



NEW YORK CITY COUNCIL FINANCE DIVISION  
Latonia R. McKinney, Director

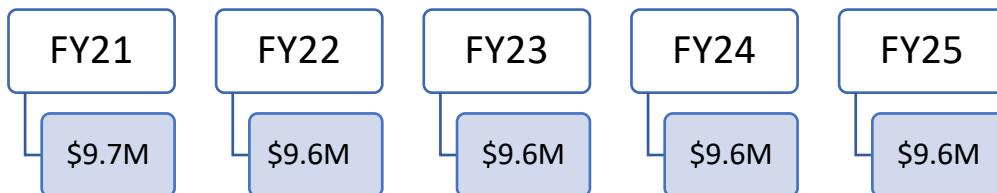
NOTE ON THE FISCAL 2022 EXECUTIVE BUDGET FOR THE  
MAYOR'S OFFICE OF CRIMINAL JUSTICE AND INDIGENT DEFENSE SERVICES

Regina Poreda Ryan, Deputy Director  
Nathan Toth, Deputy Director  
Paul Scimone, Deputy Director

Eisha Wright, Unit Head  
Monica Pepple, Financial Analyst

The City's Executive Budget for Fiscal 2022 totals \$98.6 billion. The Mayor's Office of Criminal Justice's (MOCJ or the Office) projected budget totals \$9.6 million in Fiscal 2022. MOCJ is responsible for managing over \$653.9 million in contracts funded in the Miscellaneous Budget. Together, this brings the total budget to \$663.5 million in Fiscal 2022, accounting for less than one percent of the City's total projected budget. The Courts Fiscal 2022 Capital Commitment Plan totals just over \$1 billion for five years, and its Ten-Year Capital Strategy totals \$2.5 billion. This Note offers an overview of MOCJ's Fiscal 2022 Executive Budget, the Capital Commitment Plan, and the Ten-Year Capital Strategy for the Courts System.

### MOCJ's Executive Plan Overview: Expense



MOCJ's Fiscal 2022 expense budget, which is found in the City's Mayoral budget, totals \$9.6 million, only \$36,000 more than the Fiscal 2021 Adopted Budget, and remains unchanged since the Preliminary Plan. Personal Services (PS) funding makes up \$6.2 million and supports a budgeted headcount of 62 positions and Other Than Personal Services (OTPS) funding makes up \$3.4 million. This portion of MOCJ's budget supports the Office's general operations and personnel and is found in the Criminal Justice Programs units of appropriation. 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 Executive Plan.

MOCJ – Expense Budget (002) Dollars in Thousands	FY19 Actual	FY20 Actual	FY21 Adopted	Executive Plan		*Difference FY21-FY22
				FY21	FY22	
<b>Spending</b>						
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
<b>TOTAL</b>	<b>\$10,661</b>	<b>\$12,050</b>	<b>\$9,604</b>	<b>\$9,693</b>	<b>\$9,640</b>	<b>\$36</b>

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

For more information on MOCJ's 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/54/2021/03/098-MOCJ-2.pdf>.

## MOCJ's Executive Budget Overview: Contracts

	FY21	FY22	FY23	FY24	FY25
Indigent Defense Services	\$422.3M	\$316.3M	\$316.1M	\$314.5M	\$314.5M
Criminal Justice Programs	\$316.9M	\$337.6M	\$325.9M	\$328.1M	\$328.1M
<b>TOTAL:</b>	<b>\$739.2</b>	<b>\$653.9M</b>	<b>\$642M</b>	<b>\$642.6M</b>	<b>\$642.6M</b>

Most of MOCJ's budget is recognized in the City's Miscellaneous Budget. This portion of MOCJ's budget supports its contracts which include criminal justice programming and the City's indigent defense services. As of the Executive Budget, the total contract value for Fiscal 2022 is \$653.9 million, including \$337.6 million for criminal justice programs and \$316.3 million for indigent defense contracts. MOCJ's Fiscal 2022 contract budget increases by \$42.8 million compared to the Fiscal 2021 Adopted Budget, mainly due to additions in the baseline budget related to the Points of Agreement (POA). MOCJ's current Fiscal 2021 contract budget of \$739.2 million has increased by \$128.1 million when compared to the Fiscal 2021 Adopted Budget of \$611.1 million. The increase is due to the addition of other adjustments introduced in the Executive Plan, outlined below, on top of prior adjustments in previous financial plans. Please see Appendix B for further detail.

## New in the Executive Budget

Year:	FY21	FY22	FY23	FY24	FY25
New Needs:	\$0	\$41.8M	\$113M	\$115.5M	\$115.5M
Other Adj:	\$26.9M	\$31M	\$4.3M	4.3MK	\$4.3M
Savings:	\$0	\$0	\$0	\$0	\$0
<b>TOTAL:</b>	<b>\$26.9M</b>	<b>\$72.8M</b>	<b>\$117.3M</b>	<b>\$119.8M</b>	<b>\$119.8M</b>

Changes introduced in the Executive Plan increase MOCJ's contract budget by \$26.9 million in Fiscal 2021, \$72.8 in Fiscal 2022, \$117.3 million in Fiscal 2023, and \$119.8 million in Fiscal 2024 and the outyears. This includes baseline funding of \$41.8 million in new needs in Fiscal 2022, increasing to \$115.5 million in the outyears, mainly related to anti-gun violence initiatives and investments made as part of the POA. The Executive Budget for MOCJ also includes a handful of other adjustments that increase its Fiscal 2021 contracts budget by \$26.9 million in Fiscal 2021, increasing to \$31 million in Fiscal 2022, and dropping to \$4.3 million in the outyears. These adjustments are mainly related to

the recognition of one-time funding for various programs and State grants and baselined funding that supports the City's indirect cost rate initiative. The Executive Budget did not introduce any new savings for MOCJ since the Preliminary Plan. Significant adjustments introduced in the Financial Plan are described in further detail below.

## New Needs

- **Advance Peace Model.** The Executive Budget includes \$5.5 million for the “Advance Peace Model” in Fiscal 2022 only. This program, announced by the Administration in March 2021, is a new gun violence prevention pilot program that will pair youth who are at-risk for gun violence with individual mentors (Neighborhood Change Agents, or NCAs) to reduce gun violence. Young people will be invited to take part in the “Peacemaker” fellowship, which will pair mentees with NCAs who will provide mentorship and assist youth in setting goals such as obtaining an identification card or Graduate Equivalency Degree. When goals are achieved, participants will receive a monetary stipend. According to MOCJ, the pilot will launch at the start of Fiscal 2022 in one police precinct in each borough: the 46<sup>th</sup> precincts in the Bronx, the 114<sup>th</sup> precinct in Queens, the 26<sup>th</sup> precinct in Manhattan, the 73<sup>rd</sup> precinct in Brooklyn, and the 120<sup>th</sup> precinct in Staten Island.
- **Cure Violence Expansion.** The Executive Budget includes \$27 million in Fiscal 2022 and \$37 million in the outyears for the expansion of cure violence programming as part of the City’s Crisis Management System (CMS). The CMS has grown since the Adopted Budget by a total of \$42.7 million for Fiscal 2022 and \$52.7 million for Fiscal 2023 and the outyears. This is more than double the Fiscal 2020 budget of \$37.4 million. The additional funds are expected to double the Cure Violence workforce in calendar year 2021 and triple the workforce by 2022. To date, the Crisis Management System has not issued a request for funding proposal (RFP) in a competitive bid process, and this expansion will similarly be implemented by amending existing contracts.
- **Office for the Prevention of Hate Crimes Enhancement.** The Executive Budget includes \$3 million in Fiscal 2022 and the outyears for an enhancement of the Office of the Prevention of Hate Crimes. As of the writing of this report, MOCJ has not provided details on what this funding will support. Given that the funding is in the contracts portion of MOCJ’s budget as opposed to its Expense Budget, it is likely that this funding will support community-based organizations providing hate crime prevention, education, and response.
- **Points of Agreement (POA).** 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 POA almost two years ago 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.

The COVID-19 pandemic delayed several POA investments that were originally scheduled to come online in Fiscal 2020 and Fiscal 2021; however, both the Preliminary Plan and Executive

Budget added actions related to the POA, which have fully funded some of these commitments. New in the Executive Budget is the recognition of one-time funding of \$12.5 million in Fiscal 2022, and the addition of baseline funding of \$6 million in Fiscal 2022, \$73 million in Fiscal 2023, and \$75.5 million in Fiscal 2024 and the outyears. MOCJ has not provided further information on the specific programs and the timeline for the release of various RFPs and program start dates, with the exception of the \$3.5 million earmarked for pre-arraignment diversion programming. According to MOCJ, this funding will support expansion of Project Reset, which the Council called for in its Fiscal 2022 Preliminary Budget Response. For more information on the POA and details related to each initiative outlined in the table below please see: [http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/10/BBJ Points of Agreement Rikers.pdf](http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/10/BBJ%20Points%20of%20Agreement%20Rikers.pdf).

POA Description	Funding	FY21	FY22	FY23	FY24	FY25
Alternatives to Incarceration Expansion	City	\$0	\$0	\$17,347	\$17,347	\$17,347
Atlas Programming	City	0	0	23,202	23,202	23,202
Columbia Justice Lab	City	0	250	0	0	0
Pre-Arraignment Diversion Programming	City	0	3,500	3,500	3,500	3,500
Restorative Justice Programming	City	0	2,500	4,000	6,500	6,500
Transitional Housing	City	0	0	25,000	25,000	25,000
	State	0	12,268	0	\$0	0
Sub-total State		\$0	\$12,268	\$0	\$0	\$0
Sub-total City		\$0	\$6,250	\$73,049	\$75,549	\$75,549
<b>TOTAL</b>		<b>\$0</b>	<b>\$18,518</b>	<b>\$73,049</b>	<b>\$75,549</b>	<b>\$75,549</b>

*Dollars in Thousands*

## Other Adjustments.

- **Crime Victims Assistance Program (CVAP).** The Fiscal 2022 Executive Budget includes \$2 million in Fiscal 2021 and \$15.1 million in Fiscal 2022 for CVAP. CVAP is a partnership between Safe Horizon and the New York Police Department (NYPD). The program establishes two victim advocates at each police precinct Citywide: one specializes in working with victim of domestic violence and the other provides services to victims of all other crimes. The total budget for CVAP is approximately \$15 million and is part of the City's ThriveNYC initiative. Funding has historically been recognized in the Human Resources Administration (HRA) and NYPD budgets; however, the Executive Budget introduces a transfer of funding from these agencies to MOCJ. According to MOCJ, the current contract ends in Fiscal 2022 and at such time, MOCJ will assess the program and recognition of additional funding in the outyears.
- **Indirect Cost Rate.** The Fiscal 2022 Executive Budget baselines \$6.5 million beginning in Fiscal 2021 for both MOCJ's criminal justice and indigent defense contracted providers to cover certain indirect costs. Specifically, \$3.9 million is recognized for contracted criminal justice providers and \$2.6 million is recognized for indigent defense providers. This funding restores the \$1.3 million baseline cut implemented in Fiscal 2021. As of the writing of this report, MOCJ has not yet provided information as to how many contracts and providers will be impacted by funding.

- **Indigent Legal Services and Hurrell-Harring Settlement Appeals.** The Financial Plan includes \$4.6 million in State funding for the appellate-level indigent defense providers as part of the State Indigent Legal Services and Hurrell-Harring Settlement. A total of \$2.7 million is recognized in Legal Aid Society's budget for its appellate-level cases, and an additional \$1.9 million is recognized across the City's three primary appellate providers. MOCJ has not provided a breakdown of this funding by provider as of the writing of this report. For more information related to this settlement and how it impacts the indigent defense providers, 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/LAS-and-Indigent-Defense.pdf>.
- **Indigent Defense Technical Adjustment.** The Executive Budget includes a net zero transfer from within the Miscellaneous budget of \$8.7 million in City-tax levy funding that results in a one-time addition to the indigent defense providers' budget in Fiscal 2021, only. The Council has requested further information on what this funding supports, but has not received an answer as of the writing of this report. It is likely that this one-time funding is intended to support the Article 10 Family Court providers. Due to an uptick in abuse and neglect cases beginning in Fiscal 2016, providers had higher Article 10 cases than in any year before and, according to the providers, cases have not fallen back down. To address this situation, the Article 10 contract budget included one-time funding of \$8.7 million dispersed among the providers in Fiscal Years 2017 through 2020.
- **Mayor's Action Plan for Neighborhood Safety (MAP) SMART Tool.** The Executive Budget includes \$4.3 million in Fiscal 2022 to support a partnership with John Jay College to develop and launch a survey tool utilizing SMART software to monitor the well-being of NYC neighborhoods and measure perceptions and experiences of residents in the 15 NYCHA communities that participate in MAP. According to John Jay College, MOCJ intends to compare initial survey data from residents in the MAP communities with other data sources and develop more sustainable and cost-effective methods of engaging communities that are not dependent on resident surveys. As of the writing of this report, MOCJ has not provided details on how the SMART tool will differ from current resident surveys. For more information on MAP, 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](https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021_pmmr.pdf).
- **Office for the Prevention of Gun Violence Transfer to Department of Probation (DOP).** The Executive Budget includes a transfer of \$2.9 million in Fiscal 2022 only from MOCJ to DOP for the Works Plus program (formerly the Justice Plus Program), that supports work-readiness and wrap around services to young participants (ages 16-30) who are referred to the program via CMS providers.

## Issues and Concerns

The Fiscal 2022 Executive Budget still lacks funding for several initiatives and programs, including full annual funding for the Article 10 budget and council discretionary funding. Furthermore, the Executive Budget also lacks additional funding needed to achieve salary parity, as pursuant to the agreement with the Administration. The following items outline existing issues in MOCJ.

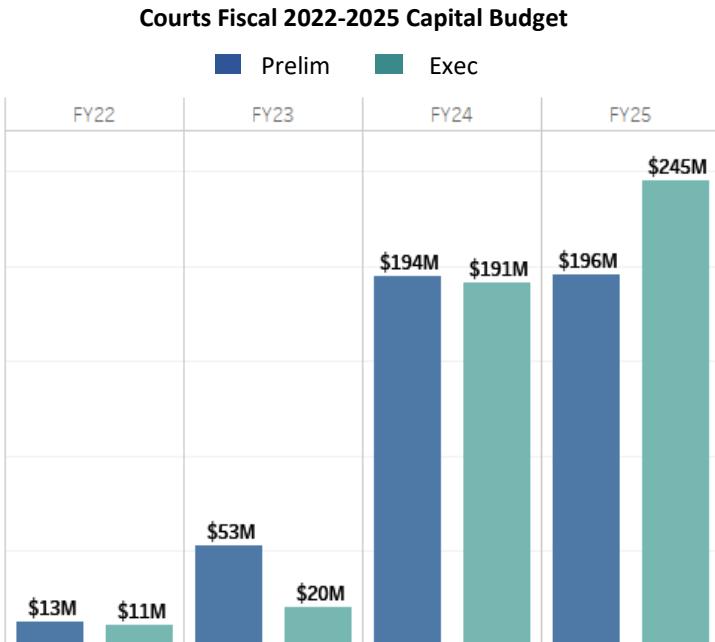
- **Right Size Article 10 Funding.** Although the Executive Plan may include one-time funding of \$8.7 million in Fiscal 2021 to support the Article 10 Family Court providers, the Fiscal 2022 Budget still lacks baseline funding needed to right-size the budget, as called for in the Council's Fiscal 2022 Preliminary Budget Response.
- **Council Discretionary Funding.** The proposed Fiscal 2022 Budget does not include the Council's annual discretionary funding; however, this funding will most likely be recognized in the Adopted Budget. In Fiscal 2021, MOCJ manages over \$39.8 million in City Council initiatives that support the work of over 160 CBOs within the criminal justice, domestic violence, legal service, and public safety program areas.
- **Children Advocacy Centers.** The Fiscal 2022 Executive Budget does not fund the \$748,000 in supplementary funding to Safe Horizon to operate its five Child Advocacy Centers, as called for in the Council's Fiscal 2022 Preliminary Budget Response. Working in coordination with hospitals, law enforcement, and child protective services the Centers provide services to over 4,000 children under the age of 12 who are victims of serious sexual and physical abuse, each year.
- **Salary Parity.** The Fiscal 2020 Budget adoption deal required the Administration to fund pay increases for lawyers with less than five years of work history employed by legal service providers, including indigent defense contractors. Subsequently, the November 2019 Plan added \$7.3 million for pay parity across the indigent defense providers' baselined contracts managed by MOCJ and HRA's Office of Civil Justice, with \$3.7 million for each Office respectively. Although funding was recognized in the indigent defense budget over a year and a half ago, as of May 2021, the providers' contracts have yet to be amended by MOCJ or HRA. The Fiscal 2022 Budget lacks additional funding increases to bring the providers' salaries in line with lawyers employed by the Law Department.

## Capital Program

This section of the Note will provide an update on the Courts Capital Budget, Capital Commitment Plan, and the Courts Ten-Year Capital Strategy.

**The Fiscal 2022 Executive Capital Budget for Fiscal 2022-2025.** The Capital Budget provides the

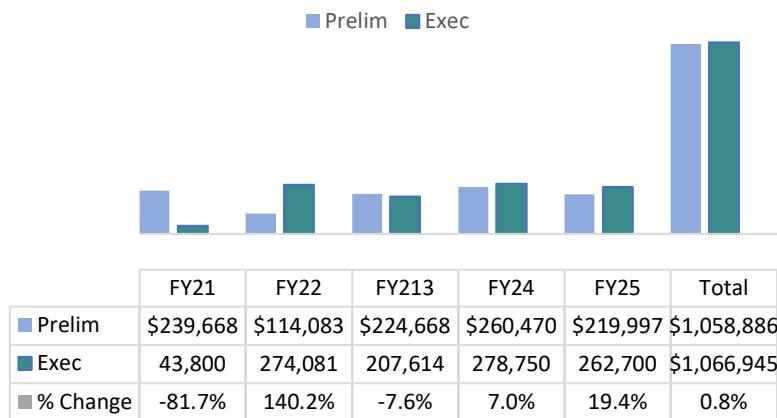
estimated need for new appropriations for Fiscal 2022 and projections for the subsequent three-year capital program. As shown in the chart to left, the Courts Fiscal 2022 Preliminary Capital Budget includes \$467.8 million in Fiscal 2022-2025. The total budget has increased by \$12.4 million, or just under three percent, when compared to the Preliminary Capital Budget. The changes since the Preliminary Capital Budget reflect adjustments to the various projects and the timeline projected to execute those projects. Notably, there was a total decrease of \$36.4 million for Fiscal 2022-Fiscal 2024 and \$48.9 million added to Fiscal 2025.



## Preliminary Capital Commitment Plan for Fiscal 2021-2025

The Courts Preliminary Commitment Plan includes a total of \$1 billion in Fiscal 2021-2025. The Courts Executive Capital Commitment Plan increased by \$8 million, or less than once percent compared to the Preliminary Capital Commitment Plan. The Courts Executive Commitment Capital Plan has 27 budget lines, which include a total of 105 projects, some of which are discrete projects, others of which are lumped together.

### Courts FY21-FY25 Commitment Plan



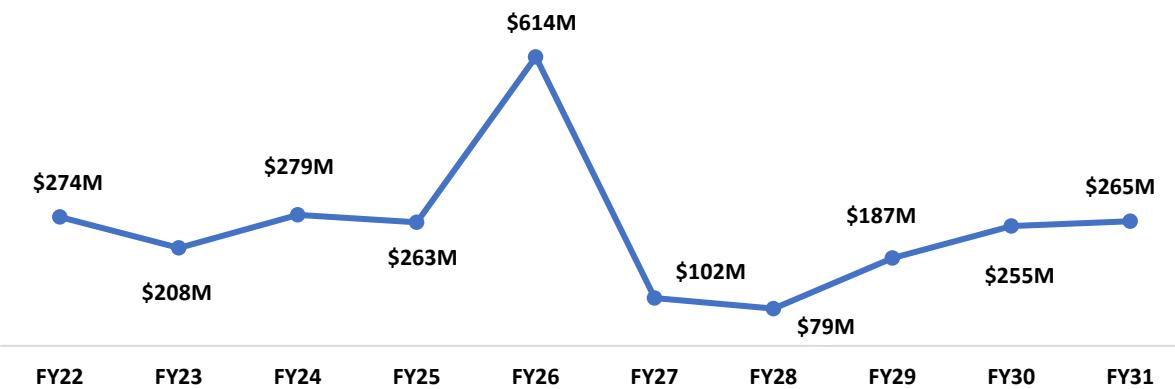
## Preliminary Ten-Year Capital Strategy Fiscal 2022-2031

The City's Ten-Year Capital Strategy totals \$133.7 billion, an increase of \$14.9 billion, or 13 percent, from the Preliminary Ten-Year Capital Strategy total of \$118.8 billion. The Courts Capital Strategy for Fiscal 2022-2031 totals approximately \$2.5 billion, an increase of \$2 million, or just under nine

percent, from its Fiscal 2022 Preliminary Ten-Year Capital Strategy of \$2.3 billion. The table below summarizes the Courts Strategy over the ten years by category and its percentage change since the Preliminary Plan. The chart demonstrates that over 99.9 percent of the Courts Ten-Year Strategy is allocated to just one category (reconstruction and renovation) and the remaining 0.1 percent is in construction of new court facilities. The City's use of lumping all projects into a single category for all capital projects across the Courts' large network of Citywide facilities continues to render the Strategy meaningless as a planning tool and lacks transparency. The following chart demonstrates the Strategy by fiscal year and shows that approximately 65 percent, or \$1.6 billion in funding, is planned in the first five years, with a significant increase planned in Fiscal 2026, followed by a steep decline, again rendering the Strategy less meaningful as a long-term planning tool.

Category	Prelim FY22-FY31	Exec FY22 – FY31	% Change
Construction of New Facilities	\$16.5M	\$1.9M	(88%)
Reconstruction/ Renovation	\$2.3B	\$2.5B	9%
<b>TOTAL:</b>	<b>\$2.3B</b>	<b>\$2.5B</b>	<b>8.4%</b>

### Courts Ten Year Capital Strategy by Fiscal Year



## Appendix A: Expense Summary

MOCJ – Expense Budget (002)						
<i>Dollars in Thousands</i>						
	FY19 Actual	FY20 Actual	FY21 Adopted	Executive Plan		*Difference FY21-FY22
<b>Spending</b>						
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
<b>TOTAL</b>	<b>\$10,661</b>	<b>\$12,050</b>	<b>\$9,604</b>	<b>\$9,693</b>	<b>\$9,640</b>	<b>\$36</b>
<b>Funding</b>						
City Funds			\$5,501	\$4,550	\$5,537	\$36
Capital IFA			361	356	361	0
Federal			3,450	4,495	3,450	0
State			292	292	292	0
<b>TOTAL</b>	<b>\$10,661</b>	<b>\$12,050</b>	<b>\$9,604</b>	<b>\$9,693</b>	<b>\$9,640</b>	<b>\$36</b>
<b>Budgeted Headcount</b>						
Full-Time Positions - Civilian	53	70	62	72	62	0
<b>TOTAL</b>	<b>53</b>	<b>70</b>	<b>62</b>	<b>72</b>	<b>62</b>	<b>0</b>

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

## Appendix B: Contracts Summary

MOCJ – Contracts Budget (098)						
<i>Dollars in Thousands</i>						
Dollars in Thousands	Actual 2019	Actual 2020	Adopted 2021	Executive Plan		*Difference 2021-2022
<b>Indigent Defense (005)</b>						
<b>Criminal Justice Programs (002)</b>	\$335,656	\$381,821	\$312,600	\$422,262	\$316,280	\$3,680
<b>City Council Initiatives</b>	138,140	172,296	258,548	277,149	337,628	79,080
<b>Total</b>	<b>30,979</b>	<b>45,545</b>	<b>39,922</b>	<b>39,785</b>	<b>0</b>	<b>(39,922)</b>
<b>Funding</b>						\$0
City Funding			\$502,381	\$513,667	\$518,036	\$15,655
State			105,156	215,449	125,793	\$20,637
Federal			3,533	10,080	10,080	\$6,547
<b>Total</b>			<b>\$611,070</b>	<b>\$739,196</b>	<b>\$653,908</b>	<b>\$42,838</b>

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