



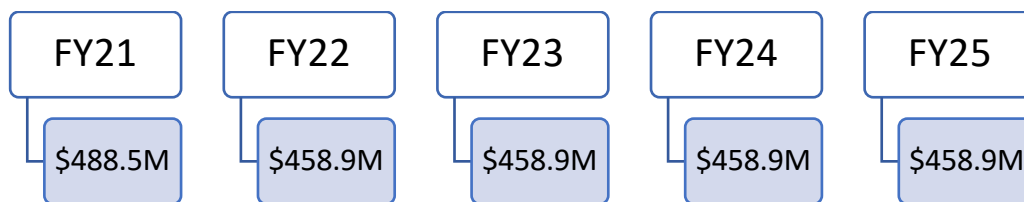
**NOTE ON THE FISCAL 2022 EXECUTIVE BUDGET FOR THE
MAYORS OFFICE OF CRIMINAL JUSTICE**

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The City’s Executive Budget for Fiscal 2022 totals \$98.6 billion. Together, the Executive Budgets for the District Attorneys (DAs, Prosecutors or Offices) and the Special Narcotics Prosecutor (SNP) total \$458.9 million and represent less than one percent of the City’s Executive Fiscal 2022 Budget. This Note provides a summary of the changes in the Executive Financial Plan for the City’s Prosecutors. Topics covered include changes to the Expense Budget, the budget by Office and issues and concerns.

District Attorneys’ Executive Plan Overview



The Prosecutors’ Fiscal 2022 Executive Budget totals \$458.9 million, including \$396.5 million for Personal Services (PS) to support a budgeted headcount of 4,507 positions and \$62.4 million for Other Than Personal Services (OTPS) costs. The Fiscal 2022 Executive Budget increases the Prosecutors’ total budget by approximately \$3 million when compared to the Fiscal 2021 Adopted Budget. This increase is due solely to an increase in City-tax levy (CTL) funds, including \$751,340 in PS funding to support an increase to full-time salaried positions and \$2.3 million in OTPS funding for various supplies, services, and charges. CTL funding remains the primary source of funding for the Prosecutors’ Fiscal 2022 Budget and consists of \$446.3 million, or 97 percent of the total projected budget.

When compared to the Preliminary Plan, the DAs and SNP’s Fiscal 2021 budget increases by \$10.9 million, or two percent. The main driver of change in the Fiscal 2021 Budget is the recognition of over \$9.6 million in State and federal grants, and \$1.3 million in CTL funding for collective bargaining, software licensing, and operational costs. The Fiscal 2022 budget increases by just \$621,762. The main driver of change in Fiscal 2022 and the outyears is an increase of CTL funding that supports collective bargaining agreements, as well as heat, light and power, and lease adjustments. For more information on the Prosecutors’ budget please see the Fiscal 2022 Preliminary Budget report on the New York City Council’s website: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/03/901-906-DAs-and-SNP.pdf>

Executive Plan Changes

Changes introduced in the Executive Plan increase the DA and SNP budget by \$10.9 million and \$621,762 in Fiscal 2021 and Fiscal 2022, respectively. The Executive Plan did not introduce any new needs or savings for the Prosecutors. The major changes are described in further detail below. All of the spending increases are routine re-estimates of spending and cost increases. The addition of more than \$15 billion in new federal aid recognized in the Executive Plan has no direct impact on the budgets of the DAs and SNP.

Year:	FY21	FY22	FY23	FY24	FY25
New Needs:	\$0	\$0	\$0	\$0	\$0
Other Adj:	\$10.9M	\$622K	\$622K	\$622K	\$622K
Savings:	\$0	\$0	\$0	\$0	\$0

Other Adjustments.

- Various State and Federal Grants.** The Executive Budget introduced over \$7.9 million in State funding and approximately \$1.7 million in federal funding across all of the Offices. This funding consists of various grants that support crime victims’ compensation and advocacy programs, efforts to prevent intoxicated driving, motor vehicle theft and insurance fraud, gender-based violence advocacy, opioid programming, and justice assistance grants.

Notably, the DAs generate revenue from various sources, including deferred prosecution agreement settlements, cost of prosecution agreement settlements, fines, city restitution and reparation, and bail bond forfeitures. Pursuant to a revenue agreement with the Office of Management and Budget (OMB), the DAs keep a portion of the revenue they generate. Revenue is recognized in each participating DA’s budget during the course of the fiscal year following the year in which it was earned. The Executive Budget recognized revenue agreement allocations for the DA Offices: \$5 million for Manhattan; \$343,305 for the Bronx; \$398,485 for Kings; and \$128,105 for Staten Island. Neither Queens nor the SNP recognized revenue.

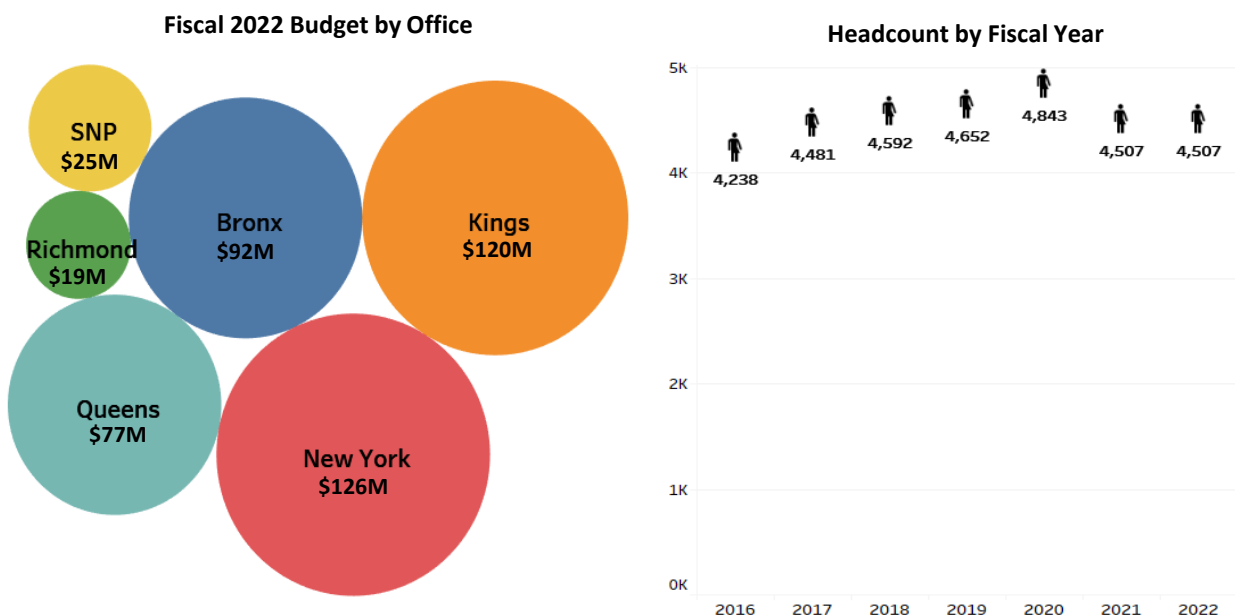
- Collective Bargaining Agreements.** The Financial Plan recognized spending increases related to collective bargaining agreements across multiple City agencies. The Executive Budget includes two actions related to collective bargaining across the Prosecutors’ Offices. First is the recognition of one-time funding of \$578,106 in Fiscal 2021, and second is addition of baseline funding of \$29,440 in Fiscal 2021 and the outyears. Staff titles impacted include clerical staff, detective investigators, civil service workers including engineers and architects, as well as skilled and manual laborers such as electricians and maintenance staff.

The Executive Budget recognized collective bargaining agreement allocations for all of the Prosecutors, with baseline funding beginning in Fiscal 2021:

- **New York DA:** \$230,861 in Fiscal 2021 only, and \$10,120 in baseline funding
- **Bronx DA:** \$54,428 in Fiscal 2021 only, and \$8,027 in baseline funding

- **Kings DA:** \$139,831 in Fiscal 2021 only, and \$3,381 in baseline funding
 - **Queens DA:** \$144,695 in Fiscal 2021 only, and \$5,378 in baseline funding
 - **Richmond DA:** \$8,291 in Fiscal 2021 only, and \$1,074 in baseline funding
 - **SNP:** \$1,383 in Fiscal 2021 only, and \$77,000 in baseline funding
- **Heat, Light and Power.** The Executive Budget introduced a decrease to the Prosecutors’ budget of \$83,005 in Fiscal 2021 only for heat, light and power adjustments. This initiative is baselined beginning in Fiscal 2022 and increases the Prosecutors’ budget by \$159,106. This initiative is recognized across a myriad of City agency budgets with savings in Fiscal 2021 and funding increases in Fiscal 2022 and the outyears.
 - **Lease Adjustments.** This initiative introduces baseline funding of \$432,936 beginning in Fiscal 2022 across all of the DA Offices, with the exception of the SNP, to account for adjustments in rental agreements. The Executive Budget recognized: \$224,069 for Manhattan; \$947 for the Bronx; \$145,547 for Kings; \$62,373 for Queens, and \$280 for Staten Island.
 - **MS Enterprise Licensing Agreement Realignment.** The Prosecutors’ total budget has increased by \$531,106 in Fiscal 2021 only to support the renewal of the Offices’ Microsoft 365 Suite Software

Fiscal 2022 Budget and Headcount by Office. The graphic on the below left outlines the projected Fiscal 2022 Budget by Office as of the Executive Plan. Budgeted headcount remains unchanged since the Preliminary Plan, as outlined bottom right. Actual headcount for the City’s Prosecutors is generally above the budgeted headcount because as elected officials, the Prosecutors do not require OMB’s permission to set headcount. Additionally, the offices receive direct funding for staff positions through various State and federal grants.



Issues and Concerns

The Fiscal 2022 Executive Budget still lacks funding for several of the Prosecutors' initiatives, including full annual funding for operations related to the State's criminal justice reform and several County specific programs. Additionally, the Executive Budget also lacks additional funding needed to achieve salary parity, as pursuant to the agreement with the Administration.

- **Criminal Justice Reform.** The Fiscal 2020 Budget added baseline CTL funding of approximately \$35.4 million to support a total of 729 new positions for discovery and bail reform. The funding added in the November 2019 Plan was prorated to cover the seven months left in the fiscal year. However, essentially the same prorated amount was baselined in the outyears, leaving the Offices without a full year of funding to support the associated headcount. The Fiscal 2022 Budget still lacks over \$15.6 million necessary for a full year of operational expense related to the reform.
- **Brooklyn Rising Against Violence (BRAVE).** The Kings DA's BRAVE program, which is supported with \$320,000 in discretionary funding, provides trauma-informed, direct services to residents of Brooklyn, particularly immigrants communities, and sensitivity training to law enforcement personnel regarding issues of domestic violence and sexual assault.
- **Young Adult Court.** The Brooklyn Young Adult Court, which is supported with \$138,000 in discretionary funding, is a partnership with the New York State court system and Center for Court Innovation to provide alternatives to incarceration for young people ages 16 to 24, charged with misdemeanors through mandated and voluntary social service.
- **Manhattan HOPE.** The Fiscal 2021 Adopted Budget included one-time funding of \$625,000 from the Administration for the DA of New York only, to support its Heroin Overdose Prevention and Education (HOPE) program. Modeled on the success of Richmond DA's HOPE program, which began through Council discretionary funding in 2018, the Bronx, Kings, and Richmond DAs received a total of \$2.3 million in baseline funding in Fiscal 2019 as part of Healing NYC to implement their own tailored versions of the program. The New York DA has historically self-funded this item but funding expired at the end of Fiscal 2020. DANY has requested baselined funding for its HOPE program and, in Fiscal 2021, received one-time funding of \$625,000. However, the Financial Plan does not include funding for DANY's HOPE program in Fiscal 2022.
- **Salary-Parity.** The Fiscal 2019 Adopted Budget included a total of \$5.4 million to support Assistant District Attorney (ADA) salary adjustments. The agreement was for pay parity to be implemented in two phases. The first phase would include attorneys with less than five years of experience. The second phase was to be developed in 2020 and include district attorneys with five or more years of experience. The Fiscal 2022 Budget lacks additional funding increases to bring Prosecutors' salaries in line with lawyers employed by the Law Department.

Appendix: Financial Plan Summary

District Attorney and Special Narcotics Prosecutor Financial Summary						
<i>Dollars in Thousands</i>						
	FY19	FY20	FY21	Executive Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Spending						
Personal Services	\$374,939	\$400,987	\$395,757	\$411,736	\$396,508	\$751
Other Than Personal Services	48,364	58,796	60,154	76,757	62,429	2,275
TOTAL	\$423,303	\$459,783	\$455,911	\$488,494	\$458,937	\$3,026
Budget by Office						
District Attorney - New York	\$119,111	\$141,083	\$125,477	\$143,328	\$126,412	\$935
District Attorney - Bronx	83,443	86,242	89,969	94,184	91,999	2,030
District Attorney - Kings	110,502	117,155	119,799	127,369	119,557	(242)
District Attorney - Queens	70,019	72,993	76,898	78,185	76,964	66
District Attorney - Richmond	16,936	18,584	18,070	19,639	18,508	438
Special Narcotics Prosecutor	23,292	23,726	25,698	25,789	25,496	(202)
TOTAL	\$423,303	\$459,783	\$455,911	\$488,494	\$458,937	\$3,026
Funding						
City Funds			\$443,293	\$444,527	\$446,319	\$3,026
Federal - Other			58	11,683	58	0
Intra City			2,325	2,141	2,325	0
Other Categorical			0	64	0	0
State			10,235	30,080	10,235	0
TOTAL	\$423,303	\$459,783	\$455,911	\$488,494	\$458,937	\$3,026
Budgeted Headcount Full-Time Positions - Civilian						
District Attorney- New York	1,440	1,515	1,185	1,185	1,185	0
District Attorney - Bronx	1,054	1,038	1,064	1,064	1,064	0
District Attorney - Kings	1,092	1,124	1,094	1,094	1,094	0
District Attorney - Queens	694	734	723	723	723	0
District Attorney - Richmond	162	211	202	202	202	0
Special Narcotics Prosecutor	210	221	239	239	239	0
TOTAL	4,652	4,843	4,507	4,507	4,507	0

*The difference of Fiscal 2021 Adopted Budget compared to Fiscal 2022 Executive Budget.