

THE COUNCIL OF THE CITY OF NEW YORK

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Committee on Public Safety



Hearing on the Fiscal Year 2013 Executive Budget

District Attorneys and Special Narcotics Prosecutor

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District Attorneys Overview

The five District Attorneys enforce the provisions of the penal law and all other criminal statutes, which include the initial screening of new cases, preparation of hearings, gathering of resources for hearings, and presentation of cases in court for trial and appeal. The Office of the Special Narcotics Prosecutor (OSNP) 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.

This report provides an overview of the DAs' and OSNP's Executive Budgets for Fiscal 2013. The report presents actions included in the Executive Budget, such as the Workload Funding increase and the Prescription Drug Initiative and then discusses the impact of PEGs and PEG Restorations implemented since Fiscal 2008 on the DAs' budgets. The DAs have no Capital Budget.

Prosecutors' Financial Summary

Dollars in Thousands

	2011 Actual	2012 Adopted	2012 Exec. Plan	2013 Exec. Plan	*Difference 2012 - 2013
Budget by Office					
DA-New York	\$104,690	\$76,579	\$92,880	\$76,699	\$120
DA-Bronx	51,068	47,483	50,591	49,234	1,751
DA-Kings	84,987	77,043	79,862	79,989	2,946
DA-Queens	48,036	46,262	49,893	46,861	599
DA-Richmond	8,611	7,930	8,416	7,809	(121)
OSNP	17,898	16,328	17,824	17,338	1,010
TOTAL	\$315,290	\$271,625	\$299,466	\$277,930	\$6,305
Funding					
City Funds	N/A	\$257,287	\$264,837	\$264,564	\$7,278
Federal - Other	N/A	1,050	9,247	111	(939)
Intra City	N/A	1,237	2,574	1,237	-
Other Categorical	N/A	-	4,278	-	-
State	N/A	12,051	18,526	12,017	(34)
TOTAL	\$315,290	\$271,625	\$299,466	\$277,930	\$6,305
Positions					
DA-New York	1,310	975	1,029	975	0
DA-Bronx	761	696	696	696	0
DA-Kings	1,002	891	891	891	0
DA-Queens	577	507	507	499	(8)
DA-Richmond	97	89	89	86	(3)
OSNP	203	172	184	185	13
TOTAL	3,950	3,330	3,396	3,332	2

**The difference between Fiscal 2012 Adopted compared to Fiscal 2013 Executive Plan funding.*

The Fiscal 2013 Executive Budget for the City’s prosecutors is \$277.9 million \$6.3 million greater than the Fiscal 2012 Adopted Budget of \$271.6 million. This is due to the inclusion in the Fiscal 2013 Budget of an additional \$7.2 million for DA workload and the Special Narcotics Prosecutor’s “Prescription Drug Initiative”. The DAs non-City funds are relatively low as compared to the Fiscal 2012 Budget since they have not yet recognized most of the grants that constitute this portion of their budgets. The headcount for the Manhattan DA is dropping by 54 positions between the Preliminary Budget and the Executive because most of these jobs are grant-funded; once the grants that support them are recognized the headcount will be restored.

Fiscal 2013 Executive Budget Actions

Budget Actions in the Executive Plan						
<i>Dollars in Thousands</i>						
	FY 2012			FY 2013		
	City	Non-City	Total	City	Non-City	Total
Prosecutor Budget as of Feb 2012 Plan	\$264,883	\$30,631	\$295,514	\$257,564	\$13,365	\$270,929
New Needs						
Workload Funding Supplements	0	0	0	6,666	0	6,666
Member Item Adjustment (Richmond)	(8)	0	(8)	0	0	0
Prescription Drug Initiative (OSNP)	0	0	0	455	0	455
Total New Needs	(\$8)	\$0	(\$8)	\$7,121	\$0	\$7,121
Other Adjustments						
Lease Adjustments	0	0	0	(431)	0	(431)
Heat, Light and Power	(38)	0	(38)	310	0	310
Federal Grants	0	929	929	0	0	0
State Grants	0	2,367	2,367	0	0	0
Intra City Sales	0	455	455	0	0	0
Other Categorical	0	244	244	0	0	0
Total Other Adjustments	(\$38)	\$3,994	\$3,956	(\$120)	\$0	(\$120)
Total All Changes	(\$44)	\$3,996	\$3,952	\$7,001	\$0	\$7,001
Prosecutor Budget as of FY13 Exec Plan	\$264,839	\$34,627	\$299,466	\$264,565	\$13,365	\$277,930

As can be seen in the above chart, the Fiscal 2013 Executive Budget for the DAs includes two significant New Needs: additional Workload Funding and an increase in support for the OSNP’s Prescription Drug Initiative. The Executive budget increases the DA’s Heat, Light and Power appropriation in Fiscal 2013 by \$310,000 while reducing their Lease budgets by a total of \$431,000. Overall, the Fiscal 2013 Executive Budget increases funding for the prosecutors by \$13.4 million collectively. For all changes to the DAs’ budgets since the Fiscal 2012 Adoption, see the comprehensive Budget Action Chart in Appendix 2 at the back of this report.

Workload Funding

In its Response to the Fiscal 2013 Preliminary Budget, the Council urged the Administration to baseline \$6.7 million in the budgets of the Bronx, Queens, Staten Island and Brooklyn DAs Offices

in Fiscal 2013 and Fiscal 2014 to fulfill the Workload Funding agreement. As of the Preliminary Fiscal 2013 Budget these offices has received only their first payments of Workload Funding. As a result, the Administration has made the payment of the second and third disbursements part of the Fiscal 2013 Executive Budget. The Workload Funding level has, therefore, grown from \$6.7 million in Fiscal 2012 to \$13.3 million in Fiscal 2013 and \$19.9 million in Fiscal 2014 and into the outyears.

The chart below reflects the distribution of all three increments of the Workload funding over the course of the current financial plan:

	FY 2012	FY 2013	FY 2014
New York	\$0	\$0	\$0
Bronx	2,090	4,180	6,270
Kings	2,590	5,180	7,770
Queens	1,666	3,332	4,998
Richmond	320	640	960
OSNP	0	0	0
Total	\$6,666	\$13,332	\$19,998

(\$ In 000's. City funding only.)

Additional Funding for the Prescription Drug Initiative

The Special Narcotics Prosecutor has not received a “Workload Funding” supplement, but has been given additional funding to support its Prescription Drug Initiative. The November 2011 Financial Plan added \$320,000 beginning in Fiscal 2012, and the Executive Plan increases the level of support by \$455,000 beginning in Fiscal 2013 for a total baseline amount of \$775,000 for this initiative and adds five new positions on-top of the three allocated to OSNP in November related to this initiative for a total of eight.

As reviewed by the Committee on Public Safety at an oversight hearing on April 25th, 2012 entitled, “Finding a Cure: Examining Law Enforcement Efforts to Remedy the Prescription Drug Abuse Epidemic”, the illegal distribution and use of prescription drugs is a growing threat within the five boroughs.

Criminal Justice Efficiencies

The November 2011 Financial Plan included \$5.2 million for the DAs to implement efficiency measures in conjunction with the Police Department to reduce the cost of police overtime by \$50 million (the savings to be recognized in the NYPD’s budget beginning in Fiscal 2013 and into the outyears). Last fall, the DAs explained that they expected to cut arrest processing times by making greater use of Enhanced Arrest Processing (EAPs). Despite the fact that the initiative was announced last November, the Administration has not provided any further details regarding how this initiative will reduce arrest processing times and generate overtime savings at the Police Department.

Impact of PEGs on DA Budgets

Since Fiscal 2008, the DAs have been subjected to several rounds of budget reductions that began to have a deleterious impact on their operations and the size of their respective caseloads. Combined with the fact that the NYPD, whose work drives a substantial portion of the DAs', was subjected to smaller budget reductions, the DAs found themselves with an ever-increasing workload and fewer staff with which to dispatch it. While the DA's budgets were cut, the number of arrests has not declined.

As mentioned in the above "Criminal Justice Efficiencies" item, there is an ongoing attempt to reduce NYPD overtime by reorganizing that portion of arrest processing handled by the DAs. This is because police overtime is largely driven by arrest processing. As such, the recent sizable increases in police overtime (as well as efforts to stem its growth) are a good measure of NYPD workload.

Since arrest processing is also handled by DA staff (though driven by police work and originating with the arrests themselves rather than from the DAs), it can also be used as a measure for increases in the workload of the DA's offices. This was an important part of the reasoning behind pegging the DA's PEG targets to those of the NYPD. The two have been indexed to one another since Fiscal 2010 to minimize imbalances in fiscal resources and to enable the DAs to more effectively handle work driven by NYPD activity. As the table below illustrates however, since Fiscal 2008, the cumulative impact of cuts has taken large shares of their resources and necessitated measures such as the Workload Funding supplements to enable them to function properly. Even with the Fiscal 2013 Workload Funding supplements, the budget cuts built into the DA's baseline remain ten percent of their funding.

**Cumulative Impact of PEGs & PEG Restorations on DA Budgets
(Fiscal 2008 to 2013)**

Fiscal Year	PEG/PEG Restoration Net Values	Adopted Appropriations**	PEGs as % of Appropriation
FY 2008	\$ (9,089)	\$253,329	4%
FY 2009	(12,122)	249,946	5%
FY 2010	(19,890)	242,335	8%
FY 2011	(40,844)	241,174	17%
FY 2012	(42,342)	257,286	16%
FY 2013*	(27,775)	264,564	10%
Averages	\$(25,344)	\$251,439	10%

*as per 2013 Executive Plan

**City funds only(as opposed to Total Funds)

Appendix 1: Fiscal Year 2012 Initiatives

Initiatives	
Youth Violence Initiative	\$58,400
Staten Island Drug Treatment Court	\$250,000
TOTAL	\$308,400

Appendix 2: Actions in the November, February & Executive Plans

<i>Dollars in Thousands</i>	FY 2012			FY 2013		
	City	Non-City	Total	City	Non-City	Total
DAs' Budgets as of FY2012 Adoption	\$257,286	\$14,338	\$271,624	\$256,960	\$13,398	\$270,358
Program to Eliminate the Gap (PEGs)						
Across-the Board PS Reduction	0	0	0	(5,166)	0	(5,166)
Total PEGs	\$0	\$0	\$0	(\$5,166)	\$0	(\$5,166)
New Needs						
Criminal Justice Efficiencies	0	0	0	5,166	0	5,166
Workload Funding Supplements	0	0	0	6,666	0	6,666
Revenue Agreement	6,678	0	6,678	0	0	0
Member Item Adjustment (Richmond)	(8)	0	(8)	0	0	0
Manhattan Family Justice Center	0	0	0	49	0	49
Safe Neighborhoods Initiative (OSNP)	235	0	235	235	0	235
Prescription Drug Initiative (OSNP)	320	0	320	775	0	775
Total New Needs	\$7,225	\$0	\$7,225	\$12,891	\$0	\$12,891
Other Adjustments						
Lease Adjustments	0	0	0	(431)	0	(431)
Heat, Light and Power	(38)	0	(38)	310	0	310
OLR Adjustment (OSNP)	71	0	71	0	0	0
Temporary Staffing Adjustment (Manhattan)	293	0	293	0	0	0
Federal Grants	0	8,197	8,197	0	0	0
State Grants	0	6,475	6,475	0	(33)	(33)
Intra City Sales	0	1,338	1,338	0	0	0
Other Categorical	0	4,278	4,278	0	0	0
Total Other Adjustments	\$326	\$20,288	\$20,652	(\$120)	(\$33)	(\$153)
Total All Changes	\$7,553	\$20,288	\$27,877	\$7,605	(\$33)	\$7,572
DAs' Budgets as of FY2013 Exec	\$264,839	\$34,627	\$299,466	\$264,565	\$13,365	\$277,930