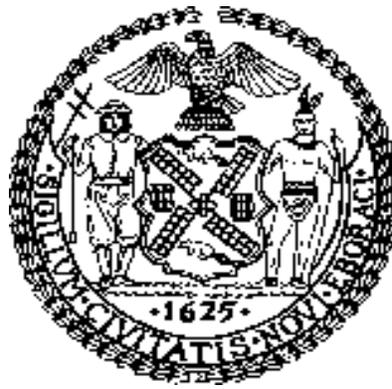


THE COUNCIL OF THE CITY OF NEW YORK

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 for the
District Attorneys and Special Narcotics Prosecutor
March 22, 2021

Finance Division

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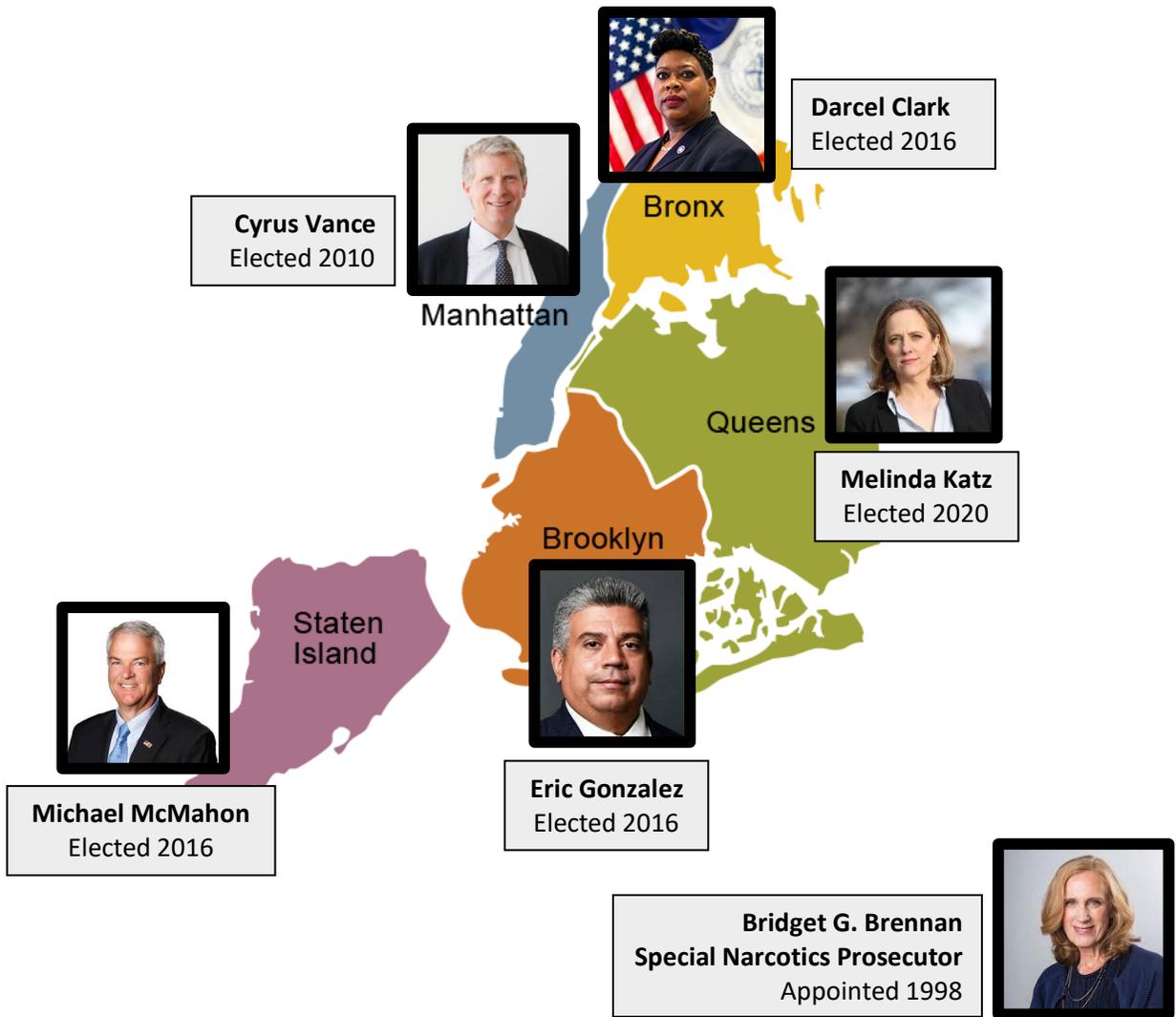
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New York City Prosecutors Overview



The five District Attorneys (DAs, Prosecutors, or Offices) are independently elected officials representing each of the five counties in New York City. The DA offices include New York (DANY), the Bronx (BXDA), Kings (KCDA), Queens (QNDA), and Richmond (RCDA).



The District Attorneys enforce the provisions of the penal law and all other criminal statutes. Their work involves the initial screening of new cases, preparation for hearings, and presentation of cases in court for trial and appeal.



The Special Narcotics Prosecutor (SNP) is appointed by the District Attorneys and enforces the provisions of the penal law relative to felony narcotics offenses and predicate felony cases by the investigation of complaints, preparation of indictments, and trial of defendants indicted on felony narcotics charges.



Additionally, each DA's office operates local programs and initiatives intended to prevent crime, redress the effects of crime and improve public safety.

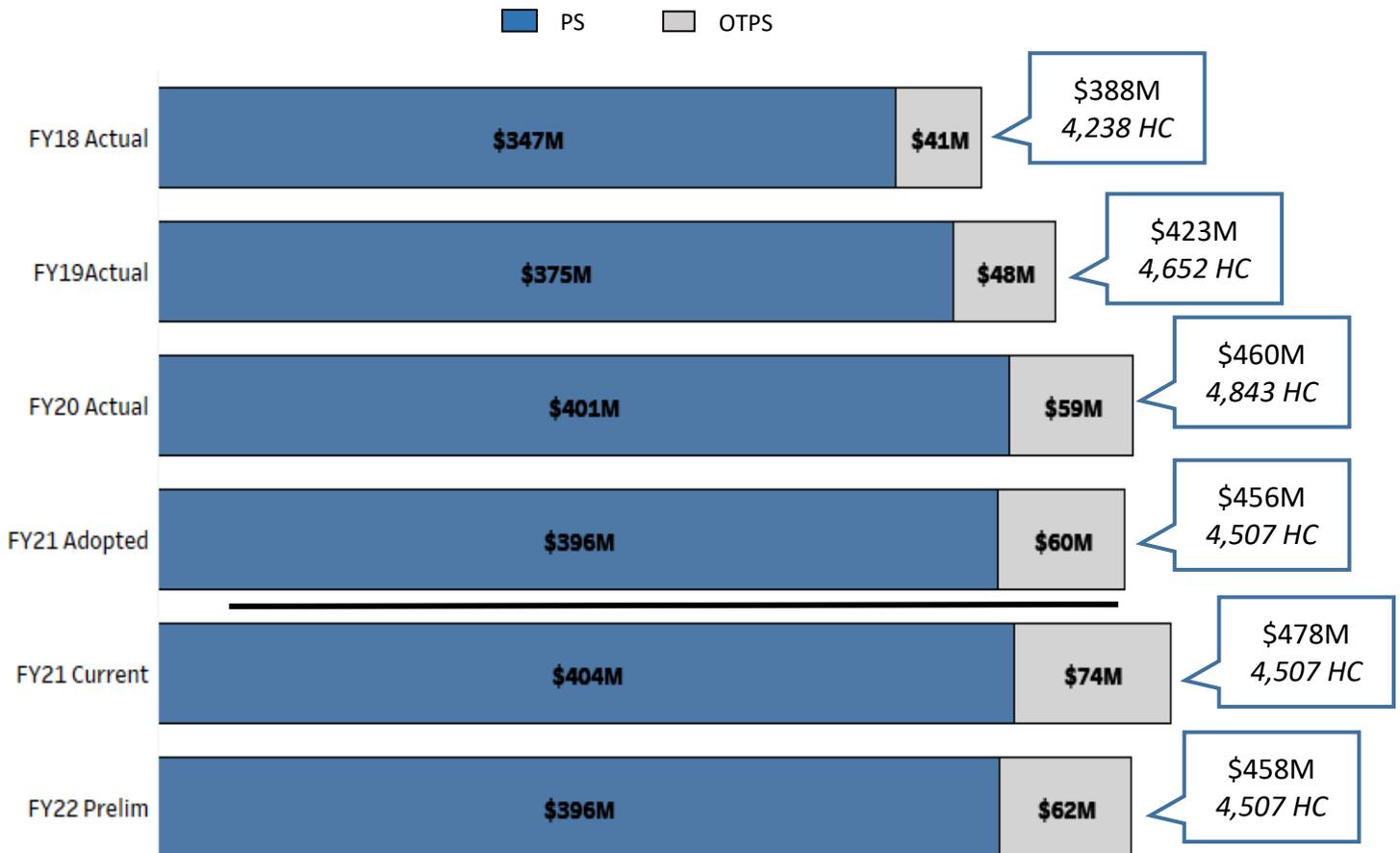
District Attorneys Fiscal 2022 Preliminary Budget:

<i>Dollars in Thousands</i>	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Personal Services	\$374,939	\$400,987	\$395,757	\$403,634	\$396,479	\$722
Other Than Personal Services	48,364	58,796	60,154	73,874	61,836	1,682
TOTAL	\$423,303	\$459,783	\$455,911	\$477,508	\$458,315	\$2,404

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

The Prosecutors’ Fiscal 2022 Preliminary Budget totals \$458.3 million, including \$396.5 million for PS and \$61.8 million for OTPS costs and a budgeted headcount of 4,507. This represents less than one percent of the City’s total projected budget of \$92.3 billion and just over one percent of the City’s total budgeted headcount of 326,717. The Fiscal 2022 Preliminary Budget increases the Prosecutors’ total budget by approximately \$2.4 million, or half a percent when compared to the Fiscal 2021 Adopted Budget. The \$2.4 million increase is entirely in City tax-levy funds and is due to an increase in the Personal Services (PS) budget of approximately \$722,000, and an increase in the Other Than Personal Services (OTPS) budget of \$1.7 million. This report offers an overview of the Prosecutors’ Fiscal 2022 Preliminary Budget, including funding by Office, Fiscal 2021 City Council priorities, and issues and concerns.

DAs and SNP Budgets by PS and OTPS, FY18-22



Financial Plan Summary

The following table provides an overview of the Prosecutor's actual expenditures for Fiscal 2019 and Fiscal 2020, the Adopted Budget for Fiscal 2021, and planned expenditures for Fiscal 2021 and Fiscal 2022 as of the Fiscal 2022 Preliminary Budget.

Table 2: District Attorney and Special Narcotics Prosecutor Financial Summary						
<i>Dollars in Thousands</i>						
	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Budget by Office						
New York	\$119,111	\$141,083	\$125,477	\$136,826	\$126,103	\$626
Bronx	83,443	86,242	89,969	93,091	91,952	1,983
Kings	110,502	117,155	119,799	124,659	119,352	(447)
Queens	70,019	72,993	76,898	77,996	76,913	15
Richmond	16,936	18,584	18,070	19,118	18,500	430
Special Narcotics Prosecutor	23,292	23,726	25,698	25,818	25,495	(203)
TOTAL	\$423,303	\$459,783	\$455,911	\$477,508	\$458,315	\$2,404
Funding						
City Funds			\$443,293	\$443,471	\$446,697	\$2,404
Federal - Other			58	10,029	58	0
Intra City			2,325	1,848	2,325	0
Other Categorical			0	64	0	0
State			10,235	22,096	10,235	0
TOTAL	\$423,303	\$459,783	\$455,911	\$477,508	\$458,315	\$2,404
Budgeted Headcount Full-Time Positions						
New York	1,440	1,515	1,185	1,185	1,185	0
Bronx	1,054	1,038	1,064	1,064	1,064	0
Kings	1,092	1,124	1,094	1,094	1,094	0
Queens	694	734	723	723	723	0
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 2020 Adopted Budget compared to Fiscal 2021 Preliminary Budget.*

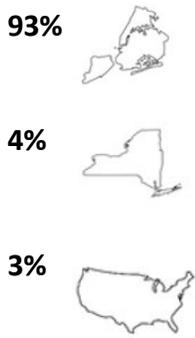
The Prosecutors' budget has increased 2.4 million when compared to the Fiscal 2021 Adopted Budget; overall budget growth is driven by additions in previous financial plans. The increase in the current Fiscal 2021 Budget is due to recognition of State and federal funding during the course of the year. In June, the Fiscal 2022 Budget projection was \$2.4 million more than the Fiscal 2021 Adopted Budget. Since the adoption of the Fiscal 2021 Budget, financial plan updates have introduced a number of changes to the DA and SNP's Fiscal 2021 Budget, but no changes to the Fiscal 2022 Budget. This includes the recognition \$21.6 million in other adjustments. The majority of the Fiscal 2021 increase is attributed to the recognition of \$21.4 million in various State and federal grants. The remainder of the increase is due to minor changes to City tax-levy funding, including \$183,000 in Council Discretionary funding for the Council's Domestic Violence Empowerment Initiative (DoVE), offset by a \$4,000 decrease in IT contracts and office supply savings. These actions reconcile the Prosecutors to its current budget of \$477.5 million for Fiscal 2021 and \$458.3 million for Fiscal 2022. The Fiscal 2022 Preliminary Plan introduced \$4.8 million to the DA's Fiscal 2021 Budget in other adjustments that are outlined in the table below. The other adjustments in the Preliminary Plan are typical mid-year adjustments to federal and State funding, and the aforementioned Council Discretionary

funding. The Preliminary Plan did not add any new needs for the DA Offices and does not make changes beyond Fiscal 2021. See Appendix A on page 13 for all budget actions introduced since the Fiscal 2021 Adopted Budget.

Table 2: Budget Actions in the Preliminary Financial Plan			
<i>Dollars in Thousands</i>	FY21		
	City	Non-City	Total
DA and SNP Budget as of the Adopted FY21 Budget	\$443,295	\$12,618	\$455,913
New Needs	\$0	\$0	\$0
Subtotal, New Needs	\$0	\$0	\$0
Other Adjustments			
New York DA			
Aid to Prosecution	\$0	\$1,010	\$1,010
DA Salary Aid Program	0	(2)	(2)
Georgetown Law	0	(4)	(4)
Manhattan Re-Entry Taskforce	0	189	189
Victim Witness Assistance Grant	0	735	735
Subtotal, New York DA	\$0	\$1,928	\$1,928
Bronx DA			
Add OTPS and PS Funds	\$0	\$536	\$536
Reduce OPTS and PS Funds	0	(1,050)	(1,050)
Subtotal, Bronx DA	\$0	(\$514)	(\$514)
Kings DA			
COVID-19 Emergency Supplemental Funding Grant	\$0	\$974	\$974
City Council DoVE Allocation	85	0	85
Evidence Lab Equipment	0	115	115
FY21 Revenue Actions	0	1,163	1,163
Training Funds	0	112	112
Subtotal, Kings DA	\$85	\$2,364	\$2,449
Queens DA			
Council Initiative DoVE Funding	\$72	\$0	\$72
Subtotal, Queens DA	\$72	\$0	\$72
Richmond DA			
COVID-19 Emergency Supplemental Funding Grant	\$0	\$400	\$400
City Council DoVE Allocation	25	0	25
Office of Victim Services Grant	0	261	261
Staten Island Performing Provider System	0	29	29
Stop Drinking While Intoxicated Grant	0	84	84
Violence Against Women Grant	0	45	45
Subtotal, Queens DA	\$25	\$819	\$844
Special Narcotics Prosecutor			
Office Supplies Spending	(2)	0	(2)
Subtotal, Special Narcotics Prosecutor	(\$2)	\$0	(\$2)
Subtotal, Other Adjustments	\$180	\$4,597	\$4,777
TOTAL, All Changes in Preliminary Plan	\$180	\$4,597	\$4,777

Agency Funding

The graphic on the following page represents the funding sources in Fiscal 2022 as of the Fiscal 2022 Preliminary Plan. State and federal funding are traditionally received mid-year, and the Prosecutors' budget will generally increase post-adoption as this funding is received.



City tax-levy funding continues to make up the majority of the DAs’ budget in Fiscal 2022. State and federal funding make up a small portion of the DAs budget and consists mostly of various grants that support crime victims’ programs, efforts to prevent intoxicated driving, gender-based violence work, opioid programming, and justice assistance grants. Some unaccounted for headcount is tied to these grants. The State has signaled that it is possible that grant awards will be reduced or eliminated completely in Fiscal 2022, but this remains unclear. The federal American Rescue Plan Act of 2021 may allow the State to maintain current funding levels.

COVID-19 Financial Impacts

As shown in the table to the right, at the close of Fiscal 2020, the DAs spent \$3.4 million on COVID-19 related expenses. According to the DAs, the majority of expenses were OTPS funds that were utilized to buy equipment for staff. This included laptops, monitors, keyboards, cell phones, and data processing tools. The Department of Information Technology and Telecommunications has worked with the Prosecutors to provide remote access, as well as laptops to all DA and SNP staff who need equipment. Additionally, the Offices have been returning to in-person work on a rotating basis at 25 percent capacity since the latter half of 2020. The Offices have provided masks and other personal protective equipment (PPE) to staff and have made some physical changes to office space to comply with social distancing protocols.

<i>Fiscal 2020 COVID-19 Expenses</i>	
<i>Office</i>	<i>FY20 Amount</i>
BXDA	\$294
KCDA	1,200
DANY	1,500
QNDA	193
RCDA	67
SNP	217
TOTAL:	\$3,471

Dollars in Thousands

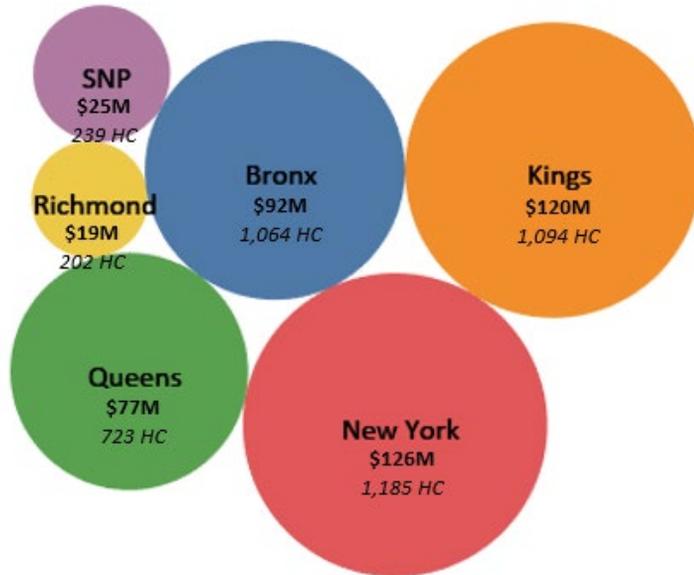
Due to the COVID-19 induced fiscal crisis, the Fiscal 2021 Executive Budget included a \$23.7 million decrease as part of the program to eliminate the gap (PEG); \$21.1 million in Fiscal 2020 and \$2.6 million in Fiscal 2021 for the DA of New York only. Prior to the release of the Fiscal 2022 Preliminary Budget, OMB approached the Prosecutors’ for additional savings. However, the Preliminary Plan did not introduce cuts to the DA budgets.

Headcount

The current budgeted headcount for the Prosecutors is 4,507 positions; however, actual headcount as of December 2020 was 4,978. 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. The Prosecutors’ offices are also exempt from the City’s current hiring freeze.

Budget by Office

Fiscal 2022 Budget by Office



The DA of New York has the largest budget, followed by Kings, Bronx, and Queens Counties, the SNP, and finally, Richmond County. The majority of the Offices’ budgets are PS (87 percent). Each Office has community programming that is specific to the borough it serves. Notably, Healing NYC is a multi-agency initiative of the DA Offices, the Department of Mental Health and Hygiene, and the Mayor’s Office of Criminal Justice intended to address the opioid crisis, prevent overdoses and connect individuals to supportive services. Modeled on the success of RCDA’s Heroin Overdose Prevention and Education (HOPE) program, which began through Council discretionary funding in 2018, the

BXDA, KCDA, and RCDA 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 specific to each Office’s community needs. Healing NYC also operates in Manhattan but has been self-funded. DANY has requested baselined funding for its program and, in Fiscal 2021, received one-time funding of \$625,000 to support its HOPE program. The Preliminary Plan does not include funding for DANY’s HOPE program in Fiscal 2022. Healing NYC programming has remained operational through the COVID-19 pandemic, although, according to the Prosecutors’, participation is lower than usual.

The DA of New York County. The Fiscal 2022 Preliminary Budget for DANY is \$126.1 million, including \$113.1 million in PS funding and \$13 million in OTPS funding. DANY’s Fiscal 2022 Budget has increased marginally, by \$626,000, or half a percent, compared to the Fiscal 2021 Adopted Budget. This increase is entirely in City tax-levy funding and is due to a decrease in PS funding related to civilian salaries of \$1.3 million, offset by an increase in OTPS funding of \$1.9 million. DANY’s current Fiscal 2021 Budget of \$136.8 has increased by \$11.3 million when compared to the Fiscal 2021 Adopted Budget of \$125.5 million. This increase is due to a \$2.2 million decrease from an Aid to Prosecution State grant, which DANY expects to receive in March of 2021, offset by over \$13.5 million in State and federal funding including victim witness assistance, justice assistance, and violence against women grants. Budgeted headcount remains steady at 1,185 positions.

DANY typically has generated substantial asset forfeiture funding to supplement its City budget. DANY has committed much of its asset forfeiture revenue to its Criminal Justice Investment Initiative (CJII) which supports community-based crime reduction and innovative criminal justice programs. Investments focus on three key areas: 1) supporting young people and families; 2) supporting survivors of crime; and 3) diversion and re-entry support. As of the end of Calendar Year 2020, DANY has committed \$250 million to its CJII initiative and has invested over \$217.7 million, with \$32.3 million remaining. During COVID-19, DANY has kept its CJII programs open or has worked with providers to offer on-line programs. For more information on the CJII and an exhaustive list of

investments and community-based organizations DANY contracts with to provide community programming, please see the CJII Annual Report 2020: <http://ciii.org/wp-content/uploads/2021/01/CJII-Annual-Report-2020-Final.pdf>. In addition to CJII, DANY has also committed \$50 million in Fiscal 2021 and 2022, for a total of \$100 million, to support the expansion of New York City's Supervised Release program. For more information on Supervised Release, please see the Council's Fiscal 2022 Preliminary Budget report for the Mayor's Office of Criminal Justice: <https://council.nyc.gov/budget/fy2022/>.

The DA of Bronx County. The Fiscal 2022 Preliminary Budget for BXDA is \$92 million, including \$85.4 million in PS funding and \$6.6 million in OTPS funding. BXDA's Fiscal 2022 Budget has increased the most out of all the Offices. Its budget has increased \$2 million in City-tax levy funding, or two percent, when compared to the Fiscal 2021 Adopted Budget. This is due to an increase in PS funding related to salaries of \$2 million, offset by a slight decrease in OTPS funding related to services and supplies and materials of \$25,000. BXDA's current Fiscal 2021 Budget of 93.1 million has increased by \$3.1 million since adoption due to recognition of various State and federal grants including crime victims programming, auto-theft prevention, sexual assault crisis and prevention, and its multidisciplinary responses to families and communities programming. Budgeted headcount remains steady at 1,064 positions.

The DA of Kings County. The Fiscal 2022 Preliminary Budget for KCDA is \$119.3 million, including \$94 million in PS funding and \$25.3 million in OTPS funding. KCDA's Fiscal 2022 Budget has decreased minimally, by \$477,000, or less than one percent, due to a decrease in City tax-levy funding when compared to the Fiscal 2021 Adopted Budget. This is due to an increase of \$18,000 in PS funding related to salaries, offset by a decrease in OTPS funding of \$465,000 related to service charges. KCDA's current Fiscal 2021 Budget of \$124.7 million has increased by \$4.9 million when compared to the Fiscal 2021 Adopted Budget of \$119.8 million due to recognition of various State and federal grants including violence against women and crime victims programming, as well as \$85,000 in Council Discretionary funding for DoVE programming. Budgeted headcount is unchanged at 1,094 positions.

The DA of Queens County. The Fiscal 2022 Preliminary Budget for QNDA is \$76.9 million, including \$64.3 million in PS funding and \$12.6 million in OTPS funding. QNDA's Fiscal 2022 Budget has increased marginally, by \$15,000, or less than one percent, due to an increase in City tax-levy funding when compared to the Fiscal 2021 Adopted Budget. This is due solely to an increase in PS funding of \$15,000 related to salaries. QNDA's current Fiscal 2021 Budget of \$78 million has increased by \$1.1 million when compared to the Fiscal 2021 Adopted Budget of \$76.9 million due to recognition of \$1 million related to a federal COVID-19 grant to support various COVID-19 related costs, as well as \$73,000 in Council Discretionary funding for DoVE programming. Budgeted headcount remains steady at 723 positions.

As outlined in the table below, since taking office in January 2020, DA Melinda Katz has created several new bureaus and units including a Conviction Integrity Unit, a Housing Worker Protection Unit which focuses on labor related issues, a Community Partnerships Division which focuses on tracking crime trends in various neighborhoods and engaging the community through cultural events. During COVID-19, the division has been able to host virtual events. Other new units and bureaus include a Cold Case

Division/ Unit	Expense Request
Alternatives to Incarceration Unit	\$700
Conviction Integrity Review Unit	725
Community Partnerships Division	270
Litigation Support Unit	945
Violent Criminal Enterprise Bureau	995
Housing and Worker Protection Bureau	725
Cold Case Unit	455
TOTAL:	\$4,815

**Dollars in Thousands*

Unit, and a Violent Criminal Enterprise Bureau that focuses on drug use. The QNDA has used existing budget resources to reorganize the office and create new units but has submitted new needs to OMB seeking additional funding in the amount of \$4.8 million. According to QNDA, the lack of funding has made it difficult for the DA to implement many of

the changes she wishes to make within the Office. Since Fiscal 2017, when DAs Clark, Gonzalez, and McMahon took Office, the Administration has provided over \$38.4 million in funding across Offices, including \$21.8 million in their first year. These investments supported the creation of various bureaus and units and addressed equity by ensuring that individuals in every borough have access to similar programming. This has included Conviction Units, Community Partnership Units, Integrity Review, Alternatives to Incarceration, and Immigrant Affairs Units. Many of these Bureaus and Units were championed by the Council.

The DA of Richmond County. The Fiscal 2022 Preliminary Budget for RCDA is \$18.5 million, including \$15.7 million in PS funding and \$2.8 million in OTPS funding. RCDA’s Fiscal 2022 Budget has increased by \$430,000, or two percent, due to an increase in City tax-levy funding when compared to the Fiscal 2021 Adopted Budget. This is due solely to an increase in OTPS funding related to services and charges. RCDA’s current Fiscal 2021 Budget of \$19 million has increased by \$1 million when compared to the Fiscal 2021 Adopted Budget of \$18 million due to recognition of \$1 million related to State revenue agreements and State and federal grants including justice assistance, veteran’s court, auto-theft/ fraud prevention, violence against women, and crime victims assistance programs. In addition to State and federal funding in Fiscal 2021, RCDA also received \$25,000 in Council Discretionary funding for DoVE programming. Budgeted headcount is unchanged at 202 positions; however, the Office has seen substantial attrition among its senior and mid-level Assistant District Attorneys (ADA) which is a concern because less experienced ADAs are now handling higher-level, intensive cases including homicides.

The Special Narcotics Prosecutor. The Fiscal 2022 Preliminary Budget for the SNP is \$25.5 million, including \$23.9 million in PS funding and \$1.6 million in OTPS funding. The SNP’s Fiscal 2022 Budget has decreased minimally, by \$203,000 or less than percent, due to a decrease in City tax-levy funding when compared to the Fiscal 2021 Adopted Budget. This is due to a \$194,000 and \$9,000 decrease in OTPS funding related to services and charges and supplies and materials, respectively. The SNP’s current Fiscal 2021 Budget of \$25.8 million has increased by \$121,000 when compared to the Fiscal 2021 Adopted Budget of \$25.7 million due to recognition of \$122,000 in federal funding related to COVID-19 support, offset by a \$1,000 decrease to office supply spending. Budgeted headcount is unchanged at 239 positions.

Fiscal 2021 City Council Priorities

Council Initiatives

FY21 Council Support for the District Attorneys		
KCDA	Brooklyn Rising Against Violence Everyday (BRAVE)	\$320
KCDA	Young Adult Court	138
KCDA	Domestic Violence Empowerment (DoVE) Initiative	85
QCDA	Domestic Violence Empowerment (DoVE) Initiative	73
RCDA	Domestic Violence Empowerment (DoVE) Initiative	25
	Subtotal	\$641
	Local Initiatives	\$32
	TOTAL	\$673

Dollars in Thousands

As outlined in the chart to the left, The Fiscal 2021 Budget includes approximately \$673,000 in Council funding to support programming for Kings, Queens, and Richmond County DAs Offices. The programming funded in the Brooklyn DA’s Office is supported through the Innovative Criminal Justice Programs Initiative and is described in more detail below. Additional details can also be found in the Council’s Schedule C document:

<https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>.

- Young Adult Court.** The Brooklyn Young Adult Court 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. In December 2017, a federal grant that provided most of the funding for this court part expired. In Fiscal 2019 and 2020 KCDA asked the Administration to baseline

Young Adult Court Statistics			
Year	Female	Male	Total
2019	1,058	3,330	4,388
2020	384	1,195	1,579
2021 YTD	20	97	117
TOTAL	1,462	4,622	6,084

\$138,000 for the program to keep the court operational, but the Administration did not commit to this request. The Council provided operating costs necessary for Fiscal 2020 and Fiscal 2021 through its Innovative Criminal Justice Programs Initiative to maintain the court. The table to the left outlines participant statistics since 2019.

- Brooklyn Rising Against Violence Everyday (BRAVE).** BRAVE provides trauma-informed, direct services to residents of Brooklyn and sensitivity training to law enforcement personnel regarding issues of domestic violence and sexual assault from the Arab-American, Russian, Chinese, South Asian, and Latin communities.. After nearly 20 years of federal funding, KCDA’s grant ended. The Council has provided gap funding of \$320,000 since Fiscal 2019 so that the program can continue. The table above outlines participant statistics of the program since 2014

BRAVE Participant Statistics				
Year	Female	Male	Other/ Not Reported	Total
2014	1,063	43	0	1,106
2015	876	76	1	953
2016	1,005	82	18	1,105
2017	745	44	18	807
2018	527	52	7	586
2019	687	115	6	808
2020	552	60	2	614
2021 YTD	74	5	N/A	79
TOTAL	5,529	477	52	6,058

Issues and Concerns

Right Size Funding Levels Related to Criminal Justice Reform. The Fiscal 2020 Budget added baseline City tax-levy funding of approximately \$35.4 million to support a total of 729 new positions needed for discovery and bail reform. Discovery reform accelerates the discovery timeline, requiring the prosecution to disclose all relevant evidence, automatically, within 15 days of arraignment for every criminal case. Bail reform eliminates money bail and pretrial detention in almost all misdemeanor and nonviolent felony cases. Each took effect in January 2020. The additional positions are largely comprised of support staff including paralegals and IT specialists who assist in data redaction and analysis as related to discovery reform and the disclosure of evidence to defense counsel. The State’s 2019-2020 Adopted Budget passed this legislation without State funding, as such, the City made investments to support the implementation of the reforms.

<i>Office</i>	<i>Amount</i>
BXDA	N/A*
KCDA	\$1,500
DANY	4,300
QNDA	4,433
RCDA	1,529
SNP	557
TOTAL:	\$12,318
<i>Dollars in Thousands</i>	
<i>*Not available at time of report</i>	

Since funding was added in the November 2019 Plan, the amount was prorated with the understanding that it was intended 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. Thus, the Offices have only hired the number of headcount they have salaries to support. This means that positions cannot be hired until the salaries are fully added to the budget, which, according to the DAs, creates the possibility for backlogs and delays in fully implementing the 2020 criminal justice reforms.

Because of COVID-19, which lead to various Executive Orders that have suspended Discovery requirements, and a general slowdown in arrests, the DAs have not run into any serious issues as of yet in implementing the reform, but remain concerned regarding this matter. Collectively, the Prosecutors’ need over \$12.3 million to right size the funding related to this initiative; a breakdown by Office is outlined in the table above. For more information on the reform and how it has impacted the DAs, please reference Fiscal 2021 Preliminary Budget Report <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/901-906-DA-and-SNP.pdf>.

ADA 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. No additional funding increases to bring prosecutors’ salaries in line with lawyers employed by the Law Department have been made. Collectively, the Prosecutors’ need over \$8.3 million to address this issue.

<i>Office</i>	<i>Amount</i>
BXDA	\$4,350
KCDA	2,464
DANY	549
QNDA	800
RCDA	179
SNP	N/A*
TOTAL:	\$8,342
<i>Dollars in Thousands</i>	
<i>*Not available at time of report</i>	

Administration Funding. The items below were funded by the Administration through one-shot funding in Fiscal 2020 and Fiscal 2021, but are not included as part of the Fiscal 2022 Budget. There is no new funding in the Fiscal 2022 Preliminary Plan to address this loss in funding. For Fiscal 2021, the Offices have self-funded these items, but according to the DAs, will be unable to sustain the programs and their associated salaries past this current fiscal year. Of note, the Conviction Integrity

Review Unit in the Richmond DA's Office was a priority item for the Council that was previously supported by discretionary funding, and Kings County DA is the only DA office to lack baselined EVE funding.

Items Previously Funded by the Administration			
Office	Program	FY20 Amount	FY21 Amount
KCDA	EVE Domestic Violence Program	\$154	\$0
DANY	State Grant Backfill PS Shortfall	1,365	1,365
	HOPE Program	N/A	625
QNDA	Building Security Guard Funding	300	0
	Domestic Violence STAT Expansion	465	0
RCDA	Conviction Integrity Review Unit	425	0
	Body Worn Camera Footage Storage	6	0
TOTAL		\$2,715	\$1,990

Dollars in Thousands

Court Operations. 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 System¹. 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. To reduce the number of people in the courthouse at any one time, in-person appearances are scheduled. To adhere to State guidelines, extensive cleaning services are executed 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.

As a result of Court suspensions, the DAs have a backlog of delayed cases and will only move forward once operations return to normal. This has resulted in the inability to resolve cases on time and may have a budgetary impact on the DAs once cases begin to move forward again. The Offices continue to disclose discovery as required by the State's 2019 Criminal Justice Reform. However, according to the DAs, remote operations have made the process of analyzing, identifying, and redacting the data and materials more challenging.

Community Programming. Although most defendant and witness programming operated by the DAs has pivoted to remote settings and remains operational, there has been a decline in referrals and participation. Most Court parts are not operational, eliminating the formal referral process to community programming like alternatives to incarceration and pre-arrest and diversion programming. Additionally, some Offices are struggling to locate defendants who are now transient or experiencing homelessness due to COVID-19; others lack access to the internet or devices that allow them to participate. According to the DAs, there will have to be a concerted and collaborative

¹ The New York Unified Court System includes the Supreme Civil and Criminal Courts, Family and Surrogate Courts, and some specialized court parts.

effort to reengage people in programming post-COVID-19. All of the Offices have hosted numerous virtual Town Halls to discuss the community concerns related to COVID-19 and safety.

While the majority of the prosecutors' programming has pivoted to virtual operations, some programs could not continue in a virtual manner, including the DAs' warrant reduction events which the Council funded at \$175,000 in Fiscal 2017. In collaboration with the NYPD, OCA, and public defenders, each District Attorney has their own initiative to clear qualifying low-level offense warrants by holding a yearly event such as Safe Surrender, Begin Again, and Clean Slate.

Appendices

A. Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY21			FY22		
	City	Non-City	Total	City	Non-City	Total
DA and SNP Budget as of the Adopted FY21 Budget	\$443,295	\$12,618	\$455,913	\$445,697	\$12,618	\$458,315
New Needs						
Subtotal, New Needs	\$0	\$0	\$0	\$0	\$0	\$0
Other Adjustments						
New York DA						
November Plan						
Aid to Prosecution	\$0	(\$3,243)	(\$3,243)	\$0	\$0	\$0
CARP Revenue Program	0	2,673	2,673	0	0	0
DANY State Asset Forfeiture Funding	0	6,530	6,530	0	0	0
FEMA Funding	0	2,510	2,510	0	0	0
Georgetown Law	0	12	12	0	0	0
High Intensity Drug Trafficking	0	205	205	0	0	0
Justice Assistance Grant 2018	0	80	80	0	0	0
Justice Assistance Grant 2019	0	81	81	0	0	0
Manhattan Re-Entry Taskforce	0	122	122	0	0	0
Motor Vehicle	0	113	113	0	0	0
Robin Hood	0	11	11	0	0	0
Stop DWI	0	177	177	0	0	0
Victim Against Women Act	0	35	35	0	0	0
Victim Witness Grant	0	112	112	0	0	0
Preliminary Plan						
Aid to Prosecution	\$0	\$1,010	\$1,010	\$0	\$0	\$0
DA Salary Aid Program	0	(2)	(2)	0	0	0
Georgetown Law	0	(4)	(4)	0	0	0
Manhattan Re-Entry Taskforce	0	189	189	0	0	0
Victim Witness Assistance Grant	0	735	735	0	0	0
Bronx DA						
November Plan						
Add OTPS and PS Funds	\$0	\$3,383	\$3,383	\$0	\$0	\$0
Grant to Encourage Arrest	0	254	254	0	0	0
Preliminary Plan						
Add OTPS and PS Funds	\$0	\$536	\$536	\$0	\$0	\$0
Reduce OPTS and PS Funds	0	(1,050)	(1,050)	0	0	0
Kings DA						
November Plan						
FY21 Justice Put-Up	\$0	\$275	\$275	\$0	\$0	\$0
FY21 Treasury Put-Up	0	315	315	0	0	0
FY21 Revenue Actions	0	1,821	1,821	0	0	0
Preliminary Plan						
COVID-19 Emergency Supplemental Funding Grant	\$0	\$974	\$974	\$0	\$0	\$0
City Council DoVE Allocation	85	0	85	0	0	0
Evidence Lab Equipment	0	115	115	0	0	0
FY21 Revenue Actions	0	1,163	1,163	0	0	0
Training Funds	0	112	112	0	0	0

Queens DA						
November Plan						
COVID-19 Grant Setup	\$0	\$1,026	\$1,026	\$0	\$0	\$0
Preliminary Plan						
Council Initiative DoVE Funding	\$72	\$0	\$72	\$0	\$0	\$0
Richmond DA						
November Plan						
Crimes Against Revenue Fiscal 2020	\$0	\$133	\$133	\$0	\$0	\$0
IT Contract Savings	(3)	\$0	(3)	\$0	\$0	0
Justice Assistance Grant	0	33	\$33	0	0	0
Motor Vehicle Theft/ Insurance Fraud Prevention	0	23	\$23	0	0	0
Veteran's Court	0	18	\$18	0	0	0
	0	0	0	0	0	0
Preliminary Plan						
COVID-19 Emergency Supplemental Funding Grant	\$0	\$400	\$400	\$0	\$0	0
City Council DoVE Allocation	25	0	25	0	0	0
Office of Victim Services Grant	0	261	261	0	0	0
Staten Island Performing Provider System	0	29	29	0	0	0
Stop Drinking While Intoxicated Grant	0	84	84	0	0	0
Violence Against Women Grant	0	45	45	0	0	0
Special Narcotics Prosecutor						
November Plan						
COVID Budget for FY21	\$0	\$121	\$121	\$0	\$0	\$0
Preliminary Plan						
Office Supplies Spending	(\$2)	\$0	(\$2)	\$0	\$0	\$0
Subtotal, Other Adjustments	\$177	\$21,417	\$21,594	\$0	\$0	\$0
TOTAL, All Changes	\$177	\$21,417	\$21,594	\$0	\$0	\$0
DA and SNP Budget as of the Preliminary FY22 Budget	\$443,472	\$34,035	\$477,508	\$445,697	\$12,618	\$458,315

B. DA and OSNP Contract Budget

DA and SNP FY22 Preliminary Contract Budget				
<i>Dollars in Thousands</i>				
Category	FY21 Adopted	Number of Contracts	FY22 Preliminary	Number of Contracts
901 - New York County				
Contractual Services - General	\$695	1	\$695	1
Telecommunications Maintenance	80	1	80	1
Maintenance and Repairs - General	96	1	96	1
Office Equipment Maintenance	39	1	39	1
Data Processing Equipment	110	1	110	1
Printing Contracts	66	1	66	1
Security Services	83	1	83	1
Temporary Services	111	1	111	1
Cleaning Services	42	1	42	1
Transportation Expenditures	39	1	39	1
Professional Services - Other	10	1	10	1
Subtotal	\$1,371	11	\$1,371	11
902 - Bronx County				
Office Equipment Maintenance	\$45	3	\$45	3
Data Processing Equipment	312	1	312	1
Subtotal	\$357	4	\$357	4
903 - Kings County				
Contractual Services - General	\$30	1	\$30	1
Telecommunications Maintenance	223	1	223	1
Maintenance and Repairs - Motor Vehicle Equip	58	1	58	1
Maintenance and Repairs - General	21	4	21	4
Office Equipment Maintenance	200	1	200	1
Data Processing Equipment	81	1	81	1
Cleaning Services	34	1	34	1
Transportation Expenditures	200	3	200	3
Subtotal	\$847	13	\$847	13
904 - Queens County				
Telecommunications Maintenance	\$58	1	\$58	1
Maintenance and Repairs - Motor Vehicle Equip	25	1	28	1
Maintenance and Repairs - General	4	1	4	1
Office Equipment Maintenance	38	7	38	7
Data Processing Equipment	74	1	74	1
Security Services	418	1	418	1
Temporary Services	4	1	4	1
Cleaning Services	17	1	17	1
Professional Services - Other	12	1	\$12	1
Subtotal	\$650	15	\$653	15
905 - Richmond County				
Contractual Services - General	\$2	1	\$2	1
Maintenance and Repairs - Motor Vehicle Equip	20	1	20	1
Maintenance and Repairs - General	3	1	3	1
Office Equipment Maintenance	76	4	76	4
Data Processing Equipment	5	1	5	1
Temporary Services	5	1	5	1
Professional Services - Other	57	1	57	1
Subtotal	\$168	10	\$168	10

Category	FY21 Adopted	Number of Contracts	FY22 Preliminary	Number of Contracts
906 - Special Narcotics Prosecutor				
Telecommunications Maintenance	\$11	1	\$11	1
Maintenance and Repairs - Motor Vehicle Equip	24	1	24	1
Maintenance and Repairs - General	14	1	14	1
Office Equipment Maintenance	12	1	12	1
Data Processing Equipment	5	1	5	1
Printing Contracts	6	1	6	1
Security Services	19	1	19	1
Temporary Services	12	1	12	1
Subtotal	\$103	8	\$103	8
TOTAL	\$3,496	61	\$3,499	61

C. District Attorney's Offices

901 District Attorney – New York County

901 District Attorney - New York County						
<i>Dollars in Thousands</i>						
	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Spending						
Personal Services						
Full-Time Salaried	\$119,686	\$125,858	\$113,330	\$115,501	\$112,011	(\$1,319)
Unsalaries	962	1,010	636	636	636	0
Additional Gross Pay	1,440	1,304	210	210	210	0
P.S. Other	(14,792)	(5,113)	0	0	0	0
Fringe Benefits	176	126	145	145	145	0
Overtime	2,516	2,351	83	83	83	0
Subtotal	\$109,988	\$125,536	\$114,404	\$116,575	\$113,085	(\$1,319)
Other Than Personal Services						
Other Services & Charges	\$5,251	\$6,776	\$8,464	\$8,265	\$10,439	\$1,975
Supplies & Materials	1,158	2,799	912	3,469	912	0
Contractual Services	1,732	4,630	1,371	4,538	1,371	0
Property & Equipment	957	1,342	325	3,978	295	(30)
Fixed & Misc. Charges	25	0	0	0	0	0
Subtotal	\$9,123	\$15,547	\$11,072	\$20,250	\$13,017	\$1,945
TOTAL	\$119,111	\$141,083	\$125,476	\$136,825	\$126,102	\$626
Funding						
City Funds			\$120,882	\$120,882	\$121,508	\$626
Other Categorical				20	0	0
		0				
State			3,343	11,299	3,343	0
Federal - Other			58	3,431	58	0
Intra City			1,194	1,194	1,194	0
TOTAL	\$119,111	\$141,083	\$125,477	\$136,826	\$126,103	\$626
Budgeted Headcount						
Full-Time Positions	1,440	1,515	1,185	1,185	1,185	0
TOTAL	1,440	1,515	1,185	1,185	1,185	0

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

902 District Attorney – Bronx County**902 District Attorney - Bronx County***Dollars in Thousands*

	FY19 Actual	FY20 Actual	FY21 Adopted	Preliminary Plan		*Difference FY21-FY22
				FY21	FY22	
Spending						
Personal Services						
Full-Time Salaried	\$77,737	\$79,425	\$83,017	\$84,057	\$85,025	\$2,008
Unsalaries	246	215	48	48	48	0
Additional Gross Pay	821	799	72	72	72	0
P.S. Other	0	0	0	0	0	0
Fringe Benefits	14	20	38	38	38	0
Overtime	742	499	228	228	228	0
Subtotal	\$79,560	\$80,958	\$83,403	\$84,443	\$85,411	\$2,008
Other Than Personal Services						
Other Services & Charges	\$2,170	\$2,312	\$5,095	\$3,865	\$5,072	(\$23)
Supplies & Materials	617	760	869	875	867	(2)
Contractual Services	606	1,275	357	1,878	357	0
Property & Equipment	438	916	244	2,030	244	0
Fixed & Misc. Charges	51	22	0	0	0	0
Subtotal	\$3,882	\$5,285	\$6,565	\$8,648	\$6,540	(\$25)
TOTAL	\$83,442	\$86,243	\$89,968	\$93,091	\$91,951	\$1,983
Funding						
City Funds			\$86,771	\$86,771	\$88,754	\$1,983
State			2,244	3,409	2,244	0
Federal - Other			0	2,434	0	0
Intra City			954	477	954	0
TOTAL	\$83,442	\$86,243	\$89,969	\$93,091	\$91,952	\$1,983
Budgeted Headcount						
Full-Time Positions	1,054	1,038	1,064	1,064	1,064	0
TOTAL	1054	1,038	1,064	1,064	1,064	0

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

903 District Attorney – Kings County

903 District Attorney - Kings County

Dollars in Thousands

	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY21	FY21-FY22
Spending						
Personal Services						
Full-Time Salaried	\$82,054	\$88,043	\$90,430	\$93,686	\$90,448	\$18
Unsalaries	317	431	344	344	344	0
Additional Gross Pay	2,874	2,061	767	770	767	0
P.S. Other	5	(2)	0	0	0	0
Fringe Benefits	24	27	29	29	29	0
Overtime	1,551	1,632	1,000	1,356	1,000	0
Other Salaried	1,135	1,025	1,473	1,473	1,473	0
Subtotal	\$87,960	\$93,217	\$94,043	\$97,658	\$94,061	\$18
Other Than Personal Services						
Other Services & Charges	\$19,691	\$20,428	\$22,499	\$21,224	\$22,034	(\$465)
Supplies & Materials	1,223	1,196	1,772	1,985	1,772	0
Contractual Services	611	736	847	1,287	922	75
Property & Equipment	1,017	1,577	639	2,504	564	(75)
Subtotal	\$22,542	\$23,937	\$25,757	\$27,000	\$25,292	(\$465)
TOTAL	\$110,502	\$117,154	\$119,800	\$124,658	\$119,353	(\$447)
Funding						
City Funds			\$117,731	\$117,816	\$117,284	(\$447)
Other Categorical			0	15	0	0
State			2,068	4,288	2,068	0
Federal - Other			0	2,540	0	0
TOTAL	\$110,502	\$117,154	\$119,799	\$124,659	\$119,352	(\$447)
Budgeted Headcount						
Full-Time Positions	1,092	1,124	1,094	1,094	1,094	0
TOTAL	1,092	1,124	1,094	1,094	1,094	0

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

904 District Attorney – Queens County

904 District Attorney - Queens County						
<i>Dollars in Thousands</i>						
	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Spending						
Personal Services						
Full-Time Salaried	\$59,111	\$60,710	\$62,851	\$62,849	\$62,866	\$15
Unsalaries	301	316	237	237	237	0
Additional Gross Pay	1,007	1,896	367	367	367	0
P.S. Other	1	0	0	0	0	0
Fringe Benefits	28	27	26	28	26	0
Overtime	822	910	802	852	802	0
Subtotal	\$61,270	\$63,859	\$64,283	\$64,333	\$64,298	\$15
Other Than Personal Services						
Other Services & Charges	\$4,402	\$5,842	\$10,936	\$10,169	\$10,936	\$0
Supplies & Materials	1,396	1,004	684	1,603	684	0
Contractual Services	1,567	1,710	652	1,054	652	0
Property & Equipment	1,383	578	343	836	343	0
Fixed & Misc. Charges	2	0	0	0	0	0
Subtotal	\$8,750	\$9,134	\$12,615	\$13,662	\$12,615	\$0
TOTAL	\$70,020	\$72,993	\$76,898	\$77,995	\$76,913	\$15
Funding						
City Funds			\$75,406	\$75,478	\$75,421	\$15
State			1,315	1,315	1,315	0
Federal - Other			0	1,026	0	0
Intra City			176	176	176	0
TOTAL	\$70,020	\$72,993	\$76,897	\$77,995	\$76,912	\$15
Budgeted Headcount						
Full-Time Positions	694	734	723	723	723	0
TOTAL	694	734	723	723	723	0

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

905 District Attorney – Richmond County

905 District Attorney - Richmond County						
<i>Dollars in Thousands</i>						
	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Spending						
Personal Services						
Full-Time Salaried	\$13,924	\$15,302	\$15,423	\$16,424	\$15,423	\$0
Unsalaries	127	79	126	126	126	0
Additional Gross Pay	341	363	41	41	41	0
P.S. Other	(26)	(121)	0	0	0	0
Fringe Benefits	3	2	3	3	3	0
Overtime	57	68	95	95	95	0
Subtotal	\$14,426	\$15,693	\$15,688	\$16,689	\$15,688	\$0
Other Than Personal Services						
Other Services & Charges	\$1,944	\$1,925	\$1,768	\$1,624	\$2,198	\$430
Supplies & Materials	199	198	197	203	197	0
Contractual Services	147	399	168	320	168	0
Property & Equipment	219	370	249	282	249	0
Fixed & Misc. Charges	1	0	0	0	0	0
Subtotal	\$2,509	\$2,892	\$2,382	\$2,429	\$2,812	\$430
TOTAL	\$16,935	\$18,585	\$18,070	\$19,118	\$18,500	\$430
Funding						
City Funds			\$17,932	\$17,953	\$18,362	\$430
Other Categorical			0	29	0	0
State			139	658	139	0
Federal - Other			0	478	0	0
TOTAL	\$16,935	\$18,585	\$18,070	\$19,118	\$18,500	\$430
Budgeted Headcount						
Full-Time Positions	162	211	202	202	202	0
TOTAL	162	211	202	202	202	0

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

906 Special Narcotics Prosecutor

906 Special Narcotics Prosecutor

Dollars in Thousands

	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Spending						
Personal Services						
Full-Time Salaried	\$21,278	\$21,283	\$23,794	\$23,794	\$23,794	\$0
Unsalaries	44	47	0	0	0	0
Additional Gross Pay	301	290	26	26	26	0
Fringe Benefits	6	6	15	15	15	0
Overtime	105	99	94	94	94	0
Other Salaried	0	0	6	6	6	0
Subtotal	\$21,734	\$21,725	\$23,935	\$23,935	\$23,935	\$0
Other Than Personal Services						
Other Services & Charges	\$1,222	\$946	\$1,489	\$1,247	\$1,295	(\$194)
Supplies & Materials	125	154	99	122	90	(9)
Contractual Services	108	527	102	270	102	0
Property & Equipment	102	372	72	244	72	0
Fixed & Misc. Charges	2	2	0	0	0	0
Subtotal	\$1,559	\$2,001	\$1,762	\$1,883	\$1,559	(\$203)
TOTAL	\$23,293	\$23,726	\$25,697	\$25,818	\$25,494	(\$203)
Funding						
City Funds			\$24,571	\$24,570	\$24,368	(\$203)
State			1,127	1,127	1,127	0
Federal - Other			0	121	0	0
TOTAL	\$23,293	\$23,726	\$25,698	\$25,818	\$25,495	(\$203)
Budgeted Headcount						
Full-Time Positions	216	210	218	239	239	21
TOTAL	216	210	218	239	239	21

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