

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Adrienne Adams
Chair, Committee on Public Safety



Report of the Finance Division on the
Fiscal 2022 Preliminary Plan and the
Fiscal 2021 Preliminary Mayor's Management Report for the
Mayor's Office of Criminal Justice

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Mayor’s Office of Criminal Justice (MOCJ) Overview



Facilitates multi-agency coordination among City agencies and stakeholders involved in crime-reduction and criminal justice in New York City.

Sub-offices include the Office of Neighborhood Safety, the Office to Prevent Gun Violence, the Office for the Prevention of Hate Crimes, and the Office of Pretrial Justice



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.



Manages and facilitates some of the City’s largest criminal justice programs aimed at reducing incarceration and increasing public safety including Supervised Release, Alternatives to Incarceration, the Crisis Management System, and the Mayor’s Action Plan for Neighborhood Safety, as well as the City’s indigent defense services.



In coordination with the Office of Court Administration, the Department of Citywide Administrative Services, the Dormitory Authority of the State of New York, and Department of Design and Construction, MOCJ is responsible for assisting with the maintenance, infrastructure improvements, and upgrading of NYC’s 29 court facilities, which include civil, criminal, family, housing, small claims, supreme and surrogate courts.

MOCJ’s Fiscal 2022 Budget totals \$9.6 million. MOCJ is responsible for managing \$581.1 million in contracts funded in the Miscellaneous budget. This brings the total to \$590.8 million in Fiscal 2022, which accounts for less than one percent of the City’s total projected budget of \$92.3 billion. The Courts Fiscal 2022 Capital Commitment Plan totals just over \$1 billion for five years, and its Ten-Year Capital Strategy totals \$2.3 billion. This report offers an overview of MOCJ’s Fiscal 2022 Preliminary Budget, the Fiscal 2021 Preliminary Mayor’s Management Report (PMMR), the Capital Commitment Plan and the Ten-Year Capital Strategy for the Courts System.

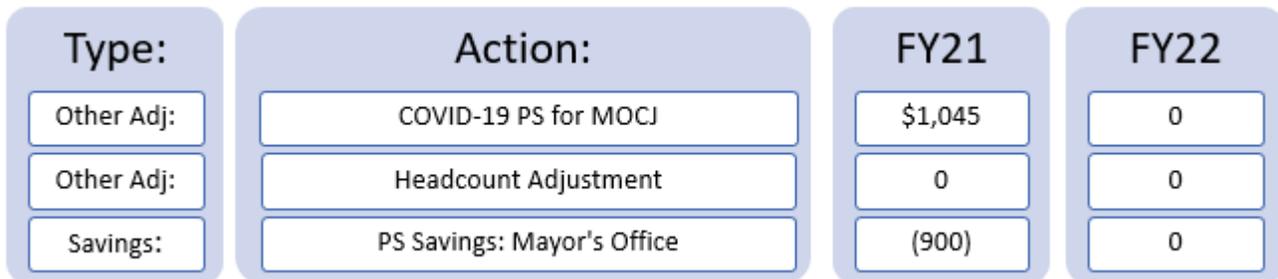
MOCJ Fiscal 2022 Preliminary Budget: Expense

MOCJ's Fiscal 2022 expense budget, found in the City’s Mayoral Budget 051, totals \$9.6 million. The Personal service (PS) and Other Than Personal Service (OTPS) costs associated with operation of MOCJ are in the Criminal Justice Programs units of appropriation (U/A). This portion of MOCJ’s budget supports the Office’s operations and personnel and is displayed in Table 1. The table below provides an overview of actual expenditures for Fiscal 2019 and Fiscal 2020, the Adopted Budget for Fiscal 2021, and planned expenditures for Fiscal 2021 and Fiscal 2022 as proposed in the Preliminary Plan.

Table 1: MOCJ Expense Budget (002)						
<i>Dollars in Thousands</i>	FY19 Actual	FY20 Actual	FY21 Adopted	Preliminary Plan		*Difference FY21-FY22
				FY21	FY22	
Spending						
Personal Services	\$5,309	\$6,481	\$6,233	\$6,321	\$6,269	\$36
Other Than Personal Services	5,352	5,569	3,371	3,371	3,371	0
TOTAL	\$10,661	\$12,050	\$9,604	\$9,692	\$9,640	\$36
Funding						
City Funds			\$5,501	\$4,549	\$5,537	\$36
Capital IFA			361	356	361	0
Federal			3,450	4,495	3,450	0
State			292	292	292	0
TOTAL	\$10,661	\$12,050	\$9,604	\$9,692	\$9,640	\$36
Budgeted Headcount						
Full-Time Positions - Civilian	53	70	62	72	62	0
TOTAL	53	70	62	72	62	0

*The difference of Fiscal 2021 Adopted Budget compared to Fiscal 2022 Preliminary Plan

The Fiscal 2022 Preliminary Budget for MOCJ totals \$9.6 million, just \$36,000 more than the Fiscal 2021 Adopted Budget. Since the adoption of the Fiscal 2021 Budget, financial plan updates have introduced an \$88,149 increase to MOCJ’s Fiscal 2021 expense budget only. This includes \$988,149 in other adjustments, offset by \$900,000 in PS savings. These actions reconcile MOCJ’s Fiscal 2021 expense budget to \$9.7 million. Budgeted headcount in Fiscal 2022 remains unchanged when compared to the Fiscal 2021 Adopted Budget at 62 civilian positions, but is 10 positions below the current budgeted headcount. The Preliminary Plan introduced \$144,681 in changes that are outlined in the graphic below. The Preliminary Plan did not introduce any new needs for MOCJ.



*Dollars in Thousands

- **COVID-19 PS for MOCJ.** The Preliminary Plan includes approximately \$1 million for COVID-19 PS costs for MOCJ. The Council has requested further information on what this funding supports, but has not received an answer as of the writing of this report.
- **Headcount Adjustment.** The Preliminary Plan includes a headcount adjustment in Fiscal 2021 only to recognize 10 positions supported by current federal funding.

- PS Savings.** The Preliminary Plan introduced \$900,000 in PS savings for MOCJ in Fiscal 2021 only. MOCJ’s PS spending during the course of Fiscal 2021 is lower than initially projected due to staff resignations, including MOCJ’s Executive Director, Deputy Director, and General Counsel as well as a furlough. All staff are required to take five furlough days.

MOCJ’s Fiscal 2022 Preliminary Contract Budget

The majority of MOCJ’s budget is housed in the City’s Miscellaneous Budget. The portion of the Miscellaneous Budget that supports MOCJ’s contracts is displayed in Table 2. MOCJ’s programs fall into three categories:

Indigent Defense	Criminal Justice Programs	City Council Initiatives
MOCJ is responsible for managing the City’s indigent defense system, which includes procuring contracts with legal service organizations and improving the efficiency, accountability, and quality of representation that indigent New Yorkers receive.	MOCJ contracts with community-based organizations to provide a variety of criminal justice programs including; crime victims’ services, pretrial services, alternatives to incarceration and alternative to detention programs, mediation, court operations, re-entry services, and other services and initiatives.	MOCJ also contracts with community-based organizations working in the criminal justice field funded with City Council discretionary funding.

The table below provides an overview of actual expenditures for Fiscal 2019 and Fiscal 2020, the Adopted Budget for Fiscal 2021, and planned expenditures for Fiscal 2021 and Fiscal 2022 as proposed in the Preliminary Plan for MOCJ’s contract budget.

<i>Dollars in Thousands</i>	Adopted 2021	Preliminary Plan		*Difference 2021-2022
	2021	2021	2022	
Indigent Defense Subtotal (U/A 005)	\$312,600	\$405,418	\$312,213	(\$387)
Criminal Justice Programs				
Pretrial Screening, ATI and ATD Programs	148,764	149,757	148,452	(312)
Crime Victims	20,015	20,882	19,956	(59)
Court Operations	2,756	2,756	2,756	0
Mediation	1,100	1,100	1,100	0
Mayor's Action Plan for Neighborhood Safety	11,422	16,967	19,222	7,800
Anti-Gun Violence	40,948	42,238	42,109	1,161
Reentry Programs	23,929	23,929	23,929	0
Other Programs	9,615	9,445	11,389	1,774
Criminal Justice Programs Subtotal (U/A 002)	\$258,548	\$267,072	\$268,912	\$10,364
City Council Initiatives Subtotal (U/A 002)	\$39,922	\$39,718	\$0	(\$39,922)
Total	\$611,070	\$712,208	\$581,125	(\$29,944)
Funding				
City Funds	\$502,381	\$502,836	\$466,998	(\$35,383)
State	105,156	205,839	110,594	5,439
Federal	3,533	3,533	3,533	0
Total	\$611,070	\$712,208	\$581,125	(\$29,944)

**The difference of Fiscal 2021 Adopted Budget compared to Fiscal 2022 Preliminary Plan*

As of the Preliminary Plan, the total contract value for Fiscal 2022 is \$581.1 million. This includes \$312.2 million for indigent defense contracts and \$268.9 million for criminal justice programs. MOCJ’s contract budget decreases by \$29.9 million compared to the Fiscal 2021 Adopted Budget, mainly due

to one-time City Council discretionary funding not included in the Fiscal 2022 Preliminary Budget. The increase of \$7.8 million for the Mayor’s Action Plan for Neighborhood Safety (MAP) is largely due to addition of \$6 million in Fiscal 2022 that supports the evaluation of MAP and the Cure Violence and Crisis Management Models. The increase of \$1.1 million for Anti-Gun Violence and \$1.8 million Other Programs is related to programs promised in the Points of Agreement that were delayed in the Fiscal 2021. This includes the expansion of the Crisis Management System (CMS) and the creation of a justice center in Far Rockaway which are addressed later in the report.

MOCJ’s current Fiscal 2021 Contract Budget of \$712.2 million has increased by \$101.1 million, or 16 percent, compared to the Fiscal 2021 Adopted Budget of \$611.1 million. The increase is due to \$8.9 million in new needs and other adjustments presented in the November 2020 Plan, followed by an increase of \$92.2 million in other adjustments introduced in the Preliminary Plan. The Preliminary Plan introduced changes to Fiscal 2021 only, except for one item impacting the indigent defense contracts. This action includes \$827,129 in Fiscal 2021 and \$551,421 and \$275,708 in Fiscal 2022 and Fiscal 2023 respectively that supports immigration defense for the City’s trial-level providers. The most significant increase in the Preliminary Plan is recognition of State funding in Fiscal 2021 for indigent defense contracts. These actions reconcile MOCJ’s contracts to its current budget of \$712.2 million in Fiscal 2021 and \$581.1 million in Fiscal 2022. The graphic below provides an overview of the other adjustments introduced in the Preliminary Plan. The Preliminary Plan did not introduce any new needs for MOCJ.

Type:	Action:	FY21	FY22
Other Adj	Indigent Defense Settlement & Court Grants	\$91,415	\$0
Other Adj:	Immigration Defense	827	551
Other Adj:	DOHMH Transfer to OPGV	255	0
Other Adj:	Local Initiatives	5	0
Other Adj:	OSE Transfer to DoITT	(9)	0
Other Adj:	City Council Discretionary Transfer	(209)	0

**Dollars in Thousands*

- Indigent Defense Settlement and Court Grants.** The Preliminary Plan included one-time State funding of \$91.4 million in Fiscal 2021 as the result of the Hurrell-Harring settlement (HHS) and Office of Court Administration (OCA) grants. To learn more about this settlement and the OCA grants and how they affect the work of the City’s providers, please visit the Council’s website and see the Preliminary Fiscal 2022 Budget report for Legal Aid Society and Indigent Defense: <https://council.nyc.gov/budget/fy2022/>.
- DOHMH Transfer to OPGV.** This transfer from the Department of Health and Mental Hygiene to the Office for the Prevention of Gun Violence is for a contract with the New York Peace

Institute. Funding supports the training of NYPD Neighborhood Coordination Officers in mediation and conflict resolution services.

- **OSE Transfer to DoITT.** This transfer from the Office of Special Enforcement to the Department of Information of Technology and Telecommunication supported the Office’s purchase of various software and image processing.
- **City Council Discretionary Transfer.** This item supported the transfer of City Council Discretionary funding related to the Domestic Violence Empowerment Initiative to the Kings County, Queens County, and Richmond Counties District Attorneys’ Offices.

Agency Funding

Funding Sources

The below graphic represents the funding sources in Fiscal 2022 as of the Preliminary Plan.



City tax-levy funding makes up the majority (**80%**) of MOCJ’s total budget in Fiscal 2022. City tax-levy funding supports approximately half of MOCJ’s expense budget and the near majority of the Citywide criminal justice programs it manages.



State funding represents the second largest portion (**19%**) of MOCJ’s expense and contract budgets in Fiscal 2022, the majority of which supports indigent defense



Federal funding makes up the remainder of MOCJ’s budget and supports the smallest amount (**1%**) of MOCJ’s budget in Fiscal 2022. The majority of federal funding supports MOCJ’s expense budget.

Citywide Criminal Justice Initiatives and Programming

In its role as liaison between various criminal justice agencies, MOCJ’s work shapes and funds strategies and policies in the criminal justice process. Because of this, the Office’s work has impacts on other agencies’ budgets. Below are some of the multiagency and Citywide initiatives that are coordinated and managed by the Office. These initiatives often involve City agencies and community-based organizations beyond law enforcement and criminal justice organizations. MOCJ produces various reports, briefs, and factsheets related to the outcomes and progress of the items and programming below that can be found on the Office’s website under “data and analysis” <https://criminaljustice.cityofnewyork.us/>.

Closure of Rikers/ Borough Based Jails Points of Agreement. As a part of the ULURP process associated with the closure of Rikers and the Borough-Based Jails plan, the Council and the Administration negotiated a Points of Agreement (POA) in October of 2019 that commits to a total investment of \$391 million in programs and facilities. The POA includes \$254 million in citywide investments and \$137 million in district level investments in and around the neighborhoods where new jail facilities will be built. The Citywide investments focus on four key areas: 1) to prevent

incarceration, 2) increase access to housing, 3) increase mental health services, and 4) reduce violence and are outlined in the graphic below.

As the Office is responsible for coordinating criminal justice and policy initiatives, MOCJ is responsible for the oversight of the programs included in the POA. The Fiscal 2021 Budget includes, \$88.4 million in new investments related to POA initiatives. Many POA initiatives are self-funded by City Agencies and will not appear in the budget as new funding. The Council is awaiting confirmation from OMB that the commitments included in the POA are underway. Notably, COVID-19 delayed several POA investments that were originally scheduled to come online in Fiscal 2020 and Fiscal 2021, including the Community Justice Center in Far Rockaway and the expansion of the CMS. The Preliminary Plan includes \$1.5 million in Fiscal 2021 and \$2.7 million in Fiscal 2022 for the Expansion of CMS, as well as \$1.8 million in Fiscal 2022 for the launch of the Community Justice Center in Far Rockaway. For more information on both of these programs and the POA, please see the Council’s Preliminary Fiscal 2021 Budget report for MOCJ:

<https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/098-MOCJ.pdf>.



Due to the COVID-19 pandemic and the City’s halt in Capital projects, the City anticipates a delay to the overall schedule for the completion of the borough-based jail system. The timeline for completion has been moved from December 31, 2026 to August 31, 2027. Timelines for the closure of individual facilities on Rikers Island are currently in development. Local Law 192 of 2019 (LL 192) requires MOCJ to provide the Council with a biannual update on the progress of closing Rikers Island and the transition to Borough Based Jails. This report includes information on the jail population and the current status of the procurement, design, and construction of Borough Based Jails capital projects. The latest LL 192 report was submitted in March 2021 and covered the period from January 1, 2020 to December 31, 2020. The full report can be viewed here:

<file:///Users/monicapepple/Downloads/Progress-Towards-Closing-Jails-on-Rikers-Island-Local-Law-192-Jan-1-2020-Dec-31-2020.pdf>. Highlights from the report are discussed below.

- **Borough Based Jails on Schedule for 2027.** According to the report, Borough Based Jails is on schedule for completion by August 2027, and the Administration does not anticipate amending the timeline again.
- **Procurement is Underway.** The Department of Design and Construction (DDC) is actively procuring vendors for the dismantling of both the Brooklyn House of Detention and the Queens House of Detention. On February 12, 2021, DDC issued a Request for Qualification (RFQ) for the dismantling of the Manhattan Detention Center (MDC). This will allow DDC to move forward with the procurement process for the new Manhattan facility. Procurements for all four facilities will be staggered in the fourth quarter of 2021, according to the report.

- **Public and Community Input Continues.** There are opportunities for community and advocacy groups to participate in design workshops, Neighborhood Advisory Council (NAC) meetings, and Community Board meetings about the design and construction of the new facilities. In addition, the Public Design Commission, Department of City Planning, and City Planning Commission will review and evaluate the proposal, design, and construction of projects at different stages throughout the process.

Alternatives to Incarceration. In New York City, people who have been sentenced to a year or less serve their time in City jail, or are ordered to an Alternative to Incarceration (ATI) program. ATIs are community-based supportive services programs that a judge may sentence people to in lieu of incarceration. Services include case management, community supervision, assistance with housing and benefits enrollments, education support, job training and placement, substance use services, and mental, physical, and behavioral health treatment. Beginning in Fiscal 2021, the City expanded ATI programming to increase the number of people served and deepen the depth of services provided, bringing the total annual budget to approximately \$34 million, an increase of over \$20 million compared to the previous contract value. It is expected that enhanced ATI programming will reach 7,300 participants across the five boroughs. MOCJ currently funds 15 CBOs that operate over 24 ATI programs throughout the City. With the new funding, ATI capacity has been expanded for felony cases utilizing programming that is more substantial. The additional funding and resources support:

- Increased capacity for felony cases
- Provide clients who require additional support following the completion of their court-mandated program with additional voluntary services
- Provide additional substance use, mental health, and physical health services
- Provide dedicated ATI services in Queens and Staten Island (as well as an expansion overall citywide)
- Provide additional youth-specific programs
- Provide additional women-specific programs

In addition to the Administration's ATI funding, the Council added \$11.8 million to the Fiscal 2021 Budget for ATI programs¹.

Crisis Management System. In partnership with the Administration, the Council funds the Crisis Management System (CMS), which is a community-based network of programs intended to prevent gun violence, restore the damage done to communities, and respond to specific community incidents. CMS consists of over 50 CBOs operating in 21 neighborhoods where upwards of 50 percent of shooting incidents occur. These services include Cure Violence, a year-round employment program, mental health services, and trauma counseling and is overseen by MOCJ's Office of Neighborhood Safety. The total funding for the Crisis Management System for Fiscal 2021 is \$42 million, of which the Administration provided \$40 million, in addition to the Council's discretionary funding allocation of \$2.9 million, \$1.9 million of which flows through MOCJ.

The Fiscal 2021 Adopted Budget expanded CMS by \$11.9 million, allowing the program to expand into the 43rd, 69th, 70th, 71st, and 103rd precincts. All existing sites will also receive additional funding of \$250,000 to enhance existing programming. In addition, funding of \$1.7 million was added in Fiscal 2021 only and was awarded to 21 providers to engage in social distancing education and COVID-19

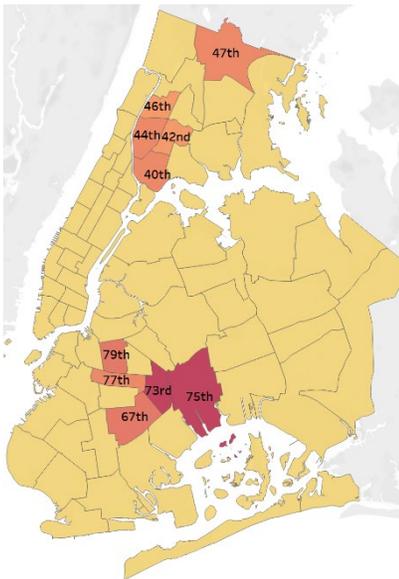
¹ For more information on ATI programming, please visit MOCJ's website:

<https://criminaljustice.cityofnewyork.us/reports/alternatives-to-incarceration-program-guide/>.

outreach. Also of note is \$2.7 million in funding that was added in the November 2019 Plan as part of the POA. This new programming is currently on hold until Fiscal 2022.

A recent report released by MOCJ shows a 97 percent increase in shootings (1,531) in 2020 as compared to 2019 (776), some of the highest levels the City has seen in more than ten years. The concentration of shootings has impacted the Bronx and Brooklyn the most. All of the top 10 precincts with the most shootings in 2020 receive CMS funding. In fact, in Fiscal 2020 2020, these precincts received \$16.4 million nearly half of all funding. Despite this, all experienced an increase in shootings from 2019 levels. In an effort to address the City’s recent uptick in shootings, the Mayor announced in the 2021 State of the City Address that the CMS workforce would be doubled. MOCJ is still negotiating with the Administration on what this expansion will entail.

Precincts with the Most Shootings in 2020



Neighborhood	Precinct	Shootings	% Increase from 2019	City Funding	Council Funding	Total Funding
Bedford Stuyvesant	79th	61	103%	\$1.09M		\$1.09M
Brownsville	73rd	96	182%	\$1.87M	\$0.16M	\$2.03M
East Flatbush	67th	60	107%	\$1.84M		\$1.84M
East New York	75th	102	100%	\$2.39M	\$0.44M	\$2.83M
Grand Concourse	44th	49	69%	\$1.09M	\$0.08M	\$1.17M
Morrisania	42nd	44	42%	\$1.27M		\$1.27M
Mott Haven	40th	55	72%	\$2.08M	\$0.20M	\$2.28M
North Crown Heights	77th	54	116%	\$1.48M	\$0.04M	\$1.52M
West Bronx	46th	44	52%	\$1.04M	\$0.04M	\$1.08M
Woodlawn	47th	46	100%	\$1.24M		\$1.24M

Atlas Programming. Atlas programming provides voluntary support services for individuals released from court without any conditions (released on their own recognizance or ROR’d). MOCJ’s Office of Neighborhood Safety oversees the program. Participation is voluntary and services provided include trauma-informed therapy, mentorship, education and employment, and connection to supportive community networks. MOCJ issued an RFP in Calendar Year 2020 for the Atlas program and services were to begin in Fiscal 2021, but were delayed due to the COVID-19 pandemic. In November 2020, the United Way was awarded approximately \$10 million as the prime vendor. United Way will distribute approximately 75 to 80 percent of the budget to subcontracted providers in communities for direct-service provision. As of the writing of this report, it remains unclear how many CBOs have been subcontracted, but according to MOCJ, services have begun and are operating remotely. MOCJ anticipates extending outreach to approximately 10,000 people, with the goal of engaging 7,000 in services and programming. The City expects that approximately 70 to 75 percent of the individuals will be young, between the ages of 16 to 25.

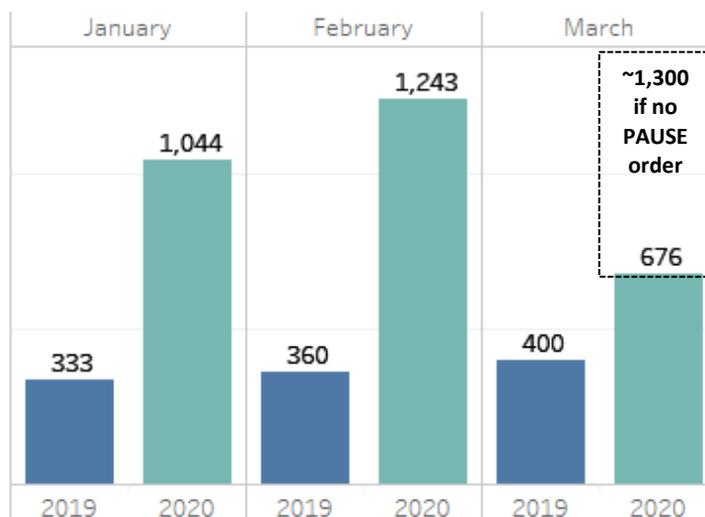
Supervised Release and 6A Program. New York City’s supervised release program is a court-ordered program that aims to reduce pretrial detention for individuals with pending cases in the NYC Criminal or Supreme Court. MOCJ’s Office of Pretrial Services oversees the program. Three providers (outlined in the table below) work with identified defendants to ensure their return to court and connect them to supportive services, such as mental health counseling, substance use treatment, and various other

services. All people with cases in the NYC Criminal or Supreme Court are eligible, regardless of the charge. Supervision ranges from minimal check-ins to extensive programming. In light of State criminal justice reform and the plan to close Rikers Island, the projected annual enrollment in Supervised Release was expected to increase from approximately 5,000 individuals per year to up to 25,000 individuals per year, and the City increased funding for Supervised Release. The Fiscal 2022 contract values for Supervised Release are still being negotiated between MOCJ and the providers, but the total budget is projected to rise to \$109.2 million to account for the program’s expansion; this includes \$50,000 in State asset forfeiture funding from the District Attorney of New York (DANY). The current Fiscal 2021 budget for Supervised Release is \$92.5 million, including \$50,000 in State asset Forfeiture funding from DANY. The current Fiscal 2021 contract values by borough and provider total \$72.4 million, and are outlined below.

Fiscal 2021 Supervised Release Contracts		
Borough	Provider	FY21 Contract Value
Bronx	Center for Court Innovation	\$12,355
Brooklyn	Center for Court Innovation)	16,320
Manhattan	Manhattan (CASES)	20,092
Queens	Criminal Justice Agency	16,505
Staten Island	Center for Court Innovation	7,082
TOTAL:		\$72,354

As shown in the graphic below, prior to the COVID-19 pandemic and the State’s Executive PAUSE order, January through March 16, 2020, showed an increase in participants compared to 2019, with 88 percent of all individuals in compliance with program requirements. MOCJ estimates these would have continued to be an increase if the pandemic had not occurred.

Citywide Monthly Supervised Release Intakes 2019 vs. 2020



On March 17, 2020 the court suspended supervised release as the arraignment process went virtual, but providers continued working with existing participants via virtual programming and case

management. In late July 2020, the court re-introduced supervised release to the virtual arraignment process, and as of March 2020, the providers receive cases every day. Despite the Council's request for updated intake numbers, MOCJ has yet to provide current and projected caseload for Fiscal 2021 and Fiscal 2022, but it is likely that current intake is down as a result of the COVID-19 pandemic.

As a result of COVID-19, MOCJ established the 6A or "Early Release" Program to allow the Correction Commissioner to administratively release City-sentenced individuals from jail to serve the remainder of their sentences in the program. When there is "some compelling reason consistent with the public interest," Article 6-A of the State Correction Law authorizes the NYC Department of Correction Commissioner to exercise discretion to permit people serving a City-sentence of less than one year to serve the remainder of their sentence at home. Beginning March 22, 2020, the DOC Commissioner exercised this authority, resulting in the release of approximately 485 people between March and June of 2020, 300 of which were released to the 6A program. Furthermore, to ensure that lack of housing was not a barrier for anyone's release from prison or jail during the pandemic, MOCJ contracted with Exodus Transitional Community to setup four Emergency Reentry Hotels to act as transitional homes for anyone who was homeless upon their release. Over 600 people have been placed in these hotels since the pandemic began.

The City's supervised release providers began supervising City sentenced individuals in this 6A program by providing daily virtual case management and reporting to DOC on compliance. Through June 30, 2020, 90 percent of participants complied with the program requirements, and 92 percent of all individuals in the 6A program were not re-arrested while they were in the program. Because court-ordered supervised release intake decreased in Fiscal 2020, MOCJ utilized the existing Fiscal 2020 Supervised Release budget of \$21.8 million to support the 6A program. As of March, 2021 there are five people still serving their City-sentence in the 6A program. People are discharged from the program once their City-sentence is completed.²

As a result of the State's 2019 Criminal Justice Reform and the City's efforts to release individuals from custody during the pandemic, the City also launched an electronic monitoring program to provide judges with another option for pretrial defendants besides bail or custody. The supervised release budget includes \$2.2 million in new funding in Fiscal 2021 only for electronic monitoring. According to MOCJ, the City's contracts for electronic monitoring is not to exceed \$3 million. The contract structure is not tied to a fixed number of devices. Instead, the device itself and the services are paid for as they are activated. MOCJ does not anticipate having operational capacity to monitor more than 150 people. As of July 2020, there were seven people sentenced to electronic monitoring, indicating that the program may be under-utilized and the budget too high.

Discharge Planning. In Calendar Year 2020, MOCJ and DOC issued two new RFPs for reentry and discharge planning to better establish a continuum of care for people in DOC custody and upon release. DOC's contracted services would focus on in-custody programming and expand to specific populations and vulnerable communities while MOCJ's contracted services would focus on reentry and post-release programming. The anticipated cost of the combined services is a total of \$44.4 million, with \$20 million in MOCJ's contract budget. Services were originally scheduled to begin in Fiscal 2021, but because of COVID-19 were delayed. Services began January 2021 and, according to MOCJ, will continue to ramp up through the end of June. Currently, MOCJ funds 10 CBOs engaging in reentry work and projects that over 8,000 people will be reached annually once the program is at full

² For more information on Supervised Release please visit MOCJ's website: <https://criminaljustice.cityofnewyork.us/briefs/#supervised-release-scorecards>.

scale. The CBOs are providing a combination of in-person and remote services, including working with individuals at MOCJ's four Emergency Reentry Hotels.

Fiscal 2021 Preliminary Mayor's Management Report (PMMR)

While MOCJ does not have a section of the PMMR dedicated to its performance, it does include a section on the Mayor's Action Plan for Neighborhood Safety (MAP), which is overseen by MOCJ's Office of Neighborhood Safety. For the past six years the Administration has implemented MAP, a comprehensive multi-agency effort to address public safety and community development in 15 of the 326 New York City Housing Authority (NYCHA) developments. MAP is a neighborhood-based strategy to increase public safety by improving physical and community conditions by engaging residents. MAP coordinates with over 11 City Agencies and Offices, and CBOs to help move beyond traditional law enforcement and address underlying factors that impact crime and safety. These include changes to the physical environment and integrating community input and supportive programming. The COVID-19 pandemic has presented several challenges for MAP developments, including increased crime and neighborhood shootings, but MAP continues to focus on engaging the communities it is active in.³

While the PMMR is sufficient at outlining MAP's outcomes and measures on a year-to-year basis, it does not provide adequate budget information. According to the PMMR, the initial investment was \$210.5 million to fund a variety of programs, but information on the funding for MAP and a breakdown by Agency is not available in the City's budget or in the PMMR; the PMMR should tie programs and spending related to MAP.

³ For more information regarding MAP and its recent measures and outcomes, please see the Mayor's Fiscal 2021 Preliminary Management Report which can be located at the following link: https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021_pmmr.pdf.

Fiscal 2021 City Council Priorities

Alternatives to Incarceration (ATI's)	\$11,879
Crisis Management System	1,955
Cure Hate Initiative	106
Discharge Planning	250
Diversion Programs	2,162
Domestic Violence and Empowerment (DoVE) Initiative	9,624
Family Advocacy and Guardianship Support	1,000
Initiative for Immigrant Survivors of Domestic Violence	449
Initiative to Combat Sexual Assault	3,210
Innovative Criminal Justice Programs	1,175
Legal Information for and Support Families (LIFT)	412
Legal Services for Low-Income New Yorkers	213
Prevent Sexual Assault (PSA) Initiative for Young Adults	315
Prisoners' Rights Project	850
Support for Victims of Human Trafficking	1,200
Supportive Alternatives to Violent Encounters (SAVE)	1,000
Supports for Persons Involved in the Sex-Trade	2,988
Local	930
Total	\$39,718

Council Initiatives. The Fiscal 2021 Budget includes \$39.7 million for City Council initiatives that support the work of over 160 CBOs within the criminal justice, domestic violence, legal service, and public safety program areas. The table to the left provides an overview of funding for Fiscal 2021 by each initiative. For more information regarding each initiative and its scope of service please refer to Schedule C document on the Council’s website:

<https://council.nyc.gov/budget/fy2021/>.

Council Capital Discretionary. The Fiscal 2021 Adopted Budget added one City Council discretionary project to the Fiscal 2021 Capital Budget related to Courts capital. This project totals \$50,000 and is for renovations at the Bronx Court Facility located at 15 E. 161st Street.

Issues and Concerns

- **Budget Transparency.** MOCJ, while not a City agency, does have two dedicated units of appropriation (U/A) within the Mayoral Budget. The PS and OTPS costs associated with operation of MOCJ are in the Criminal Justice Programs U/As 050 and 051. However, the Budget does not accurately reflect the cost of MOCJ because MOCJ’s budgeted headcount is not entirely represented by these U/As, it is spread among multiple agencies such as the Department of Health and Mental Hygiene and the Department of Probation. Furthermore, the major criminal justice programs that managed by MOCJ and supported through contracts, such as alternative to incarceration programs and indigent defense are budgeted in the City’s miscellaneous budget (098) in U/As 002 and 005. The Administration should reorganize the budget so that it presents a clear, comprehensive, and accurate budget for MOCJ.
- **Delays in Discretionary Contracting.** As MOCJ has experienced high turnover in recent years, and criminal justice programming across the City has increased, the contracting and reimbursement process has been delayed significantly. MOCJ has experienced a backlog, and organizations are waiting for longer periods to complete the contract and reimbursement process. To address this issue, the Fiscal 2020 Budget included baseline funding of \$255,000 for MOCJ “Contract and Budget Staff” with a budgeted of headcount of three, one of which is solely dedicated to City Council discretionary funding; however, despite this person having been hired, the Council and CBOs have still noted considerable delays.

Courts Maintenance Financial Plan Summary

The COVID-19 pandemic has required all Courts across New York State to adapt to virtual operations. In March of 2020, Courts began operating remotely including: New York City's Family Court, Criminal Court, Civil Court, and the New York State Unified Court System.⁴ In the summer of 2020, a four-phased approach began to re-open and expand in-person matters. However, due to the rise in cases during the winter months, the Courts shut down again with the exception of grand jury proceedings. All arraignments are virtual and trials have been suspended with the exception of a small number of criminal cases being called in-person. In an effort to reduce the number of people in the courthouse at any one time, in-person appearances are scheduled. To adhere to State guidelines, cleaning services are extensive and individuals are screened upon arrival at the courthouse for temperature checks, and masks are provided. Courtrooms have Plexiglas barriers and seating is socially distanced.

The Department of Citywide Administrative Services (DCAS) is responsible for cleaning and maintaining all of the City's courts. DCAS' budget includes a U/A pair for asset management for the Courts – 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 the Unified Courts System with an overview of DCAS' actual expenditures for Fiscal 2019 and Fiscal 2020, the Adopted Budget for Fiscal 2021, and planned expenditures for Fiscal 2021 and Fiscal 2022 as the current Financial Plan.

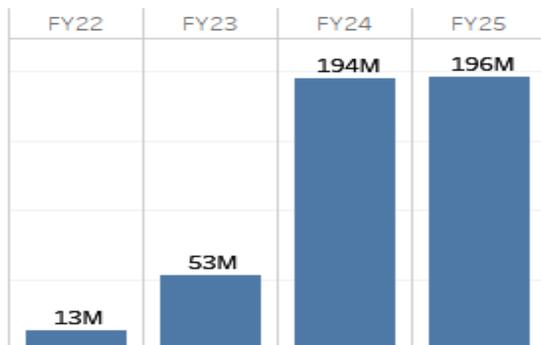
Table 4: Courts Maintenance Financial Summary						
<i>Dollars in Thousands</i>	Actual 2019	Actual 2020	Adopted 2021	Preliminary Plan 2021	Preliminary Plan 2022	*Difference 2021-2022
Spending						
Appellate Courts						
Personal Services	\$1,031	\$1,094	\$1,816	\$1,829	\$1,829	\$13
Other Than Personal Services	24,729	25,908	26,410	31,817	30,345	3,935
Subtotal	\$25,760	\$27,002	\$28,226	\$33,646	\$32,174	\$3,948
Unified Court System						
Personal Services	\$47,027	\$46,985	\$46,099	\$46,593	\$46,600	\$501
Other Than Personal Services	3,202	2,081	2,806	2,200	0	(2,806)
Subtotal	\$50,229	\$49,066	\$48,905	\$48,793	\$46,600	(\$2,305)
TOTAL	\$75,989	\$76,068	\$77,131	\$82,439	\$78,774	\$1,643
Funding						
City Funds	\$16,596	\$17,289	\$16,449	\$21,584	\$20,376	\$3,925
State	59,393	58,779	60,682	60,855	58,398	(2,284)
TOTAL	\$75,989	\$76,068	\$77,131	\$82,439	\$78,774	\$1,643
Budgeted Headcount						
Appellate Courts	18	13	13	12	18	5
Unified Court System	624	571	571	541	624	53
TOTAL	642	584	584	553	642	58

The Fiscal 2022 Preliminary Budget totals \$78.8 million, an increase of approximately \$1.6 million more than the Fiscal 2021 Adopted Budget. This increase is due to an increase in OTPS funding of \$3.9 million for the Appellate Courts, offset by a decrease in OTPS funding of \$2.3 million for the Unified Court System which will be recognized in later financial plans. The increase in OTPS funding in both

⁴ The New York Unified Court System includes the Supreme Civil and Criminal Courts, Family and Surrogate Courts, and some specialized court parts.

Fiscal 2021 and Fiscal 2022 are attributed to increased costs associated with COVID-19 cleaning and sanitation protocols. Budgeted headcount is expected to rise again in Fiscal 2022.

Courts Fiscal 2022-2025 Capital Budget



Capital Program

MOCJ and the 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, projects are managed by DCAS, the Department of Design and Construction (DDC), or the Dormitory Authority of the State of New York (DASNY). There is no standard formula in making a decision on which entity manages

the project; however, DASNY historically manages larger, more expansive renovations and capital projects while DDC and DCAS manage smaller projects and maintenance projects, respectively.

The Preliminary Capital Budget presents a four-year plan for the appropriations the Courts anticipates will be needed to complete its projects. The Capital Commitment Plan provides details on how the Courts plan to spend the appropriations allocated in the Capital Budget. Finally, the Ten-Year Strategy is a long-term capital planning document that projects the City’s capital needs by agency and by major category over the next ten years.

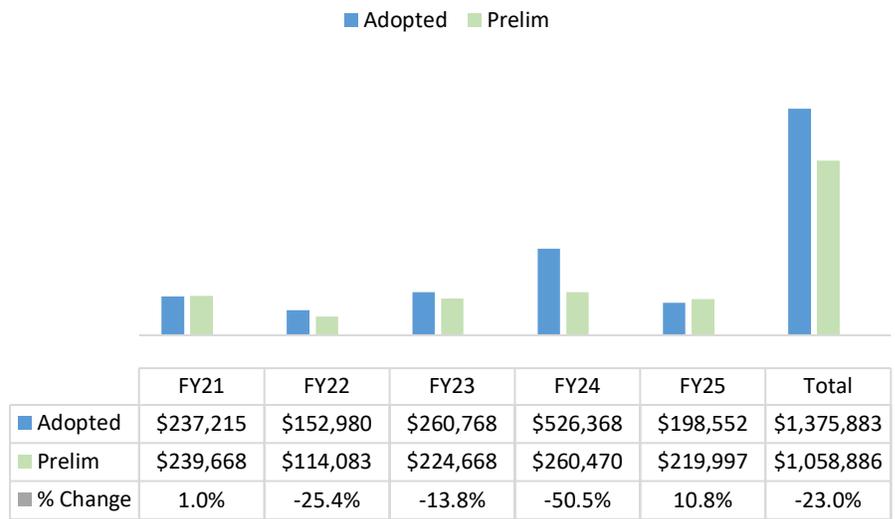
Fiscal 2022-2025 Preliminary Capital Budget

The Capital Budget provides the estimated need for new appropriations for Fiscal 2022 and projections for the subsequent three-year capital program. As shown in the chart to left, the Courts Fiscal 2022 Preliminary Capital Budget includes \$455.3 million in Fiscal 2022-2025. This total Capital Budget represents less than one percent of the City’s total \$53.6 billion Capital Budget for 2022-2025. Of the Fiscal 2022-2025 Capital Budget, over 85 percent of the Courts estimated new appropriations will be required in Fiscal Years 2024 and 2025

Preliminary Capital Commitment Plan for Fiscal 2021-2025

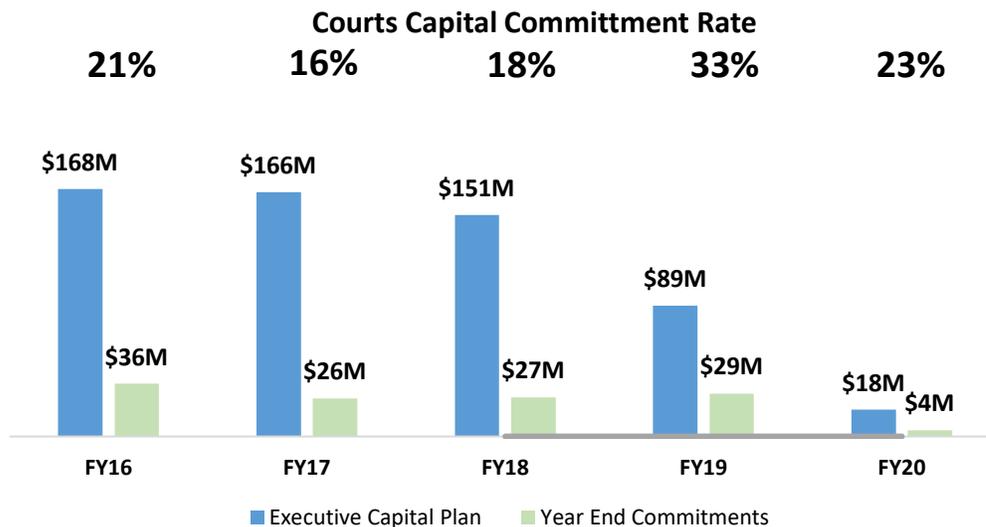
The Courts Preliminary Commitment Plan includes \$1 billion in Fiscal 2021-2025. This represents just over one percent of the City’s total \$84.1 billion Preliminary Commitment Plan. The Courts Preliminary Commitment Plan has fallen approximately 23 percent compared to the Adopted Capital Commitment Plan of \$1.3 billion. The Courts Preliminary Commitment Capital Plan has 27 budget lines, which include a total of 104 projects, some of which are discrete projects, others of which are lumped together.

Courts FY21-FY25 Commitment Plan



The total appropriations for the court system in Fiscal 2021 are \$774 million. The current available balance of appropriations total \$773.4 million against planned commitments totaling only \$239.6 million⁵. This excess balance of \$533.8 million in appropriations gives the Courts substantial flexibility within the capital plan.

The



⁵ Appropriations for Fiscal 2021 are calculated by summing the available appropriations listed in the commitment plan with actual commitments to-date. Because commitments to-date excludes inter-fund agreements (IFA), this figure may be slightly lower than the total appropriations for Fiscal 2021. In addition, a very small portion of the difference between Appropriations and planned commitments are necessary to fund IFA, which are excluded from this planned commitments figure.

Department’s history of commitments shown in the chart to the left, displays the Department’s capital Commitment Plan as of the Fiscal 2016-2020 Executive Budget and the actual commitments in the corresponding fiscal year. The chart also shows the capital commitment rate: the percentage of the Capital Plan committed per fiscal year. Given the court’s five-year commitment rate average of 22 percent, it is likely that the Court System will end the coming year with unmet commitment targets and significant appropriations rolled into Fiscal 2022 and in the outyears.

Preliminary Plan Highlights. Major capital projects included in the Preliminary Capital Plan for Fiscal 2021-2025 are outlined below.

- Acquisition, Additions, Construction, Reconstruction.** The Preliminary Commitment Plan includes approximately \$662.9 million over the next five years for acquisition, additions, construction, and reconstruction to various courts citywide. This is a single budget line that holds a large lump sum allocation for many projects and is overly general. Projects included in this project line are highlighted in the table on the following page. It includes various rehabilitation projects that have yet to be assigned but are internal funding sources for new projects. It also includes cost adjustments related to building infrastructure projects, the relocation of two Court facilities, and several ADA and fire safety compliance projects among others.

Acquisition, Additions, Construction, and Reconstruction Projects		
Budget Line Title	FY20-FY24	Percent of Total
Various Court Facilities – Rehabilitation*	\$375,076	56.70%
210 Joralemon St. OCA Relocation (Brooklyn)	238,681	36.00%
851 Grand Concourse - Housing Court Relocation (The Bronx)	17,171	2.59%
120 Schermerhorn St.- Code Compliant Toilet Upgrade (Brooklyn)	8,669	1.30%
Various Public Buildings – Courts Fire Suppression	8,048	1.21%
Citywide Courts ADA Lump Sum	8,039	1.21%
Various Courts Buildings - ADA Work	3,881	0.59%
Various Public Buildings - Courts Fire/Life Safety	1,420	0.21%
Various Public Buildings - Courts HVAC Upgrades	975	0.15%
25-10 Court House Sq.- Fire Alarm System (Queens)	735	0.11%
314 W. 54th St.- Midtown Community Court Expansion (Manhattan)	245	0.04%
25-10 Court House Sq. – Elevators (Queens)	73	0.01%
31 Chambers St. – Renovate Skylight	(71)	(0.1)%
TOTAL:	\$662,942	100%

Dollars in Thousands

**Yet to be assigned*

- General Fire Safety.** The Preliminary Commitment Plan includes approximately \$146.1 million over the next five years for items related to fire safety Citywide, including fire alarm and sprinkler upgrades and installation of fire pumps.
- Bronx Court Complex.** The Preliminary Commitment Plan includes approximately \$21 million over the next five years for projects managed by DASNY related to the Bronx Court complex, including phase one of a new Bronx Criminal Court, and renovations to the Bronx Supreme Court and Family Court buildings.

Major projects completed in Fiscal 2020

- New York County Criminal Court (100 Centre Street) cooling tower - \$8.3 million

Major projects that were delayed as a result of COVID-19

- Harlem Courthouse ceiling reconstruction
- Various façade projects
- Various fire alarm and sprinkler upgrades

Major projects are planned to be completed in Fiscal 2021

- Brooklyn Supreme Court (360 Adams Street) boiler replacement - \$2.6 million
- Elevator Rehabilitation - \$2.7 million

Priority Projects for Fiscal 2022

- Relocation of Civil/ Housing Court Relocation in Brooklyn - \$238.7 million. This project is scheduled to begin in August 2021 be complete by August, 2024.
- The relocation Bronx Housing Court to 851 Grand Concourse - \$17.2 million. DCAS projects that this project will begin construction in May, 2022 and be complete by November 2023.
- Harlem Court House courtroom ceiling reconstruction - \$1.3 million. This project is expected to be complete by October 2021.
- Various roof and façade projects totaling \$107.8 million
- Various fire sprinkler upgrades totaling \$231.7 million

Preliminary Ten-Year Capital Strategy Fiscal 2022-2031

The City's Fiscal 2022-2031 Ten-Year Strategy totals \$118.8 billion, which is \$1.9 billion larger than the \$116.9 billion Fiscal 2020-2029 Ten-Year Strategy. The Ten-Year Capital Strategy for Courts' totals \$2.3 billion, just shy of two percent of the City's total Strategy. The chart below summarizes the Courts Strategy over the ten years by category: construction of new court facilities and reconstruction and renovation of court facilities. Of note, one category, improvement and expansion of court facilities, has been eliminated since the Fiscal 2020-2029 Strategy, although it is unclear why. The chart demonstrates that 99 percent of the Courts Ten-Year Strategy is allocated to just one category (reconstruction and renovation) and the remaining one percent is in construction of new court facilities. Using a single category for all capital projects across the Courts' vast network of facilities not only renders the Strategy meaningless as a planning tool, but also lacks transparency. The preceding chart demonstrates the Strategy by fiscal year and shows that approximately 60 percent, or \$1.4 billion in funding, is planned in the first five years, with a meaningful increase planned in Fiscal 2026, followed by a steep decline, rendering the Strategy less significant as a long-term planning tool.

Courts Ten-Year Strategy by Category



Courts Ten-Year Capital Strategy by Fiscal Year

