCME Financial Summary

<i>Dollars in Thousands</i>	FY18	FY19	FY20	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY20	FY21	FY20-FY21
Spending						
Personal Services	\$55,604	\$63,122	\$64,895	\$69,955	\$69,208	\$4,313
Other Than Personal Services	21,035	21,604	17,262	25,607	17,750	488
TOTAL	\$76,638	\$84,726	\$82,157	\$95,562	\$86,958	\$4,801
Personal Services						
Additional Gross Pay	2,550	3,591	1,447	1,451	1,447	0
Full-Time Salaried - Civilian	46,725	52,191	58,526	62,525	62,686	4,160
Other Salaried & Unsalariated	197	227	104	104	105	1
Overtime - Civilian	5,844	6,708	2,467	2,600	2,467	0
Amount to be Scheduled	0	0	2,180	2,180	2,342	162
Fridge Benefits	287	405	170	1,095	160	(10)
SUBTOTAL	\$55,604	\$63,122	\$64,895	\$69,955	\$69,208	\$4,313
Other Than Personal Services						
Contractual Services	6,577	6,681	4,879	9,414	4,832	(47)
Fixed & Misc. Charges	41	15	8	53	8	0
Other Services & Charges	7,640	7,510	6,242	6,879	6,230	(12)
Property & Equipment	925	874	409	1,997	808	398
Supplies & Materials	5,852	6,524	5,724	7,263	5,873	149
SUBTOTAL	\$21,035	\$21,604	\$17,262	\$25,607	\$17,750	\$488
TOTAL	\$76,638	\$84,726	\$82,157	\$95,562	\$86,958	\$4,801
Funding						
City Funds			81,840	86,185	86,958	5,117
Other Categorical			0	466	0	0
State			0	3,143	0	0
Federal - Other			317	5,760	0	(316)
Intra City			0	8	0	0
TOTAL	\$76,638	\$84,726	\$82,157	\$95,562	\$86,958	\$4,801
Budgeted Headcount						
Full-Time Positions - Civilian	637	670	739	790	768	29
TOTAL	637	670	739	790	768	29

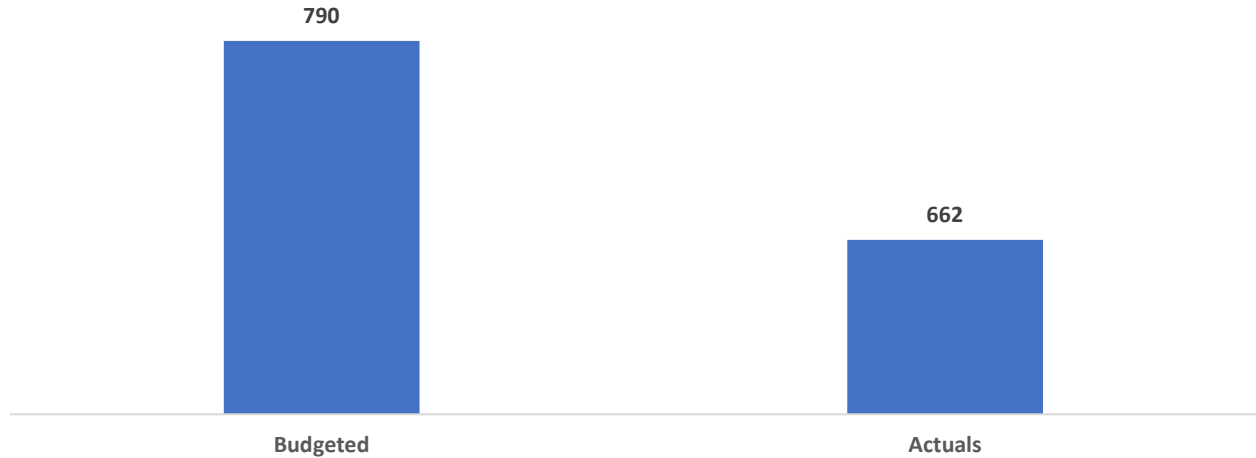
*The difference of Fiscal 2020 Adopted Budget compared to Fiscal 2021 Preliminary Budget.

The Office of the Chief Medical Examiner's Fiscal 2021 Preliminary Budget is \$87 million, which is \$4.8 million or nearly six percent more than the Fiscal 2020 Adopted Budget of \$82.2 million. OCME is 5.2 percent of the total DOHMH budget.

Headcount

The Office's Fiscal 2021 Preliminary Budget supports 768 full-time positions across its 32 divisions. OCME's Fiscal 2021-budgeted headcount is 29 or four percent more than the Fiscal 2020 headcount of 739. As of January 2020, the Office was operating with a ten percent staff vacancy rate.

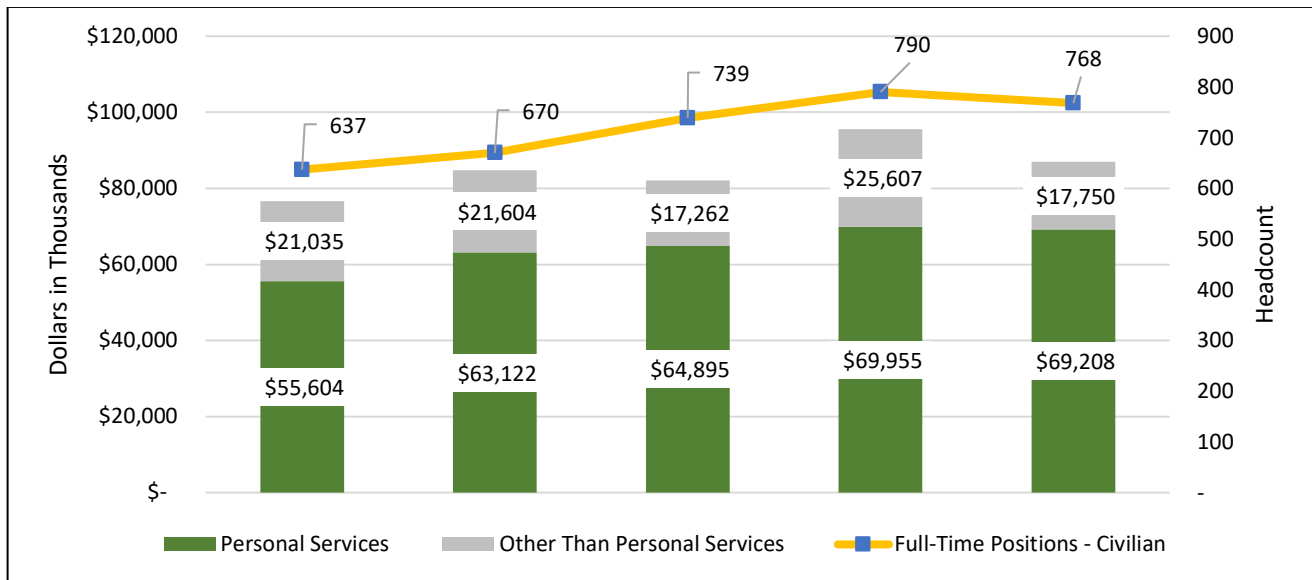
Figure 2: OCME Budgeted and Actual Headcount, FY20



*Actuals as of January 2020

The Forensic Biology Division is the agency’s largest with 225 budgeted positions, which comprise 29.3 percent of the Office’s entire staff. In Fiscal 2021, headcount increases to 768 positions.

Figure 3: OCME Spending and Headcount



New Needs

The Fiscal 2021 Preliminary Plan included no new expense funding for OCME in Fiscal 2020 or Fiscal 2021. In the November 2019 Plan, OCME received \$3.5 million in Fiscal 2020 and \$2.9 million in Fiscal 2021 for the implementation of the state’s new discovery reform laws.

Newly Passed State Legislation and City Implications

The November 2019 Plan added baseline funding of \$75.2 million in Fiscal 2020 and approximately \$70 million in the outyears to support a total of 1,023 new positions related to discovery and bail reform. The State’s 2019-2020 Adopted budget passed this legislation without State funding, as such, the City made investments to support the execution of the State criminal justice reforms. Discovery reform accelerates the discovery timeline, requiring the prosecution to disclose all relevant evidence, automatically, within 15 days of arraignment for every case. Bail reform eliminates money bail and pretrial detention in almost all misdemeanor and nonviolent felony cases. Each took effect in January

2020. The table below shows the various City Agencies impacted, the City investments made in Fiscal 2020 and the outyears, as well as budgeted headcount.

Table 1: Funding for Discovery Reform Law, by agency

2020 State Criminal Justice Reform Investments Across Agencies				
Agency	FY20	HC	FY21	HC
District Attorneys	\$35,856,000	729	\$35,387,000	729
NYPD	24,731,030	250	20,696,460	250
Law Department	328,438	8	487,488	8
FDNY	537,945	9	856,780	10
DOHMH	3,519,693	27	2,897,224	27
MOCJ Contracts*	**786,000	0	**786,000	0
Public Defenders*	9,518,000	0	9,375,000	0
TOTAL	\$75,277,106	1,023	\$70,485,952	1,024

*Contracted headcount is not reflected in the Financial Plan

** Supports MOCJ's contract with Criminal Justice Agency (CJA)

Funding was added to increase headcount by 27 positions and procure software to collect and distribute data in an automated secure way to the district attorney's offices. The additional funds are a direct result of the changes to the Discovery Reform laws enacted as part of the Executive State Budget for Fiscal 2019-2020. Changes in discovery reform, which now require that prosecutors to disclose their evidence to the defense earlier in case proceedings, went into effect on January 1, 2020. The change requires OCME to turn over all notes and records for every criminal case. In addition, the name, business address, curriculum vitae, publications and 10 years of proficiency test records must be provided to the city prosecutor's offices upon request.

Other Adjustments

The Fiscal 2021 Preliminary plan for OCME includes a few minor adjustments to the budget. The headcount for the Aid to Lab- DNA increased by 10 criminalists and Homeland Security headcount increased by four, consisting of a Community Coordinator, Criminalist IV, Computer Systems Manager, and Supervisor Motor Transportation. In addition, the Homeland Security Grant required a minor reduction of \$115,256 to address the prior year's accruals.

Fiscal 2020 Preliminary Mayor's Management Report

The Preliminary Mayor's Management Report (PMMR) for Fiscal 2020 evaluates the ability of the Office to (1) perform the processes necessary to certify deaths falling within the agency's jurisdiction; (2) provide mortuary services to the City; (3) respond to disasters and emergencies when fatalities are involved; and (4) provide services to the city for forensic purposes. In this section, key indicators from each goal will be discussed.

The Forensic Biology Laboratory

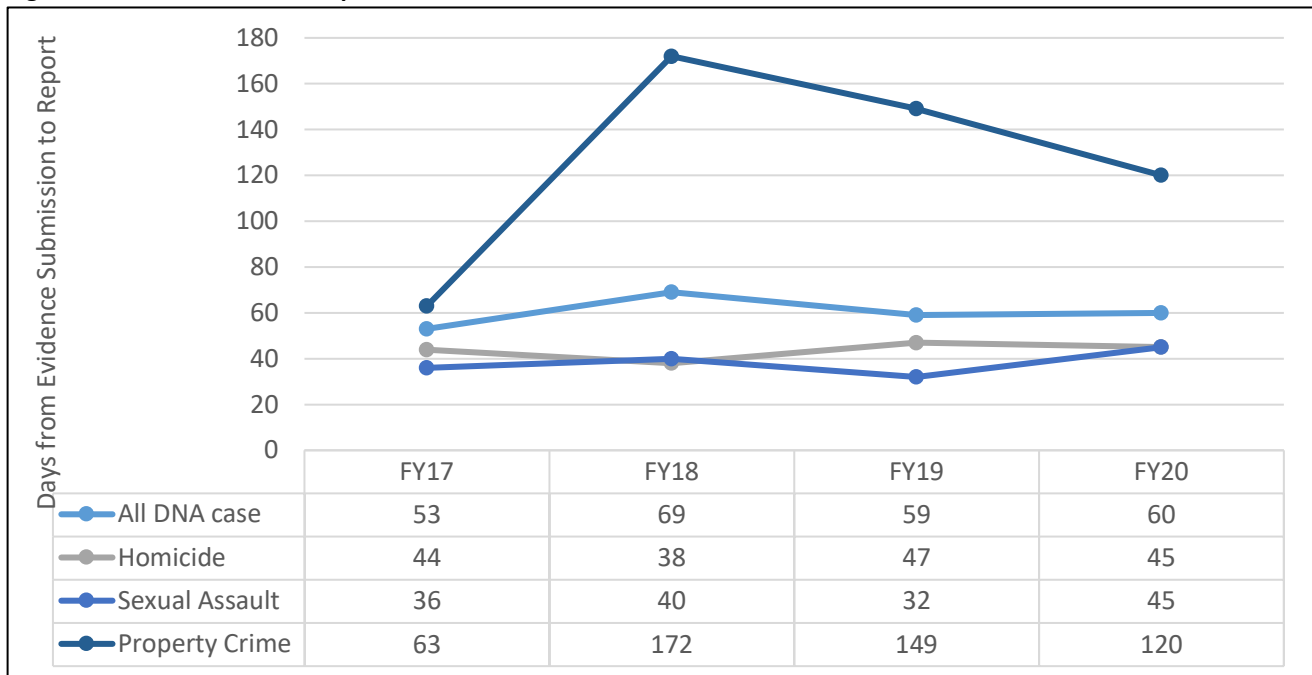
The Office, tasked with providing services to the City for forensic purposes, strives to provide timely and accurate laboratory services for criminal justice purposes. OCME's Department of Forensic Biology operates the largest public DNA crime laboratory in the world, with more than 160 forensic DNA scientists. The Forensic Biology Laboratory performs serology and DNA testing on physical evidence from criminal cases within NYC. It tests approximately 40,000 items of evidence each year from nearly every category of crime, including homicide, sexual assault, felony assault, robbery, burglary, hate crimes, and weapons possession. The Laboratory also performs testing associated with missing persons, unidentified remains, and the ongoing effort to identify World Trade Center victims.

The median time to complete analysis of a DNA case decreased to 59 days in Fiscal 2019, a decrease of 10 days when compared to Fiscal 2018. In the first four months of Fiscal 2020, the Laboratory decreased the number of days from 49 to 34. The decrease is due to the significant drop in completion time of property crimes cases from 196 to 35 days. According to the PMMR, the decrease is due to the ongoing Lean Six Sigma improvement program and new staff hired in the previous few years being full trained.

Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Median days to complete analysis of a DNA case	53	69	59	60	60	49	34
Median time to complete DNA homicide cases, from evidence submission to report (days)	44	38	47	45	45	30	33
Median time to complete DNA sexual assault cases, from evidence submission to report (days)	36	40	32	45	45	27	28
Median time to complete DNA property crime cases, from evidence submission to report (days)	63	172	149	120	120	196	35
DNA matches with profiles in database	8,719	8,766	11,042	3,525	*	*	2,668

The chart below shows the median time to complete DNA cases from Fiscal 2017 to Fiscal 2019 actuals compared to the Fiscal 2020 target, measured in days from evidence submission to report – as stated in the PMMR for Fiscal 2020.

Figure 4: Median Time to Complete DNA Cases



The Forensic Toxicology Laboratory

The OCME Forensic Toxicology Laboratory tests biological samples for illicit drugs and intoxicants and for therapeutic drugs. OCME reports that the Laboratory completes more than 98 percent of all toxicology cases within 30 days or less, twice as fast as the national standard.

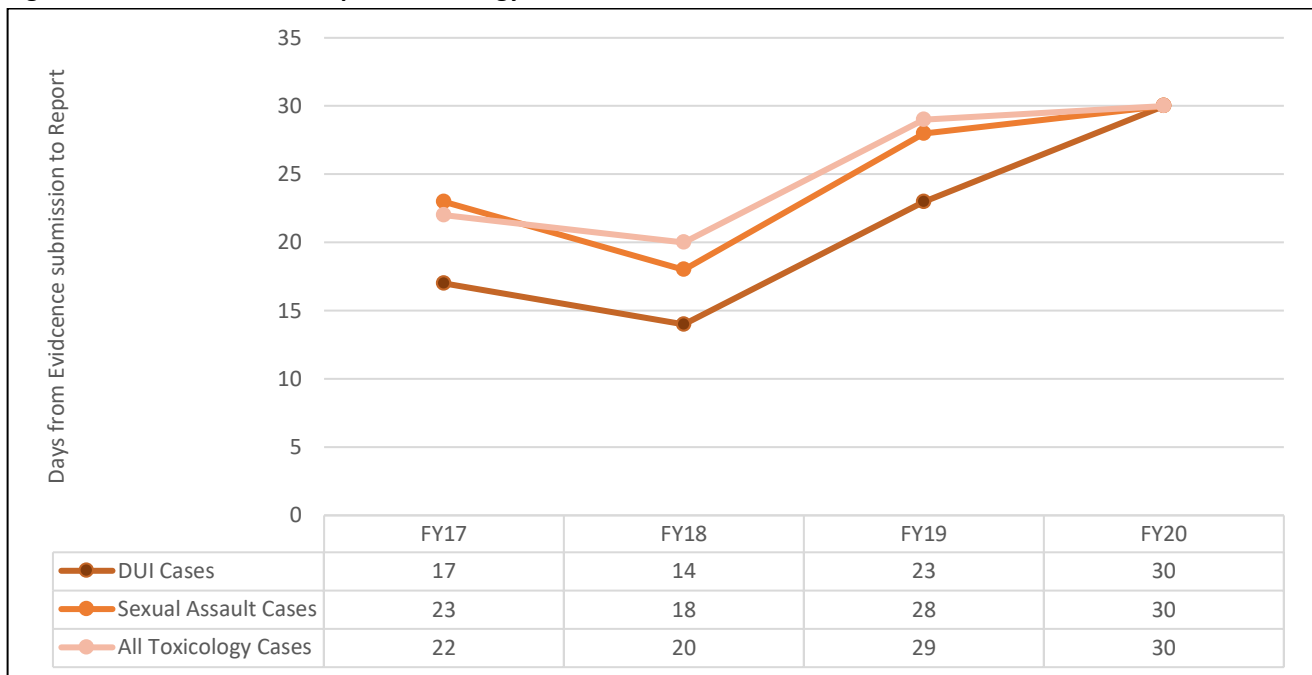
In the first four months of Fiscal 2020, the toxicology case completion times increased. The median time to complete toxicology cases in the first four months was 31 day, which is slightly higher than the target levels. Specifically, in the Fiscal 2020 four-month actual report, the Laboratory reported 33 days as the median time to complete toxicology DUI cases and 31 days as the median time to

complete toxicology sexual assault cases. However, OCME anticipates that turnaround times will speed up significantly in Fiscal 2020 due to the new speedy trial and pre-trial discovery reforms that went into effect January 1, 2020.

Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Median time to complete toxicology DUI (driving under the influence) cases (days)	17	14	23	30	30	28	33
Median time to complete toxicology sexual assault cases (days)	23	18	28	30	30	17	31
Median time to complete toxicology cases (days)	22	20	29	30	30	21	31

The below chart shows the median time to complete toxicology from Fiscal 2017 to Fiscal 2019 actuals compared to the Fiscal 2020 target, measured in days from evidence submission to report – as stated in the PMMR for Fiscal 2020. For all categories of cases, the PMMR has the same target of 30 days.

Figure 5: Median Time to Complete Toxicology Cases



Death and Autopsy

In order to perform the process necessary to certify deaths falling within the agency’s jurisdiction, the Office strives to (1) respond promptly to scenes of reportable fatalities and conduct related investigations; (2) perform autopsies and examinations necessary to issue timely death certificates; (3) provide diligent investigation for all cremation requests; and (4) certify death certificates in a timely manner.

During the first four months of Fiscal 2020 and Fiscal 2019 OCME met the same median time for scene arrivals by Medicolegal Investigators with a median time of 1.8 hours. During the first four months of Fiscal 2020, the Office reported 54 days as the median time to complete autopsy reports, an increase of 2 days, or four percent, when compared to the same period last year. OCME reports this increase is due to an increased turnaround time for toxicology reports, which are relied upon by Medical Examiners to complete autopsy reports. Even though the median days rose, the median remains well within the 60-day target.

The total number of cremation requests received and investigated decreased to 17,148, a decrease of 104 requests when compared to the same period last year. However, there were 140 requests that were rejected. The median time to certify death certificates decreased to 16.3 hours in the first four months of Fiscal 2020, a decrease of .2 hours, which is well below the target of 72 hours.

Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Median time for scene arrivals by Medicolegal investigators (MLIs) (hours)	1.9	1.8	1.9	*	*	1.8	1.8
Median time to complete autopsy reports (days)	57	45	56	90.0	90.0	52	54
Deaths reported	28,940	30,213	30,964	*	*	9,983	11,074
Cases where Chief Medical Examiner takes jurisdiction	7,704	7,632	7,554	*	*	2,587	2,617
Total cremation requests received and investigated as requirement of processing	16,525	17,252	17,148	*	*	5,543	5,547
Cremation requests rejected after investigation and turned over to Medical Examiner jurisdiction	84	91	140	*	*	49	59
Median time to certify death certificates after initial receipt of decedents' remains	15.8	16.6	16.3	72.0	72.0	16.5	16.3

Mortuary Services

The Office, tasked with providing mortuary services to the City, strives to recover and transport decedents to the City mortuary facilities in a timely manner. In the first four months of Fiscal 2020, the median time for OCME to reach "Ready to Release" status decreased to 11.24 hours. The Office reported a median time of 35 minutes to clear and release to a third party for final disposition, which is equal when compared to the same period last year.

Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Number of decedents' remains transported and stored by OCME	10,330	11,255	11,281	*	*	3,796	3,875
Median time from OCME receipt of descents' remains to "Ready to Release" status (hours)	12.91	11.82	11.59			11.96	11.24
Median time to clear and release to third party for final disposition, per case (minutes)	34	35	35	*	*	36	36

Identification

The Office responds to disasters and emergencies when fatalities are involved, providing rapid response and safe fatality management services to the City, as well as identifying victims of disasters and returning their remains to families in a timely manner.

OCME's Department of Forensic Biology continues its work on remains of victims of the September 11, 2001 terrorist attack. OCME reports that, during the first four months of Fiscal 2019, the Office has identified 21,905 remains recovered from a disaster or mass fatality event and 14,701 of these remains were identified.

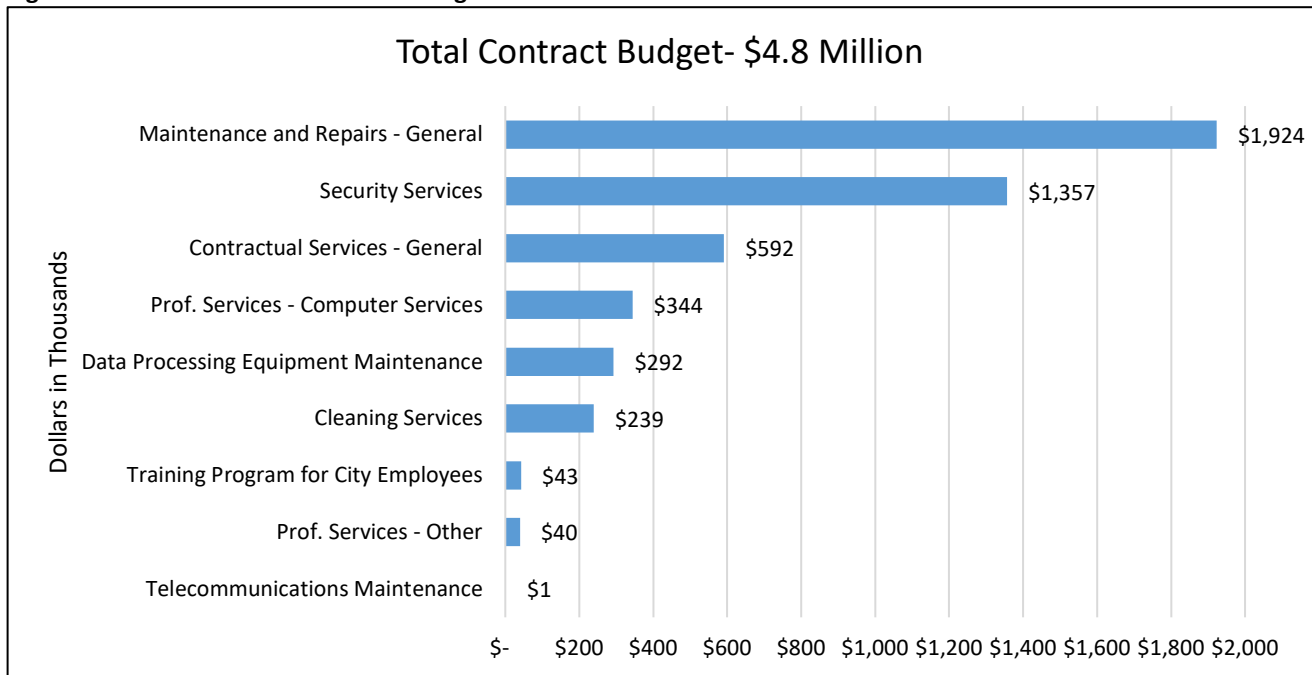
Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Remains recovered following a disaster or mass fatality incident (cumulative)	21,905	21,905	21,905	-	-	21,905	21,905
Remains identified following a disaster (cumulative)	14,348	14,467	14,608	-	-	14,549	14,701

Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personnel service provided to the City by means of a contract. The Contract Budget is actually a subset of the OTPS portion of the City’s Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. The Fiscal 2021 Preliminary Contract Budget totals for procurement expenditures across all agencies.

The Department’s Fiscal 2021 Contract Budget totals \$4.8 million for 31 contracts accounting for 27.2 percent of the Department’s OTPS budget. Contracts for maintenance and repairs- general and security services comprise a substantial portion, 68 percent, of OCME’s total contract budget. See Appendix B for more information.

Figure 6: Fiscal 2021 OCME Contract Budget



Capital Plan Overview

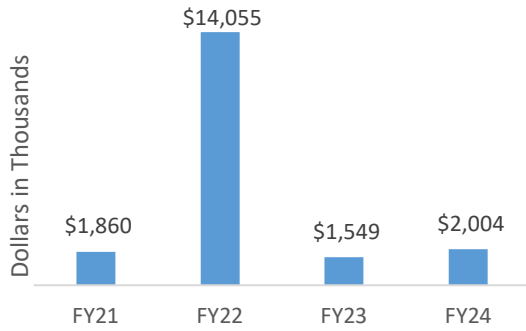
On January 16, 2020, Mayor Bill de Blasio released the Preliminary Capital Commitment Plan for Fiscal 2020-2024 (the Commitment Plan) and the Fiscal 2021-2024 Preliminary Capital Budget (the Capital Budget).

The following section will provide an overview of the Preliminary Commitment Plan and Capital Budget for OCME. Each one of these documents should support and be well integrated with one another to properly execute the City’s capital projects as well as meet its infrastructure goals. Below we will examine to what extent this is occurring, where improvements need to be made, and the overall feasibility of OCME capital program.

Preliminary Capital Budget for Fiscal 2021-2024

The Capital Budget provides the estimated need for new appropriations for Fiscal 2020 along with projections 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.

Figure 7: Preliminary Capital Budget



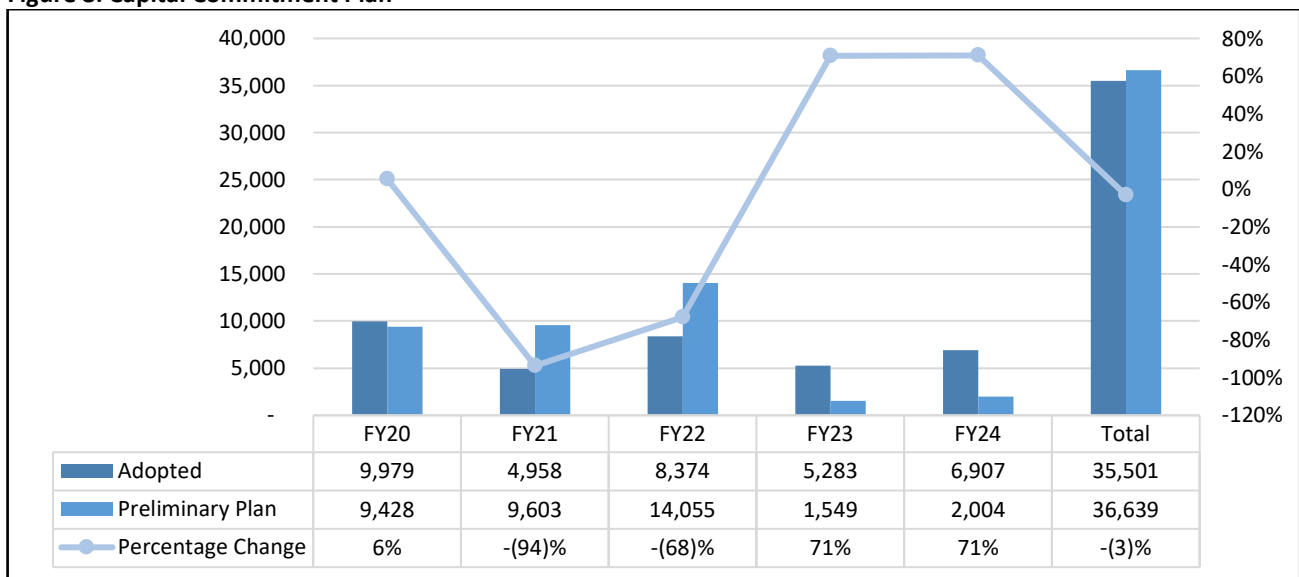
As shown in the chart at left, OCME’s Fiscal 2021 Preliminary Capital Budget includes \$19.5 million in Fiscal 2021-2024. This represents approximately 4.3 percent of the Department’s total \$448.2 million Capital Budget for 2021-2024.

Preliminary Capital Commitment Plan for Fiscal 2020-2024

The City’s Capital Commitment Plan details the Administration’s plan to spend the appropriations voted on by the City Council at Adoption. The Commitment Plan provides project-level funding detail as well an estimate of expenditure dates. It is through this document that we gain insight into a project’s estimated cost, start date and time to completion.

The OCME Preliminary Commitment Plan includes \$36.6 million in Fiscal 2020-2024. This represents approximately 4.9 percent of the Department’s total \$748.9 million Preliminary Commitment Plan. The Capital Commitment Plan is significantly higher than the Capital Budget because it includes the current appropriations for Fiscal 2020. Uncommitted appropriations in Fiscal 2020 make up the amount that will be re-appropriated or rolled into Fiscal 2021 in the Executive and Adopted Budgets.

Figure 8: Capital Commitment Plan



The Preliminary Capital Plan for OCME for Fiscal 2020-2024 has increased by \$1.1 million to a total of \$36.6 million, demonstrating a three percent increase when compared to the Office’s Adopted Commitment Plan.

A natural result of more realistic timelines is capital projects extending beyond the Commitment Plan’s five-year time frame. To address this the Administration has added Section VII, titled “Redistribution of the City’s Capital Plan” to the Commitment Plan. What this section does is increase the transparency of the Commitment Plan by showing the distribution of funding beyond the required five years to ten years (Fiscal 2020 -2029). This extension allows the Council and the public to better

differentiate between movement beyond the years of the Commitment Plan and a simple elimination of funding. OCME's ten-year total is \$57.8 million, which is \$21.2 million greater than OCME's five-year plan. This increase shows that the City's commitment to continuing many of its current projects beyond the time frame of the Capital Commitment Plan.

Fiscal 2021 Preliminary Capital Commitment Plan Highlights

Major capital projects included in the Preliminary Capital Plan for Fiscal 2020-2024 include the following.

- As of November 2019, the Office was experiencing challenges in identifying a location for the new medical examiner facility. Once a location has been determined, a budget will be developed.
- The Forensic Biology Laboratory is in the process of procurement of next generation sequencers and liquid handling robots, which is anticipated to be completed in Fiscal 2021.
- The Queens Annex Phase is temporarily suspended in order to evaluate infrastructure emerging needs.
- Funding for IT Infrastructure Network Upgrade added to fund projects including server upgrades, WIFI upgrades and network switches.

Completed projects include the following:

- Laboratory Information Management System;
- Histology Department Laboratory Equipment;
- Replace Queens Water Heater System;
- Security System upgrades; and
- Upgrade of Equipment for Combined DNA Index System (CODIS) Database.

Newly added capital projects in the Preliminary Plan include the following:

- \$19.8 million for Fiscal 2020-2024 for agency wide physical security system upgrades.

Appendices:

A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	Fiscal Year 2020			Fiscal Year 2021		
	City	Non-City	Total	City	Non-City	Total
OCME Budget, as of the Adopted 2020 Budget	\$81,840	\$317	\$82,157	\$83,055	\$0	\$83,055
New Needs						
Criminal Justice Reform	3,520	0	3,520	2,897	0	2,897
Subtotal, New Needs	\$3,520	\$0	\$3,520	\$2,897	\$0	\$2,897
Other Adjustments						
Agency Phone Plan Review	(\$6)	0	(\$6)	(\$11)	0	(\$11)
Collective Bargaining: CSBA Attorneys	23	0	23	26	0	26
Collective Bargaining: LL56 Special Officers	22	0	22	38	0	38
Collective Bargaining: Non-LL56 Groups	175	0	175	299	0	299
DC37 Equity Panel Award	610	0	610	654	0	654
Other State/Federal Adjustments	0	9,060	9,060	0	0	0
Subtotal, Other Adjustments	\$825	\$9,060	\$9,885	\$1,006	\$0	\$1,006
TOTAL, All Changes	\$4,345	\$9,060	\$13,405	\$3,903	\$0	\$3,903
OCME Budget, as of the Prelim 2021 Budget	\$86,185	\$9,377	\$95,562	\$86,958	\$0	\$86,958

B: OCME Contract Budget

OCME FY21 Preliminary Contract Budget				
<i>Dollars in Thousands</i>				
Category	FY20 Adopted	Number of Contracts	FY21 Preliminary	Number of Contracts
Cleaning Services	\$222	1	\$239	1
Contractual Services - General	709	1	592	1
Data Processing Equipment Maintenance	292	1	292	1
Maintenance and Repairs - General	1,928	23	1,924	23
Prof. Services - Computer Services	274	1	344	1
Prof. Services - Other	365	1	40	1
Security Services	1,357	1	1,357	1
Telecommunications Maintenance	1	1	1	1
Training Program for City Employees	41	1	43	1
TOTAL	\$5,190	31	\$4,832	31