

THE COUNCIL OF THE CITY OF NEW YORK



Hon. Melissa Mark-Viverito
Speaker of the Council

Hon. Corey Johnson
Chair, Committee on Health

Report on the Fiscal 2016 Preliminary Budget & the
Fiscal 2015 Preliminary Mayor's Management Report

Office of the Chief Medical Examiner

March 23, 2015

Cirilhien R. Francisco, Senior Legislative Financial Analyst

Finance Division

Latonia McKinney, Director

Regina Poreda Ryan, Deputy Director

Nathan Toth, Deputy Director

Table of Contents

Office of Chief Medical Examiner Overview.....	1
Financial Summary.....	1
Fiscal 2016 Preliminary Plan Actions.....	2
Financial Analysis.....	4
Capital Program.....	4
Capital Budget Summary.....	4
Preliminary Capital Budget Highlights.....	4
Preliminary Mayor’s Management Report.....	5
Appendix A: Budget Actions in the November and the Preliminary Plans.....	7

Office of Chief Medical Examiner Overview

The Office of Chief Medical Examiner (OCME or the Office) is responsible for investigating deaths resulting from criminal violence, accident or suicide; that occur suddenly, when in apparent good health; when unattended by a physician; in custody; or occurring in any suspicious or unusual manner. The Office also investigates deaths where an application for cremation is made. The Office provides additional forensic services, including DNA testing, to support criminal investigations. The Office also manages all functions of the City mortuary, including the retrieval and processing of deceased bodies; assistance with autopsies; and body preparation for City burial. Structurally, the OCME is housed within the Department of Health and Mental Hygiene (DOHMH).

This report provides a review of the Fiscal 2016 Preliminary Budget for the OCME. It presents a financial summary, including the highlights of the Fiscal 2016 Preliminary Budget and capital program, and reviews the Fiscal 2015 Preliminary Mayor's Management Report.

Financial Summary

OCME Financial Summary

<i>Dollars in Thousands</i>	Actual	Actual	Adopted	Preliminary Plan		Difference
	2013	2014	2015	2015	2016	*2015 - 2016
Spending						
Personal Services	\$44,427	\$43,891	\$45,858	\$51,520	\$48,567	\$2,709
Full-Time Salaried - Civilian	39,001	38,482	41,897	44,435	43,333	1,435
Amounts to Be Scheduled	0	0	0	1,490	1,671	1,671
Fringe Benefits	34	162	91	566	18	(73)
Additional Gross Pay	2,091	2,305	556	1,774	256	(300)
Overtime - Civilian	2,974	2,776	1,976	2,073	1,952	(25)
Other Than Personal Services	\$20,379	\$21,916	\$17,781	\$24,321	\$15,516	(\$2,265)
Contractual Services	3,919	5,432	4,599	6,779	3,689	(911)
Fixed & Misc. Charges	7,746	8,037	6,940	7,950	7,985	1,046
Property & Equipment	3,852	2,722	1,401	2,666	246	(1,154)
Supplies & Materials	4,856	5,698	4,833	6,916	3,588	(1,245)
TOTAL	\$60,949	\$65,806	\$63,639	\$75,840	\$64,084	\$444
Funding						
City Funds			\$59,796	\$62,803	\$64,084	\$4,288
Federal- Other			3,838	11,415	0	(3,838)
State			5	1,623	0	(5)
TOTAL	\$60,949	\$65,806	\$63,639	\$75,840	\$64,084	\$444
Headcount (full-time salaried, civilian)	589	554	626	648	641	15

*The difference of Fiscal 2015 Adopted Budget compared to Fiscal 2016 Preliminary Budget.

The Fiscal 2016 Preliminary Budget for the OCME is \$64.1 million. This reflects an increase of \$444,000 or less than one percent when compared to the budget at adoption. This increase is mostly attributed to an increase of \$4.3 million in City funds, offset by a reduction of \$3.8 million in federal funding for the OCME.

Fiscal 2016 Preliminary Plan Actions

New Needs

- **Forensic Operations.** The Fiscal 2016 Preliminary Plan proposes increased spending of \$602,000 in Fiscal 2016 and in the outyears for OCME to provide around-the-clock coverage at all morgues. This past year, the OCME was found to have misplaced and lost several corpses. This funding will cover ten criminalist positions that will work to ensure that there is coverage during every arrival and removal of a decedent at OCME morgues.
- **OCME Administration.** The Fiscal 2016 Preliminary Plan proposes increased spending of \$1.1 million in City funds in Fiscal 2016 and \$928,000 in the outyears for maintenance and professional support services.
- **OCME Forensic Operations.** The Fiscal 2016 Preliminary Plan proposes increased spending of \$782,000 in City funds in Fiscal 2016 and outyears to support additional staff to improve mortuary operations.

Other Adjustments

- **Collective Bargaining.** The Fiscal 2016 Preliminary Plan includes \$1.5 million in Fiscal 2015 and \$1.7 million in Fiscal 2016 in City funding as a result of collective bargaining agreements. This includes settlements with major unions – District Council 37, 1199SEIU, Local Teamster 237, and SEIU Local 300.
- **Business Improvement Project.** The Fiscal 2016 Preliminary Budget includes \$1.7 million in federal funding in Fiscal 2015 for a business improvement project. This funding will allow OCME to purchase laboratory management equipment, forensic stat tools, evidence lockers and cabinets, improve business operations, and implement a number of new training and professional development opportunities. This project is funded with asset forfeiture funds the New York County District Attorney's (DANY) Office collected from three bank cases. Other public safety initiatives supported by DANY include the New York Police Department mobility initiative (\$70 million), NYC Housing Authority Security Initiative (\$101 million), and initiatives related to the Mayor's Taskforce on Behavioral Health and Criminal Justice (\$130 million). While funding was added in Fiscal 2015, OCME has a period of performance from Fiscal 2015 to Fiscal 2017 for this project, which includes the following programs.
 1. Engage Consultants for Forensic Toxicology and Histology Laboratories. DANY funds will help OCME engage a lab consulting team to perform an in-depth analysis of both the forensic toxicology and histology laboratories to identify improvements with regards to technology, workflow/process, efficiency and management. The OCME toxicology lab currently tests for hundreds of drugs and prescription medications that are subject to abuse. OCME outsources only those tests which are infrequently required. Using methods such as Lean Six Sigma analysis, which focuses on a team effort to remove waste in order to improve performance, the consulting team will make recommendations to OCME on how best to meet its mission, streamline its processes, significantly reduce turnaround time and reduce costs. Based on the data received from its consultants, OCME is committed to use its

best efforts to reduce turn-around time on forensic toxicology and histology reports to approximately 30 days. OCME will also fund additional enhancements to its Laboratory Information Management System software to streamline the functionality of tracking software used by Forensic Biology, Histology and the Evidence Unit to improve the work flow throughout the laboratories. OCME will upgrade its Forensic Statistic Tool ("FST") to enable it to be used with the most advanced DNA technology available today.

2. Provide Continuing Education in DNA Analysis and Expand Visiting Forensic Scientist Programs. OCME will provide continuing education for its analysts to ensure technical personnel stay abreast of new developments and issues in the field of DNA analysis by obtaining training at organizations including, but not limited to, the American Association of Forensic Scientists, American Society of Crime Laboratory Directors and Northeastern Association of Forensic Scientists. In addition, the Departments of Forensic Biology and Anthropology will host a Visiting Scientist Program in which interns, visiting forensic scientists, and scientists in-residence will, depending on the individual professional's level, conduct research, develop projects and publish results of research in a peer-reviewed journal.
3. Enhance Continuing Education and Training. OCME will fund training for 34 physicians who serve as medical examiners to meet their continuing medical education certification requirements by the American Board of Pathology. A total of 30 physician assistant staff members who serve as Medico-Legal Death investigators will also receive training in anticipation of certification by the American Board of Medicolegal Death Investigators. OCME will train scientific professionals and criminalists who currently staff the Forensic Pathology, Histology, Toxicology and Anthropology laboratories in specialized techniques including, but not limited to, alternative light source examinations, blood spatter pattern analysis and crime scene reconstructions. Moreover, in furtherance of its commitment to the continuing education of its staff, OCME will host a Forensic Pathology Grand Rounds in which guest lecturers who are leaders in the field will be provided with a stipend for presenting at the conference.
4. Upgrades. OCME will upgrade forensic evidence drying cabinets for all medical examiner offices, upgrade its evidence tracking system with sensor grids throughout OCME facilities to allow real-time tracking of all evidence, and upgrade current evidence lockers with electronic access tracking. In addition, OCME will purchase eighteen forensic evidence drying cabinets. The upgrades and improvements to storage and tracking will ensure the proper handling, safety and security of evidence entering the chain of custody.

Financial Analysis

As stated in the Office overview, the OCME performs two main functions – forensic pathology (identifying cause of death and related services) and forensic biology (DNA testing). OCME is given a mandate by the State to function as the City’s mortuary and is responsible for performing all tasks related to that role – mainly, forensic pathology. In 2007, the City expanded the OCME’s testing portfolio ,and consequently, caseload, from testing homicides and sexual assaults to also include testing for all property crimes, attempted homicides and felony assaults.

Within the larger context of the DOHMH budget, OCME funding comprises slightly less than five percent of the \$1.4 billion DOHMH Fiscal 2016 Preliminary Budget. The medical examiner’s full-time staff of 641 budgeted positions represents 13 percent of the DOHMH’s total Fiscal 2016 proposed headcount.

City tax levy (CTL) funds account for nearly all of OCME’s spending, with federal funds accounting for nearly five percent of OCME’s budget. Most of OCME’s federal revenues are categorical grants and can only be used for a specific purpose, as directed by the federal government. State aid accounts for less than one percent of the OCME’s revenue, with funds allocated to the City via the State’s public health local assistance provision.

Traditionally, OCME’s spending is split three to one between PS and OTPS expenses, at 76 percent and 24 percent, respectively.

Capital Program

Capital Budget Summary

The Fiscal 2016 Preliminary Capital Commitment Plan includes \$33 million in Fiscal 2015-2018 for the Office of Chief Medical Examiner (including City and Non-City funds). This represents approximately ten percent of DOHMH’s total capital program of \$390 million. DOHMH’s budget comprises less than one percent of the City’s total \$44.7 billion Preliminary Plan for Fiscal 2015-2018. Please note that there are separate reports covering the DOHMH’s capital budget.

OCME 2015-2018 Commitment Plan: Adopted and Preliminary Budget					
<i>Dollars in Thousands</i>					
	FY15	FY16	FY17	FY18	Total
Adopted Capital Plan	\$5,798	\$3,290	\$5,593	\$4,797	\$19,478
Preliminary Capital Plan	\$10,914	\$4,948	\$11,101	\$6,474	\$33,437
Change	\$5,116	\$1,658	\$5,508	\$1,677	\$13,959
Percentage	88.24%	50.40%	98.48%	34.96%	71.67%

Preliminary Capital Budget Highlights

The Preliminary Capital Budget for the OCME includes funding for various OCME projects, including toxicology equipment, purchase of IT equipment, forensic laboratory equipment and other upgrades. Below is a list of all OCME’s planned commitments by project category, as defined by budget line, for the current year through Fiscal 2018.

OCME Capital Commitment Plan by Budget Line			
<i>Dollars in Thousands</i>			
Project Description	Adopted 2015-2018	Preliminary 2015-2018	Difference
City Council Fund for Toxicology Equipment	\$2,855	\$2,855	\$0
Laboratory Information Management System	319	319	0
Consolidation	0	(315)	(315)
Purchase of IT Equipment & Services	5,787	8,945	3,158
Local Law Remedial Compliance	77	77	0
Borough Security Installation	2	2	0
Vehicles	352	2,086	1,734
Forensic Biology Laboratory Equipment	10,625	15,421	4,796
Equipment	1,082	1,082	0
Replacement of Sandy Damaged IT Equipment	38	38	0
Fire Alarm System Upgrade at 520 First Avenue	1,234	1,234	0
DNA Lab Construction	1,693	1,693	0
TOTAL	\$24,064	\$33,437	\$9,373

Preliminary Mayor’s Management Report

As mandated by New York City Charter, the Mayor reports to the public and the City Council twice yearly on the performance of municipal agencies in delivering services. The Preliminary Mayor’s Management Report (PMMR) covers performance for the first four months of the fiscal year, from July through October. The annual Mayor’s Management Report (MMR) covers the twelve-month fiscal year period, from July through June. Below are performance indicators for the OCME.

Performance Measures

Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY 15	FY 16	FY14	FY15
Median time for MLI scene arrivals (hours)	1.8	1.9	1.8	1.7	1.7	1.8	1.8
Median time to complete autopsy reports (days)	69.5	50.0	56.0	51.0	51.0	52.0	56.0
Median time to process cremation requests (minutes)	78.6	123.9	136.0	90.0	90.0	192.0	192.2
Median time to complete toxicology cases (days)	60.0	55.0	29.0	25.0	25.0	24.0	28.0
Median time to complete toxicology sexual assault cases (days)	30.5	27.0	27.0	17.0	17.0	22.0	38.0
Median time to complete toxicology DUI cases (days)	15.0	14.0	20.0	10.0	10.0	20.0	25.0
Median days to complete analysis of a DNA case	88.0	138.0	92.0	75.0	75.0	94.0	98.0
Median time to complete DNA homicide cases, from evidence submission to report (days)	111.0	161.0	100.0	90.0	90.0	127.0	76.0
Median time to complete DNA property crime cases, from evidence submission to report (days)	68.0	139.0	119.0	70.0	70.0	97.0	192.0
Median time to complete DNA sexual assault cases, from evidence submission to report (days)	46.0	89.0	59.0	50.0	50.0	69.0	56.0
DNA matches with profiles in database	1,791	1,618	2,621	*	*	730	1,935

Median Time to Complete Autopsy Reports (Days)

OCME performed 1,689 autopsies in the first four months of Fiscal 2015, slightly fewer than the 1,751 autopsies performed in the same period of Fiscal 2014. However, the median time taken to complete autopsy reports was 56 days, eight percent more than the median 52 days to complete autopsy reports in the first four months of Fiscal 2014. This increase resulted from several issues, including temporary reassignments of medical examiners, staff shortages, retirements and

turnover in laboratory areas which includes histology and neuropathology. OCME has hired staff, which should help improve performance in this area.

Median Time to Complete DNA Cases, From Evidence Submission to Report (Days)

In the area of forensic DNA testing, OCME showed improvements in most of its indicators in the first four months of Fiscal 2015. The median time to complete DNA homicide cases, from evidence submission to report, decreased 40 percent, to 76 days, from 127 days during the first four months of Fiscal 2014. The median time to complete DNA sexual assault cases, from evidence submission to report, decreased 19 percent to 56 days from 69 days during the same period a year earlier. However, the median time to complete DNA property crime cases, from evidence submission to report, rose to 192 days, 98 percent longer than the median time of 97 days in the first four months of Fiscal 2014.

The reduction in DNA homicide and DNA sexual assault case completion times is primarily a result of a new process OCME implemented in Fiscal 2015 in its DNA laboratory to prioritize crimes against people over crimes against property. In the remainder of Fiscal 2015 and going forward, OCME expects to maintain or further reduce completion times for DNA homicide and DNA sexual assault cases while reducing its backlog and turnaround times for DNA property crime cases.

Appendix A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2015			FY 2016		
	City	Non-City	Total	City	Non-City	Total
OCME Budget as of Adopted 2015 Plan	\$59,796	\$3,843	\$63,639	\$59,617	\$5	\$59,621
New Needs						
Forensic Operations	\$306	(\$5)	\$301	\$607	(\$5)	\$602
OCME Administration	788	0	788	1,108	0	1,108
OCME Forensic Operations	196	0	196	782	0	782
Subtotal New Needs	\$1,289	(\$5)	\$1,284	\$2,497	(\$5)	\$2,492
Other Adjustments						
2010 State Homeland Security Grant (HSGP)	\$0	\$29	\$29	\$0	\$0	\$0
2011 Homeland Security Grant (HSGP)	0	721	721	0	0	0
2012 Homeland Security Grant (HSGP)	0	939	939	0	0	0
2014 Aid to Lab DNA Grant Up	0	1,150	1,150	0	0	0
2014 Aid to Lab Tox Grant Up	0	90	90	0	0	0
2014 DNA Backlog Grant	0	1,500	1,500	0	0	0
2014 LGRMIF Grant Up	0	75	75	0	0	0
2014 Paul Coverdell DNA Grant	0	22	22	0	0	0
Animal Control	50	0	50	66	0	66
BASIC RESEARCH GRANT UP 15	0	115	115	0	0	0
Collective Bargaining 1199	15	0	15	19	0	19
Collective Bargaining DC37	1,243	0	1,243	1,418	0	1,418
Collective Bargaining L237	143	0	143	149	0	149
Collective Bargaining L300	88	0	88	85	0	85
Fiscal 2015 Rolls	0	1,124	1,124	0	0	0
FY15 District Attorney NY - Forfeiture Asset Funds	0	1,700	1,700	0	0	0
FY15 Up Mod PC Comp Grant	0	50	50	0	0	0
Other Adjustments	0	1,527	1,527	0	0	0
PS Adjustments	178	0	178	234	0	234
PUT UP 2010 DNA RESEARCH	0	51	51	0	0	0
PUT UP FUNDS FOR FY15 DNA Research	0	12	12	0	0	0
ROLL FUNDS TO 15 FOR AR GRANT	0	93	93	0	0	0
Subtotal Other Adjustments	\$1,718	\$9,199	\$10,917	\$1,970	\$0	\$1,970
Total All Changes	\$3,007	\$9,194	\$12,201	\$4,467	(\$5)	\$4,462
OCME Budget as of Preliminary 2016 Plan	\$62,803	\$13,037	\$75,840	\$64,084	\$0	\$64,084