

*Testimony of Emily Lloyd
Commissioner
New York City Department of Environmental Protection
Concerning the proposed Fiscal Year 2008 Capital Budget
Wednesday, May 16, 2007
City Hall*

Good afternoon, Chairman Gennaro and Members of the Committee on Environmental Protection. Thank you for the opportunity to present testimony on the Department of Environmental Protection's capital and expense budgets for Fiscal Year 2008.

As requested during March's Preliminary Budget hearing, we have divided today's testimony into separate capital and expense sections. First, however, I would like to more broadly characterize DEP activities over the past year and provide a context for the priorities funded in the Fiscal Year 2008 budgets.

This has been an extremely eventful year for DEP. The US Environmental Protection Agency's issuance of a draft Ten Year Filtration Avoidance Determination, the development of the Mayor's comprehensive PlaNYC agenda, and significant improvements in customer service, billing and collections operations all mark successes for DEP and are the result of strong, fruitful partnerships with Speaker Quinn, Chairman Gennaro and other Council Members. We look forward to continuing that spirit of partnership as we plan for the coming year.

Despite these shared successes, challenges remain. Some challenges are unplanned and arise suddenly. The contamination last week of portions of the Queens water supply by the chemical PERC was effectively and soundly managed through the extensive, coordinated efforts of DEP staff, the Department of Health, the City's Office of Emergency Management, Council members and other elected officials. Still, other challenges are more systemic and will require the Council's support if we are to make progress and move towards resolution. Most significantly, DEP needs the enforcement tools to collect water and sewer charges from a small, delinquent group of customers who represent a disproportionately large amount of revenue owed DEP. We need the authority to conduct Stand Alone Lien Sales.

It is particularly germane to discuss lien sales now, as we are on the heels of the most recent water rate increase. As you know, one of the New York City Water Board's two functions is to set rates that generate enough revenue to fund DEP's capital and operating needs, as approved and adopted by the City Council each year. Because our budgetary projections for the next fiscal year and subsequent out-years show a continuing increase in costs, the Water Board's rate projections are required to provide a corresponding increase in

revenues. The needs of our system are significant and will continue to increase as the City expands, our infrastructure ages, and the effects of climate change become better understood. Lien sales are the only substantial means of effectively moderating future rate increases.

Lien sales can capture substantial revenue from delinquent customers and are the fairest, most effective way to add resources and address the fiscal needs projected for the next few years. Given that the delinquency rate for water bills is over three times as high as the delinquency rate for property taxes, the Administration believes very strongly that we are unnecessarily imposing double-digit rate increases on our more-responsible customers by refusing to create the same sanctions for nonpayment, like lien sales, that are imposed upon homeowners who do not pay their property taxes. These chronically delinquent customers are withholding much-needed revenue and making our more-responsible customers shoulder the growing burden of maintaining and improving our water and sewer systems. The need for Stand Alone Lien Sales has become even more critical as the system has seen actual revenue collections over the last two months falling \$40 million below projections. Combined with the \$12 million deficit in collections for the first eight months of the fiscal year, through the end of April, FY 2007, the system is \$52 million below its revenue target.

Over the last ten years delinquent water and sewer charges have been the basis for lien sales, provided the property owners in question have also been delinquent on their property taxes. Extensive data from this ten-year period show that the sale of liens based on delinquent water and sewer charges has been successful. DEP has carefully verified the accuracy of water and sewer charges before submitting them for inclusion in the lien sale. Based on this significant experience, we firmly believe that allowing the sale of liens based solely on delinquent water and sewer charges will successfully collect revenue that is owed to the City and mitigate future rate increases.

DEP will continue to examine additional cost-management techniques, as encouraged by OMB and the City Council. But it is unreasonable to expect significant reductions in our capital and expense needs without affecting the system. DEP has re-focused its efforts on more efficient customer service and revenue collection, which I will discuss later, but I want to again emphasize that even if all of our customer service enhancements were in place today, without the enforcement mechanism provided by the lien sale, our revenue needs will continue to require double-digit rate increases over the next few years.

Capital Budget – General Issues

The maintenance of New York City's vast water and wastewater infrastructure is vital to the continuing development and growth of New York City. The extensive system is among the largest, most spectacular, and most critical of City assets and maintaining a consistent state of good repair is an enormous task in itself. As we move forward, however, maintenance of the system alone will not suffice; the system must be upgraded and expanded to respond to new needs and new growth. The Bloomberg Administration has recognized this charge and encouraged a budget that reflects the necessity of this strategic planning.

We have to anticipate the needs, expectations and behavior of a growing population as they relate to water use. We have to try to predict how science and technology might affect pollution control strategies, disinfection needs or the hundreds of various regulatory requirements that affect our work. And we need to look at how less quantifiable shifts, such as climate change, might alter the functioning of our systems. DEP's FY 2008 capital budget was developed in recognition of these considerations, and provides comprehensive funding for a host of activities that will enhance our existing system and increase its sustainability as we move toward the future.

The capital budget needed to achieve the dual charge of maintaining and improving the City's water and wastewater systems is quite large and is expected to remain so for several years in order to properly fund several key initiatives. For FY08, DEP's Executive Capital Budget is proposed at \$3.535 billion (a very slight change, due to technical and timing adjustments, from the FY08 Capital Budget as proposed in January). The capital budget for FY08 is the second largest capital budget ever proposed by DEP, and one of the largest of any single year in the Ten Year Plan. It represents about one-third of the entire City's capital needs for FY08. The Ten Year Capital Plan proposed in the Executive Budget is \$19.5 billion.

Mindful of the burden they create for ratepayers, DEP's capital needs have been reviewed, prioritized and targeted. All of the projects proposed for funding by the Executive Budget are either:

- mandated by state and/or federal regulators;
- necessary to maintain the system in a state of good repair;
- necessary to provide for increased development and future growth;
- or, necessary to ensure the long-term sustainability of New York City, as outlined in the Mayor's PlaNYC program and DEP's own Dependability Study.

Capital Budget - Water Supply

DEP's capital budget allocates significant funds for the conservation, repair, upgrade and expansion of our water supply network. Funding for these items reflects continued maintenance needs, as well as long-term, strategic needs identified through DEP's ongoing dependability study and priorities established by Mayor Bloomberg in the City's Long Term Sustainability Plan.

DEP's watershed protection program for the Catskill/Delaware systems is integral to the future sustainability of our unfiltered drinking water system. The cornerstone of this program, and one of great importance to both Speaker Quinn and Chairman Gennaro, is the \$300 million in capital funds allocated for land acquisition. This new commitment was made as part of the 10-year Filtration Avoidance Determination (FAD) recently issued in draft form by the US Environmental Protection Agency (EPA). Pending finalization of this FAD, which we fully expect, New York City will be the first water supplier in the country to receive a FAD that is valid for ten years. A 10-year FAD is proof positive, if any were needed, that New York City is committed to the broadest possible range of effective and innovative watershed protection strategies.

In addition, DEP will begin construction of an Ultra-Violet (UV) Disinfection Facility for the Catskill/Delaware systems that will provide a second treatment screen for cryptosporidium, as required by Federal regulations. The UV facility, once complete, will provide an additional, critical level of protection to the City's water supply systems.

In conjunction with DEP's watershed protection efforts, the Capital Plan continues funding for various treatment technologies that will further enhance the quality of the City's drinking water.

The Croton water system is an integral part of the City's water supply system; however, various water quality characteristics have necessitated that it be filtered prior to consumption by City residents. The Croton Filtration Plant in Van Cortlandt Park in the Bronx will guarantee the continued reliability and functioning of the Croton System, which can supply 10% of the City's water needs when operational, or 30% in times of drought. Though the apparent low bidder withdrew its bid for the general construction portion of the Croton Filtration Plant, DEP has issued a Notice of Award to the second low bidder and will register the contract in June of this year. Construction will begin this summer and continue through 2012.

The FAD, the UV facility and the Croton Filtration Plant are only three components of a broad capital budget that will enable DEP to continue providing more than 9 million New York residents with high-quality drinking water. Other noteworthy projects include:

- A \$240 million contract to rehabilitate and dewater Shaft 6 of the Delaware Aqueduct in preparation for the first stages of construction to repair the Delaware Aqueduct leak, which should be awarded by end of the Fiscal Year 2007.
- Tunneling on the Manhattan leg of Stage 2 of City Tunnel 3 is complete and work is proceeding on lining and installing the formwork in the tunnel. To date, we have committed \$673 million for this critical project.

Capital Budget – Wastewater

Aside from delivering a continuous supply of quality drinking water, DEP's second-highest priority is capturing and treating the sanitary and stormwater flow generated within the City. New York's wastewater system was originally built as a way to improve public health and sanitation by quickly removing waste from City homes and streets and conveying it to a nearby water body for disposal. Today, the wastewater system must remove and treat waste from 8 million people and drain storm water from a 320-square-mile watershed. The system also needs to perform pollutant removal at a level high enough to meet the needs of public health and sanitation **and** improve the ecological health of the City's waterbodies in accordance with PlaNYC's goal to open New York's many waterways to recreation by 2030.

One method of achieving these goals is by constructing facilities that capture combined sewer overflows (CSOs). DEP has recently completed a \$322 million tank beneath Flushing Meadow Park that will capture 800 million gallons of CSOs each year before they flow into Flushing Creek and then Flushing Bay. I am pleased to announce that this facility will be

placed in operation shortly. Once operational, Flushing Creek will start changing dramatically – just as the Gowanus Canal changed once the Flushing Tunnel began operation, and just as Shellbank Creek changed once an aeration facility began oxygenating its stagnant waters.

DEP is building another underground tank at the corner of Ralph and Flatlands Avenues in Canarsie to detain combined sewer overflow before it enters Paerdegat Basin, a tributary of Jamaica Bay. The Canarsie tank is very similar to the Flushing Bay tank in design and is expected to enter service in 2009. The capital budget also funds upgrades to the Flushing Tunnel and the Gowanus Pumping Station. These two projects will further improve water quality in the Gowanus Canal.

As DEP attempts to further enhance stormwater capture throughout the City, we are beginning to investigate the targeted use of decentralized, on-site stormwater controls, collectively known as “best management practices” (BMPs). To that end, DEP and the Mayor’s Office of Long Term Planning and Sustainability are participating in an inter-agency task force devoted to the development, assessment and implementation of BMPs that will contain and absorb storm water throughout the City. The Mayor’s Office has already provided significant guidance on this issue and its oversight has encouraged all relevant partner agencies to critically examine existing stormwater drainage policies and identify potential possibilities for the widespread implementation of innovative stormwater management techniques.

Deputy Commissioner Angela Licata and her staff have devoted significant resources this past year to the development of a comprehensive BMP toolset and are currently in the process of designing specific pilot projects to study the feasibility of various technologies, including porous pavements, vegetative swales, decentralized sanitary wastewater treatment and the reintroduction of native species to City waterways to enhance water quality. These innovative management techniques will build upon the significant improvements in water quality DEP has already achieved through end-of-the-pipe technologies such as wastewater treatment plant upgrades and CSO storage tanks. Strategic applications of BMP techniques may allow DEP to target localized stormwater problems and address the issues unique to specific water bodies.

A significant step in the development of these more comprehensive pollution and stormwater management techniques was the Jamaica Bay Draft Plan, issued earlier this year, which outlines a holistic set of best management practices and other environmental and strategic planning tools that could be implemented to improve water quality in Jamaica Bay. Deputy Commissioner Licata and her staff worked tirelessly on the Draft Plan, and it reflects extensive dialogue between DEP, other City agencies, various elected officials and key stakeholder groups, as well as a keen awareness of many emerging issues important to the Council, such as global warming and the City’s ability to effectively ameliorate the potential consequences of such climate change.

Customer Service

In addition to pursuing the water supply and wastewater goals described earlier, DEP has devoted significant resources to fixing customer service and billing operations by improving

collections, enhancing our technology and reevaluating and overhauling our business practices. Over the past year, DEP has initiated comprehensive changes within the Bureau of Customer Service (BCS) and, in coming weeks, will receive a set of recommendations from our consultant, Booz Allen, which will outline further potential for marked progress in this area of BCS operations. Highlights of our customer service improvements are as follows:

- Already, DEP's customer service call center has been reorganized, with staff retrained and call center hours extended. This has resulted in an average wait time of less than 10 seconds – a 95% reduction.
- Similarly, there has been a 41% reduction in response time for written correspondence, and all correspondence is now tracked and managed by an efficient electronic records system.
- DEP has also recently added online bill payment to its set of payment options for water and sewer customers. Launched on March 31st, the service has been particularly successful amongst single-family homeowners and has been used to pay nearly \$500,000 in revenue in April alone.
- DEP has launched a comprehensive outreach effort citywide, which consists of both community meetings hosted by local Council Members and extensive literature and public information campaigns. DEP has already held 14 meetings, in all five boroughs, where both DEP and Department of Finance staff have been on hand to answer customer questions, establish payment agreements and help rate-payers through the billing process.

Literature distributed by BCS in the past year has included regular billing mailings to inform customers of new initiatives and on-going customer service improvements, as well as new “spike notices,” which inform customers with unusually high quarterly bills of potential leaks or other potential billing problems.

I have mentioned many times that one of the most persistent problems with our meter reading system is the failure to read approximately 15% of our meters in any given billing cycle because our meter reading contractor, Con Edison, has not been able to get an actual read. As a result, many of our bills are based on “estimated” consumption, which later has to be adjusted, usually to the consternation or confusion of our water and sewer customers. To address this problem, DEP is hiring a contractor to inspect these hard-to-read meters and recommend a strategy for resolving this chronic problem as we move forward.

DEP is also pursuing a long term, broad-based resolution to this key customer service issue. To improve their meter read rates, other large cities around the country have relied on “Automated Meter Reading” (AMR) systems, which employ wireless technology that reads meters via remote scanners. The proposed Ten Year Capital Plan contains approximately \$200 million for the implementation of an AMR system in New York City, including \$100 million in FY08. This summer, DEP will begin testing two different AMR devices through a pilot project involving 800 properties. Based on the results of that pilot, DEP will make final vendor selections in fall of 2007 before beginning widespread implementation in 2008.

Expense Budget

DEP's expense budget is proposed at \$956 million, which funds 6,300 full time positions. This is an increase of approximately \$72 million, or 8.1%, over the forecast FY08 Preliminary Budget. This increase includes:

- As a result of collective bargaining agreements, actual and expected, personnel costs increased an additional \$10 million over the FY07 base.
- An increase in the costs of our privatized sludge management contractors, combined with rising prices for chemicals; heat, light and power; fuel oil and gasoline; leases and the FAD, accounted for an additional \$30 million over the FY07 base.
- Additional staff enhancements for environmental health and safety programs (EHS) (\$10 million) and for brownfields remediation.

For the EHS program, DEP is proposing a net increase to its headcount of 38 positions, at an additional annual PS cost of \$1.6 million and OTPS of \$5.8 million. Tax levy staff dedicated to remediating and restoring brownfield sites accounts for an additional 25 positions and related OTPS at a cost of \$1 million.

Conclusion

The FY08 Executive Budget proposes significant increases for both DEP's capital and expense budgets. Those increases come on top of other recent increases in the cost of operating and improving the water and wastewater system, and the Water Board projects that rate increases over 11% for the next several years will be necessary to provide a revenue stream sufficient to operate the City's water and wastewater systems and make payments of principal and interest on outstanding debt. Rather than limit DEP's budgets by underfunding or deferring maintenance costs on our capital assets, the Administration continues to suggest that the Council pass legislation authorizing New York City to sell liens based on delinquent water and sewer charges.

Thank you for the opportunity to testify.

FIRE DEPARTMENT OF NEW YORK

TESTIMONY OF COMMISSIONER NICHOLAS SCOPPETTA

CITY COUNCIL COMMITTEES ON FINANCE AND
FIRE & CRIMINAL JUSTICE SERVICES

MAY 16, 2007

INTRODUCTION

Good morning, Chairman Martinez, Chairman Weprin and Council Members. Thank you for the opportunity to speak with you today about the Fiscal 2008 Executive Budget for the New York City Fire Department (FDNY or the Department).

OVERVIEW

I would like to update the Committees on several Department initiatives that I discussed at our Preliminary Budget hearing, and to alert you to some new initiatives that have begun since my testimony in March.

Fire Safety

Following the tragic Bronx fire on March 7th in which 10 people – including nine children – lost their lives, the Department initiated an extensive smoke detector battery campaign designed to promote awareness and safety. Over the past few weeks, we have distributed around 30,000 batteries, and will continue to distribute the remainder of the 100,000 batteries at fire safety events throughout the City. I thank the FDNY Foundation, which provided the batteries, as well as the dedicated members of our Fire Safety Education Unit for their efforts in this campaign.

I would like to take a moment to remind all New Yorkers of the importance of practicing fire safety, which includes having working smoke detectors in your homes and regularly checking your detectors' batteries. To get this important fire safety message out in a City as diverse as New York -- with so many languages and dialects spoken -- is a true challenge. To that end, in 2006 the FDNY conducted more than 8,500 fire safety presentations throughout the City. We also offer our fire safety literature in English, Spanish, Chinese, Korean, Urdu, Russian, Yiddish, Italian and Arabic. Right now, we

are working with potential private funding sources, and with the Mayor's Office of Immigrant Affairs, to help us reach out to even more non-English-speaking people in New York City. With additional funding, we can publish our fire safety materials and make our presentations in many more languages so that our City's diverse population will understand the importance of our fire safety messages.

As I have offered in the past, please contact us if you would like our fire safety educators to make presentations in your communities (718-281-3871).

Probationary Firefighter Training and Recruitment

In March, we began our expanded training program for Probationary Firefighters (Probies) at the FDNY Training Academy. Instead of the 13 weeks of training we had been providing, this class of Probies will receive 18 weeks of training. In August the training program will further expand to 23 weeks.

The impetus for this increase in training is two-fold. First, Department analyses of fatal fires showed that increased knowledge of building construction principles and operational tactics would greatly enhance the safety of both the public and our Firefighters, particularly new Firefighters. Second, as you know, the Department of Citywide Administrative Services revised the requirements for Firefighter applicants prior to the recent Firefighter exam. The Department feels that the extended training more than adequately addresses the change in the application requirements. We appreciate the extraordinary commitment of the Department's Training staff in facilitating this unprecedented effort, and anticipate that this expansion will accomplish our training goals.

We look forward to welcoming recruits from the current test to Probie Training School in 2008. Thanks to our Recruitment Unit, the recruitment campaign for this exam was the most successful in the Department's history.

- More than 40 percent of the nearly 30,000 applicants for the exam were minorities, up from just 23.4 percent in 2002.
- The number of female applicants increased by 60 percent, from 878 to 1,401.
- The percentage of minorities taking the written exam increased to 37.9 percent for the recent exam from 21.1 percent of total test takers in 2002.

We look forward to working with all the recruits as we move toward the physical exam portion of the application process.

Firefighter Contract

As you may know, last week our Firefighters ratified their new contract, which was negotiated by the City in March. This contract features a more than eight percent pay increase for Firefighters through 2008, and specialty pay for members with the highest levels of training. We believe this is a fair contract that recognizes the hard work and dedication of our City's Firefighters.

Light Duty Policy

As I mentioned at the March hearing, the Department instituted a new Light Duty policy for Firefighters in January of this year. This policy is designed to enhance accountability by establishing clearer reporting directives on schedules, assignments and timekeeping. I am happy to report that the program is achieving its goals of improving compliance and reducing overtime expenses. The City's Office of Management and Budget projects savings of \$5.5 million in Fiscal 2007 as a result of the new policy. In

Fiscal 2008, we expect the average number of Firefighters on Light Duty to continue to decline, decreasing annual overtime costs by approximately \$12 million.

Terrorism and Disaster Preparedness Strategy

Finally, I am pleased to report that last month the Department released its first Terrorism and Disaster Preparedness Strategy. This document presents a clear, coordinated vision of our Department's efforts to plan, train and equip our members to respond to terrorism and other large-scale disasters. The Strategy evaluates all aspects of emergency response – from resource deployment to communications – and establishes a cohesive, constantly evolving approach to ensuring that the FDNY is prepared for the complex and dynamic threats faced by our City. We are extremely proud of this effort and look forward to its ongoing implementation. We would be happy to provide the Council with copies of this Plan.

EXECUTIVE BUDGET

I will now discuss some highlights of the Mayor's Executive Budget for the upcoming fiscal year. The Fiscal 2008 Executive Budget allocates \$1.5 billion for the FDNY. This is an increase of approximately \$300,000 from our Preliminary Budget allocation. We are especially pleased that the Executive Budget adds funding for hiring additional personnel for the Bureau of Fire Investigations (BFI), our Buildings Unit, Emergency Medical Service and the Bureau of Fire Prevention.

Bureau of Fire Investigation

With a \$1.4 million allocation, the Department will add 32 new Fire Marshal positions to BFI in the fall of 2007. As the new Marshals are promoted, the Department will open a new BFI base at Fort Totten, Queens. Fire Marshals stationed at the Fort

Totten base will cover Queens, the Bronx and northern Manhattan, while the Brooklyn BFI base will concentrate on Brooklyn, lower Manhattan and Staten Island. These new Marshal positions will allow BFI to provide New Yorkers with even more comprehensive investigatory services in cases of arson and other fire-related crimes.

Buildings Unit

An additional \$2.7 million was added to our budget for 19 new Buildings Unit positions. The Buildings Unit is responsible for maintenance and rehabilitation of our more than 300 facilities throughout the five boroughs. With 19 new staff, we will be able to drastically reduce overtime costs, saving almost half a million dollars a year, and we will be able to more expeditiously complete many types of repair and renovation work.

EMS Staffing

The Executive Budget allocates \$2 million for the creation of 35 new Emergency Medical Service (EMS) positions. EMS units responded to 30,000 more incidents in Fiscal 2006 compared to Fiscal 2005. Statistics from the first half of Fiscal Year 2007 suggest that this upward trend is continuing. The Executive Budget's provision for 15 new Emergency Medical Technicians, 15 new Paramedics and 5 new Lieutenants will help us absorb the increased EMS workload.

Bureau of Fire Prevention

Finally, the FDNY has received a \$700,000 allocation for 21 new positions in our Bureau of Fire Prevention. These new positions will include nine new clerical and 12 new inspection posts. The additional staff will enhance Fire Prevention's ability to efficiently and effectively ensure that buildings throughout the City adhere to the fire

safety requirements set forth in the Fire and Buildings Codes, both of which are being comprehensively revised.

CAPITAL BUDGET

Our Fiscal 2008 Capital Budget also includes an addition of more than \$50 million for EMS station development. This allocation will fund EMS station renovations, site acquisition and construction in Manhattan, Brooklyn, Queens and the Bronx.

REVENUE

The Fire Department's Executive Budget identifies several revenue enhancements added or increased since our March Budget hearing. First, as discussed above, the Department's new Light Duty policy for Firefighters is expected to save the City \$12 million in the next fiscal year.

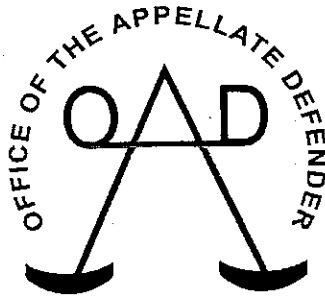
In addition, improved EMS bill collection will bring more than \$130 million into the City's coffers in Fiscal 2008. This revenue target has been increased \$2.2 million from the target set in Fiscal Year 2007.

Finally, and as mentioned earlier, the Executive Budget funds 21 new positions in our Bureau of Fire Prevention. The Department expects to increase revenues by \$1.6 million in Fiscal 2008 through inspectional initiatives and more efficient case processing.

CONCLUSION

The Department is confident that our Fiscal 2008 budget will enhance our capabilities to meet the needs of the City. Thank you again for the opportunity to speak with you today. I would be pleased to answer any questions at this time.

OFFICE OF THE APPELLATE DEFENDER



FY 2008 BUDGET REQUEST

Presented to the

**COMMITTEES ON
FINANCE
AND
FIRE AND CRIMINAL JUSTICE SERVICES
OF THE
NEW YORK CITY COUNCIL**

May 16, 2007

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INTRODUCTION

The Office of the Appellate Defender greatly appreciates the ongoing support of the City Council, which has enabled OAD to continue to provide high quality, client-centered appellate and post-conviction representation and other support services to its poor clients, and to train new generations of lawyers. Now in its nineteenth year of providing such critical services, and as the oldest indigent defense organization in New York City other than The Legal Aid Society, OAD again seeks Council support to ensure its continued ability to provide needed representation and support services.

For FY 2008, OAD is requesting \$2.4 million, a restoration of last year's appropriation of \$2.25 million, with a modest enhancement of \$150,000. These funds are necessary to enable OAD to continue to perform its comprehensive mission without reduction in services, to represent a greater number of clients, to maintain its unique social work/re-entry program, and to meet the newest challenges in the criminal justice system, such as the cruel, unabated solitary confinement of mentally ill prisoners, and the civil commitment of sex offenders.

OAD'S MISSION

As a long-standing and integral part of the City's indigent defense network, OAD performs a wide variety of services. OAD's unique role is centered around

providing high quality, client-centered representation in state and federal courts on behalf indigent clients appealing their felony convictions. This includes fighting against police and prosecutorial misconduct, and advocating for fair trials and humane and proportionate sentences.

OAD also fills an important need in the criminal justice system by training new and relatively inexperienced lawyers in the practice of client-centered appellate and post-conviction advocacy. OAD trains new staff lawyers, volunteer *pro bono* lawyers from the City's largest law firms, and law students – the lawyers of tomorrow.

Finally, OAD created, and has expanded, its unique social work/re-entry program – the only one of its kind, to assist those who are incarcerated and those who will be rejoining our communities, and OAD continues to disseminate the model for this program to other indigent defense providers.

Underlying these different aspects of OAD's mission is a unifying principle – that justice means more than seeking to overturn an erroneous conviction, more than working to ensure equality in the law, and more than providing excellent representation. A just society recognizes that those who offend are still human beings, entitled to respect; a just society believes that prisoners must be treated humanely and with basic human dignity; and a just society provides support for those returning from prison and gives them the tools to succeed and to rejoin the greater

community. At OAD, these fundamental principles form the very foundation of all we do.

High Quality Client-Centered Representation

As the Council is aware, OAD has earned a well-deserved reputation for providing outstanding comprehensive client-centered representation. Recently, for example, OAD was successful in overturning a questionable kidnaping conviction after a Bronx Supreme Court justice found that the district attorney's office had improperly withheld critically exculpatory information from the defense – information that likely would have led to an acquittal at the original trial. In another recent case, the Appellate Division ordered a rare hearing into the possibility that an OAD client – who might very well be innocent – was coerced into pleading guilty to drug possession because he was represented by an attorney who was paid by, and who might have been looking after the interests of, the actual guilty party. *See article, attached.*

In addition to the appeals and post-conviction litigation in state and federal court that forms the core of our work, OAD attorneys represent clients in prison- and parole-related proceedings, as well as in immigration and deportation proceedings. These services have become more important but also more time-consuming and labor-

intensive, as prison sentences have lengthened, and as the state has more vigorously opposed relief to our clients.

As a full-service, client-centered office, OAD seeks to ensure that our clients are treated fairly in prison, that they are given opportunities for rehabilitation, that they are afforded adequate medical care, and that they are fairly considered for release. Too often, clients are abused, subjected to medical malpractice or neglect, or unfairly placed in solitary confinement in draconian special housing units. Moreover, recent news stories have documented the inherently unfair policies of the state Division of Parole, which has abdicated its duty to fairly consider prisoners for release, and which routinely denies release without any reasoned basis.

OAD has achieved success in overturning prison disciplinary actions, having clients transferred to safer and more suitable facilities, ensuring proper medical care, and obtaining greater access to family members, and has successfully gone to court to overturn unfair parole denials. Most recently, OAD obtained the release of a 52-year old grandmother, who was a model prisoner for nearly 23 years after becoming involved in an unintentional killing. The parole board's repeated unlawful denials of release and flouting of a court order led a Bronx Supreme Court justice to threaten contempt sanctions, after which the parole board finally agreed to release our client.

That client, like many others, has been reunited with her family as a result of OAD's vigorous representation and pursuit of justice. *See article, attached.*

In addition, over the past two years, OAD has handled dozens of re-sentence proceedings under the new laws that were passed to ameliorate the harsh Rockefeller drug sentences. As a provider with vast experience in this area, OAD was well-suited to take on these cases. However, the proper handling of these cases has required the expenditure of additional funds to obtain necessary court, prison, medical, and mental health records, as well as to more frequently travel to distant parts of the state.

Although much of OAD's work is unfunded, we believe that every client – guilty or not – has a right to humane and fair treatment, and we fight to vindicate that right. Above all, we believe that all clients are entitled to be treated as human beings – with dignity and respect.

A Training Center for New Attorneys, Volunteer Attorneys, and Law Students

In addition to our mission of providing high quality representation, OAD has always performed a uniquely important role as a training center for new attorneys, ensuring that there will always be a next generation of highly committed and highly qualified lawyers to continue performing the essential work that we do. Each year, as those staff attorneys who have completed their two- to three-year term move on to

other indigent defense offices, criminal defense firms, academia, or other public interest law offices, OAD recruits and hires new attorneys to take their place. The new lawyers – usually a class of four or five new staff attorneys (out of the nearly 500 who apply from all across the nation) – become part of OAD’s committed staff of twenty attorneys. These lawyers receive comprehensive training, and initially are fully double-teamed on their cases with experienced supervisors.

OAD’s training mission also underlies our highly acclaimed Volunteer Appellate Defender Program, through which talented and committed associates at some of the City’s most prestigious law firms handle appeals *pro bono* under OAD supervision, after participating in a special training program for volunteer lawyers.

Finally, through OAD’s Criminal Appellate Defender Clinic, in association with New York University School of Law, OAD trains future lawyers in the practice of client-centered criminal appellate defense, while instilling in them the importance and rewards of public service on behalf of the poor.

Social Work/ Re-entry Program

In the past year, we have significantly expanded our social work program – the only one of its kind in an appellate defender/post-conviction office – enabling us to assist more clients with re-entry issues such as housing, employment, substance

abuse, and mental health, while still providing support and assistance to clients with a wide variety of prison-related problems. This year, in addition to our full-time social worker, we are fortunate to have the services of two social work interns – one from Columbia University School of Social Work, and the other a senior in Fordham University.

Our social work staff works with scores of clients each year on a myriad of issues – medical, mental health, family, employment, and substance abuse, among others. Our staff meets with clients, counsels them, makes appropriate referrals, accompanies them to appointments where necessary, writes recommendations, and provides an array of other critical assistance.

In addition, during this fiscal year, for the first time, our social work unit created and led a series of comprehensive interactive workshops in the state prison system geared at helping dozens of incarcerated individuals understand the system and better prepare for their release. We also created and led similar workshops in various communities within the City for family members of incarcerated individuals, to assist them in preparing for their loved one's return to the community and to answer questions about the parole and prison system. Finally, we are continuing to disseminate our social work model to other providers, so that more such services will

be available to the thousands of incarcerated persons and their families throughout the City and State.

Meeting the Challenges Ahead

As we look ahead to FY 2008, we have much work to do. Even as we continue to fight in so many ways for a more reliable and humane criminal justice system – for example, by challenging unfair identification and police interrogation procedures, advocating for drug treatment instead of incarceration, and holding prosecutors accountable when they fail in their duty to disclose exculpatory information – we now face additional new challenges.

Last year, then-Governor Pataki vetoed legislation that would have barred the State Department of Correctional Services from placing mentally ill prisoners in “Super-Max” solitary confinement settings, as is the current practice. Sadly, that ill-conceived and inhumane practice continues. Through its legal work and social work program, OAD advocates for clients who are housed in such uncivilized conditions.

This year, New York has joined a growing number of states in creating a new system of civil commitment for sex offenders who have completed their sentences, despite mounting evidence that such hugely-expensive confinement does not serve its stated purposes and is in fact counter-productive. If an individual who has

completed his prison sentence can nevertheless be committed for what could amount to a life sentence, it is essential that all substantive and procedural protections are afforded. OAD will be highly involved in seeking to ensure that, as the new law is implemented, the due process rights of our clients are fully protected.

* * *

In sum, the services OAD performs are part of a committed mission of justice, fairness, and excellence. We are pleased that the City Council has always recognized the importance of, and has supported, our programs. Through the work that we perform, the goals of a humane criminal justice system are more than just a distant hope to so many of the most vulnerable residents of our City.

BUDGET REQUEST FOR FY 2008

Although last year's appropriation of \$2.25 million enabled OAD to substantially meet its operating expenses, OAD will face a deficit in FY 2008 unless the Council not only restores that amount, but provides an additional \$150,000, for a total allocation of \$2.4 million. Despite the Council's generous appropriation, and notwithstanding OAD's successful efforts to keep our costs down, the cost of providing comprehensive quality representation to those most in need has continued to rise.

OAD faces significant increases in operating costs in the coming fiscal year. Personnel costs continue to rise, as our experienced senior staff receives modest, but well-deserved, cost-of-living increases, and our newer, more junior staff salaries rise. As a training office, each year OAD hires several new attorneys for two- and three-year terms. We have traditionally kept the salary levels of these positions quite low, in order to avoid increased operating costs. However, as these salaries have lagged more and more behind the salaries paid to comparatively-experienced attorneys at The Legal Aid Society and the various district attorney's offices, we increasingly face issues of fairness and parity in pay.

Of course, other operating expenses, such as health insurance, legal research, professional liability and property insurance, and the like, have continued to climb. And, having entered into a new lease last year, after we relocated to a downtown office closer to the courts, we now face escalating rental costs. Given recent increases in fuel prices, we also anticipate significant utility increases in the coming year.

Notwithstanding the rising costs outlined above, OAD believes it can meet its obligations and continue to perform its work with only a modest increase over the fixed appropriation of the last two years. Indeed, in FY 2007, OAD agreed to increase its intake without any additional funding, resulting in a decreased "cost-per-

case” amount. Given the breadth, scope, and quality of the work we perform for our clients, OAD remains the most cost-effective appellate provider in City. And, when one considers other factors – such as the number of attorneys trained by OAD who continue to provide quality indigent defense services for years to come, the benefits to the City are even greater.

We recognize that the City always faces difficult budget choices. However, the work we perform remains too important to abandon or curtail. We therefore urge the Council to support OAD’s efforts to continue to provide high quality representation to poor New Yorkers.

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Worker Denied Public Defender Given Chance to Vacate Plea

BY MARK FASS

A BODEGA WORKER who was denied a public defender even though his attorney did not inform of a potential conflict of interest, repeatedly failed to appear in court and suggested he "wasn't going to do a very good job at trial" has been given a second chance to argue a motion to vacate his guilty plea on a charge of possession of crack cocaine.

A unanimous Appellate Division, First Department, panel held that Bienvenido Pina had presented sufficient corroborating evidence to merit a hearing regarding the conflict of interest.

"Given the serious and partially corroborated allegations defendant made relating

to his attorney—and other aspects of the plea colloquy itself—a hearing to determine the truth or falsity of those allegations was necessary," Justice James M. McGuire wrote for the panel in *People v. Pina*, 8256.

The court also ordered the conviction to be held in abeyance.

In July 2001, Mr. Pina, then 24, was hired as a temporary employee to stock shelves and make sandwiches at The First Floor Bodega on 134th Street in Harlem.

Although he had worked at the bodega for much of the previous year, Mr. Pina had left in April to work at his sister's Bronx carpet store. With a third child on the way, he needed extra money, so he picked up the shift at the bodega.

Mr. Pina did not realize, however, that since he had left the bodega had become the focus of a drug investigation.

On his first day back, the police executed a warrant to search the bodega and discovered, among other illicit items, 350 vials of crack cocaine and ammunition for a nine-millimeter gun underneath a trap door in a back room.

Although the police found no evidence linking him to the drugs, Mr. Pina and the other employee working at the time of the search were arrested and charged with possession of a controlled substance.

The bodega's managers, brothers Juan



Justice McGuire

The decision will be published Monday.

Now at nylj.com

Continued on page 4

Defendant Gets Chance to Vacate Guilty Plea

Continued from page 1

and Luis (whose last names were not disclosed in court papers) were neither present nor ultimately charged.

The potential conflict of interest notwithstanding, Juan and Luis hired an attorney, Pedro Batalla, to represent Mr. Pina. But when the brothers failed to pay Mr. Batalla, a Bronx solo practitioner who had been suspended from practicing law in 1994 following a felony tax-evasion conviction, the lawyer "intimated that if he wasn't paid his fee he wasn't going to do a very good job at trial," according to Mr. Pina's appellate brief.

Mr. Batalla repeatedly failed to make court appearances, and failed to disclose the possible conflict of interest attendant in being paid by parties who could face charges related to the same drugs, according to Mr. Pina's court papers.

Concerned about the dedication of his counsel, Mr. Pina made a request for a public defender, which Manhattan Supreme Court Justice Micki A. Scherer denied.

Realizing that he would not be represented by a competent attorney, Mr. Pina "hesitantly" agreed to plead guilty

to felony possession. Justice Scherer sentenced him to 3 years to life.

Mr. Pina then hired an attorney on his own, Steven Hornstein, who filed a motion to vacate the plea. Mr. Hornstein argued, among other things, that Mr. Pina received "conflicted, coercive and inadequate representation" from Mr. Batalla.

Justice Scherer summarily denied the motion.

Arguing that Mr. Batalla's "dubious financial arrangements with the bodega's managers" created a "significant and actual" conflict of interest, Mr. Pina then appealed.

Conflict of Interest

In Mr. Pina's appellate brief, his attorney argued that "Batalla failed to bring to the court's attention important, and relevant factors that would have undermined the sufficiency of the evidence against Mr. Pina, including: that Mr. Pina was a temporary employee, and not the manager or owner of the store; that there was no evidence that Mr. Pina had any access to the trap door behind which the narcotics were kept or even knew the trap door existed; and that there was nothing, other than his presence in the store

at the time the warrant was executed, to suggest that he was in constructive possession of the narcotics."

Yesterday, Mr. Pina scored a partial victory, as the appeals panel remanded the conflict-of-interest issue to Justice Scherer.

"Whatever the incidence of false guilty pleas may be, the risk that such a plea will occur surely is greatest when, as here, a defendant is offered a plea bargain that avoids a possible life sentence and virtually ensures freedom in a year or two. Unfortunately, the risk that some attorneys will not act in the highest tradition of the bar also is one of which the law must be mindful," Justice McGuire concluded.

Justices Richard T. Andrias, David B. Saxe, Joseph P. Sullivan and Milton L. Williams joined the opinion.

"I'm very pleased," said Rosemary Herbert of the Office of the Appellate Defender, who along with Saadia Aleem represented Mr. Pina on appeal. "We felt it was a very compelling case."

Mr. Batalla did not return a call seeking comment.

A spokeswoman for the Manhattan District Attorney's Office declined to comment.

— Mark Fass can be reached at mfass@alm.com.



Justice Billings

The decision
will be published
Monday.

Now at nylj.com

Judge Says Board Ignored 'Remarkable' Rehabilitation

BY JOHN CAHER

ALBANY — In a searing criticism of state parole policies, a Bronx judge suggests bureaucrats usurped judicial sentencing authority and ignored legislative intent by refusing to give serious consideration to a woman who committed a felony murder in 1981 but has since undergone a "remarkable" and "indisputed" rehabilitation.

Bronx Supreme Court Justice Lucy Billings found in the case of *Jean Coaxum v. New York State Board of Parole*, 2470/2005, "Ignoring this sentence that the court imposed, the Board effectively undertook

seriousness of her offense and gave no weight to her achievements and other factors it is statutorily required to consider. Further, she accused the parole board of ignoring the sentencing court.

"The 15 years to life sentence imposed...reflects the court's determination that under the circumstances of reform and rehabilitation, consistent with the statutory scheme, 15 years is sufficient," Justice Billings wrote in *Matter of Jean Coaxum v. New York State Board of Parole*, 2470/2005. "Ignoring this sentence that the court imposed, the Board effectively undertook

an unauthorized resentencing, substituting the Board's own opinion of the sentence warranted by petitioner's crime for the court's determination...All the relevant facts surrounding petitioner's crime were before the court when it sentenced petitioner, have not changed since then, and cannot change."

Justice Billings ordered the parole board to reconsider its latest denial in Ms. Coaxum's case, and directed it to pay more than lip service to the statutory criteria delin-

Continued on page 8

Continued from page 1

eated in Executive Law §259 and to "consider the significant factors that can change: petitioner's rehabilitation and readiness to make amends for her past actions through service and contributions to her family and to society. The Board has not made even fleeting reference to why or how petitioner will be more ready in the future."

The court acknowledged that the board has the discretion to weigh the various factors—seriousness of the offense, institutional adjustment, rehabilitative efforts, etc.—as it sees fit. But Justice Billings said it must give "actual consideration" to those factors and do more than "acknowled[ge] that evidence of them was before the Board."

In cases of violent crimes the board typically focuses on the instant offense in denying parole and adds by vague reference that it considered everything it was supposed to consider. Justice Billings said that is not good enough.

"After considering all the factors relevant to the individual inmate, the Board then may accord greater or lesser weight or emphasis to different factors," she wrote. "Here, however, the Board's decision reveals it accorded no weight and no emphasis whatsoever to any factor apart from seriousness of petitioner's offense."

Further, Justice Billings held that the Bronx is an appropriate venue for Ms. Coaxum's Article 78 because that is where the crime occurred and the facts of the crime are the sole reason parole was denied.

Jurisdictional Debate

The state had argued, as it has in several other cases with mixed success, that the only proper venues for parole challenges are the county where the convict is incarcerated

Judge Blasts Parole Denial

(in this case, Westchester) or in Albany, where the Division of Parole is based.

The attorney general and defense counsel have been engaged in something of a jurisdictional tug-of-war in recent months, with defense attorneys attempting to get their parole challenges before seemingly more sympathetic New York City judges. Some judges have held that the county where the crime occurred is an appropriate venue, and others have not (NYLJ, May 15).

Coaxum centers on a now 52-year-old grandmother who was involved in a 25-year-old murder.

Court records show that in 1981, Ms. Coaxum was a drug addict.

That May, she and a friend followed an elderly woman to her Bronx apartment. The friend, who was never apprehended, tied up and gagged the victim while Ms. Coaxum looked for property to steal. It was not until 1984, when Ms. Coaxum was on probation for another offense, that she learned the woman had died. Ms. Coaxum immediately took responsibility and pleaded guilty. In return, she was sentenced to the statutory minimum for second-degree murder, 15 years to life.

In prison, according to Justice Billings, Ms. Coaxum completed every therapeutic program prescribed, plus educational and vocational programs. She provides tutoring, mental health and medical services to other inmates and is

involved with training service dogs that aid the visually impaired or detect explosives. She has a clean disciplinary record and has earned "unanimous endorsements from prison officials and staff," Justice Billings noted.

"Yet four times since the minimum 15 years of petitioner's sentence elapsed, the Board of Parole has seen fit not to allow this woman to contribute her caring,

kindness, patience, sensitivity, and skills to her family and the community outside the prison," Justice Billings wrote. "It...would be expected that [the parole board] would present another side to the story [Ms. Coaxum] presents, but respondent does not..."

[T]here is no other side to her story. It is undisputed."

Justice Billings noted that the parole board itself told Ms. Coaxum that there is nothing it would want her to do or achieve in prison that she has not done or achieved.

"[T]he whole purpose of New York's parole system is, at a minimum, to hold out the possibility of parole," Justice Billings said. "By relying solely on the unchangeable factor, the severity of petitioner's 1981 offense, and declaring that petitioner could not have done and could not in the future do anything more or differently to obtain a decision granting her parole, the Board denies her even that possibility...Certainly if the Board had evaluated petitioner's total reform and rehabilitation, the Board would

have determined that this 52 year old grandmother posed no threat, but realistically promised to contribute to society's welfare and was ready to rejoin the community outside prison."

Richard M. Greenberg, attorney in charge of the Office of the Appellate Defender, which represents Ms. Coaxum, said he is gratified the "judge recognized that the parole board acted in excess of its authority and essentially was resentencing my client."

"I think every time we get a decision like this it could have the affect of emboldening other judges to step in and take a closer look at what the parole board is doing in these cases," Mr. Greenberg said.

Assistant Attorney General Judy Prosper is defending the parole board. The attorney general's office declined comment.

Justice Billings' ruling comes on the heels of one by Southern District U.S. Judge Charles L. Brieant, who found that while there is no due process right to parole release, there is a constitutional right to have parole decisions made in accordance with the statute (NYLJ, July 20).

Judge Brieant is presiding over a proposed class action in which thousands of inmates claim the parole board appointed by Governor George E. Pataki is following gubernatorial policy rather than the law in routinely denying release to violent felons. Earlier this year, the New York Law Journal reported that the release rate for A-1 felons has dropped from 28 percent to 3 percent since Mr. Pataki took office in 1995 (NYLJ, Jan. 31).

— John Caher can be reached at jcaher@alm.com.

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**TESTIMONY OF CAPTAIN PETER L. GORMAN, PRESIDENT
UNIFORMED FIRE OFFICERS ASSOCIATION
BEFORE THE NEW YORK CITY COUNCIL COMMITTEES FINANCE
AND CRIMINAL JUSTICE SERVICES ON FDNY FISCAL 2008
EXECUTVE BUDGET HEARING
May 16, 2007**

Good afternoon Chairman Martinez, Chairman Weprin, and City Council Members. My name is Lt. Edward Boles and I am speaking on behalf of Peter Gorman, President of the Uniformed Fire Officers Association (UFOA), representing the Lieutenants, Captains, Battalion Chiefs, Deputy Chiefs, Medical Officers and Supervising Fire Marshals of the FDNY.

The UFOA wishes to compliment Commissioner Scoppetta and his staff and I wish to personally congratulate the City council especially Council Member James, Chairman Martinez, and Speaker Quinn for their tireless efforts in boosting the ranks of the FDNY's Bureau of Fire Investigation (BFI) by 32 new fire marshals and the reopening of the BFI Base on Fort Totten in the fall of this year. Although this is a step in the right direction in rebuilding the FDNY's BFI which was significantly reduced from 220 Fire Marshals and four BFI Bases five years ago to 100 Fire Marshals and one Base today, we would like to see the BFI further strengthened so suspicious fires can be investigated promptly and more efficiently. For example, since BFI had been so drastically cut in 2002, many suspicious structural fires are not being fully investigated and suspicious automobile fires are rarely investigated. This improvement in BFI will certainly be helpful in reducing suspicious fires and aid in arresting those responsible for arson.

We are also encouraged to see the expanded training program for probationary firefighters from 13 weeks to 23 weeks. The UFOA has been a big proponent of additional training for our firefighters and we would hope that an expansion of that training be implemented for our fire officers. Unfortunately in this budget, we do not see any increased funding for additional training for our fire officers.

I am still baffled by this morning's presentation by Commissioner Scoppetta on the FDNY's upcoming Fiscal 2008 Budget and I wish to clarify a number of issues. I am still trying to understand how the FDNY budget was only increased by \$300,000 from the proposed budget



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when the city has an estimated surplus, which may surpass \$ 5 billion this upcoming year. Other than the improvements in BFI and the increased training of Probationary firefighters, there is very little or no enhancements to our fire suppression units.

As I mentioned earlier, there is no funding budgeted for additional training for our members which has always been a positive way to reduce injuries, save lives, and improve the overall operations of our units. There was no mention of any improvements to our equipment, like upgrading FDNY radios or fire protective gear (i.e. Smart Coat). No mention of improving the FDNY's current apparatus fleet, especially the inadequate spare fleet where there are spares nearly twenty years old. And, most importantly, there is no mention of increasing fire suppression units to a city that will grow to nearly 9 million by 2030 and a housing and commercial occupancy boom throughout the city. Currently, our units have responded to nearly 8,000 more incidents in the first four months of this year than in the same time period in 2005 when the FDNY recorded the busiest year in its history (485,702 incidents with the lowest amounts of false alarm reports transmitted). In fact, the FDNY is operating with six fewer engine companies than in 2003. Our members are responding to and operating at more incidents and they are being consistently pressured by the Department to reduce their response times with less resources than they had before the firehouse closings. In a year with an abundant surplus, wouldn't it make sense to address the increasing workload with additional resources? It seems to make sense to us.

The UFOA appreciates the opportunity afforded to us by the Fire and Criminal Justice Services and the entire City Council to voice our concerns throughout the past year at the many hearings the Council has held. I believe our goal is the same as the Department and the City government, which is to provide firefighters with all the necessary resources to ensure the best possible fire protection and emergency service possible to the citizens of this great city. Unfortunately, this budget falls short in that quest.

LEGAL SERVICES STAFF ASSOCIATION

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TESTIMONY BEFORE THE NEW YORK CITY COUNCIL IN SUPPORT OF FUNDING FOR CIVIL LEGAL SERVICES MAY 15, 2007

Hello. I am Gibb Surette, President of the Legal Services Staff Association, part of the National Organization of Legal Services Workers, UAW 2320.

We are the lawyers, paralegals, secretaries, receptionists, social workers, process servers, intake officers and other staff employees of Legal Services for New York City and MFY Legal Services.

Because of dramatic decreases in federal and Interest On Lawyers Accounts (IOLA) funding since the early 1990s, there are about one third fewer of us on the job, a loss of over 100 advocates and workers.

Together, those of us who remain preserve, reunite, and stabilize families. We do it to see justice and to serve the poor—and we save unnecessary foster care expenses in the process.

We keep men, women and children in their homes, with conditions worthy of human beings—and we save the City shelter and other costs in the process.

We win state unemployment insurance and federal disability benefits for those unjustly denied—and again we save money at the local level.

Although we fight for the kinds of salaries that make our careers viable, we frequently work long hours without overtime pay for salaries a fraction of what is paid to our counterparts in the

private sector—making us an even greater bargain for the City at the same time that we struggle to ensure that Ms. R receives the food stamps she needs to feed her children.

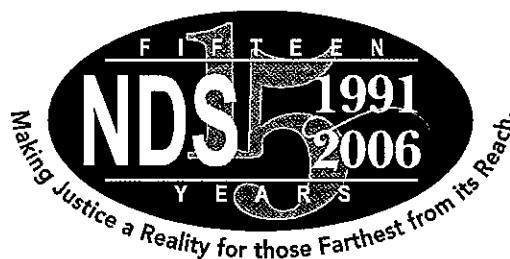
And on our own time, bringing the clout of the UAW to bear, we do what most legal services programs themselves cannot. We lobby at the state and federal levels for legislative changes like a meaningful minimum wage—easing the burdens of our clients and prospective clients but also easing the financial burdens of the City.

Like our sisters and brothers in UAW 2325 and in SEIU 1199, who work for the Legal Aid Society, we care passionately about helping more of the New Yorkers who will not get justice without us—and by doing so, we can save the City even more money.

The City Council has, of course, concerned itself with the money that the City saves in the short term, to say nothing of the long term, because of the dedicated work of our members. And you have shared our own primary concern with the well-being of the neediest New Yorkers. Accordingly, you have stood up to the Mayor to restore funding for civil legal services year after year, even enhancing and expanding it.

Sincerest thanks, on behalf of all my sisters and brothers in the front lines ... and please, keep up the good work. As you know, those who depend on us depend on you.

Gibb Surette
Legal Services Staff Association
NOLSW, UAW 2320



TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE

before the

NEW YORK CITY COUNCIL

**FINANCE COMMITTEE &
COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES**

HEARINGS ON THE PROPOSED FY2008 EXECUTIVE BUDGET

by

**LEONARD E. NOISETTE
EXECUTIVE DIRECTOR**

MAY 16, 2007

Testimony of Leonard E. Noisette

Introduction

I am Leonard E. Noisette, Executive Director of the Neighborhood Defender Service (NDS), a community-based non-profit organization, and a social justice leader in the effort to improve the quality of criminal defense representation for those unable to afford an attorney. Since 1991, when NDS began full operations, our service model has enhanced the quality of in-court representation and expanded the scope of services defenders provide to their clients. Consistent with our expanded approach, NDS has engaged in initiatives to help communities address a wide range of criminal justice problems. As a closely watched model law office, NDS has fostered system-wide improvements as well.

For the past eleven years, NDS has received funding from the City Council to support our efforts to provide the highest quality services. We are proud to have recently celebrated our 15th Anniversary of service, which would not have been possible without the support of the New York City Council. We thank you.

As funding for NDS was not included in the proposed Executive Budget for FY2008, we seek \$3.5 million in funding from the City Council for FY2008 for operating expenses, consisting of a \$3 million restoration of last years' appropriation and a \$500,000 enhancement. I come before you today to ask for your support for that request.

Background and Needs of Target Population

NDS serves communities throughout Upper Manhattan – residents of Harlem, Washington Heights and Inwood – through vigorous advocacy, family involvement and community-based initiatives. The need for legal assistance in these constituent neighborhoods is profound. In fact, more than 60% of Manhattan residents prosecuted in the county courts live in the NDS service area, and account for more than 50% of the criminal cases that come before New York County courts. Most of NDS' clients are low-income people of color. In addition to criminal charges, many NDS clients face a host of problems associated with poverty. Among them are medical and mental

health issues, substance abuse, educational neglect and family violence.

NDS has expanded the work of the defender to include pre-arrest and pre-arraignment services that are both cost-effective and enhance the quality of representation. NDS has also reconceived the role of the defender office to include a more holistic service to clients through social service support and other advocacy activities that attempt to help clients address their problems long-term, to the benefit of society as well when offenders do not re-enter the justice system. We have built mechanisms to represent clients in both criminal cases and civil matters that arise from the same incident, thereby coordinating and broadening representation in a way that is more effective for clients and more efficient for the courts. Moreover, other New York City defender offices have modeled innovations started by NDS, benefiting even more New Yorkers.

Beyond our legal work, NDS has reached thousands of other New Yorkers throughout the five boroughs through our community education efforts. We have also created programs to prevent youth from becoming involved in the criminal justice system and to help them build the skills necessary for them to become tomorrow's leaders, and advocacy services to assist formerly incarcerated persons and others with criminal records to overcome the barriers to their full and productive participation in our society.

NDS Represents a Cost-Effective Investment in Quality Services

NDS currently has a staff of 41, including 18 lawyers, 3 social workers, 3 investigators, 5 paralegals and youth development staff. NDS offers value to the city through a number of its unique methods of service delivery.

Criminal Defense Practice

Each year, NDS represents over 3,500 Northern Manhattan residents in a full range of criminal matters. We provide limited legal advice and referrals to nearly 1,000 additional individuals as well. NDS also seeks to help clients tap into the strength within their families and communities, and navigate bureaucratic red tape to access resources available from government and other community-based providers.

NDS has designed formal systems to offer its services upon request and to encourage community members to seek counsel as early as possible in the life of a case. This early case entry practice enhances the quality of legal services to clients. Over 20% of NDS cases are those in which services are requested significantly in advance of the first court appearance.

NDS also routinely receives a number of requests for representation prior to an arrest, and has provided legal advice in hundreds of such cases. In some of those matters, charges were never filed, either because NDS helped exonerate the client or because we assisted in the mediation or resolution of the dispute. In others, NDS has arranged for our clients to surrender voluntarily to the police. In the past two years NDS has facilitated surrenders in over 100 matters, including violent offenses. These voluntary surrenders reduce the likelihood of violent encounters between the police and civilians, allow the police to utilize their resources for crime prevention, as opposed to engaging in manhunts, and aid in the overall smooth administration of justice.

Through a dynamic new initiative, **defensaNDS**, Spanish-speaking clients receive assistance from a fully bilingual legal team that is able to communicate with them in their native language.

Civil Practice/Collateral Consequences of Criminal Proceedings

Increasingly criminal charges are accompanied by associated civil charges. Among these matters are actions initiated to evict entire families from their homes based on the conduct of one member of the household, or to separate parents from their children as often a result of a minor criminal accusation. The potential consequences of these associated civil matters can be more severe than the resolution of the criminal case. Moreover, cases are resolved more effectively when a single office represents a client in several forums. The NDS Civil Team represents clients in a broad range of civil matters, principally housing matters, family court child protective proceedings, forfeiture actions and police brutality and misconduct investigations.

NDS's civil practice is particularly important because in some matters, like housing proceedings, clients would otherwise often be without legal counsel because the

appointment of a lawyer is not constitutionally required. In other venues, like Family Court, our use of social workers and other community-based resources allows us to address some of the deficiencies recognized in current methods of representation that exist there.

Consistent with our history of leading innovation, in the fall of 2003 the NDS Civil Team launched a new initiative, the **Harlem Reentry Advocacy Project (RAP)**, to deal with the myriad issues faced by the expanding numbers of individuals returning to our communities from prison. The project seeks to assist former offenders in getting their lives back on track by helping them overcome hurdles to securing adequate housing, reuniting with their children and obtaining gainful employment.

In 2006, NDS helped over 150 clients address such issues as housing law, family law, employment law, and police misconduct.

Youth Crime Prevention and Community Education

In 1999, NDS launched Students Taking Action Towards Empowerment (**STATE**), an aggressive initiative to reduce the level of mistrust and misunderstanding between young people and law enforcement through comprehensive workshops. **STATE** has since evolved into a year-long leadership development program with a variety of tracks, including: an executive internship program; after-school and summer employment projects; and an on-site satellite project at Wadleigh Secondary School in Harlem. Over the past year, **STATE** has held 40 workshops in New York City venues, serving over 1,500 youth. Nearly 100 participants have benefited from **STATE** leadership programs.

Fostering and Leading Innovation

NDS's community-based service model is recognized throughout the United States and internationally. In 1997, NDS was profiled by the U.S. Department of Justice (DOJ) in its series on best practices in the field, highlighting the systemic benefits of NDS's approach to service. NDS has consulted with numerous organizations as they reconsider their operational strategies. Delegates have come from as far as Germany, China, Japan, Lithuania and South Africa to consult with NDS. Several organizations have replicated the

NDS' service model at their own sites, among them: the Youth Advocacy Project in Roxbury, Massachusetts; the Bronx Defenders and the Legal Aid Society in New York City; the Knoxville Public Defender, in Tennessee; First Defense Legal Aid, in Cook County, Illinois; The Maryland State Public Defender and the Public Defender Service for the District of Columbia.

Leveraging of Government Dollars through Private Funding Support for Expanded Services

NDS continues to raise private support for some of our more expansive work. Such support has allowed NDS to expand our youth program, **Students Taking Action Towards Empowerment (STATE)**. The work of the NDS Civil Team is partially supported by private funds as well.

Funding Request to New York City Council

Since the City Council began supporting NDS in FY1997, our caseload has increased nearly 40%. As you can imagine, operational costs, have substantially increased over this eleven-year period as well. As a consequence we find it increasingly challenging to maintain a high level of practice. We are also concerned that our salaries currently lag behind those of most other defense providers in the city as well as the district attorneys offices. For example, attorney salaries at NDS are as much as 10% lower than comparable agencies in some instances.

An increase in funds would allow NDS to better to helping meet our rising operational costs, enhance our unique and effective early case representation, retain staff by maintaining a competitive salary structure and, most importantly, restore our ability to provide specialized services to juveniles. For these reasons we appreciate your help in adding NDS to the City's budget in the amount of \$3.5 million dollars.

Conclusion

We again thank the City Council for its steadfast and unwavering commitment to ensuring **quality** legal assistance, and for its support of NDS and its work. We look forward to

continuing to work with you in service of our fellow New Yorkers.

**Statement of John Feinblatt
Criminal Justice Coordinator
New York City Council
Committee on Fire and Criminal Justice
May 16, 2007**

Good morning, Councilman Martinez and members of the Committee on Fire and Criminal Justice. My name is John Feinblatt, and I am the City's Criminal Justice Coordinator. Thank you for the opportunity to be heard on the Mayor's executive budget as it relates to indigent defense in New York City.

On March 13th, I spoke at the Preliminary Budget Hearing, at which time I gave detailed testimony on the state of the defense bar in New York City, our current expenditures on indigent defense, and our accomplishments over the past year. I understand that the purpose of today's hearing is to update the Council on any changes in the budget that have taken place since the preliminary hearing.

Let me begin by reviewing current indigent defense expenditures. In fiscal year 2007, the City will spend about \$184 million for indigent representation in New York City. The expenditures break down in the following way:

- \$81 million allocated to the Legal Aid Society
- \$36.5 million allocated to six criminal court providers located throughout all five boroughs and three appellate providers
- \$66.4 million for 18-B, including Family Court expenses

For fiscal year 2008, the budget for indigent representation in New York City is \$190.6 million. This is a 4% increase over last fiscal year and \$3 million more than what was allocated in the budget proposed earlier this year.

Since my testimony in March, the City allocated funding to provide cost of living adjustments for the alternate providers and the Legal Aid Society. The cost of living adjustment for the alternate providers is \$1.4 million in FY '08 and the adjustment for the Legal Aid Society amounts to \$3 million in additional baseline funding in FY '08.

I also told you in March that the City had issued an RFP for legal service providers to represent parents and guardians in Article 10 proceedings in Family Court. Approximately \$8.6 million has been allocated to 3 providers in Brooklyn, Bronx and Manhattan. The providers begin seeing clients this month and will be in full swing by July. We believe that these organizations will provide urgently needed legal and social services to families in crisis, provide a healthy mix of representation models, and give parents what every other party in the courtroom has – an institutional provider who can act as a strong voice. In the coming months, the City will re-issue the RFP for Queens and Staten Island.

As I stated in March, it is important to understand the final budget and our adjustments in the context of the overall criminal justice system. While the criminal caseload has dropped 14% and major crime has dropped 31% between 2000 and 2006, City spending on indigent defense has increased 31%. Not only have we increased spending on indigent defense by 31%, but we are also trying to make the most of every dollar we invest in indigent defense representation.

To that end, this year, the City committed \$3 million in capital funds for the first phase of an information technology overhaul at the Legal Aid Society, changed the terms of the Brooklyn Defenders' contract to provide BDS with additional funds to arraign 90% of the cases in their parts, and each of our indigent defense providers has hired an attorney to permanently staff the Integrated Domestic Violence parts (IDV).

I want to reiterate this Administration's commitment to improving both the quality and the value of indigent representation in this City. Much progress has been made, and we look forward to working with the Council to build on these accomplishments.

I'll be happy to take your questions.



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Testimony of The Legal Aid Society

on

THE MAYOR'S FISCAL YEAR 2008 EXECUTIVE BUDGET

Presented before

The New York City Council

Presented by:

Steven Banks, Attorney-in-Chief
The Legal Aid Society

May 16, 2007

The Legal Aid Society welcomes this opportunity to testify before the City Council concerning the Fiscal Year 2008 Executive Budget and its impact on the Legal Society's client services.

In some 275,000 cases, the Legal Aid Society annually provides civil, criminal, and juvenile rights legal services to low income families and individuals in all five boroughs of New York City. In addition to individual cases, the Society has extensive experience in affirmative litigation on behalf of groups of similarly situated clients. Many of our clients are referred to us by the constituent services staff of elected officials. Based on the expertise of our staff, the Society is frequently asked by government officials to provide information and comments regarding existing and proposed public policies affecting our clients. Society staff members also conduct extensive "know your rights" community education for clients and neighborhood-based and city-wide organizations.

City funding is essential to support our city-wide criminal and civil legal assistance. For many years, the City Council has been a leading advocate for adequate funding for our services in order to ensure the availability of high quality legal services for community residents. Special annual funding allocations for criminal and civil services have provided crucial support for the Society's legal services for New Yorkers who have nowhere else to turn for legal help.

We greatly appreciate the support that the Council has historically provided in the budget process. In particular, we want to acknowledge the leadership of the Speaker and Chairperson Miguel Martinez and all of the other members of this Committee and the Council as a whole in supporting the restoration and enhancement of legal services funding in the City-wide Legal Services Initiative during the FY08 budget process. In this testimony, we want to update you on developments at the Legal Aid Society, and discuss the proposed funding levels in the Fiscal Year 2008 Executive Budget for the Society's criminal defense representation and civil legal services.

Developments At The Legal Aid Society: As you know, just over two years ago the Legal Aid Society accomplished a dramatic financial and managerial turnaround, including a total restructuring of the Society's finances. A one-time infusion of \$9.4 million in private funds from the Society's Board of Directors and private law firms and a special infusion of \$11 million from the City and the City Council, in combination with significant sacrifices by managers and staff members of the Association of Legal Aid Attorneys/UAW and the SEIU/1199, were essential to the Society's turnaround.

For the Society's July 1, 2004 - June 30, 2005 fiscal year, the Society eliminated a \$22 million operating deficit. For the July 1, 2005 - June 30, 2006 fiscal year, the Society again operated with a balanced budget, and the Society is continuing to do so during the current July 1, 2006 - June 30, 2007 fiscal year. This progress did not come easy - staff positions were eliminated through layoffs, buyouts, and attrition, and compensation and benefit reductions were implemented. In Harlem, Queens, and Brooklyn, offices had to be consolidated, and at the Society's central office in Lower Manhattan space was consolidated. Further savings were achieved through the reduction of administrative costs and expenditures for non-personnel services.

A crucial element of this financial restructuring was the special infusion at the end of December 2004 of private funds from major law firms in New York City, which enabled the Society to eliminate substantial debt on its balance sheet. These leading law firms in the City only provided these funds based on unequivocal evidence that the Society's financial stability is assured on a going forward basis, and because substantial changes were made in the management and operation of the Society to ensure that the Society will continue to be financially stable and managed appropriately.

In fact, there has been a complete change in management at the Society since June 2004. There is a new President with substantial business and managerial experience in the private sector and in government, a new Attorney-in-Chief who focuses on the legal practice, and new Finance Department management. No financial commitment can be made without the approval of a special Board Finance Committee, and financial reporting to the Board is now done on a monthly basis instead of once at the end of the year. In sum, the Society is now on stable financial footing.

Criminal Defense Services: Since 1965, the Legal Aid Society has served as the primary defender for persons accused of criminal conduct in New York City who cannot afford counsel. The Society's Criminal Defense Division (CDD) is at the forefront of efforts to address new issues in the criminal justice system, ranging from assisting in the design and staffing of specialized court parts that deal with drug abuse, domestic violence, mental illness and juvenile offenders to consulting regularly with State and City officials on legislation and policy issues of importance to our clients and securing system-wide reform through our Special Litigation Unit. The Society's Special Litigation Unit, for example, litigated the landmark case that established the 24-hour standard for arrest-to-arraignment in New York State.

With trial offices in Brooklyn, the Bronx, Manhattan and Queens, CDD represents indigent persons accused of crimes ranging in seriousness from disorderly conduct to first degree murder. CDD staff members are committed to ensuring that clients receive high quality legal services, and that representation is not compromised because clients cannot afford to hire an attorney. A recent press account in the February 25, 2007 edition of The New York Times entitled "Evidence in Inmate's Hand, Justice in His Sights" highlights the zealous representation that Society staff members provide to clients. In this case, after other trial and appellate counsel had been unsuccessful, Society trial and appellate staff working together established that two brothers had been wrongfully convicted and spent years in prison for a robbery that they did not commit. The brothers were convicted when one of them was identified as the person who an off duty police officer had shot in the hand in the course of the alleged criminal conduct. After the Society was assigned to the case, Society staff arranged for a hand operation that demonstrated that the brothers were innocent.

With the support of the Council, in FY03 the Administration entered into a new agreement with the Legal Aid Society to provide criminal defense services to a greatly expanded number of clients by transferring a substantial portion of the cases handled by private "18-b" attorneys. The Administration's approach has generated substantial savings for New York City because the Society's criminal defense legal services are significantly more cost-effective than 18-b representation. At the same time, this contract has also significantly enhanced the quality of

the criminal defense services provided to people who cannot afford to retain counsel because the Society's city-wide criminal defense program provides more comprehensive legal assistance than individual 18-b attorneys can offer. And, by assigning non-conflict cases to the Society as an institutional provider rather than attorneys in solo practice, the Administration's approach has vastly improved the overall efficiency of the City's criminal courts. The Society also plays a crucial and central role in the New York City criminal justice system. Our size, history, and commitment to quality representation give us a unique vantage-point not only to represent clients but also to provide support and training for public defenders throughout the City.

This criminal defense agreement has been in effect since FY03. With the exception of the addition of \$2.82 million in FY05 to establish a City-funded Parole Revocation Defense program to further reduce City 18-b expenditures and improve client services, the baseline City budget for the Society's criminal defense services has not changed from FY03 through FY07. During these past five years, like the City's own annual operating costs, the costs of running the Society's criminal practice have increased. Until this fiscal year, the Society's trial workload has not changed materially even though there has been a reduction in overall crime. Special infusions of funding in the City budget process – \$11 million three years ago, \$6.326 million for FY06, and \$9.3 million for FY07 – have permitted the Society to continue to operate and provide criminal defense services as the primary defender in New York City. In FY06, with an authorized staffing level of 425 line attorneys, the Society handled a total of 209,940 criminal trial cases of which 94,959 survived a first court appearance, including 28,420 felonies

Through the first six months of this fiscal year, however, the Society's workload increased significantly above the FY06 levels. During the period July 1, 2006 through December 31, 2006, the Society's overall case intake increased by 3,946 cases or 2.2 percent and the number of cases that survived a first court appearance increased by 3,291 cases or 7.1 percent. As a result, by January 2007, the average caseload for the Society's criminal defense staff attorneys was in excess of 90 cases, and their rate of case assignments exceeded the standards set by the First Department. Then, at the beginning of 2007, the cap on police overtime was lifted and the number of arrests increased substantially. Although police overtime usage is now more limited than at the beginning of 2007, as indicated in the attached chart, through the end of April 2007, the Society is handling 7,270 more cases that survived a first court appearance (typically an arraignment or an indictment) than we did a year ago, which is a workload increase of more than 8 percent.

To handle the increased numbers of arrests, the City also asked the Society to staff a number of emergency parts during nights and weekends in January and February 2007. Because the Society's workload has increased so significantly in FY07, in March the City agreed to relieve the Society for the rest of the fiscal year of the obligation to staff certain emergency weekend arraignment parts. These assignments will be covered through June 30, 2007 by 18-b lawyers. While this will help in the short-run, the Society's underlying caseload and the increased rate of case assignments in our regular parts will still require additional resources.

The Society has been participating in ongoing discussions with the Criminal Justice Coordinator's office concerning our increased workload and our resulting funding needs, and the City has provided \$2.9 million in separate capital funding for the initial phase of an upgrade of

the Society's technology systems infrastructure for criminal defense work. In the Executive Budget, the Administration has also agreed to provide the Society with \$3 million as a COLA adjustment effective July 1, 2008. We are grateful that the Administration has recognized our need for a COLA adjustment like every other part of the criminal justice system. In addition, the Administration has indicated a willingness to discuss our need to address the overcrowded and terrible conditions at the Society's Criminal Defense office in the Bronx at 165th Street and the Grand Concourse. When the Society's lease expires during FY08, we project that an additional \$600,000 will be needed to address the office's needs.

However, the Executive Budget for FY08 does not contain the \$9.3 million funding supplement that was provided in the FY07 budget process to enable the Society to continue to provide criminal defense trial level representation. Without a restoration of this \$9.3 million supplement for FY08, the Society will not have adequate funding in FY08 to support the staffing necessary to provide the constitutionally mandated defense in the approximately 210,000 criminal cases that we have been assigned during past years, and we will not have adequate funding to handle the increased workload that we have been assigned during this fiscal year.

Particularly in light of the increased workload that the Society is handling during this fiscal year, a restoration for FY08 of the \$9.3 million in supplemental funding that was provided for FY07 is essential. As we testified before this Committee in March, an enhancement of \$1.5 million in addition to the \$9.3 million restoration, for a total FY08 supplement of \$10.8 million, will be needed to support additional staff attorneys and social work, paralegal, investigative and supervisory staff to handle the workload that we were assigned through the first six months of this fiscal year. If arrests continue to increase, additional supplemental funding will be necessary.

The requested restored and enhanced funding is a good investment. Our staff provides high quality services for clients. During FY06, for example, our staff obtained dismissals in 17 percent of our Criminal Court cases and 6.5 percent of our Supreme Court cases. In addition, Society staff secured case dispositions of less than the top charge in 54 percent of our Criminal Court cases and 42 percent of our Supreme Court cases. As we previously reported to the Committee, a special study of our work last year found that approximately 40 percent of our cases involve clients with some form of impaired capacity such as mental illness. As revealed by measuring our case activity at various points during the year, our caseload is extremely active. For example, our "point-in-time" analysis revealed that 40 percent of our cases had court activity within the past 15 days.

Our request for a \$9.3 million restoration and a \$1.5 million enhancement for a total supplement of \$10.8 million in FY08 for our criminal trial practice will permit the Society to maintain its current rate of client case assessment and disposition. Our cases in Criminal Court are typically resolved in less than four post-arraignment appearances. Indicted felonies are resolved, on average, in approximately nine post-indictment appearances. The current contract with the City requires the Society to handle all of the non-conflict cases in the arraignment shifts to which the City assigns us, and requires that we handle a minimum standard of 88 percent of the cases in those arraignment shifts. Based on the number of non-conflict cases in our shifts, the Society actually handles approximately 90 percent of the cases in the arraignment parts to which

we are assigned. However, the contract makes no provision for increasing funding even when our caseload increases as it has during this fiscal year.

The requested level of funding for the criminal trials practice is also necessary for the Society to continue to provide the supplemental services to the New York City criminal justice system that the Legal Aid Society is in a unique position to provide and that are not specifically required under our contract with the City. For example, the Society deploys 19 paralegals to provide client services to the public in various locations outside of the Society's offices. These services, which are not limited to Legal Aid clients, include four paralegals who serve the public in satellite offices in City courthouses, and 15 staff members who work full-time in the City jails, assisting prisoners in posting bail, correcting errors in release dates, securing medical attention, scheduling assessment interviews with ATI (alternatives to incarceration) programs, communicating with their attorneys and retrieving personal property upon release. In each of our borough offices, the Society deploys a paralegal every weekday to assist members of the public with legal matters beyond our contractual responsibilities, including arranging surrenders on arrest and bench warrants, assisting people in paying fines and scheduling community service, and securing emergency mental health and drug treatment services. The Society also assigns an attorney and paralegal to represent inmates who are appealing jail discipline assessments in the Rikers Island Writ Court, thereby further reducing City 18-b costs.

Legal Aid also continues to play a central role as the training ground for public defenders in New York City. Legal updates and training materials developed by the Society's 10-person training and support unit are provided at no charge to defenders and 18-b attorneys city-wide and state-wide. The Society also deploys special immigration staff to assist clients with immigration issues. In addition, the Society has assigned paralegals and attorneys to assist in handling the calendar in high-volume and specialized practice court parts, including the domestic violence, drug treatment, and mental health parts.

The cost of these systemic services which is in excess of \$6.2 million is absorbed by the Society within our City funding allocation even though these costs are not always attributable to individual cases and thereby artificially inflate the Society's cost per case.

Accordingly, the Society respectfully requests a restoration of \$9.3 million and an enhancement of \$1.5 million for criminal defense services in the FY08 adopted budget. The restoration will permit the Society to continue to provide criminal defense services in 210,000 cases and the enhancement will permit the Society to increase staff to handle the increased workload. Especially in view of the increased workload during this fiscal year, the requested \$10.8 million in supplemental FY08 criminal defense funding is necessary for the Society to continue all of the Society's individual client services and systemic services, including maintaining adequate numbers of staff attorneys, supervisors, investigators, paralegals, social workers, and clerical and administrative staff.

Civil Legal Services: The Society provides civil legal services through our neighborhood-based offices in all five boroughs of New York City and city-wide units that serve families and individuals with special needs. Our civil program provides legal assistance in literally every community in New York City. Annually, we handle more than 30,000 individual civil cases for

the most vulnerable New Yorkers: survivors of domestic violence, senior citizens, disabled or chronically ill children and adults, immigrants, unemployed workers, persons with HIV infection, and children and adults faced with evictions and homelessness.

The Fiscal Year 2008 Executive Budget proposes to eliminate civil legal services funding for the following Council civil legal services initiatives that the Council funded in the FY07 budget.¹ Based on the critical need for civil legal services throughout the City, continued funding for FY08 at the following levels is essential:

\$4.176 Million For The City-wide Low Income Civil Legal Services Program: For more than a decade, the City Council has allocated annual funding to the Legal Aid Society and Legal Services for New York City to provide civil legal services in all five boroughs for particularly "at-risk" clients, including senior citizens, survivors of domestic violence, disabled children and adults, and persons living with HIV/AIDS. Substantial numbers of these New Yorkers are referred to Legal Aid and Legal Services offices by the constituent services staff of Councilmembers and City agency staff. In FY07, the program funding level is \$3.176 million, which is evenly divided between Legal Aid and LSNY. If this funding is not restored, we will have to substantially reduce our provision of civil legal services in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island notwithstanding the increasing numbers of New Yorkers who desperately need legal assistance in these difficult economic times.

Although restoration of this \$3.176 million city-wide civil legal services program that the Society and LSNY operate in all five boroughs of the City is essential, the truth is that the need for these city-wide civil legal services is so critical that the funding for this program needs to be enhanced by \$1 million for a total program funding level of \$4.176 million. For example, in light of the continuing housing crisis in this City, substantial numbers of community constituents seek our assistance with housing problems and we are not able to assist all of them. In fact, before September 11, an independent review of our services found that because of lack of resources, we were only able to assist one out of seven clients who sought our help. Over the last six years, the situation has only gotten worse.

An initial reason for the Council's creation of this special city-wide civil legal services program was to address decreases in Interest On Lawyer Account (IOLA) funding. In the early 1990s, Legal Aid and LSNY received a total of \$10.6 million in IOLA funding for civil legal services. Currently, Legal Aid and LSNY receive \$4.8 million from IOLA, \$2 million from the State for city-wide civil legal services, and the Council's \$3.176 in civil legal services funding for a total of less than \$10 million for this program. Merely to restore Legal Aid and LSNY to where we were a decade ago, taking inflation into account, would require a \$1 million enhancement in addition to the \$3.176 million restoration for a total funding level of \$4.176 million, which would be evenly divided between Legal Aid and LSNY.

¹ The programs that will be eliminated include a grant for Legal Services for New York City to provide representation to parents in Family Court cases while the Legal Aid Society is separately funded by the State to represent children in those proceedings.

\$2.5 Million For The Anti-Eviction and SRO Legal Services Program: Since the 1980s, the City has funded legal services programs in all five boroughs (including the Legal Aid Society, Legal Services for New York City, the Westside SRO Project, and the Northern Manhattan Improvement Corporation) to provide legal assistance to low- and moderate-income families faced with illegal evictions from their homes as well as services for tenants in single-room occupancy buildings known as SRO housing. These programs have helped thousands of low-income working families, disabled New Yorkers, and senior citizens, who are especially vulnerable to harassment and illegal eviction. If this funding level for this program is not restored, the Legal Aid Society will be unable to continue to operate this anti-eviction program that provides legal assistance to tenants faced with homelessness in the Bronx, Queens, and Staten Island, to senior citizens in Brooklyn, and to tenant associations in East Harlem, Harlem, Inwood, and Washington Heights. We also understand that Councilmember Erik Dilan, Chair of the Council's Housing Committee, is seeking to enhance this funding to make it possible to expand services to prevent evictions and homelessness, and we support his request.

\$765,000 For The Earned Income Tax Credit (EITC) Legal Assistance Program: Beginning in the Fiscal Year 2005 budget process, the Council established a new EITC legal services program operated by the Society, LSNY, and the Community Food Resource Center to help working families qualify to receive the EITC refund, protect working families from unfair auditing practices, and increase tax credit benefits for these working families. The defunding of this Council initiative will result in the denial of critical legal assistance that helps families move from welfare to work and the elimination of a significant infusion of federal tax credit funds in the local economy.

\$5.5 Million For The Income Supports And Economic Stability Initiative: In the FY06 budget process, the Council established a new initiative to allocate \$2.5 million to LSNY and the Society to provide legal representation to help disabled public assistance recipients secure federally-funded Supplemental Security Insurance (SSI) benefits and unemployed workers obtain unemployment insurance benefits. This Council initiative is intended to generate substantial City and State savings in averted welfare expenditures when constituents receive federal benefits or unemployment benefits. Eliminating funding for this program will eliminate these cost savings.

The Council-funded SSI advocacy program funds LSNY and Legal Aid to help low income disabled children and adults get Social Security disability benefits and move off public assistance. By getting these individuals federal SSI benefits, the program shifts the costs of cash benefits and Medicaid to the federal government and secures federal refunds for the City, which covers the cost of benefits paid for the duration of SSI applications. The Council-funded Unemployment Insurance (UI) Advocacy Program helps welfare-eligible New Yorkers who were initially denied unemployment benefits on appeal. Unemployment benefits cost the City and State nothing; they are paid from a special fund created through payroll taxes. Each welfare-eligible person who gets unemployment benefits saves the City not only their 25 percent portion of cash public assistance but also Medicaid and administrative costs. The City Council's current funding for this combined SSI/UI Advocacy Program is \$2.5 million, which is evenly divided between Legal Aid and LSNY.

LSNY and Legal Aid propose to expand our SSI and UI program into a comprehensive Income Supports and Economic Stability Initiative that will help families and individuals access income and work supports so they can make the transition from welfare to work and at the same time avoid sanctions on their benefits while making this transition in order to avoid homelessness. With City Council funding, our expanded initiative will not only help even more New Yorkers get UI and SSI benefits, but also other income and work supports they might be eligible for, such as Food Stamps, public health insurance (Medicaid, Medicare, Child Health Plus and Family Health Plus), and other forms of public benefits that will help them improve employment opportunities and stay in the workforce. We are requesting a \$3 million enhancement to fund this initiative in addition to the \$2.5 million restoration. The total cost of this expanded program is \$5,500,000, to be divided evenly between LSNY and Legal Aid.

Restored Immigration Initiative Funding Of \$500,000 For The Society's Legal Services Program For Immigrants: The Society is the preeminent provider of legal assistance for low income immigrants through our network of neighborhood-based offices and community outreach sites in all five boroughs of the City. We want to take this opportunity to express our appreciation to individual Councilmembers and the Council as a whole for providing the Society with \$500,000 in special funding to provide immigration legal services and legal assistance for low wage immigrant workers. These funds are not included in the FY08 Executive Budget and need to be restored in order to continue these critical legal services for immigrants.

* * * * *

We thank the Council for your continuing support for these essential criminal defense and civil legal services programs. We will continue to update you during the FY08 budget process concerning our funding needs so that we can serve clients who depend on the Legal Aid Society to provide access to justice.

City-Wide

| | FY02 | FY03 | FY04 | FY05 | FY06 | FY07 | Diff |
|---|---------|---------|---------|---------|---------|---------|--------|
| Felony Intake | | | | | | | |
| July | 2,151 | 2,082 | 2,498 | 2,500 | 2,498 | 2,550 | 52 |
| August | 2,210 | 2,353 | 2,509 | 2,362 | 2,556 | 2,531 | (25) |
| September | 1,309 | 2,185 | 2,520 | 2,248 | 2,531 | 2,410 | (121) |
| October | 1,680 | 2,538 | 2,602 | 2,749 | 2,679 | 2,867 | 188 |
| November | 1,674 | 2,822 | 2,402 | 2,119 | 2,451 | 2,483 | 32 |
| December | 2,096 | 2,448 | 2,071 | 2,275 | 2,213 | 2,385 | 172 |
| January | 1,814 | 2,866 | 2,459 | 2,394 | 2,253 | 2,875 | 622 |
| February | 1,525 | 2,285 | 2,545 | 2,343 | 2,116 | 2,351 | 235 |
| March | 2,076 | 2,484 | 2,522 | 2,445 | 2,444 | 2,541 | 97 |
| April | 1,905 | 2,303 | 2,501 | 2,551 | 2,429 | 2,295 | (134) |
| May | 2,149 | 2,454 | 2,582 | 2,631 | 2,368 | - | |
| June | 2,145 | 2,334 | 2,444 | 2,509 | 2,476 | - | |
| Total Intake | 22,734 | 29,154 | 29,655 | 29,126 | 29,014 | | 1,118 |
| Disposed at assignment | 555 | 725 | 1068 | 940 | 594 | | |
| % disposed at 1st appearance | 2.4% | 2.5% | 3.6% | 3.2% | 2.0% | | |
| Total surviving 1st appearance | 22,179 | 28,429 | 28,587 | 28,186 | 28,420 | | |
| Intake at end of April | 18,440 | 24,366 | 24,629 | 23,986 | 24,170 | 25,288 | |
| Disposed at end of April | 449 | 565 | 865 | 818 | 512 | 638 | |
| Surviving 1st appearance at end of April | 17,991 | 23,801 | 23,764 | 23,168 | 23,658 | 24,650 | 992 |
| Misdem/Other Intake | | | | | | | |
| July | 14,144 | 11,565 | 15,338 | 14,143 | 14,064 | 15,629 | 1,565 |
| August | 13,178 | 12,375 | 14,315 | 13,791 | 15,531 | 16,064 | 533 |
| September | 6,412 | 11,584 | 15,088 | 12,994 | 14,950 | 15,533 | 583 |
| October | 6,913 | 13,153 | 16,118 | 15,835 | 15,790 | 16,215 | 425 |
| November | 8,584 | 15,523 | 14,429 | 14,350 | 14,617 | 14,514 | (103) |
| December | 11,585 | 13,596 | 13,118 | 13,110 | 13,055 | 13,998 | 943 |
| January | 11,209 | 16,394 | 15,501 | 14,418 | 14,160 | 18,034 | 3,874 |
| February | 9,433 | 13,747 | 17,577 | 14,966 | 14,661 | 16,253 | 1,592 |
| March | 12,318 | 15,262 | 17,270 | 16,477 | 16,890 | 18,024 | 1,134 |
| April | 11,203 | 14,696 | 15,714 | 17,175 | 15,740 | 16,588 | 848 |
| May | 12,120 | 15,425 | 16,025 | 16,572 | 16,047 | - | |
| June | 11,998 | 14,722 | 14,761 | 15,858 | 15,421 | - | |
| Total Intake | 129,097 | 168,042 | 185,254 | 179,689 | 180,926 | | 11,394 |
| Disposed at assignment | 86,254 | 107,071 | 116,944 | 109,100 | 114,387 | | |
| % disposed at 1st appearance | 66.8% | 63.7% | 63.1% | 60.7% | 63.2% | | |
| Total surviving 1st appearance | 42,843 | 60,971 | 68,310 | 70,589 | 66,539 | | |
| Intake at end of April | 104,979 | 137,895 | 154,468 | 147,259 | 149,458 | 160,852 | |
| Disposed at end of April | 70,234 | 88,265 | 97,825 | 89,640 | 94,661 | 99,777 | |
| Surviving 1st appearance at end of April | 34,745 | 49,630 | 56,643 | 57,619 | 54,797 | 61,075 | 6,278 |
| Total Annual Caseload | | | | | | | |
| Total cases | 151,831 | 197,196 | 214,909 | 208,815 | 209,940 | | |
| Total surviving 1st appearance | 65,022 | 89,400 | 96,897 | 98,775 | 94,959 | | |
| Total surviving 1st appearance end of April | 52,736 | 73,431 | 80,407 | 80,787 | 78,455 | 85,725 | 7,270 |

Department of Correction
Statement to the New York City Council
Committees on Finance and Fire and Criminal Justice Services
By Martin F. Horn, Commissioner
May 16, 2007

Good morning Chairpersons Weprin and Martinez and council members. I am pleased to speak to you about the Department of Correction's Executive budget.

Our operating budget for fiscal year 2008 totals \$930 million, a decrease of about \$30 million from the fiscal year 2007 level. This budget will support 9,605 uniformed personnel and 1,534 civilian staff to oversee an average daily inmate population projected to be 14,818. This is about 750 more than the average population expected for the current fiscal year.

The fiscal year 2008 overtime budget is \$61 million. This is about 36 % less than our current overtime budget. Much of this fiscal year's overtime is related to the lower than expected hiring of new recruits. To address this, the Department was granted additional funding for the creation of a Recruitment Unit as part of the recent January Plan to help with this issue. We will begin the new fiscal year with 358 fewer new recruit graduates than we had planned to have. To live within this budget, the Department must be focused and aggressive about recruitment.

We will also closely examine how and where we are housing inmates and try to find more efficient ways of doing so.

In addition to offering budget reductions that have helped the Department become more efficient, the Department sought and received additional funding to improve our operations and physical plant. The most critical need is the addition of civilian trades titles to inspect, repair and perform preventative maintenance of facility ventilation systems.

This budget increases baseline funding for civilian overtime. The majority of this increase will cover the overtime of civilian Trades titles that maintain the Department's aging infrastructure and continue ongoing repairs to our deteriorating temporary modular housing structures. As part of this fiscal plan, the Department will reduce costs through a self-imposed 50% civilian-hiring freeze for the remainder of the fiscal year 2007. In fiscal year 2008, the Department will also reduce budgeted funds for civilian salaries by approximately one million dollars. These savings will be achieved through the natural cycle of attrition and attrition replacement.

The Department is continuing and expanding its Drug Interdiction Pilot Program for another year. Canine search capabilities will be added to seven more facilities to eliminate the spread of drugs within the facilities. Our drug interdiction program has become essential to ensuring the safety and security of both inmates and staff. At the conclusion of the pilot next year, we are confident the program will have proven its usefulness and that the necessary resources will be added to our budget to continue the program on a permanent basis.

Our capital budget for fiscal years 2007 through 2011 totals \$1.1 billion. Approximately 80% of this capital budget is allocated to capacity replacement. In the coming years, much of our existing jail capacity must be permanently closed. Some, though not all, of the capacity must be replaced. How we replace that capacity will determine how we operate our jails for years to come.

As I stated to you when I was last before you, our goal is to reduce the capacity of the City's jails by 2000 beds and reduce the capacity of Rikers Island by 4000 beds. We propose to build most of this replacement capacity in the boroughs to make our jail system better for families, better for justice, and better for public safety. Our plan proposes to build a new 2,000-bed jail in Bronx County and to enlarge the Brooklyn House of Detention by 720 beds.

We strongly believe that building a new jail in the Bronx and expanding the capacity of the Brooklyn House of Detention will best serve the criminal justice system, detainees, and their families. Our efforts to acquire the Oak Point site in the Bronx are currently at a stand still. The federal bankruptcy judge overseeing the bankruptcy case of the property owner has enjoined the City from taking the necessary steps to acquire the property. Until the case is resolved, I am not free to further comment on Oak Point.

In Brooklyn, the Department of Correction and the Economic Development Corporation worked closely with the Brooklyn Borough President's office to issue a "Request for Expressions of Interest," to solicit proposals from developers on how multiple uses might be included in development of the Brooklyn jail site. I am happy to tell you that the Request for Expressions of Interest was released May 7th, 2007. It will be exciting to see what ideas are ultimately submitted by July 18th.

Much of the remaining capital budget is for infrastructure rehabilitation and facility improvements, many of which are related to the overburdened infrastructure on Rikers Island. We continue to make necessary investments to upgrade our physical plant and to rehabilitate our infrastructure so that we can maintain satisfactory conditions in the jail. I believe that the current capital budget balances our critical infrastructure and capacity replacement needs in a responsible and sensible manner.

Our operating and capital budgets reflect the priorities of this Agency. We are extremely proud of our unparalleled achievements in maintaining safety and security in the jails, and we are devoting the necessary resources to do even better. We have assembled the most comprehensive discharge planning program of any jail system in the country. We continue to adapt our program to build on our efforts to prepare inmates for life after release from jail. We are also committed to seizing the opportunity that our capacity replacement program presents us. At their core, all achievements are simply seized opportunities. All of our planning is designed to seize the opportunities that we are presented, and this budget reflects our best strategies at turning them into achievements.

Testimony CB8 Fire Brooklyn
Holly Fuchs Ferguson Chair, Bill Batson Co-Chair
718-467-5620
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Brooklyn CB8 Fire speaks here today on the need for more fire marshals, more fire fighters, 5 on the engines for neighborhoods with houses in excess of five stories, and reopening closed engine companies.

We have 5 on the engines at least temporarily because six people died on January 1 2005 when the FDNY administration toyed with reducing the number to 4. Brooklyn had over 15,000 fires in 2006, over 1100 of which were suspicious, countless people relocated, their lives disrupted, and keeping Brooklyn's engine companies open could certainly have reduced this pain. Selling closed fire houses gives a terrible message: fire safety is not an important item on someone's agenda. Well, fire safety is an important item on the agenda of CB8 fire, and, we believe, on the agenda of anyone who is concerned about people's property and lives.

The City Council needs to use its powers to have the Board of Education give at least two fire safety seminars a year for their classes. Only repetition can get people to do what needs to be done automatically. Too many lives have been lost because people who should have known better did the wrong thing – kept doors open to fires, called someone other than 911. Ten people dead in the Bronx in March 2007, four people dead in Brooklyn's Prospect Heights/Crown Heights in February 2006, countless other less dramatic cases – only education of children can insure that parents know what to do, and that the children when they grow to adulthood know what to do.

The City Council needs to use its powers to increase fire marshals. The City once had 450 marshals. At 9/11 it had 400. Today 85 is the number mentioned but 75 is probably more like it, with 4 at night for all five boroughs, often only two. The Mayor wonderfully has included monies for ~~32~~ more fire marshals in his 2008 preliminary budget. That IS wonderful, but ~~32~~ more fire marshals based on what? On the continually reduced number? We need at least 200 fire marshals, half of what we had in 2001, and we need to aim for 400.

Thank you.

Holly Fuchs Ferguson Chair
Bill Batson co-Chair
CB8 Brooklyn CB8 Fire Committee
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batson27@hotmail.com
info@brooklyncb8.com

CALENDAR YEAR - TO - DATE COMMUNITY BOARD ACTIVITY FOR PERIOD THROUGH APRIL 2007

BOROUGH OF BROOKLYN

| COMMUNITY BOARD | STRUCTURAL FIRES | | NON-STRUCTURAL FIRES | | TOTAL FIRES | | SUSPICIOUS FIRES | | NON-MEDICAL EMERGENCIES | | MEDICAL EMERGENCIES 10-92 | | TOTAL EMERGENCIES 10-92 | | NON-MEDICAL MFA | | TOTAL INCIDENTS | |
|-----------------|------------------|------|----------------------|------|-------------|------|------------------|-----|-------------------------|-------|---------------------------|-------|-------------------------|-------|-----------------|------|-----------------|-------|
| | MONTH | YTD | MONTH | YTD | MONTH | YTD | MONTH | YTD | MONTH | YTD | MONTH | YTD | MONTH | YTD | MONTH | YTD | MONTH | YTD |
| 01 | 46 | 204 | 94 | 247 | 140 | 449 | 2 | 28 | 348 | 1601 | 349 | 1302 | 697 | 2903 | 16 | 98 | 853 | 3449 |
| 02 | 58 | 206 | 36 | 146 | 94 | 352 | 7 | 26 | 377 | 1541 | 305 | 1299 | 682 | 2840 | 16 | 82 | 782 | 3274 |
| 03 | 63 | 259 | 35 | 158 | 98 | 417 | 9 | 43 | 406 | 1800 | 419 | 1721 | 825 | 3521 | 55 | 153 | 978 | 4091 |
| 04 | 34 | 136 | 22 | 92 | 56 | 226 | 4 | 17 | 208 | 834 | 253 | 1007 | 461 | 1841 | 30 | 88 | 547 | 2157 |
| 05 | 53 | 273 | 47 | 164 | 100 | 437 | 7 | 43 | 320 | 1571 | 450 | 1710 | 770 | 3281 | 47 | 190 | 917 | 3938 |
| 06 | 27 | 122 | 23 | 113 | 50 | 235 | 2 | 9 | 266 | 1009 | 169 | 716 | 435 | 1725 | 12 | 43 | 497 | 2003 |
| 07 | 15 | 82 | 20 | 107 | 35 | 189 | 0 | 11 | 165 | 694 | 195 | 799 | 361 | 1493 | 19 | 76 | 415 | 1758 |
| 08 | 35 | 166 | 18 | 88 | 53 | 254 | 3 | 13 | 249 | 1152 | 245 | 908 | 494 | 2060 | 17 | 67 | 564 | 2381 |
| 09 | 40 | 160 | 17 | 56 | 57 | 216 | 6 | 26 | 261 | 1005 | 194 | 744 | 455 | 1749 | 17 | 76 | 529 | 2041 |
| 10 | 39 | 119 | 38 | 126 | 77 | 245 | 4 | 10 | 213 | 896 | 275 | 1056 | 488 | 1942 | 24 | 72 | 589 | 2259 |
| 11 | 26 | 110 | 18 | 94 | 46 | 204 | 3 | 14 | 143 | 586 | 187 | 796 | 330 | 1362 | 25 | 73 | 401 | 1659 |
| 12 | 58 | 210 | 143 | 248 | 201 | 458 | 6 | 15 | 237 | 1046 | 179 | 731 | 416 | 1777 | 16 | 92 | 633 | 2327 |
| 13 | 30 | 139 | 23 | 74 | 61 | 213 | 8 | 27 | 203 | 860 | 273 | 1006 | 476 | 1866 | 25 | 57 | 562 | 2136 |
| 14 | 59 | 252 | 26 | 85 | 65 | 337 | 3 | 15 | 269 | 1137 | 233 | 948 | 502 | 2085 | 13 | 79 | 600 | 2501 |
| 15 | 42 | 150 | 42 | 152 | 84 | 302 | 3 | 17 | 245 | 1051 | 223 | 900 | 468 | 1951 | 21 | 65 | 573 | 2318 |
| 16 | 44 | 212 | 29 | 107 | 73 | 319 | 11 | 44 | 287 | 1202 | 270 | 1106 | 557 | 2308 | 31 | 102 | 661 | 2729 |
| 17 | 48 | 200 | 27 | 90 | 75 | 290 | 5 | 29 | 272 | 1150 | 219 | 993 | 491 | 2143 | 22 | 78 | 588 | 2511 |
| 18 | 53 | 228 | 31 | 105 | 84 | 333 | 3 | 26 | 296 | 1289 | 276 | 1133 | 572 | 2422 | 21 | 105 | 677 | 2860 |
| OTH | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 5 | 7 | 5 | 8 | 0 | 1 | 5 | 10 |
| TOTALS: | 780 | 3226 | 689 | 2252 | 1469 | 5476 | 86 | 413 | 4765 | 20415 | 4720 | 18882 | 9485 | 39297 | 427 | 1597 | 11381 | 46372 |

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LEGAL SERVICES FOR NEW YORK CITY

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE
ON FIRE AND CRIMINAL JUSTICE**

RE: FUNDING FOR LEGAL ASSISTANCE TO THE POOR

MAY 16, 2007

My name is Andrew Scherer and I am the Executive Director and President of Legal Services for New York City (LSNY). I am here today to thank the City Council for its strong and unwavering support for civil legal services for the poor, which LSNY provides free of charge to poor people in New York City through branch offices and affiliated programs in all five boroughs.

We ask your assistance with three (3) vital City Council-funded programs cut from the budget by the Mayor:

- *City-Wide Civil Legal Services;*
- *"Keeping Families Together,"* and the
- *Earned Income Tax Credit (EITC) Legal Assistance Project.*

We also ask your support for a **new initiative** – *Income Supports and Economic Stability Initiative for Low-Income New Yorkers* – which is an expansion of the Supplemental Security Income (SSI)/Unemployment Insurance (UI) Advocacy Program initiated by the Council two years ago and also cut from the budget by the Mayor.

City-Wide Civil Legal Services

- This citywide program provides civil legal services for the most vulnerable New Yorkers, including senior citizens, domestic violence victims, disabled persons, and persons with HIV. This program also includes community legal education activities, hotlines and the like. This is the funding stream that allows our local offices to work with Council staff to resolve constituents' legal problems.
- The total City Council grant for these services is \$3.176 million.

- We ask that you **restore this allocation and enhance this program by \$1 million dollars**, which brings us back to where we were 10 years ago.

Keeping Families Together

- This program keeps children safe at home by representing the natural parents in Family Court neglect proceedings, permanency planning, and termination of parental rights cases.
- The average stay for a child in foster care is 4.1 years. Parents represented by LSNY are reunited in less than 8 months.
- While the City's creation this year of institutional providers in 3 boroughs is a wonderful step, this program is distinct from those contracts and remains vital for low-income families because the new City contracts do not fund:
 - work in Queens or Staten Island;
 - pre-litigation advice and counsel;
 - representation of relatives who want to get children out of foster care; or
 - community education.
- We ask you to restore the current Council allocation of \$500,000.

Earned Income Tax Credit (EITC) Legal Assistance Project

- We represent EITC eligible families that have been denied the tax credit they are entitled to.
- We estimate that the average EITC refund for our clients will be \$5,800, which goes back into the community economically.
- The total restoration for this project is \$765,000.

Income Supports and Economic Stability Initiative

- The Council instituted the SSI/UI Advocacy Program two (2) years ago to provide residents with legal representation when appealing denials of disability and Unemployment Insurance benefits.

- LSNY would like to expand the SSI and UI programs into a comprehensive advocacy project: *Income Supports and Economic Stability Initiative for Low-Income New Yorkers*.
- This initiative will not only help disabled New Yorkers access the federal benefits to which they are entitled, but will also help families and individuals **access income and work supports so they can make the transition from welfare to work**.
- It will help eligible clients receive supports such as Food Stamps, public health insurance (Medicaid, Medicare, Child Health Plus and Family Health Plus) and other forms of public benefits.
- It will save the City more money, put income in the pockets of low-income New Yorkers, and stabilize individuals and families transitioning to work.
- The Mayor cut \$2.5 million from our current UI/SSI program. **We request that you restore that \$2.5 million and add \$3 million to expand this new initiative. The total for this expanded program would be \$5.5 million.**

We are enormously grateful to the Council for supporting civil legal assistance for the poor, and ask you to restore and protect these important programs. Thank you for your unwavering support.

Andrew Scherer
Executive Director and President
Legal Services for New York City

LEGAL SERVICES FOR NEW YORK CITY

BEDFORD-STUYVESANT COMMUNITY LEGAL SERVICES * BROOKLYN LEGAL SERVICES CORPORATION A * SOUTH BROOKLYN LEGAL SERVICES * LSNY-BRONX * LSNY BROOKLYN BRANCH * MANHATTAN LEGAL SERVICES * LEGAL SERVICES FOR THE ELDERLY * LSNY STATEN ISLAND * QUEENS LEGAL SERVICES * THE LSNY LEGAL SUPPORT UNIT

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2007 ANNUAL REPORT TO THE NEW YORK CITY COUNCIL

Who We Are

Legal Services for New York City (LSNY) and *The Legal Aid Society (Legal Aid)* make access to the legal system a reality for low-income people throughout New York City who have no where else to turn.

LSNY, the largest provider of free civil legal services to low-income persons in the United States has provided high quality legal help to people for 40 years.

The Legal Aid Society, founded in 1876, is the oldest and largest legal program in the nation, providing comprehensive, high quality direct legal services to low-income New Yorkers with criminal, juvenile rights, or civil legal problems. The Civil Practice provides comprehensive legal services to the most vulnerable New Yorkers.

Together, LSNY and Legal Aid Civil programs serve low-income New Yorkers through a network of 30 neighborhood based and courthouse offices in all five boroughs and 32 city-wide or specialized programs. Together we employ over 575 people, the majority of whom are members of either the National Legal Services Workers Union (NLSW) or the Association of Legal Aid Attorneys, ("ALAA"), both affiliates of the United Auto Workers (UAW); and 1199SEIU United Healthcare Workers East.

What We Do

Our programs handle cases in the following categories: **Consumer** (including bankruptcy, debt relief, collections, and utilities); **Education**; **Employment** (including unemployment insurance benefits advocacy, the Earned Income Tax Credit (EITC), job discrimination, unsafe worker conditions, and wage claims); **Family** (including adoption, custody/visitation, divorce, domestic violence related immigration, housing and public benefits, guardianship, orders of protection, termination of parental rights, paternity, spouse abuse, and support); **Health** (including Medicaid/Medicare, immigration access to health care, reduction of medical debt); **Housing** (including federally subsidized housing, homeownership, landlord/tenant, homelessness advocacy, representing tenant groups, preventing foreclosures, and other public housing); **Government Benefits** (including TANF, other welfare, food stamps, immigrant rights to public benefits, social security, SSI, veterans benefits, and worker's compensation); **Immigration and Individual Rights** (including naturalization, removal defense, change of status, VAWA self-petitions); and **Permanency Planning** (including guardianships, wills and estates).

How We Help People

- We represent our clients in courts and administrative tribunals;
- We provide advice or referral information when we can't provide representation;
- We assist clients with community-based economic development;
- We provide legal education through community workshops, evening clinics, satellite outreach sites, *hotlines* and written materials;
- We provide professional training in poverty law for attorneys, advocates and others; and
- We involve volunteers to provide *pro bono* assistance to client.

How Many People We Help

Each year, the LSNY and Legal Aid Civil programs serve over **112,000** eligible low-income clients throughout New York City in the full range of their civil legal needs, keeping over **20,000** families in their homes, producing tangible money benefits for low-income people, and saving New York taxpayers more than **\$217 million** dollars. Our work not only helps our clients, it saves public money – for example, ***every \$1 spent on our homelessness prevention work saves the public \$4 in shelter costs and emergency welfare grants!***

Our Funding

In addition to the City Council, funding sources for our work include the IOLA Fund of the State of New York, the New York State Legislature, the federal government, foundations, corporations, and individuals.

Our City Council Funding

The programs below are not included in the Mayor's FY2008 Budget. The total amount of these programs is \$9.441 million. The total request in enhancements and new initiatives is \$4 million.

| Program Name and Allocation | Program Description | LSNY Sample Case Narrative | LAS Sample Case Narrative |
|--|--|---|---|
| City-wide Civil Legal Services Total Grant: \$3.176 million LSNY's share: \$1.588 million LAS's share: \$1.588 million | For over a decade, the City Council has allocated this funding to provide civil legal services for the most vulnerable New Yorkers: senior citizens, survivors of domestic violence, disabled and chronically ill children and adults, unemployed workers, immigrants fleeing oppression, persons living with HIV/AIDS, and homeless or imminently homeless children and adults. Staffs of City Council Members and City agencies refer substantial numbers of these New | When Ms. X came seeking assistance, she was on public assistance and in school seeking a degree in physical therapy. She had previously received a Section 8 voucher to enable her and her young child to move from a domestic violence shelter. Her Section 8 assistance was terminated approximately six months before she came to us and her landlord had commenced a non-payment case against her. Her rent was too high to be paid by any other subsidy program. We brought an Article 78 proceeding challenging the termination of her subsidy and got a favorable decision from Supreme Court. The Housing Authority | Ms. R is an immigrant from Ecuador who speaks no English and is illiterate in both English and Spanish. Her husband, a lawful permanent resident, regularly abused her and left their two children living in poverty. At the time that a judge referred Ms. R's divorce proceeding to Legal Aid, the children were on public assistance and Mr. R herself had to resort to collecting bottles in order to pay for basic expenses. Legal Aid quickly discovered that despite his claims to the contrary, Ms. R's husband was a successful entrepreneur whose annual income far exceeded the \$17,000 he claimed. Based on evidence Legal Aid |
| Request for Enhancement: \$1 million | | | |
| LSNY's share would be \$0.5 million | | | |
| LAS's share would be \$0.5 million | | | |

| Program Name and Allocation | Program Description | LSNY Sample Case Narrative | LAS Sample Case Narrative |
|---|---|--|---|
| <p>This enhancement would enable LSNY and LAS to substantially increase our housing advocacy. It would also bring us back to where we were in the early 1990's, when we received a total of \$10.6 million in IOLA funding to provide city-wide civil legal services. Today, because of lower interest rates, we receive a combined \$4.8 million from IOLA, \$2 million from the State, and \$3.176 million from the Council, for a total of less than \$10 million for this program. Merely to restore Legal Aid and LSNY to where we were a decade ago, taking inflation into account, would require a \$1 million enhancement in addition to the \$3.176 million restoration, for a total funding level of \$4.176 million, which would be evenly divided between Legal Aid and LSNY.</p> | <p>Yorkers to Legal Services and Legal Aid offices.</p> | <p>appealed the favorable decision, which automatically stayed the Judge's order. As a result, we were back in housing court with a favorable decision on the subsidy termination that could not be implemented because it was under appeal. We filed a motion in housing court alleging that the landlord had overcharged the tenant and settled our motion with an agreement that the landlord would accept a lower rent until the appeal on the subsidy termination was decided. She was able to apply for an alternative subsidy program based on the lower rent. The Housing Authority eventually withdrew the appeal and agreed to reinstate her Section 8 subsidy retroactively. She is now reinstated to the Section 8 program and is working as a physical therapist.</p> | <p>attorneys presented at trial, the judge found that Mr. R earned more than \$106,000 a year and owed significantly more child support than the \$40 per week he currently paid. Along with increased child support, the judge awarded Ms. R 100 percent of the marital property that Legal Aid had uncovered. This amount is enough to allow Ms. R to live comfortably for the rest of her life. In the decision after trial, the judge noted that "[Ms. R] has gone on alone without any real assistance from the husband and would probably have continued in that lifestyle were it not for the efforts of The Legal Aid Society." On the same day that the court issued this wonderful decision, Ms. R's VAWA (Violence Against Women Act) self-petition, which Legal Aid staff had helped her file, was also approved.</p> |
| <p>HPD Anti-Eviction Program Total grant: \$2.5 million LSNY's share: \$1 million LAS's share: \$875,888</p> | <p>The HPD Anti-Illegal Eviction and SRO (single-room-occupancy) program is a critical part of LSNY and LAS services, helping to provide legal assistance to low- and moderate-income families faced with illegal evictions from their homes and substandard housing conditions, as well as services for SRO tenants.</p> | <p>LSNY is representing a group of tenants fighting to prevent the Salvation Army from evicting them from the Parkside Evangeline and Ten Eyck Troughton, two single room occupancy hotels for women operated by the Salvation Army for more than five decades on the East side. Both buildings are expected to sell for millions of dollars. The tenants are all women of low and modest means, some of whom have disabilities. The Salvation Army has been exempt from coverage of State and City rent laws at these buildings because they operated them for charitable purposes. Now that they have decided to sell them and evict the remaining tenants, we are arguing that the Salvation Army is no longer entitled to this exemption and that the tenants should have the same protection against losing their homes</p> | <p>Mr. C, a 60-year-old man, was referred to Legal Aid by Citizens Advice Bureau, for help after having already been evicted from the home where he had lived for over 30 years. Mr. C had not been represented by counsel when a stipulation was issued in October 2006 requiring payment of about \$2450 a month later. Mr. C had thought that the November rent was included in this figure but it was not. His payment of \$2450 without the November rent was refused. This discrepancy ultimately caused him and his wife to be evicted. His court date was the next day, and he presented a letter from City welfare officials stating that they were unable to make a decision on his case immediately because they were in the process of moving their office. Over the landlord's opposition, Legal Aid staff was</p> |

| Program Name and Allocation | Program Description | LSNY Sample Case Narrative | LAS Sample Case Narrative |
|--|--|---|--|
| | | that other New York City tenants have. <u>See <i>Tenants To Sue the Salvation Army Over Plans To Sell Residences</i>, Juliet Lapidus, The New York Sun, February 16, 2007, http://www.nysun.com/article/48801; Metro Section, New York Times, February 16, 2007, http://www.nytimes.com/2007/02/16/nyregion/16mbrfs-tenants.html?_r=1&oref=slogin.</u> | able to obtain a continuation of a previous order preventing the re-letting of Mr. C's apartment. We were then able to convince Mr. C's rental arrears and the Court-imposed fees that had been assessed, overcoming a hesitancy on their part because Mr. C no longer had all of the \$2450 because he was forced to spend some of it on very inexpensive accommodations for him and his wife when they had no place else to go. The money was paid and Mr. C was restored to possession of his home. |
| Supplemental Security Income (SSI)/Unemployment Insurance (UI) Advocacy Program Total grant: \$2.5 million LSNY's share: \$1.25 million LAS's share: \$ 1.25 million Request for New Income Support Initiative: \$ 3 million LSNY's share would be \$1.5 million LAS's share would be \$ 1.5 million LSNY and Legal Aid propose to expand our SSI/UI program into a comprehensive advocacy project that will help families and individuals access public benefits assistance to overcome sanctions, or the needless and sometimes illegal | The City Council implemented the SSI/UI program two years ago to (i) help low-income disabled children and adults initially denied Social Security get their benefits on appeal and move off of Public Assistance, and (ii) help welfare-eligible people initially denied UI get their benefits on appeal. Both SSI and UI shift costs off of the City to other entities – in the case of SSI, the program shifts the costs of cash benefits and Medicaid to the Federal government and secures Federal refunds for the City, which covers the cost of benefits paid for the duration of SSI applications. UI benefits cost the City and State nothing because they are paid from a special fund created through payroll taxes. Each welfare-eligible person who gets UI saves the City not only their 25% portion of cash public assistance but also Medicaid and administrative costs. Last year, our UI advocates won | SSI: We represented Mr. C.C., a 21-year-old man with severe mental and physical impairments, in a claim for Social Security benefits. He is unable to communicate in English, and he had participated in a special education program but did not graduate. He had lost his appeal at the administrative hearing, and we appealed to the Appeals Council, which granted our request for a new hearing. At the new hearing, we presented substantial medical evidence of the client's mental retardation, congenital cataracts and migraine headaches. The claim was approved and he received retroactive benefits of \$8,644 and as of January 2007 is receiving a monthly benefit of \$646. UI: Ms. B called the LSNY Unemployment Insurance helpline from a homeless shelter. After working for her employer for 19 years, she was terminated when she was physically unable to return to work after an approved medical leave. Ms. B had given her employer documentation from her doctor stating that she was recuperating from surgery and could not work, but her employer denied her request for | SSI: Mr. M is a disabled senior citizen suffering from a severe mental impairment. Mr. M was facing eviction from his home because his rent was too high to pay from his public assistance alone. Legal Aid staff represented Mr. M in housing court while also assisting him with his application for Supplemental Security Income (SSI), informing the Social Security Administration (SSA) of his medical providers, ensuring that he attended his SSA physical examination, and monitoring the progress of his application. When Mr. M's application for SSI benefits was approved, Legal Aid staff was also able to obtain for him a one-shot grant from HRA to pay the arrears on his home. Without the SSI approval, Mr. M would have faced certain eviction. Now, however, Mr. M is receiving the benefits to which he is entitled and is able to pay his ongoing rent. UI: Mr. D was fired from his job at a home improvement store after more than 10 successful years there. He was accused of two instances of misconduct, namely 1) not reporting a co-worker for allegedly damaging |

| Program Name and Allocation | Program Description | LSNY Sample Case Narrative | LAS Sample Case Narrative |
|---|--|---|--|
| loss of public assistance, food stamps, rent supplements and childcare which causes individuals and families to be deprived of food, rental assistance, public health insurance, education, training and employment, and ultimately lose their apartment. | approximately 70 percent of their cases, winning an average recovery rate of \$6,706 per client; our success rate with our SSI funding from the council was approximately 80 percent. | additional leave and terminated her employment. When Ms. B applied for unemployment, her employer told the Department of Labor that she was ineligible for benefits because she had violated the company's attendance policy when she failed to report to work at the end of her medical leave. LSNY represented Ms. B at her hearing and produced evidence that her employer had notice that Ms. B's doctor did not clear her to return to work. The Administrative Law Judge found Ms. B eligible for benefits, and the recovery of \$10,530 in unemployment insurance benefits allowed Ms. B to move out of the shelter and get back on her feet. | sheetrock and marking down the price and 2) violating safety rules when moving sheetrock. With the help of Employment Law Project staff, Mr. D won his ALJ hearing after testifying that he had not seen his co-worker damage anything intentionally and that the safety violations were actually imposed by the managers, who made workers remove the sheetrock through narrow aisles by the check-out stations. The employer did not appear at the hearing, but requested a reopening of the case, and then did not appear once again. Thanks to the efforts of Legal Aid staff, Mr. D is now receiving the unemployment insurance benefits to which he is entitled. |
| Earned Income Tax Credit Legal Assistance Project Total grant: \$765,000 LSNY's share: \$357,500 LAS's share: \$357,500 | The EITC Legal Assistance Project complements the work done by the City Council to promote outreach, education, and free tax preparation services for low-income working families who are applying for the EITC. Each family that is represented by LSNY and Legal Aid can receive an EITC refund of nearly \$6,000 from the federal and state governments. Our help line provides easy access to legal assistance when a client is denied, disallowed or not receiving the credit, and information about eligibility and referral services for those clients who need help applying for the EITC. | LSNY represented a 22-year-old who was denied his 2005 EITC dependency exemptions and head of household filing status leaving him with a \$6,337.20 tax liability. By proving that he left college and returned home to live with and support his mother and younger brothers and sisters after they became homeless, we reversed the disallowance and secured his EITC and refund of \$6,785. We provided proof that his father was deceased, that his mother received Food Stamps and had a Section 8 voucher but no other income, and that he had withdrawn from college in Buffalo and was working as a prep cook at Lutheran Medical Center. Significant advocacy was needed to prove that he satisfied the residency test to receive the credits because the family had been living in a homeless shelter, making gathering documentation more complicated. | When Ms. B approached the Legal Aid Low-Income Taxpayer Clinic (LITC), she had been told that, contrary to her filing, she owed a tax liability of \$1,129. The IRS was seeking to disallow her head of household filing status, her dependent exemption for an eight-year-old son, and her EITC. Because of her difficulties with English, Ms. B had trouble addressing her tax issues. As a result of LITC efforts, the IRS determined that Ms. B's tax return was correct as filed. The client was enabled to preserve her Federal EITC of \$2,525 and NY State EITC of \$758. |
| Keeping Families Together Total grant: \$500,000 LSNY's share: \$500,000 | The Keeping Families Together program <i>saves the City and State money</i> by avoiding or shortening costly foster care and group home placements, avoiding adoption | Ms. W came to LSNY almost a year ago seeking advice regarding an ACS investigation. ACS had repeatedly come into her home and made explicit threats to remove her 13 year old son. The main complaint was | |

| Program Name and Allocation | Program Description | LSNY Sample Case Narrative | LAS Sample Case Narrative |
|-----------------------------|--|--|---------------------------|
| | <p>subsidies, and decreasing the likelihood of juvenile justice system involvement. By securing services for families, the program helps keep families together and children out of foster care, averting annual foster care costs of \$15,000 per child and group home costs of \$54,000 per child.</p> <p>While the City's creation of institutional providers in 3 boroughs is a wonderful step, this program is still vital for low-income families because the new City contracts do not fund: work in Staten Island or Queens; pre-litigation advice and counsel; representation of relatives who want to get children out of foster care; or community education. Until all 5 boroughs are funded to do this type of comprehensive work, KFT is still a necessary and relevant program.</p> | <p>the condition of the apartment – entering the front door was difficult; accessing the bedrooms or fire escape was nearly impossible. No repairs had been done in over 20 years, and, in fact, no repairs could be done until the apartment was “deep cleaned.” Like many “compulsive hoarders,” Ms. W and her family were resistant to the idea of strangers coming in to go through their personal belongings and discard their possessions. Ms. W and the child's elderly father were also both suffering from multiple serious health conditions which prevented them from doing the work themselves. The family was in crisis.</p> <p>Over the past year, a family law attorney and social worker from LSNY counseled Ms. W through accepting preventive services, working with the agency to get the home in a livable condition, the landlord-tenant issues she potentially faced, and through the death of the child's father this summer. Social work support was crucial in this case – an intern was able to make home visits and document progress in the apartment, and to help the client navigate the child welfare system and the various and competing demands that were being placed on her physically and emotionally. We also helped Ms. W with debt issues, an application for the disability rent exemption program, and various benefit issues that arose with the death of the child's father.</p> <p>Today, ACS and the preventive agency are ready to close Ms. W's case. The agency's assessment is that her son is no longer in any danger of foster care placement.</p> | |



A SELECT LISTING OF COMMUNITY PARTNERS -2007

| Borough | LSNY Program | CBO | Activity |
|-----------|---|--|--|
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Asian Americans for Equality 277 Grand Street, 3 rd Floor New York, NY 10002 212-680-1374 | This organization provides referrals to us. They screen prospective clients for eligibility, ensure that clients have a problem with can assist with and help with translations. We give advice, brief service and representation to clients referred to us on landlord and tenant matters. AAFE has a social service component to their services for the Asian community. We refer clients needing those types of services to them. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Chelsea Housing Group, Hudson Guild 441 West 26 th Street New York, NY 10001 212-760-4402 | Advocates for tenants and refers clients to us. We give advice, brief service and representation on landlord & tenant matters to clients referred to us. This group often works together with our lawyers to resolve tenant matters for people who live in Chelsea. In addition, this group helps with translations of documents from English to Spanish and vice versa. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Good Old Lower East Side 169 Avenue B New York, NY 10009 212-358-1231 | Once a month one of our lawyers goes on site to interview prospective clients and provide advice, brief service or representation to tenants living in the lower east side. In addition, our lawyers work closely with this organization's Public Housing Residents of the Lower East Side project's lawyers. We provide advice, brief service and representation to tenants who live in public housing in the lower east side. |
| Manhattan | Manhattan Legal Services, | One Stop Senior Services | Twice a month one of our lawyers is on site to |

| Borough | LSNY Program | CBO | Activity |
|----------------|---|---|---|
| | Lower Manhattan Office | 747 Amsterdam Avenue, 3 rd floor New York, NY 10025 212-864-7900 | do intake, with a concentration on Seniors who live in the Westside. Our lawyer provides advice, brief services or representation on landlord and tenant matters. One Stop assists by referring eligible clients to us. One Stop provides a host of social services to the elderly of CD 7. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Chinese American Planning Council, Inc. 365 Broadway New York, NY 10013 212-431-7800 | One of our lawyers is on site to do intake occasionally. Our lawyer provides advice, brief services or representation on landlord and tenant matters. CAPC assists by referring eligible clients to us. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | University Settlement, Project Home 184 Eldridge Street New York, NY 10002 212-505-1995 | We accept referrals from this organization for L&T matters as well as government benefit matters. We collaborate on cases related to tenant organizing and community issues. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Grand Street Settlement 80 Pitt Street New York, NY 10002 212-766-9200 | Every week one of our lawyers is on site to do intake in a variety of matters including L&T, government benefits, wills, immigration and consumer issues. We provide advice, brief service and representation. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Henry Street Settlement 265 Henry Street New York, NY 10002 | Every week one of our lawyers is on site to do intake in a variety of matters including L&T, government benefits, wills, immigration and consumer issues. We provide advice, brief service and representation. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Association to Benefit Children 419 East 86 th Street New York, NY 10028 212-831-1322 | Provides us with referrals for eligible clients. We provide advice, brief service and representation on L&T and government benefits. |
| Manhattan | Manhattan Legal Services, | Committee for Hispanic Children & | Provides us with referrals for eligible clients. |

| Borough | LSNY Program | CBO | Activity |
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| | Lower Manhattan Office | Families 140 West 22 nd Street, Suite 301 New York, NY 10011 212-206-1090 | We provide advice, brief service and representation on L&T and government benefits. |
| Manhattan | Manhattan Legal Services, Lower Manhattan Office | Metropolitan Council on Jewish Poverty 80 Maiden Lane, 21 st floor New York, NY 10038 212-453-9500 | Every week one of our lawyers is on site to do intake in a variety of matters including L&T, government benefits, wills, immigration and consumer issues. We provide advice, brief service and representation. |
| Manhattan | Manhattan Legal Services, Harlem Office | Ryan Community Health Center 160 West 100 th St., 2 nd floor New York, NY 10025 212-769-7229 | Provides referrals of people living with AIDS to HLS who have legal issues. |
| Manhattan | Manhattan Legal Services, Harlem Office | Palladia, Inc. 2006 Madison Avenue New York, NY 10035 212-979-8800, Ext.378 | Provides referrals of people living with AIDS to HLS who have legal issues. |
| Manhattan | Manhattan Legal Services, Harlem Office | Harlem United Community AIDS Center 306 Lenox Avenue, 2 nd floor New York, NY 10027 212-803-2890 | Provides referrals of people living with AIDS to HLS who have legal issues. |
| Manhattan | Manhattan Legal Services, Harlem Office | Center for Women & Families NY Association for New Americans 17 Battery Place New York, NY 10004 212-425-5051 | Provides client referrals for victims of domestic violence. HLS provides legal representation in Family Court on issues of orders of protection, child custody and support and divorce. |
| Manhattan | Manhattan Legal Services, Harlem Office | African Services Committee 429 West 127 th Street, #2 New York, NY 10027 212-222-3882, Ext. 123 | Provides client referrals for victims of domestic violence. HLS provides legal representation in Family Court on issues of orders of protection, child custody and support and divorce. |
| Manhattan | Manhattan Legal Services, | Presbyterian Hospital | Provides client referrals for victims of domestic |

| Borough | LSNY Program | CBO | Activity |
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| | Harlem Office | Dept. of Social Work 622 West 168 th St.-HP2 New York, NY 10032 212-305-5130 | violence. HLS provides legal representation in Family Court on issues of orders of protection, child custody and support and divorce. |
| Manhattan | Manhattan Legal Services, Harlem Office | New York County District Attorney's Office Northern Manhattan Office 163 West 125 th Street, Room 733 New York, NY 10027 212-864-7455 | Provides client referrals for victims of domestic violence. HLS provides legal representation in Family Court on issues of orders of protection, child custody and support and divorce. |
| Manhattan | Manhattan Legal Services, Harlem Office | Nuevo Amanecer 519 West 189 th Street Ground Floor New York, NY 10040 212-568-6616 | Provides client referrals for victims of domestic violence. HLS provides legal representation in Family Court on issues of orders of protection, child custody and support and divorce. |
| Manhattan | Manhattan Legal Services, Harlem Office | Harlem Hospital Center Department of Social Work 506 Lenox Avenue, Room 61111 New York, NY 10037 212-939-4621 | Provides client referrals for victims of domestic violence. HLS provides legal representation in Family Court on issues of orders of protection, child custody and support and divorce. |
| Brooklyn | South Brooklyn Legal Services | Center for Family Life 345 43 rd Street Brooklyn, NY 11232 718-788-3500 | Trainings, intake, advice, rep and referral and technical assistance on consumer, employment, benefits and housing issues. |
| Brooklyn | South Brooklyn Legal Services | Good Shepherd Services 441 Fourth Avenue Brooklyn, NY 11215 718-788-0666 | Trainings, intake, advice, rep and referral and technical assistance on consumer, employment, benefits and housing issues. |
| Brooklyn | South Brooklyn Legal Services | The HOPE Program One Smith Street Brooklyn, NY 11201 718-852-9307 | Trainings, intake, advice, rep and referral and technical assistance on consumer, employment, benefits and housing issues. |

| Borough | LSNY Program | CBO | Activity |
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| Brooklyn | South Brooklyn Legal Services | Brooklyn Cooperative Federal Credit Union 1475 Myrtle Avenue Brooklyn, NY 11237 718-418-8232 | Work with the SBLS Tax Clinic for Low-Income Families and Individuals |
| Brooklyn | South Brooklyn Legal Services | New York Immigration Coalition 137-139 W. 25th St., 12th floor New York, NY 10001 212-627-2227 www.thenyic.org | Work with the SBLS Tax Clinic for Low-Income Families and Individuals |
| Brooklyn | South Brooklyn Legal Services | Brooklyn Center for Independence of the Disabled (BCID) 2044 Ocean Avenue – Suite B-3 Brooklyn, NY 11230 718-998-3000 | BCID advocates often call SBLS for SSI/SSD advice. They do a lot of SSI/SSD advocacy at hearings and at local district offices |
| Brooklyn | South Brooklyn Legal Services | Brooklyn Peer Advocates 250 Baltic Street Brooklyn, NY 11201 718-875-7744 | BPA advocates on behalf of persons with mental illness in a wide array of legal problems. All of its lay-advocate members have histories of mental illness. SBLS provides SSI advice and receives referrals for complicated problems. SBLS also does trainings for the staff. |
| Brooklyn | South Brooklyn Legal Services | Center For Family Life 345 43 rd Street Brooklyn, NY 11232 718-788-3500 | CFL provides counseling to children and parents. CFL and SBLS work jointly to strengthen special education services to individual children. |
| Brooklyn | South Brooklyn Legal Services | The Urban Women's New Beginnings P.O. Box 450 New York, NY 10031 212-491-0023 | SBLS provides special education advocacy and SSI work for women and children in this DV shelter. |

| Borough | LSNY Program | CBO | Activity |
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| Brooklyn | South Brooklyn Legal Services | Sunset Park Mental Health at Lutheran Hospital 514 49th Street Brooklyn, NY 11220 718-437-5256 | SBLS accepts SSI referrals and answers SSI questions. The mental health staff refers meritorious disability claims and provides adequate documentation to support the claims. |
| Brooklyn | South Brooklyn Legal Services | Barrier Free Living 270 East 2 nd Street New York, NY 10009 212-533-4358 | SBLS has a collaboration through the DA's office on the Barrier Free Justice Project representing victims of domestic violence. |
| Brooklyn | South Brooklyn Legal Services | Women's Housing and Economic Development Corp. (WHEDCo) 50 East 168th Street Bronx, NY 10452 718-839-1124 | SBLS has worked closely with WHEDCo to develop and implement its tax training curriculum for child care providers. WHEDCo also participates in the DOHMH/OCFS Child Care Licensing Working Group facilitated by SBLS, and the office has an ongoing, active technical assistance and client referral relationship. |
| Brooklyn | South Brooklyn Legal Services | Business Outreach Center Network (BOC) 85 South Oxford Street Brooklyn, NY 11217 718-624-9115 | SBLS developed and implemented the Child Care Business Development Project in collaboration with BOC and the Child Development Support Corp., including involvement in planning and writing an intensive training curriculum, delivering training workshops, project administration and development, and individual client representation and advice and counsel. SBLS continues to work on the project on a smaller scale, focusing on technical assistance to project staff, individual case referrals, and curriculum revision. |
| Brooklyn | Brooklyn Legal Services Corp. | Conselyea St. Swinging Sixties | Brooklyn A works with this center on a regular |

| Borough | LSNY Program | CBO | Activity |
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| | A | Senior Center 211 Ainslie Street Brooklyn, NY 11211 718-963-3793 | basis, interviewing seniors who have legal questions/issues and providing advice and/or representation as required. Brooklyn A staff also make presentations to seniors on topical matters and provide information to the center staff so that they can assist the seniors. |
| Brooklyn | Brooklyn Legal Services Corp. A | Cypress Hills Fulton Street Senior Center 3208 Fulton Street Brooklyn, NY 11208 718-235-0064 | Brooklyn A works with this center on a regular basis, interviewing seniors who have legal questions/issues and providing advice and/or representation as required. Brooklyn A staff also make presentations to seniors on topical matters and provide information to the center staff so that they can assist the seniors. |
| Brooklyn | Brooklyn Legal Services Corp. A | North Brooklyn Coalition Against Family Violence 260 Broadway Brooklyn, NY 11211 718-302-4073 | Activities: referrals, trainings to staff, intake, providing advice and/or representation to clients |
| Brooklyn | Brooklyn Legal Services Corp. A | Cypress Hills Local Development Corporation 625 Jamaica Avenue Brooklyn, NY 11208 718-647-2800 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |
| Brooklyn | Brooklyn Legal Services Corp. A | East New York Development Corporation 2644 Atlantic Avenue Brooklyn, NY 11207 718-495-3232 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of |

| Borough | LSNY Program | CBO | Activity |
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| Brooklyn | Brooklyn Legal Services Corp. A | Northeast Brooklyn Housing Development Corporation 132 Ralph Avenue Brooklyn, NY 11233 718-453-9490 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |
| Brooklyn | Brooklyn Legal Services Corp. A | Oceanhill-Brownsville Tenants Association, Inc. 319 Rockaway Avenue Brooklyn, NY 11233 718-498-2700 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |
| Brooklyn | Brooklyn Legal Services Corp. A | People's Firehouse 113 Berry Street Brooklyn, NY 11211 718-388-4696 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |

| Borough | LSNY Program | CBO | Activity |
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| Brooklyn | Brooklyn Legal Services Corp. A | St. Nicholas Neighborhood Preservation Corporation (St. Nick's) 11-29 Catherine Street Brooklyn, NY 11211 718-388-5454 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. BROOKLYN A works closely with the organizations' tenant organizers in advocating on behalf of local tenant associations before judicial and administrative bodies. |
| Brooklyn | Brooklyn Legal Services Corp. A | Southside United Housing Development Fund Corporation (Los Sures) 213 South 4 th Street Brooklyn, NY 11211 718-387-3600 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. BROOKLYN A works closely with the organizations' tenant organizers in advocating on behalf of local tenant associations before judicial and administrative bodies. |
| Brooklyn | Brooklyn Legal Services Corp. A | Nuestros Niños Child Development School 384 South 4 th Street Brooklyn, NY 11211 718-963-1555 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |

| Borough | LSNY Program | CBO | Activity |
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| Brooklyn | Brooklyn Legal Services Corp. A | Bedford-Stuyvesant Family Health Center 1413 Fulton Street Brooklyn, NY 11216 718-636-4500 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |
| Brooklyn | Brooklyn Legal Services Corp. A | Brownsville Multi-Service Family Health Center 592 Rockaway Avenue Brooklyn, NY 11212 718-345-5000 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. |
| Brooklyn | Brooklyn Legal Services Corp. A | Diana Jones Senior Citizens Center 741 Flushing Avenue Brooklyn, NY 11206 718-782-3600 | Representation in corporate and tax matters, contract negotiations, drafting and interpreting documents, real estate transactions, administrative, licensing, regulatory and personnel matters, and litigation. BROOKLYN A also offers strategy consultation, project coordinating services, as well as analysis of legal, financial, and political implications of program and policy options. BROOKLYN A also interviews seniors who have legal questions/issues and provides advice and/or representation as required. Brooklyn A staff also makes presentations to seniors on topical matters and provides information to the staff so that they can assist the seniors. |
| Brooklyn | LSNY Brooklyn Branch | Council of Jewish Organizations of Flatbush | LSNY Brooklyn operates a Robin Hood Single Stop site from this community partner. We have |

| Borough | LSNY Program | CBO | Activity |
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| | | 1550 Flatbush Avenue Brooklyn, NY 11230 718-377-2900 | had an active alliance for thirty years. Community aides obtain consultations from staff; training of community organizations workers; space sharing arrangements to conduct outreach of LSNY Brooklyn; joint grant proposals. Scheduling of community legal education programs. The Council's Executive Director is a member of the legal services advisory board. |
| Brooklyn | LSNY Brooklyn Branch | Shorefront Jewish Community Council 3049 Brighton Sixth Street Brooklyn, NY 11235 | A thirty year collaboration with LSNY Brooklyn includes space sharing for our outreach office in Brighton Beach where attorneys meet with clients twice each week; consultations with community organization workers; presentations of community legal education programs, citizenship advocacy project, legal assistance to community organization re corporate by laws, certifications, and community planning. The Councils Executive Director is a member of the legal services advisory board. |
| Brooklyn | LSNY Brooklyn Branch | Jewish Community Council of Coney Island 3001 West 37 th Street Brooklyn, NY 11224 | Collaboration with this group includes consultations with community aides; legal advice on corporate issues; community legal education workshops, joint proposals for funding community partnerships, and outreach of legal services to neighborhood constituents groups under JCC umbrella. |
| Brooklyn | LSNY Brooklyn Branch | Southern Brooklyn Community Organization 4520 18 th Avenue Brooklyn, NY 11204 | LSNY Brooklyn works with this community organization in assisting clients in relocation of housing; consultation with program staff on a variety of legal issues. |
| Brooklyn | LSNY Brooklyn Branch | Sephardic Bikur Cholim 425 Kings Highway | For thirty two years this community partner has collaborated with LSNY Brooklyn on |

| Borough | LSNY Program | CBO | Activity |
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| | | Brooklyn, NY 11223 | community legal education projects; joint funding proposals; regular consultations with program social workers and legal services attorneys on housing, benefit, disability, education and family problems. Program director is a member of legal services advisory board. |
| Brooklyn | LSNY Brooklyn Branch | Brighton Neighborhood Association 1002 Brighton Beach Avenue Brooklyn, NY 11235 | The organization refers clients, assists in housing relocation of tenants, and schedules community education workshops. |
| Brooklyn | LSNY Brooklyn Branch | United Jewish Organizations of Williamsburg 32 Penn Street, Brooklyn, NY 11211 | The umbrella organization for Chasidic community provides space for full time legal services outreach services by LSNY Brooklyn Branch. We do consultations with social workers and community aides, and we do joint funding proposals for joint funding proposals. |
| Queens | Queens Legal Services | Center for the Women of New York 120-55 Queens Boulevard, Room 309 Kew Gardens 718-793-0672 | Weekly Legal Clinic; class on Recordkeeping and Taxation for the Center's Home Day; care provider classes. |
| Queens | Queens Legal Services | Queensboro Council for Social Welfare 221-10 Jamaica Avenue Queens Village, New York 718-468-8025 | Accept referrals of clients, provide technical assistance on government benefits, housing and consumer cases, collaborate on conferences and provide speakers for monthly meetings. |
| Queens | Queens Legal Services | The Child Center of New York 60-02 Queens Blvd., Lower Level Woodside, New York 11377 718-657-7100 | A Robin Hood Single-Stop partner. |

| Borough | LSNY Program | CBO | Activity |
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| Queens | Queens Legal Services | New York Asian Women's Center 39 Bowery PMB 375 NY, NY 212-732-0054, x15 | Co-grantee on VAWA funding; accept referrals of victims of domestic violence for representation in Supreme and Family Courts and in immigration matters; provide technical assistance and training for their staff, volunteers and consumers. |
| Queens | Queens Legal Services | Sakhi for South Asian Women 224 West 35 th Street 212-714-9153 | Co-grantee on VAWA funding; accept referrals of victims of domestic violence for representation in Supreme and Family Courts and in immigration matters; provide technical assistance and training for their staff, volunteers and consumers. |
| Queens | Queens Legal Services | Asian Americans for Equality 133-04 39 th Ave Flushing, NY 11354 | Monthly Housing Legal Clinic; trainings on Housing/Tenant's Rights; acceptance of client referrals. |
| Queens | Queens Legal Services | Korean American Senior Citizens Society 149-18 41 st Avenue 718-450-6700 | Accept client referrals; provide technical assistance to staff and training to staff and consumers. |
| Queens | Queens Legal Services | Young Korean American Service and Education Center (YKASEC) 136-19 41 st Avenue, 3 rd Floor Flushing, NY 718-460-5600 | Conduct monthly intake; accept client referrals; provide technical assistance to staff and training to staff and consumers. |
| Queens | Queens Legal Services | Queens Community House 718-592-5757 | Accept referrals of housing clients; technical assistance to housing staff; also work with the Learn to Work Program at the Young Adult Borough Center (NYC Board of Education |

| Borough | LSNY Program | CBO | Activity |
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| Queens | Queens Legal Services | Catholic Charities/Jamaica Homebase 153-17 Jamaica Avenue Jamaica, NY 718-674-1000 | Program) to provide internships for high school students and training to students and parents. Christine Roland participates in the QLSC annual fair housing conference. |
| Queens | Queens Legal Services | Neighborhood Housing Services of Jamaica, Inc. 89-70 162 nd Street Jamaica, NY 11432 (718) 291-7400 | Accept referrals of primarily housing related cases; provide technical assistance for staff. Jamaica Homebase is cosponsoring the QLSC 6 th Annual Fair Housing Conference. |
| Queens | Queens Legal Services | NORC WOW (Naturally Occurring Retirement Community Without Walls) 83-51 268 th Street Floral Park 11004 718-347-2244 | Provide technical assistance on elder law matters pertaining to government benefits, housing, and consumer matters; provide training for consumers/clients; assist with outreach. |
| Queens | Queens Legal Services | Project Samaritan AIDS Services, Inc 105-04 Sutphin Boulevard Jamaica, NY 11435 718-725-5000 | Accept client referrals; provide technical assistance to staff; conduct trainings for staff and consumers. |
| Queens | Queens Legal Services | SCO Family of Services 70-20 47 th Ave., 2 nd Floor Woodside, New York 11377 | A Robin Hood Single-Stop partner. |
| Bronx | LSNY-Bronx | Rain, Inc. (Regional Aid for Interim | Currently, LSNY-Bronx has senior outreach |

| Borough | LSNY Program | CBO | Activity |
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| | | Needs, Inc.) 811 Morris Park Avenue Bronx, NY 10461 718-892-5520, X225 / 718-892-5732 | centers at Casa Boricua Senior Center, Mosholu-Montefiore Senior Center and R.A.I.N. Parkchester Senior Center. Our attorneys specializing in elder law visit these senior centers every month and do intake for the seniors. Attorneys handle a wide range of civil legal matters on behalf of clients they interview at these senior centers. LSNY-Bronx has also provided community education at these Senior Centers on such matters as end of life directives and Medicare. |
| Bronx | LSNY-Bronx | Parkchester RAIN Senior Center 1380 Metropolitan Ave. Bronx, NY 10462 718-597-9220 | Currently, LSNY-Bronx has senior outreach centers at Casa Boricua Senior Center, Mosholu-Montefiore Senior Center and R.A.I.N. Parkchester Senior Center. Our attorneys specializing in elder law visit these senior centers every month and do intake for the seniors. Attorneys handle a wide range of civil legal matters on behalf of clients they interview at these senior centers. LSNY-Bronx has also provided community education at these Senior Centers on such matters as end of life directives and Medicare. |
| Bronx | LSNY-Bronx | Casa Boricua Senior Center 910 E. 172 nd St. Bronx, NY 10460 718-542-0222 | Currently, LSNY-Bronx has senior outreach centers at Casa Boricua Senior Center, Mosholu-Montefiore Senior Center and R.A.I.N. Parkchester Senior Center. Our attorneys specializing in elder law visit these senior centers every month and do intake for the seniors. Attorneys handle a wide range of civil legal matters on behalf of clients they interview at these senior centers. LSNY-Bronx has also provided community education at these Senior Centers on such matters as end of life directives and Medicare. |

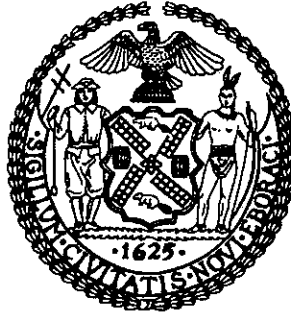
| Borough | LSNY Program | CBO | Activity |
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| Bronx | LSNY-Bronx | Moshulu Montefiore Senior Center 3450 Dekalb Ave. Bronx, NY 10467 718-882-4000 | Currently, LSNY-Bronx has senior outreach centers at Casa Boricua Senior Center, Moshulu-Montefiore Senior Center and R.A.I.N. Parkchester Senior Center. Our attorneys specializing in elder law visit these senior centers every month and do intake for the seniors. Attorneys handle a wide range of civil legal matters on behalf of clients they interview at these senior centers. LSNY-Bronx has also provided community education at these Senior Centers on such matters as end of life directives and Medicare. |
| Bronx | LSNY-Bronx | Highbridge Community Life Center 979 Ogden Ave. Bronx, NY 10452 718-293-4352 | Highbridge Community Life Center (HCLC) and LSNY-Bronx have been collaborative partners for many years working on numerous projects to enhance the delivery of legal and social services to the Highbridge community. We are formal partners in the Bridge Builders collaborative, a formal integrated demonstration project created to advocate for greater justice for the families and youth in Highbridge. Through this collaborative, we provide legal services, a legal phone advice line and community education designed to reduce the number of children placed in or returning to foster care and HCLC provides related social services. |
| Bronx | LSNY-Bronx | Citizen' Advice Bureau 1130 Grand Concourse Bronx, NY 10456 718-365-0910 | Citizens Advice Bureau (CAB) and LSNY-Bronx are formal partners in the Bridge Builders collaborative where we both provide legal and social services to the Highbridge community with the goal of keeping families intact through community based family preservation efforts. CAB targets at risk schools and we provide legal services to clients they identify and legal education to school personnel, and parents concerning mandated |

| Borough | LSNY Program | CBO | Activity |
|---------|--------------|---|--|
| Bronx | LSNY-Bronx | inMotion 2432 Grand Concourse, Suite 506 Bronx, NY 10458 646-442-1165 | reporting, and education and family law issues. In the past CAB has provided education to our staff on domestic violence awareness and we participated in the Bronx Welfare Advocacy Network. |
| Bronx | LSNY-Bronx | inMotion 2432 Grand Concourse, Suite 506 Bronx, NY 10458 646-442-1165 | inMotion and LSNY-BRONX have a long standing relationship and we now work collaboratively through a VAWA grant to assist domestic violence victims. We provide free training programs and CLE credit to private attorneys who agree to handle pro bono cases for our clients in the areas of family law. and VAWA immigration petitions. LSNY-Bronx attorneys provide screening services through a telephone hotline and then refer the matters to this InMotion <i>pro bono</i> project and InMotion refers clients needing holistic legal services to LSNY-Bronx. Together with our partner Safe Horizon we provide community education concerning domestic violence issues. |
| Bronx | LSNY-Bronx | Woodycrest Center for Human Development 175 W. 165 th Street Bronx, NY 10452 718-538-4708 | We are formal partners in the Bridge Builders collaborative, a formal integrated demonstration project created to advocate for greater justice for the families and youth in Highbridge. Through this collaborative, we provide legal services, a legal phone advice line and community education designed to reduce the number of children placed in or returning to foster care and Woodycrest provides related parenting health and wellness services. |
| Bronx | LSNY-Bronx | Alianza Dominicana, MOSAIC Beacon School 1275 Ogden Avenue Bronx, NY 10452 718-590-0101 | We are formal partners in the Bridge Builders collaborative, a formal integrated demonstration project created to advocate for greater justice for the families and youth in Highbridge. Through this collaborative, we provide legal services, a |

| Borough | LSNY Program | CBO | Activity |
|---------|--------------|--|--|
| Bronx | LSNY-Bronx | Child Welfare Organizing Project (CWOP) 156 W. 164 th Street Bronx, NY 10452 212-348-3000 | <p>legal phone advice line and community education designed to reduce the number of children placed in or returning to foster care and Alianza provides related youth and family support services.</p> <p>We are formal partners in the Bridge Builders collaborative, a formal integrated demonstration project created to advocate for justice for the families and youth in Highbridge. We provide legal services, a legal phone advice line and community education which we coordinate with CWOP designed to reduce the number of children placed in or returning to foster care.</p> |
| Bronx | LSNY-Bronx | FoodChange (Formerly known as "Community Food Resource Center") FOOD AND FINANCE CENTER 284 St. Nicholas Ave New York, NY 10027 212-894-8094 | <p>The LSNY-Bronx Low-income Taxpayer Clinic (LITC) works closely with FoodChange's Income Program, referring low-income taxpayers to its many Money Central locations throughout the city, where they can have their taxes prepared for free. FoodChange, similarly, refers low-income taxpayers living in the Bronx to the LSNY-Bronx LITC. FoodChange's income programs work to improve the financial well-being of low-income wage earners through the earned income tax credit (EITC) outreach and free quality tax preparation, promote financial literacy, advocate income policy initiatives and educate the public concerning welfare reform.</p> |
| Bronx | LSNY-Bronx | Safe Horizon 900 Sheridan Avenue Room 6E-38 Bronx, NY 10464 718-590-2374 | <p>Safe Horizon and LSNY-BRONX work collaboratively through a VAWA grant to assist domestic violence victims. Safe Horizon refers clients needing orders of protection and holistic legal services to LSNY-Bronx. Together with our partner InMotion, we provide community education concerning domestic violence issues.</p> |

| Borough | LSNY Program | CBO | Activity |
|----------------|---------------------|---|---|
| Bronx | LSNY-Bronx | William Hodson Senior Center 1320 Webster Avenue Bronx, NY 10456 718-538-1515 | Currently, LSNY-Bronx has senior outreach centers at Casa Boricua Senior Center, Mosholu-Montefiore Senior Center William Hodson Senior Center and R.A.I.N. Parkchester Senior Center . Our attorneys specializing in elder law visit these senior centers every month and do intake for the seniors. Attorneys handle a wide range of civil legal matters on behalf of clients they interview at these senior centers. LSNY-Bronx has also provided community education at these Senior Centers on such matters as end of life directives and Medicare. |
| Staten Island | LSNY Staten Island | Seaman's Society for Children and Families 25 Hyatt St Staten Island, NY 10301 888-83roots, x 4204 | Partner in VAWA Legal Assistance for Victims grant; provide trainings; take client referrals; co-train other partner organization; provide technical assistance in domestic violence related family cases. |
| Staten Island | LSNY Staten Island | Latin American Integration Center 463 Port Richmond Ave Staten Island, NY 10302 718-981-8077 | Partner in VAWA Legal Assistance for Victims grant; provide trainings for staff and clients; accept client referrals; provide technical assistance and advice on family law, and government benefits. |
| Staten Island | LSNY Staten Island | Safe Horizon Court Program 130 Stuyvesant Place Staten Island, NY 100301 718-447-3820 | Accept client referrals and provide technical assistance. |
| Staten Island | LSNY Staten Island | Project Hospitality 100 Park Avenue Staten Island, NY 10302 (718) 448-1544 | Have linkage agreement to serve its homeless clients. |
| Staten Island | LSNY Staten Island | El Centro de Hospitalidad 1546 Castleton Ave. | Provide monthly workshops on domestic violence and take referrals of domestic violence |

| Borough | LSNY Program | CBO | Activity |
|----------------|---------------------|--|---|
| | | Staten Island, NY (718) 420-6466 | survivors; provide other community education and legal consultations. |
| Staten Island | LSNY Staten Island | Northfield Development Community LDC 160 Herberton Avenue Staten Island, NY 10302 (718) 442-7351 | Provide workshops on foreclosure prevention and how to recognize and avoid predatory loans. |



Fiscal 2008 Executive Budget Hearings

❖ Committee on Environmental Protection

May 2007

Scheduled To Testify:

- *Department of Environmental Protection*

***Hon. Christine C. Quinn
Speaker of the Council***

***Hon. David I. Weprin, Chair
Committee on Finance***

***Hon. James F. Gennaro, Chair
Committee on Environmental Protection***

***Michael Keogh, Director
Finance Division***

DEPARTMENT OF ENVIRONMENTAL PROTECTION (826)**Agency Operations**

The Department of Environmental Protection (DEP or Department) protects the environmental health, welfare and natural resources of the City and its residents. The Department manages the City's water supply, which provides over one billion gallons of quality drinking water daily, serving over half the population of New York State, and manages 14 in-City wastewater treatment plants, as well as nine treatment plants upstate. DEP also carries out federal Clean Water Act rules and regulations, handles hazardous materials emergencies and toxic site remediation, oversees asbestos monitoring and removal, enforces the City's air and noise codes, bills and collects on almost one million water and sewer accounts and manages citywide water conservation programs.

AGENCY FUNDING OVERVIEW

| Agency Funding Sources | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|-------------------------------|---|---|---|
| City | \$838,061,423 | \$849,218,569 | \$900,479,978 |
| Other Categorical | \$0 | \$0 | \$0 |
| Capital IFA | \$50,293,126 | \$52,851,062 | \$53,928,799 |
| State | \$0 | \$1,412,965 | \$0 |
| Community Development | \$0 | \$0 | \$0 |
| Federal-Other | \$0 | \$6,625,314 | \$0 |
| Intra-City | \$1,029,199 | \$1,029,199 | \$1,166,652 |
| Total | \$889,383,748 | \$911,137,109 | \$955,575,429 |

HEADCOUNT OVERVIEW

| Headcount | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|------------------|---|---|---|
| City | 312 | 312 | 345 |
| Non-City | 5,908 | 5,927 | 5,955 |
| Total | 6,220 | 6,239 | 6,300 |

AGENCY HIGHLIGHTS

The Fiscal 2008 Executive Budget proposes \$900 million in City-tax levy funding for the Department of Environmental Protection, a \$62 million increase when compared to the Fiscal 2007 Adopted Budget. There is a total of \$47.4 million in new needs and \$24.2 million in other adjustments in the Fiscal 2008 Executive Budget.

Of the \$47.4 million in new needs in the Fiscal 2008 Executive Budget, there is a \$4.1 million increase and an additional 44 positions within the Bureau of Water Supply to address health and

Fiscal 2008 Executive Budget Report

safety concerns through compliance and quality control reporting, and there is a \$3.1 million increase and an additional 11 positions within the Bureau of Water and Sewer Operations to address these areas as well.

In addition, the Fiscal 2007 Current Modified Budget includes \$1.4 million from the State for a Safe Drinking Water grant and \$6.6 million in federal funding for homeland security initiatives.

PROGRAM FUNDING OVERVIEW

The table below highlights the key program areas in this agency and the amount of funding allocated to those programs.

| Program Funding | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|---|---|---|---|
| Water & Sewer System Design & Operations | | | |
| Environmental Design & Construction | \$710,672,780 | \$728,172,532 | \$757,319,690 |
| Water Metering & Conservation | \$46,142,361 | \$44,392,233 | \$46,625,181 |
| Environmental Compliance | \$130,377,793 | \$34,021,858 | \$34,557,453 |
| Miscellaneous | \$2,190,814 | \$3,555,134 | \$4,324,573 |
| Agency Administration & Support | \$97,775,880 | \$100,995,352 | \$112,748,532 |
| Total | \$889,383,748 | \$911,137,109 | \$955,575,429 |
| <i>Sources: City Council, Independent Budget Office</i> | | | |

UNITS OF APPROPRIATION

The operating budget of an agency is structured into several levels, each of which provides varying levels of detail on an agency's spending plans. The City Charter requires that U/As represent the amount appropriated for personal services (i.e. salaries) or Other Than Personal Services (i.e. supplies) for a particular program, purpose, activity or institution.

Increases in the following U/As are attributable to additional health and safety funding, funding to improve revenue collection through accurate Con Edison meter readings and readings of meters that have been difficult to gain access to, an asbestos control program, various supplies and equipment, to enforce air and noise codes, a consulting contract for sewer dragging throughout the city, a new Filtration Avoidance Determination (FAD) for the Catskill and Delaware water supplies, and to continue employee compliance with all federal, State, and local environmental health and safety regulations. More details regarding these budgetary actions are in the Executive Budget Action section of this document.

Fiscal 2008 Executive Budget Report

Executive and Support (U/As 001 and 006)

Funding in these units of appropriation is for managing and directing the entire Department as well as sets policies and develops short and long range plans and strategies for the Department. The administrative bureau provides support services to the entire Department. These functions include personnel, budgeting, payroll, purchasing, auditing, vehicle and building maintenance, computer services and community and intergovernmental relations. The OTPS funding in this unit of appropriation is for purchasing supplies, materials and other services required to support the executive and support operations.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|--------------------------|----------------------------------|--|------------------------------------|------------------------------------|
| 001 | Executive & Support-PS | \$28,938,708 | \$29,630,498 | \$31,788,791 | 9.85% |
| 006 | Executive & Support-OTPS | \$41,430,674 | \$41,755,435 | \$48,251,427 | 16.46% |
| | Total | \$70,369,382 | \$71,385,933 | \$80,040,218 | 13.74% |

Funding/Program Analysis

The increases in U/A 001 and U/A 006 are attributable to an increase in headcount by 11 positions and technology upgrades by the Department.

Environmental Management (U/As 002 and 005)

Funding in these units of appropriation is for the adjudication of environmental violations for the City through the Environmental Control Board, including those for the Departments of Sanitation, Buildings, Fire and various other agencies. In addition, the staff provides enforcement for local laws concerning air and noise, including asbestos regulations and incinerator permits. The staff also develops policy and programs designed to bring the City into compliance with all State and Federal policies, reviews environmental impact statements, and respond to complaints, threats, and emergencies where hazardous materials are suspected and monitors disposal procedures. The OTPS funding in this unit of appropriation is for purchasing supplies, materials and other services required to support environmental management operations.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|-------------------------------|----------------------------------|--|------------------------------------|------------------------------------|
| 002 | Environmental Management-PS | \$22,011,160 | \$24,341,315 | \$24,449,401 | 11.08% |
| 005 | Environmental Management-OTPS | \$8,521,948 | \$9,148,572 | \$8,930,718 | 4.80% |
| | Total | \$30,533,108 | \$33,489,887 | \$33,380,119 | 9.32% |

Fiscal 2008 Executive Budget Report

Water Supply/Wastewater Collection (U/A 003)

Funding in this unit of appropriation is for personnel cost for the operation and maintenance of the water and sewer system. This U/A consists of field force operations and oversight of the upstate watershed (including reservoirs and dams). Funding is also included for the planning of new water supply sources and transmission systems.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|------------------------------------|----------------------------------|--|------------------------------------|------------------------------------|
| 003 | Water Supply/Wastewater Collection | \$134,623,861 | \$138,950,395 | \$143,279,154 | 6.43% |
| | Total | \$134,623,861 | \$138,950,395 | \$143,279,154 | 6.43% |

Central Utility (U/A 007)

Funding in this unit of appropriation is for the collection of water and sewer charges, meter reading and testing, implementation of the universal metering program, and enforcement of water use regulations. Also included is funding for the management of construction, reconstruction, and upgrading of the infrastructure related to the Department's operations.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|--------------------|----------------------------------|--|------------------------------------|------------------------------------|
| 007 | Central Utility-PS | \$59,942,707 | \$62,358,963 | \$64,060,189 | 6.87% |
| | Total | \$59,942,707 | \$62,358,963 | \$64,060,189 | 6.87% |

Wastewater Treatment (U/A 008)

Funding in this unit of appropriation is for personnel cost for the operation and maintenance of all facilities related to the treatment of sewage, including fourteen wastewater treatment plants, dewatering facilities, pumping stations, and laboratories. Funding is also included to plan for land-based sludge management.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|-------------------------|----------------------------------|--|------------------------------------|------------------------------------|
| 008 | Wastewater Treatment-PS | \$129,007,890 | \$131,290,984 | \$130,699,187 | 1.31% |
| | Total | \$129,007,890 | \$131,290,984 | \$130,699,187 | 1.31% |

Fiscal 2008 Executive Budget Report

Utilities (U/A 004)

Funding in this unit of appropriation is for purchasing supplies, material and other services required to support utility operations, which include the water supply and wastewater collection, central utility, and wastewater treatment functions.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|--------------|----------------------------------|--|------------------------------------|------------------------------------|
| 004 | Utility-OTPS | \$464,906,800 | \$473,660,947 | \$504,116,562 | 8.43% |
| | Total | \$464,906,800 | \$473,660,947 | \$504,116,562 | 8.43% |

EXECUTIVE BUDGET ACTIONS (000s)

| Description | Fiscal 2007 | | | Fiscal 2008 | | |
|---|-------------------|--------------|-------------------|-----------------|--------------|-----------------|
| | City | Non-City | Total | City | Non-City | Total |
| Agency Budget as per Preliminary Plan | \$849,205 | \$48,125 | \$897,330 | \$828,840 | \$54,957 | \$883,797 |
| Executive Plan New Needs | | | | | | |
| Bureau of Wastewater Treatment-Supplies/Chemicals/Equipment | \$0 | \$0 | \$0 | \$15,802 | \$0 | \$15,802 |
| BWT-Biosolids/Sludge Removal | \$0 | \$0 | \$0 | \$3,617 | \$0 | \$3,617 |
| Landfill Management | \$0 | \$0 | \$0 | \$645 | \$0 | \$645 |
| Bureau of Customer Service-"Hard To Access" Program | \$0 | \$0 | \$0 | \$3,300 | \$0 | \$3,300 |
| Asbestos Task Force | \$0 | \$0 | \$0 | \$158 | \$0 | \$158 |
| Sewer Cleaning Contracts | \$0 | \$0 | \$0 | \$1,002 | \$0 | \$1,002 |
| BWS-I/C with DOHMH & DOI | \$0 | \$0 | \$0 | \$1,114 | \$0 | \$1,114 |
| Health & Safety | \$0 | \$0 | \$0 | \$7,497 | \$0 | \$7,497 |
| Bureau of Water & Sewer Operations | \$0 | \$0 | \$0 | \$1,154 | \$0 | \$1,154 |
| BWS-Hillview Fines | \$0 | \$0 | \$0 | \$918 | \$0 | \$918 |
| BWS-Maintenance & Operations | \$0 | \$0 | \$0 | \$1,210 | \$0 | \$1,210 |
| BWS-Filtration Avoidance Determination Increase | \$0 | \$0 | \$0 | \$5,000 | \$0 | \$5,000 |
| Agency-wide Overtime | \$0 | \$0 | \$0 | \$1,201 | \$0 | \$1,201 |
| ECB-Legal Personnel Costs | \$0 | \$0 | \$0 | \$262 | \$0 | \$262 |
| Noise Code Enforcement | \$0 | \$0 | \$0 | \$67 | \$0 | \$67 |
| Brownfields Environment Planning | \$0 | \$0 | \$0 | \$1,000 | \$0 | \$1,000 |
| Other New Needs | \$0 | \$0 | \$0 | \$3,465 | \$0 | \$3,465 |
| Total New Needs | \$0 | \$0 | \$0 | \$47,412 | \$0 | \$47,412 |
| Executive Plan Other Adjustments | | | | | | |
| Utility Rollovers | (\$14,645) | \$0 | (\$14,645) | \$12,645 | \$0 | \$12,645 |
| Heat, Light, and Power | (\$652) | \$0 | (\$652) | \$13,490 | \$0 | \$13,490 |
| Fuel | (\$5,891) | \$0 | (\$5,891) | (\$3,926) | \$0 | (\$3,926) |
| Gasoline | (\$164) | \$0 | (\$164) | (\$2) | \$0 | (\$2) |
| Lease Adjustment | \$0 | \$137 | \$137 | \$2,007 | \$137 | \$2,144 |
| Other Adjustments | \$13 | \$91 | \$104 | \$0 | \$0 | \$0 |
| Total Other Adjustments | (\$21,339) | \$228 | (\$21,111) | \$24,214 | \$137 | \$24,351 |
| Total Executive Plan Budget Changes | (\$21,339) | \$228 | (\$21,111) | \$71,626 | \$137 | \$71,763 |
| Agency Budget as per Executive Plan | \$827,866 | \$48,353 | \$876,219 | \$900,466 | \$55,094 | \$955,560 |

EXECUTIVE BUDGET ACTION ANALYSIS

New Needs

- **Bureau of Wastewater Treatment-Supplies/Chemicals/Equipment.** The Department needs a total of \$15.8 million in Fiscal 2008, \$15.4 million in Fiscal 2009, and \$12.4 million in the outyears for various chemicals, supplies, and equipment needed to clean the City's various waterways.
- **Bureau of Wastewater Treatment-Biosolids/Sludge Removal.** DEP needs \$3.6 million in Fiscal 2008 and \$1.8 million in Fiscal 2009 in order to continue the removal of biosolids from DEP's waste treatment plants to the landfills throughout the city.

Fiscal 2008 Executive Budget Report

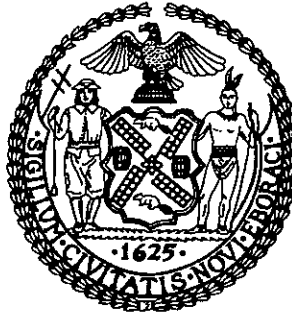
- **Landfill Management.** The Department needs \$645,000 in Fiscal 2008 and the outyears for maintenance costs for the Pennsylvania and Fountain Avenues landfills.
- **Bureau of Customer Service “Hard to Access” Program.** The Department needs \$3.3 million in Fiscal 2008, \$1.8 million in Fiscal 2009, and \$1.5 million in the outyears to strengthen its revenue collection where actual water meter reads have been difficult to obtain.
- **Asbestos Task Force.** The Department needs \$158,000 in Fiscal 2008 and \$150,000 in Fiscal 2009 to study compliance of the Asbestos Control Program, which certifies asbestos handlers, provides telephone response service to contractors and the public, and provide other services.
- **Sewer Cleaning Contracts.** The Department needs \$1 million in Fiscal 2008 and \$7.4 million in Fiscal 2009 to drag and clean sewer systems throughout the city.
- **Intra-City Transfer with the Department of Health and Mental Hygiene & Department of Investigations.** The Department needs \$1.1 million in Fiscal 2008 and \$400,000 in Fiscal 2009 for DOHMH’s catch basin treatment program to reduce the mosquito population and the spread of the West Nile virus, and for background checks performed by DOI of hazardous waste haulers and contractors.
- **Health and Safety.** Because of a federal mandate, the Department needs \$7.5 million in Fiscal 2008, \$4.6 million in Fiscal 2009, and \$2.4 million in the outyears to address health and safety concerns for DEP employees.
- **Bureau of Water & Sewer Operations.** The Department needs \$1.2 million in Fiscal 2008, \$4 million in Fiscal 2009, and \$3.5 million in the outyears to upgrade and maintain the various operations of the Bureau.
- **Bureau of Water Supply-Hillview Fines.** The State has imposed fines on DEP for violating the New York State Department of Health requirement for the Hillview reservoir cover. Therefore, the Department needs \$918,000 in Fiscal 2008 only for the imposed fines.
- **Bureau of Water Supply.** The Department needs \$1.2 million in Fiscal 2008, \$440,000 in Fiscal 2009, and \$10,000 in the outyears for maintenance and operational support.
- **Bureau of Water Supply-Filtration Avoidance Determination (FAD) Increase.** The Department is applying for a new ten-year FAD, which would provide the City with a waiver from filtering the Catskill and Delaware water supplies through 2017 based on DEP’s ongoing long-term watershed protection program. DEP needs \$5 million in Fiscal 2008 and the outyears to satisfy the requirements to obtain the FAD, such as building an ultraviolet light disinfection facility to further purify water from the Catskill and Delaware watersheds and continue its land acquisition program.

Fiscal 2008 Executive Budget Report

- **Agencywide Overtime.** There is an increase of \$1.2 million in Fiscal 2008 and \$500,000 in the outyears for overtime costs throughout the agency.
- **Environmental Control Board-Legal Personnel Costs.** The Department needs \$262,000 in Fiscal 2008 and the outyears for two additional attorneys and five clerical positions.
- **Noise Code Enforcement.** The Department needs \$67,000 in Fiscal 2008 and \$42,000 in the outyears for an additional enforcement position and supplemental advertising costs due to a new noise code that goes into effect July 1, 2007.
- **PlaNYC-Brownfields Environmental Planning.** The Department needs \$1 million in Fiscal 2008 and \$2 million in Fiscal 2009 and the outyears for 25 additional positions to create the Brownfields Office within the Office of Environmental Coordination to support PlaNYC initiatives.
- **Other New Needs.** The Department needs \$3.4 million in Fiscal 2008, \$3.3 million in Fiscal 2009, and \$3.1 million in the outyears for various new needs throughout the agency, including technology upgrades and facility maintenance contracts.

Other Adjustments

- **Utility Rollovers.** A total of \$14.6 million in utility costs will be rolled over from Fiscal 2007 to Fiscal 2008 and Fiscal 2009.
- **Heat, Light, and Power.** Based on re-estimates, the Department anticipates an increase of \$13.5 million in Fiscal 2008 and the outyears for heat, light, and power costs.
- **Fuel.** Based on re-estimates, the Department is decreasing its budget by \$3.9 million for fuel costs in Fiscal 2008 and the outyears.
- **Gasoline.** Based on re-estimates, the Department is decreasing its budget by \$2,000 for gasoline costs in Fiscal 2008 and the outyears.
- **Lease Adjustment.** The Department anticipates an increase in lease costs of \$2.1 million in Fiscal 2008 and the outyears.



Fiscal 2008 Executive Budget Hearings

**Department of Environmental Protection
(Capital)**

May 2007

***Hon. Christine C. Quinn
Speaker of the Council***

***Hon. David I. Weprin, Chair
Committee on Finance***

***Hon. James F. Gennaro, Chair
Committee on Environmental Protection***

***Michael Keogh, Director
Finance Division***

Agency Overview

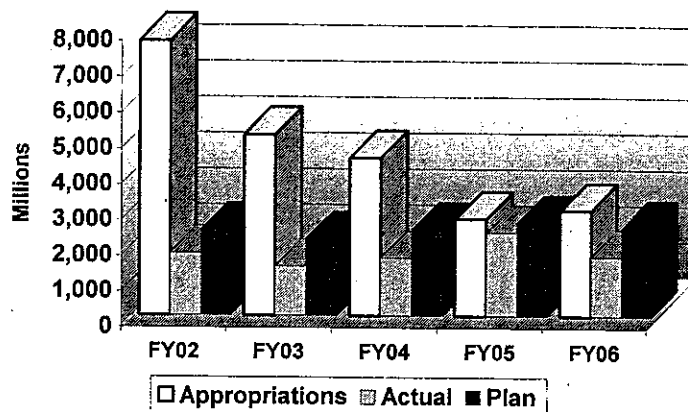
The Department of Environmental Protection's (DEP) major responsibilities are for the operation and maintenance of the City's water supply and wastewater collection system; enforcement of air, noise and water use regulations; the conveyance and treatment of storm water and sanitary flow; management of environmental issues and natural resource protection; and construction and reconstruction of the City's water-related infrastructure.

New York City's water supply is controlled by a network of 19 upstate storage reservoirs, three controlled lakes, three aqueducts, two downstate balancing reservoirs, two City water tunnels (Water Tunnel Number Three is under construction), the world's largest storage tanks and 6,600 miles of

water mains which deliver 1.3 billion gallons of water a day to 9 million residents in six upstate counties and the five boroughs of New York City. Wastewater is collected through some 6,600 miles of sewer pipes throughout the five boroughs. The DEP maintains 135,000 catch and seepage basins to prevent flooding and sewer backups. The Department also operates 14 sewage treatment plants, 93 pumping stations, and treats approximately 1.4 billion gallons of sewage a day.

The DEP is funded (with the exception of air and noise functions) by two separate and independent entities, the New York City Municipal Water Finance Authority (Water Authority) and the New York City Water Board (Water Board), which were established in 1985. The Water Authority was created to issue debt to finance the cost of capital improvements to the water and sewer system. The Water Board was created to lease the water and sewer systems from the City and to establish and collect fees, rates, rents and other service charges for services furnished by the system to produce cash sufficient to pay debt service on the Water Authority's bonds and to place the Water and Sewer System on a self-sustaining basis.

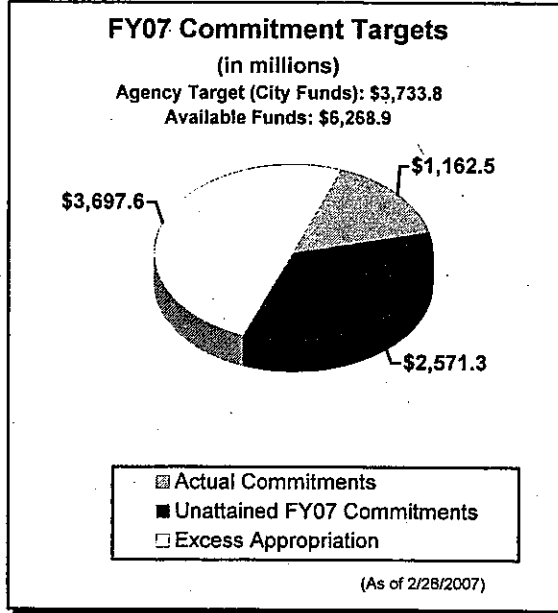
**DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
Appropriations vs. Actual & Planned Commitments



Current Budget Summary

The April 2007 Capital Commitment Plan includes \$11.33 billion in Fiscals 2008-2011 for the Department of Environmental Protection. This represents 25.5 percent of the City's total \$44.5 billion April Plan for Fiscals 2008-2011. The agency's April Commitment Plan for Fiscals 2008-2011 is less than one percent greater than the \$11.29 billion in the January Commitment Plan, an increase of \$40 million.

As of February 28, 2007 the Department of Environmental Protection had only committed \$1.16 billion, or 31.1 percent, of its \$3.73 billion Fiscal 2007 plan. Over the past five years DEP has committed an average of 72.0 percent of its annual capital plan. Therefore, it is assumed that a sizeable portion of the agency's Fiscal 2007 capital plan will be rolled into Fiscal 2008 thus greatly increasing the size of the Fiscal 2008-2011 capital plan.



Currently DEP's appropriations total \$6.27 billion in city-funds for Fiscal 2007. These appropriations are to be used to finance the DEP's \$2.57 billion city-funded Fiscal 2007 capital commitment program. The agency has over 143 percent more funding than it needs to meet its entire capital commitment program for the current fiscal year.

Fiscal 2008 Executive Capital Budget Report

The Department of Environmental Protection's capital commitments for the last five years are shown below:

FIVE YEAR HISTORY – CAPITAL BUDGET **(\$ in millions)**

| | FY02 | FY03 | FY04 | FY05 | FY06 |
|----------|-------|-------|-------|-------|-------|
| CITY | 1,747 | 1,373 | 1,614 | 2,337 | 1,664 |
| NON-CITY | 124 | 7 | 59 | 1 | 40 |
| TOTAL | 1,871 | 1,380 | 1,673 | 2,338 | 1,704 |

The Preliminary Four-Year Capital Plan is shown below:

PRELIMINARY CAPITAL PLAN – JANUARY 2007 **(\$ in millions)**

| | FY08 | FY09 | FY10 | FY11 | FY's 08-11 |
|----------|---------|---------|---------|---------|------------|
| CITY | 3,394.3 | 3,092.9 | 2,099.7 | 2,589.4 | 11,176.3 |
| NON-CITY | 109.8 | 3.0 | 0 | 0 | 112.8 |
| TOTAL | 3,504.1 | 3,095.9 | 2,099.7 | 2,589.4 | 11,289.1 |

The Executive Four-Year Capital Plan is shown below:

EXECUTIVE CAPITAL PLAN – APRIL 2007 **(\$ in millions)**

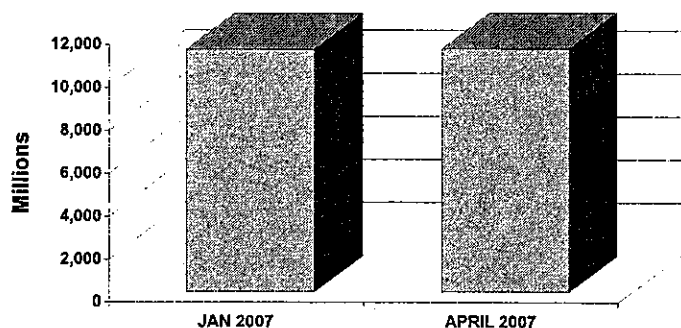
| | FY08 | FY09 | FY10 | FY11 | FY's 08-11 |
|----------|---------|---------|---------|---------|------------|
| CITY | 3,424.6 | 3,083.3 | 2,120.2 | 2,588.4 | 11,216.5 |
| NON-CITY | 111.0 | 3.0 | 0 | 0 | 114.0 |
| TOTAL | 3,535.6 | 3,086.3 | 2,120.2 | 2,588.4 | 11,330.5 |

EXECUTIVE BUDGET ISSUES / HIGHLIGHTS:

- In April 2007 the US Environmental Protection Agency issued its Filtration Avoidance Determination (FAD) for New York City's water supply system. The FAD stated that "land acquisition is one of the most effective, and therefore, important mechanisms to permanently protect the City's Catskill/Delaware watershed." The overarching goal of the program is to ensure that

undeveloped, environmentally sensitive watershed lands remain protected and that the watershed continues to be a source of high-quality drinking water to the City and upstate counties. The FAD required that the City make a commitment of \$241 million of new funding, bringing the total amount available for land acquisition, over the full ten-year term of this FAD, to \$300 million. The FAD requires that \$72.5 million in new funding be sequestered prior to December 31, 2008, \$90 million prior to December 31, 2011, and \$78.5 million prior to December 31, 2014. DEP's April Plan includes an additional \$268.3 million for land acquisition in the Catskill / Delaware watershed.

**DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
January 2007 vs. April 2007
CAPITAL COMMITMENT PLANS



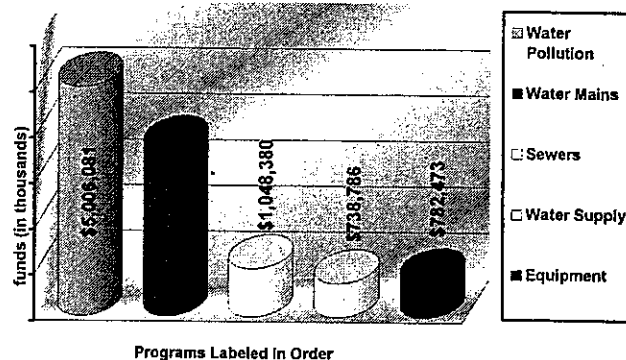
- DEP's Executive Plan includes an additional \$141.9 million or 1.8 percent increase in its Ten-Year Plan in funding for Water Main projects. The majority of this increase is attributable to the addition of capital funding for land acquisition in the water shed. Other changes to DEP's Ten-Year Capital Strategy for water main construction and reconstruction include: \$5 million in new commitments in Fiscal 2010 for new water mains in the Brookville Blvd. Area; \$25.9 million in new commitments for water main work in sites to be determined throughout Queens; \$30 million reduction in the plan for Upstate septic system upgrades (bringing the Ten-Year Plan total to \$142 million); \$38.1 million or 3.56 percent increase in the cost of the Catskill / Delaware UV Light Treatment Facility.
- DEP's Ten-Year Capital Strategy for sewers construction increased by \$103.6 million or 3.7 percent. The increase was minimal because of the Agency's huge increase in the capital plan for sewer construction in the Preliminary Ten-Year Strategy when the budget for construction and renovation of sewers increased by \$1.2 billion. The majority of the current increase in the plan for sewers occurred in the out-years of the Ten-Year Plan. Some highlights of the changes in the Executive Plan include: an additional \$11 million in Fiscals 2007 and 2008 for land acquisition in the second SI Bluebelt Area, bringing the total for the Ten-Year Plan to \$93.5 million; \$19.6

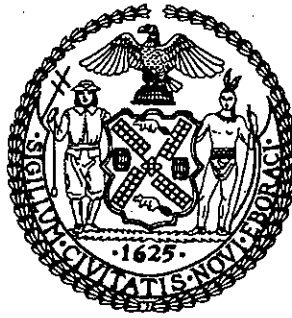
Fiscal 2008 Executive Capital Budget Report

million in new commitments in Fiscal 2011 for water main work in the Jewel Street area; the elimination of \$14 million and the delay of \$17 million originally planned for Fiscals 2009 and 2011 respectively for the water and sewer systems at Hudson Yards (bringing the total for this project to \$69.0 million); and \$5.3 million in new commitments for storm and sanitary sewers in Meeker Avenue.

- The DEP's Executive Capital Plan includes an additional \$341.3 million or 3.6 percent increase to the water pollution control program. This increase is in addition to the \$3.21 billion that was added to the water pollution control program in the agency's January Plan. Highlights of changes to the water pollution control program include: \$315.2 million reduction in planned commitments for the upgrading and improving and stabilization program at Bowery Bay, bringing the Ten-Year Plan for these projects to \$281.3 million; \$226.6 million in new commitments or a 59 percent increase in the Ten-Year Plan for the stabilization of the 26th Ward WPCP; \$234.1 million or 55.2 percent reduction in the Ten-Year Plan for upgrades and improvements at Hunts Point WPCP.

**Capital Commitments by Program Area
FY08-FY11**





Fiscal 2008 Executive Budget Hearings

❖ Committee on Fire & Criminal Justice Services

May 2007

Scheduled To Testify:

- *Fire/Emergency Medical Service*
- *Department of Correction*
- *Criminal Justice Coordinator (Indigent Defense Services)*
- *Legal Aid*

Hon. Christine C. Quinn
Speaker of the Council

Hon. David I. Weprin, Chair
Committee on Finance

Hon. Miguel Martinez, Chair
Committee on Fire & Criminal
Justice Services

Michael Keogh, Director
Finance Division

TABLE OF CONTENTS

| | |
|--|----|
| Fire Department/Emergency Medical Service (057)..... | 2 |
| Department of Correction (072) | 12 |
| Legal Aid/Indigent Defense Services | 23 |

FIRE DEPARTMENT/EMERGENCY MEDICAL SERVICE (057)**Agency Operations**

The Fire Department protects life and property from fire through an extinguishment network of 197 Engine Companies and 143 Ladder Companies. In addition, the Department promotes fire prevention via education, investigation and inspection. The Department's firefighters also respond to life-threatening medical emergencies on a limited basis, including responding to terrorist incidents and hazardous materials events. The Department's Bureau of Emergency Medical Services (EMS) is responsible for responding to all types of medical emergencies in the City and providing transport to area hospitals for individuals requiring medical assistance.

AGENCY FUNDING OVERVIEW

| Agency Funding Sources | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|-------------------------------|---|---|---|
| City | \$1,213,079,444 | \$1,273,205,187 | \$1,302,570,194 |
| Other Categorical | \$125,629,062 | \$131,614,205 | \$134,941,846 |
| Capital IFA | \$0 | \$0 | \$0 |
| State | \$1,846,001 | \$1,846,001 | \$1,846,001 |
| Community Development | \$0 | \$0 | \$0 |
| Federal-Other | \$4,800,930 | \$65,218,418 | \$22,037,701 |
| Intra-City | \$10,343,349 | \$10,343,349 | \$10,343,349 |
| Total | \$1,355,698,786 | \$1,482,227,160 | \$1,471,739,091 |

The Fire Department's Preliminary Budget for Fiscal 2008 is approximately \$1.47 billion, a \$116 million increase compared to its Fiscal 2007 Adopted Budget of approximately \$1.36 billion. The Executive Budget for Fiscal 2008 in City funds is \$89 million higher than the Adopted Fiscal 2007 city tax levy appropriation. The Department also sees a \$9 million increase in Other Categorical funds compared to the 2007 Adopted budget. Because of the time discrepancies that exist between the City's Fiscal year and those of the State and Federal governments, the Department only reports baseline funding and grants it is likely to receive from these entities. In the Fiscal 2008 Executive Budget, approximately \$1.9 million is recognized from the State while \$22 million is recognized in Federal grants -- \$17.2 million greater than in last year's Adopted budget.

The bulk of the Department's budget goes toward Personal Services spending for fire extinguishing. The Executive Budget allocates \$1.06 billion for this function, an 8.5% increase over the Adopted Budget for Fiscal 2007. The largest increases, however, result from increased facilities maintenance to reduce the current backlog of facility repair work orders and improve maintenance of Departmental facilities, additional EMS ambulance tours to bolster revenue generation and the hiring of 32 additional Fire Marshals to meet increased citywide fire safety inspection requirements. These actions constitute just over \$6 million of the \$56.5 million of proposed net increases over the Department's Fiscal 2008 Preliminary Budget. The Department was also required to meet planned reductions valued at \$25.4 million for Fiscal 2007 and \$21.5

Fiscal 2008 Executive Budget Report

million for Fiscal 2008. This chiefly entailed taking-down PS surplus in the form of unused, budgeted overtime dollars as well as projected EMS revenues.

HEADCOUNT OVERVIEW

| Headcount Uniform | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|-------------------|----------------------------|------------------------------|------------------------------|
| City | 11,212 | 11,232 | 11,264 |
| Non-City | 11 | 11 | 11 |
| Total | 11,223 | 11,243 | 11,275 |

| Headcount Civilian | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|--------------------|----------------------------|------------------------------|------------------------------|
| City | 4,555 | 4,556 | 4,729 |
| Non-City | 20 | 38 | 20 |
| Total | 4,575 | 4,594 | 4,749 |

AGENCY HIGHLIGHTS

FDNY Overtime - As per the Fiscal 2008 Executive Budget

| Category | Fiscal 2007 | Fiscal 2008 | Fiscal 2009 | Fiscal 2010 | Fiscal 2011 |
|--------------------|----------------|----------------|----------------|----------------|----------------|
| Uniform | \$ 148,264,739 | \$ 150,757,197 | \$ 155,749,745 | \$ 147,122,202 | \$ 147,122,202 |
| Civilian (non-EMS) | \$ 10,616,493 | \$ 9,169,605 | \$ 9,169,605 | \$ 9,169,605 | \$ 9,169,605 |
| Civilian (EMS) | \$ 27,219,991 | \$ 19,442,851 | \$ 18,199,021 | \$ 18,199,021 | \$ 18,199,021 |
| Total | \$ 186,101,223 | \$ 179,369,653 | \$ 183,118,371 | \$ 174,490,828 | \$ 174,490,828 |

- In the Fiscal 2008 Preliminary Budget, \$13.2 million was budgeted for Fiscal 2007 to fund additional overtime requirements due to projected increased use of light duty assignments and increases in the use of medical leave. In the interim, projections for overtime usage have been adjusted downward significantly because of reductions in the use of light duty and medical leave. There is, therefore, a reduction to this earlier appropriation in the Executive Budget for Fiscal 2007 of \$11.5 million.
- A tentative collective bargaining agreement, reached in 2007, will be funded for Firefighters entailing measures that improve productivity of the uniformed workforce, at a cost of \$59.3 million in Fiscal 2008.

UNITS OF APPROPRIATION

The operating budget of an agency is structured into several levels, each of which provides varying levels of detail on an agency's spending plans. The unit of appropriation ("U/A") is the most basic level of detail within an agency's operating budget. U/As are essentially the building blocks of the City's Expense Budget. It is at this level that the Council adopts the City's Expense Budget. The City Charter requires that U/As represent the amount appropriated for Personal Services (PS) (i.e., salaries, overtime, etc.) or Other Than Personal Services (OTPS) (i.e., supplies, contracts, etc.) for a particular program, purpose, activity or institution. What follows is the U/A structure and May 2007 Financial Plan actions for the Fire Department.

Administration (U/As 001 and 005)

These units of appropriation provide for all civilian policy direction, administrative, human resources support, and funding to purchase supplies, materials and other services required to support executive and administrative operations (Fiscal Services, Personnel, Budget and Health Services) for the entire Department. Also included are the infrastructure and vehicle maintenance units, and the Bureau of Information and Computer Services.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adoption |
|------|-------------------------------|----------------------------------|--|------------------------------------|-------------------------------------|
| 001 | Executive Administrative-PS | \$64,504,514 | \$71,314,449 | \$69,211,100 | 7.30% |
| 005 | Executive Administrative-OTPS | \$67,243,403 | \$118,719,602 | \$79,270,407 | 17.89% |
| | Total | \$131,747,917 | \$190,034,051 | \$148,481,507 | 12.70% |

Fire Extinguishing/Emergency Response (U/As 002 and 006)

These units of appropriation are responsible for all uniform tactical and operational decisions. Resources provide for the protection of lives and property from fires, hazardous materials incidents and non-fire emergencies. The operating field units include Headquarters, 9 Divisions, 49 Battalions, the Special Operations Command, 195 Engine Companies and 143 Ladder Companies, 7 Squad Companies, 5 Rescue Units, 3 Marine Companies and 1 Hazardous Materials Unit, all of which are located in one of over 220 firehouses throughout the City. These field units are also responsible for yearly inspections of all major structures in order to identify and issue notice of violation summonses for all fire code violations. Also included are the dispatchers, emergency engineers and electricians responsible for the maintenance and operation of the communications network.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adoption |
|------|--|----------------------------------|--|------------------------------------|-------------------------------------|
| 002 | Fire Extinguishing/Emergency Response-PS | \$979,798,466 | \$1,030,147,913 | \$1,062,801,727 | 8.47% |
| 006 | Fire Extinguishing/Emergency Response-OTPS | \$36,744,031 | \$36,495,915 | \$35,988,163 | -2.06% |
| | Total | \$1,016,542,497 | \$1,066,643,828 | \$1,098,789,890 | 8.09% |

- In Fiscal 2008, the Department projects that its response times to structural fires will be less than four and a half minutes.

Fiscal 2008 Executive Budget Report

Fire Investigation (U/A 003 and 007)

These units of appropriation are responsible for investigating and determining the cause and origin of all suspicious fires, and for the apprehension of arsonists.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adoption |
|------|-------------------------|----------------------------------|--|------------------------------------|-------------------------------------|
| 003 | Fire Investigation-PS | \$12,590,989 | \$12,604,322 | \$12,727,885 | 1.09% |
| 007 | Fire Investigation-OTPS | \$79,000 | \$129,000 | \$418,160 | 429.32% |
| | Total | \$12,669,989 | \$12,733,322 | \$13,146,045 | 3.76% |

- The Department will deploy 110 Fire Marshals to field duty in Fiscal 2008, including 32 new positions for the Citywide North Command which will constitute a new base station and will be located in city-owned space in either the Bronx or Northern Queens.

Fire Prevention (U/A 004 and 008)

These units of appropriation are responsible for the enforcement of New York City's fire code through the inspection of all multi-unit dwellings, the collection of revenues from inspection fees and code violation fines, certificate of fitness testing of all vocations that handle combustible materials, and the development and implementation of public education programs.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adoption |
|------|----------------------|----------------------------------|--|------------------------------------|-------------------------------------|
| 004 | Fire Prevention-PS | \$19,680,894 | \$20,741,347 | \$21,943,297 | 11.50% |
| 008 | Fire Prevention-OTPS | \$396,000 | \$396,000 | \$394,740 | -0.32% |
| | Total | \$20,076,894 | \$21,137,347 | \$22,338,037 | 11.26% |

- The bureau will be expanded to focus on fire alarm inspections and public building inspections. The bureau is also working with the Legal Division on the Fire Code Revision Project.
- In order to generate additional revenues, the Department will be given 21 positions and \$703,000 in their expense budget to fund the following positions:
 - 1 Bulk Fuel Storage Inspector
 - 3 Fire Alarm Inspectors
 - 2 Emergency Action Plan Inspectors
 - 2 Night Team Inspectors
 - 4 Building Inspectors
 - 5 Fire Inspection Fee Processing Clericals
 - 1 Building Units Clerical
 - 3 Notice of Violations Clericals

Fiscal 2008 Executive Budget Report

Emergency Medical Services (U/A 009 and 010)

These units of appropriation are responsible for delivering ambulance and pre-hospital emergency medical services citywide, as well as providing tactical and medical direction to field personnel and administrative and support services to the EMS Bureau through the deployment of, on average, 543 daily ambulance tours.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adoption |
|------|---------------------------------|----------------------------------|--|------------------------------------|-------------------------------------|
| 009 | Emergency Medical Services-PS | \$157,087,984 | \$170,824,000 | \$168,482,985 | 7.25% |
| 010 | Emergency Medical Services-OTPS | \$17,573,505 | \$20,854,612 | \$20,500,627 | 16.66% |
| | Total | \$174,661,489 | \$191,678,612 | \$188,983,612 | 8.20% |

- Eight new EMS tours will be added as noted elsewhere in this report. Engine Company personnel will have received CFR-D training, and re-certification continues for those whose initial certification will expire.

Fiscal 2008 Executive Budget Report

EXECUTIVE BUDGET ACTIONS (000s)

| Description | Fiscal 2007 | | | Fiscal 2008 | | |
|--|-------------------|------------------|-------------------|-------------------|------------------|-------------------|
| | City | Non-City | Total | City | Non-City | Total |
| Agency Budget as per Preliminary Plan | \$1,273,207 | \$ 209,293 | \$ 1,482,500 | \$ 1,250,447 | \$ 164,808 | \$1,415,255 |
| Executive Plan PEGs | | | | | | |
| PS Surplus | \$(10,046) | \$0 | \$(10,046) | \$(789) | \$0 | \$(789) |
| Light Duty Improvement | \$(11,454) | \$0 | \$(11,454) | \$(12,000) | \$0 | \$(12,000) |
| Officer Overquota Programs | \$0 | \$0 | \$0 | \$(706) | \$0 | \$(706) |
| EMS Revenue | \$(3,868) | \$0 | \$(3,868) | \$(3,367) | \$0 | \$(3,367) |
| Trust and Agency Account | \$0 | \$0 | \$0 | \$(2,000) | \$2,000 | \$0 |
| EMS Revenue | \$0 | \$4,250 | \$4,250 | \$0 | \$3,700 | \$3,700 |
| Total PEGs | \$(25,368) | \$4,250 | \$(21,118) | \$(18,862) | \$5,700 | \$(13,162) |
| Executive Plan New Needs | | | | | | |
| Citywide North Command - Fire Marshals | \$0 | \$0 | \$0 | \$1,350 | \$0 | \$1,350 |
| EEO Staffing | \$0 | \$0 | \$0 | \$108 | \$0 | \$108 |
| Fire Prevention Funding | \$0 | \$0 | \$0 | \$703 | \$0 | \$703 |
| Facilities Maintenance | \$0 | \$0 | \$0 | \$2,700 | \$0 | \$2,700 |
| Additional EMS Tours | \$0 | \$0 | \$0 | \$1,973 | \$0 | \$1,973 |
| Marine Division Funding | \$0 | \$0 | \$0 | \$267 | \$0 | \$267 |
| Telecommunications Costs | \$719 | \$0 | \$719 | \$719 | \$0 | \$719 |
| Total New Needs | \$719 | \$0 | \$ 719 | \$7,820 | \$0 | \$7,820 |
| Executive Plan Other Adjustments | | | | | | |
| UFA Collective Bargaining | \$25,021 | | \$25,021 | \$59,278 | | \$59,278 |
| CBA for Auto Mechanics | \$898 | | \$898 | \$1,372 | | \$1,372 |
| CBA for MEBA Fireboat Titles | \$521 | | \$521 | \$475 | | \$475 |
| CBA for Welders | \$19 | | \$19 | \$19 | | \$19 |
| CBA for Painters | \$8 | | \$8 | \$10 | | \$10 |
| Corona Community Ambulance Corp., Inc. | \$(1) | | \$(1) | \$0 | | \$0 |
| Heat, Light and Power | \$(729) | | \$(729) | \$385 | | \$385 |
| Fuel | \$(637) | | \$(637) | \$(312) | | \$(312) |
| Gasoline | \$(630) | | \$(630) | \$(380) | | \$(380) |
| Lease Adjustments | \$- | | \$- | \$975 | | \$975 |
| Total Other Adjustments | \$24,470 | \$0 | \$24,470 | \$61,822 | \$0 | \$61,822 |
| Executive Plan PEG Restorations & Substitutions | | | | | | |
| AVL Revenue | \$432 | \$(432) | \$0 | \$(161) | \$161 | \$0 |
| Sale of Bad Debt | \$900 | \$(900) | \$0 | \$0 | \$0 | \$0 |
| ECTP Funding | \$0 | \$(1,176) | \$(1,176) | \$0 | \$0 | \$0 |
| EMS Tour Reconfiguration | \$1,500 | \$(1,500) | \$0 | \$1,500 | \$(1,500) | \$0 |
| Miscellaneous Federal Grants | \$0 | \$(271) | \$(271) | \$0 | \$0 | \$0 |
| Total PEG Restorations & Substitutions | \$2,832 | \$(4,279) | \$(1,447) | \$1,339 | \$(1,339) | \$0 |
| Total Executive Plan Budget Changes | \$2,653 | \$(29) | \$2,624 | \$52,119 | \$4,361 | \$ 56,480 |
| Agency Budget as per Executive Plan | \$1,275,860 | \$ 209,264 | \$1,485,124 | \$1,302,566 | \$169,169 | \$1,471,735 |

Executive Budget Action Analysis

PEGs

- **PS Surplus.** This action will save the Department \$10 million in Fiscal 2007 and \$789,000 in Fiscal 2008 by taking-down surplus generated by unused, budgeted overtime and related in part to a proposed reduction in training for paramedics who are newly hired but already certified. The Department believes the current training regimen for these candidates is superfluous and thereby seeks to reduce costs currently associated with their training.
- **Light Duty Improvement.** This action reduces overtime originally allocated in the Preliminary Budget due to a projected increase in the use of medical leave and light duty assignment-related overtime. The Department proposes to reduce \$11.5 million of the \$13.2 million originally budgeted for Fiscal 2007 and \$12 million in Fiscal 2008.
- **Officer Overquota Program.** The Department plans to hire 34 more fire officers in its next promotional class than it originally intended: 16 additional Captains; 9 additional Battalion Chiefs and; 9 additional Deputy Chiefs. The planned increase in headcount entails higher than planned full time normal gross costs but lower than expected overtime costs. The difference between increased base salaries and overtime savings will yield an overall PS savings of \$706,000 in Fiscal 2008 which the Department will use to meet its PEG target.
- **EMS Revenue.** This action will reduce EMS revenue by \$3.9 million in Fiscal 2007 and by \$3.4 million in Fiscal 2008. The Department notes, however, that the medical portion of EMS revenue has been shrinking and is projected to come in at around \$57 million in Fiscal 2007, Fiscal 2008 and the outyears. Taking a PEG against this revenue is therefore considered very aggressive.
- **Trust and Agency Account.** As a result of the events of 9/11, the Department was the recipient of a series of private contributions which it placed into a trust and agency account and has been using to supplement its city tax levy appropriation. The remaining balance of \$2 million will be used to meet the Department's Fiscal 2008 PEG target.

New Needs

- **Citywide North Command – Fire Marshals.** The Department's fire marshal contingent has been reduced from a recent peak of 183 in November of Calendar 2002 to its current deployment of 78. This action will add 27 fire marshals and 5 supervisory fire marshals to the Department at a cost of \$1.35 million beginning in Fiscal 2008 and possibly replace the command eliminated as the result of fire marshal reductions in the November Plan of Fiscal 2003 thereby bringing the Department's total fire marshal deployment to 110 during Fiscal 2008.
- **EEO Staffing.** This action will add 2 full time staffers and \$108,000 to the Department's Fiscal 2008 budget to perform various EEO functions. The Department has been given wide discretion regarding the allotment and disposition of these monies.

Fiscal 2008 Executive Budget Report

- **Fire Prevention Funding.** This action adds 21 full time staffers (9 clericals and 12 inspectors) to the Department beginning in Fiscal 2008 along with an additional \$703,000 to generate additional revenue by conducting additional fire inspections with the help of these newly hired staffers (see related revenue PEG item).
- **Facilities Maintenance.** This action adds 19 new positions and \$2.7 million beginning in Fiscal 2008 for the Department's Facilities Maintenance Unit. These positions include 16 trade titles such as carpenters and plumbers and 3 administrative support positions such as fiscal service, contracting and payments.
- **Additional EMS Tours.** This action adds 35 positions and approximately \$2 million beginning in Fiscal 2008 to staff eight additional EMS tours due to increases in call volumes. \$323,000 of the above amount will be for OTPS expenses associated with this action.
- **Marine Division Funding.** This action will add \$267,316 to the Department's budget beginning in Fiscal 2008 and fund one procurement position as well as a mechanic along with training expenses for the mechanic and \$165,087 for overtime expenses.
- **Telecommunications Costs.** This action will add \$719,903 to the Department's budget for telephone service beginning in Fiscal 2007.

Other Adjustments

- **UFA Collective Bargaining.** Funds totaling \$25 million in Fiscal 2007 and \$59.3 million in Fiscal 2008 are being transferred from the Labor Reserve in the Miscellaneous Budget to the Fire Department to cover costs associated with a collective bargaining adjustment for titles represented by the United Firefighters Association (UFA).
- **Collective Bargaining for Auto Mechanics.** Funds totaling \$897,910 in Fiscal 2007 and \$1.4 million in Fiscal 2008 are being transferred from the Labor Reserve in the Miscellaneous Budget to the Fire Department to cover costs associated with a collective bargaining adjustment for Auto Mechanics within the Department.
- **Collective Bargaining for MEBA (Marine Engineer Beneficial Association).** Funds totaling \$521,184 in Fiscal 2007 and \$475,238 in Fiscal 2008 are being transferred from the Labor Reserve in the Miscellaneous Budget to the Fire Department to cover costs associated with a collective bargaining adjustment for titles represented by the Marine Engineer Beneficial Association.
- **Collective Bargaining for Welders.** Funds totaling \$19,338 in Fiscal 2007 and Fiscal 2008 are being transferred from the Labor Reserve in the Miscellaneous Budget to the Fire Department to cover costs associated with a collective bargaining adjustment for Welders within the Department.

Fiscal 2008 Executive Budget Report

- **Collective Bargaining for Painters.** Funds totaling \$8,566 in Fiscal 2007 and \$10,072 in Fiscal 2008 are being transferred from the Labor Reserve in the Miscellaneous Budget to the Fire Department to cover costs associated with a collective bargaining adjustment for Painters within the Department.
- **Heat, Light and Power.** The Executive Budget adjusts the Department's heat, light and power budget by removing \$729,004 in Fiscal 2007 and increases it by \$385,105 in Fiscal 2008 and each of the outyears.
- **Fuel.** The Executive Budget adjusts the Department's fuel budget by removing \$637,978 in Fiscal 2007 and \$312,418 in Fiscal 2008 and each of the outyears.
- **Gasoline.** The Executive Budget adjusts the Department's gasoline budget by removing \$630,269 in Fiscal 2007 and \$380,305 in Fiscal 2008 and each of the outyears.
- **Lease Adjustments.** The Executive Budget adjusts the Department's lease budget by adding \$976,211 in Fiscal 2008, and in each of the outyears.

PEG Restorations & Substitutions

- **Automated Vehicle Locator (AVL) Revenue.** The FDNY was expected to get reimbursements from private ambulance companies for AVL systems installed in their ambulances. Some of these companies went out of business and returned the AVL equipment, which is now in the Department's possession. As such, no reimbursement to the City was made, requiring OMB to restore the value of the previously projected PEG savings. (The returned equipment presumably can be used to outfit other vehicles.) This action will restore \$432,821 of the original \$2.4 million PEG for Fiscal 2007.
- **Sale of Bad Debt.** In a prior plan, the FDNY included a Revenue PEG associated with the sale of bad debt from ambulance transports. That PEG assumed that the Department would sell \$45 million in hard-to-collect bad debt at 2 cents on the dollar (2%), for total revenues of \$900,000. Due to a contractual timing issue, no sale contract was entered into and the PEG is being restored in its entirety. OMB reports that a contract is scheduled to be let in Fiscal 2008, which may require a future financial plan adjustment.
- **EMS Tour Reconfiguration.** This change would have switched the number of ambulances having at least one paramedic, enabling the Department to increase billing fees. Because the Department never received approval for this reconfiguration from the Regional Emergency Medical Services Council of New York City, Inc. (REMSCO), the entirety of the projected PEG savings of \$1.5 million is being restored in the Executive Plan.
- **Emergency Communications Transformation Project (ECTP) PEG.** Because DoITT had previously received large-scale funding to cover the cost of ECTP maintenance, one of last year's plan actions shifted a portion of the ECTP funds to the FDNY to accurately reflect the FDNY's share of the costs (\$1.2 million). OMB has now looked at actual data and

determined that budgeted costs were not accurate. The Executive Plan now adjusts the FDNY's ECTP funding in Fiscal 2007 only.

DEPARTMENT OF CORRECTION (072)

Agency Operations

The Department of Correction (DOC) provides custody, control and care of misdemeanants and felons sentenced to one year of incarceration or less; detainees awaiting trial or sentence; newly sentenced felons awaiting transportation to State correctional facilities; alleged parole violators awaiting revocation hearings; and State prisoners with court appearances in New York City. Professional care and services, including health and mental health care, opportunities for religious observance, educational instruction, vocational training, discharge planning and substance abuse counseling are provided. In Fiscal 2006, the Department handled over 103,813 admissions, managed an average daily population of 13,497 and transported 316,023 individuals to court.

AGENCY FUNDING OVERVIEW

| Agency Funding Sources | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|------------------------|----------------------------------|------------------------------------|------------------------------------|
| City | \$870,872,182 | \$914,075,897 | \$892,953,920 |
| Other Categorical | \$0 | \$362,844 | \$0 |
| Capital IFA | \$0 | \$0 | \$0 |
| State | \$19,847,000 | \$20,606,568 | \$19,847,000 |
| Community Development | \$0 | \$0 | \$0 |
| Federal-Other | \$17,324,000 | \$17,428,125 | \$17,324,000 |
| Intra-City | \$716,469 | \$716,469 | \$716,469 |
| Total | \$908,759,651 | \$953,189,903 | \$930,841,389 |

HEADCOUNT OVERVIEW

| Headcount Uniform | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|----------------------|----------------------------------|------------------------------------|------------------------------------|
| City | 8,734 | 8,735 | 8,869 |
| Non-City | 736 | 736 | 736 |
| Total | 9,470 | 9,471 | 9,605 |

| Headcount Civilian | Fiscal 2007 Adopted Budget | Fiscal 2007 Current Modified | Fiscal 2008 Executive Budget |
|-----------------------|----------------------------------|------------------------------------|------------------------------------|
| City | 1,372 | 1,381 | 1,466 |
| Non-City | 115 | 120 | 68 |
| Total | 1,487 | 1,501 | 1,534 |

Fiscal 2008 Executive Budget Report

PROGRAM FUNDING OVERVIEW

In addition to examining the agency's operations by funding source, this document will also provide analysis by program. The table below highlights the key programs in this agency and the amount of funding dedicated to those programs.

| Program Funding | 2006 Actual Expenses | 2007 Adopted Budget | 2007 Current Modified | 2008 Executive Budget |
|--------------------------------------|----------------------------|---------------------------|-----------------------------|-----------------------------|
| Jails | \$548,516,772 | \$379,050,363 | \$414,343,286 | \$436,274,444 |
| Health and Programs | \$73,707,903 | \$59,926,087 | \$62,545,251 | \$59,874,240 |
| Operations | | | | |
| Rikers Island Security & Operations | \$54,278,227 | \$273,494,942 | \$260,322,113 | \$228,921,795 |
| Transportation | \$35,333,306 | \$24,133,464 | \$26,733,188 | \$28,007,140 |
| Infrastructure, Environmental Health | \$26,602,702 | \$21,832,770 | \$24,592,017 | \$24,745,242 |
| Courts and Criminal Justice | \$21,235,349 | \$18,004,258 | \$18,052,158 | \$14,204,258 |
| Hospital Prison Wards | \$20,628,241 | \$14,608,575 | \$14,608,575 | \$14,875,402 |
| Academy & Training | \$17,933,675 | \$4,822,164 | \$10,856,933 | \$10,499,731 |
| Administration | | | | |
| Management & Administration | \$94,936,897 | \$102,402,279 | \$110,814,314 | \$99,149,914 |
| World Trade Center Related | \$579 | \$0 | \$0 | \$0 |
| Telecommunications | \$6,887,163 | \$10,484,749 | \$131,993,315 | \$12,247,223 |
| Financial Plan Savings | \$0 | \$0 | \$0 | \$2,042,000 |
| Total | \$900,060,814 | \$908,759,651 | \$953,189,903 | \$930,841,389 |

AGENCY HIGHLIGHTS

As is evident in the Program Budget chart above, the total agency budgets for DOC are relatively consistent from the Actual Fiscal 2006 Budget to the Adopted Budget for Fiscal 2007.

However, the accounting for Fiscal 2006 actual expenditures in some program areas differ greatly from the program budgets for Fiscal 2007 (both Adopted and Current Modified) and Fiscal 2008 Executive Budget. This disparity is caused by the Department's present inability to budget programmatically. Rather than account for projected expenditures by program area, an inaccurate percentage of the agency's expenditures are listed as likely to occur in the broad program area we have labeled "Rikers Island Security and Operations," when in fact much of the projected spending will likely occur in the program area we have labeled "Jails."

While DOC acknowledges shortcomings in its budget structure, it is endeavoring to make improvements that accurately link funds with the programs they support. At present, the agency reports that by budgeting for the bulk of its expenditures to occur in "Rikers Island Security and Operations," and then modifying them into "Jails," DOC has the flexibility to best allocate funds where needed.

PROGRAM HEADCOUNT OVERVIEW

| Headcount by Program | 2007 Current Modified | 2008 Executive Budget |
|--|--------------------------------------|--------------------------------------|
| Jails | 7,637 | 7,686 |
| Health and Programs | 710 | 657 |
| Operations | | |
| Rikers Island Security & Operations | 904 | 1002 |
| Transportation | 395 | 402 |
| Infrastructure, Environmental Health | 199 | 228 |
| Courts and Criminal Justice | 330 | 263 |
| Hospital Prison Wards | 267 | 263 |
| Academy & Training | 76 | 218 |
| Administration | | |
| Management & Administration | 434 | 410 |
| World Trade Center Related | | |
| Telecommunications | 20 | 20 |
| Total | 10,972 | 11,139 |
| Source: City Council, Independent Budget Office | | |

AGENCY HIGHLIGHTS

The Department of Correction's Fiscal 2008 Executive Expense Budget of \$930.8 million is \$22 million more than its Fiscal 2007 Adopted Expense Budget of \$908.8 million. The \$22-million increase in total funds is due to a like increase in City-tax levy funding, which now stands at \$893 million.

At the time of Adoption for Fiscal 2007, the agency's estimated budget for Fiscal 2008 was \$898.3 million. The estimated budget for Fiscal 2008 in City-tax levy was \$860.4 million. The 2007 November Plan increased the City-tax levy portion of the agency's budget by \$2.6 million, bringing the agency's Fiscal 2008 budget to \$900.9 million and its City-tax levy budget to \$863 million. This increase in the agency's budget in the November Plan was largely due to adjustments for collective bargaining costs.

The 2007 January Plan increased the agency's Fiscal 2008 budget by \$10.7 million, for a total of \$911.6 million. The \$10.7-million increase in total funds was due to a like increase in City-tax levy funding, which increased to \$873.7 million. The City funds increase was due to the Department's proposals for new needs and other adjustments.

The January Plan actions added 154 correction officer positions and eight civilian positions for Fiscal 2008. The increase in the headcount was attributable to the Department's request for new needs and other adjustments, the most significant of which were, the addition of 38 correction officer positions for the Close Custody program, and 61 correction officer positions for mobile security.

Fiscal 2008 Executive Budget Report

The Executive Plan now proposes to increase the agency's Fiscal 2008 City-tax levy budget by \$19.2 million. The Executive Plan increase in the agency's budget is due to proposals for other adjustments (in the amount of \$11.7 million) and a Program to Reduce the GAP, or PEG restoration (\$10.1 million).

Council Initiatives Not Restored

The Fiscal 2008 Executive Budget contains a \$1.738 million in cuts to the Department of Correction in Fiscal 2008. These cuts represent funding provided by the City Council in the Fiscal 2007 Adopted Budget but not baselined by the Mayor in the City's Financial Plan for Fiscal 2008 and the outyears.

- **Women's Prison Association – WomenCare Program.** In the Fiscal 2007 Adopted Budget, the City Council appropriated funding in the amount of \$50,000 to the Department of Correction's budget to support WomenCare's mentoring program for female inmates on Rikers Island. This program matches female inmates with volunteer mentors and provides referrals and resources.
- **Discharge Planning.** In the Fiscal 2007 Adopted Budget, the City Council appropriated funding in the amount \$1.688 million to the Department of Correction's budget to support discharge planning services. This amount included a restoration of \$1.388 million and an enhancement of \$300,000. The Discharge Planning program provides services to youth between the ages of 16 and 18 years of age.

UNITS OF APPROPRIATION

The operating budget of an agency is structured into several levels, each of which provides varying levels of detail on an agency's spending plans. The unit of appropriation ("U/A") is the most basic level of detail within an agency's operating budget. U/As are essentially the building blocks of the City's Expense Budget. It is at this level that the Council adopts the City's Expense Budget. The City Charter requires that U/As represent the amount appropriated for Personal Services (PS) (i.e., salaries, overtime, etc.) or Other Than Personal Services (OTPS) (i.e., supplies, contracts, etc.) for a particular program, purpose, activity or institution. What follows is the U/A structure and the Fiscal 2008 Executive Plan actions for the Department of Corrections.

Administration (U/As 001 and 004)

Funding in the administrative units of appropriation is used for the formulation of policy and the effective management and administration of the Department. These include, offices but are not limited to, those of the Commissioner, First Deputy Commissioner, capital development, general counsel, health management, budget, personnel and computer operations. The associated OTPS appropriation is used to purchase supplies, materials and other services required for executive operations.

Fiscal 2008 Executive Budget Report

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|---------------------|-------------------------------|--|---------------------------------|---------------------------------|
| 001 | Administration-PS | \$48,420,066 | \$46,995,666 | \$47,110,797 | -2.70% |
| 004 | Administration-OTPS | \$15,659,965 | \$16,523,254 | \$17,145,662 | 9.49% |
| | Total | \$64,080,031 | \$63,518,920 | \$64,256,459 | 0.28% |

Funding Analysis

The Department's administrative units of appropriation show marginal changes from the Fiscal 2007 Adopted Budget to the Fiscal 2008 Executive Budget. In the area of Personal Services, there is a decrease of \$1.3 million. In the area of Other Than Personal Services there is an increase of \$1.5 million. This increase is due, in part, to proposals for new needs. (Please see below.)

Operations (U/As 002 and 003)

Funding in the operations units of appropriation provides for the care and custody of sentenced and detained inmates remanded to the Department. Included are funds for correctional facilities, court detention facilities, hospital prison wards, transportation of inmates, and correctional industries. The OTPS appropriations are used to purchase supplies, materials and other services required to support facility operations.

| U/A# | U/A Name | Fiscal 2007 Adopted Budget | Fiscal 2007 Modified as of 4/23/2007 | Fiscal 2008 Executive Budget | Percent Change Since Adopted |
|------|-----------------|-------------------------------|--|------------------------------------|------------------------------------|
| 002 | Operations-PS | \$742,836,521 | \$774,519,381 | \$766,510,706 | 3.19% |
| 003 | Operations-OTPS | \$101,843,099 | \$115,151,602 | \$100,074,224 | -1.74% |
| | Total | \$844,679,620 | \$889,670,983 | \$866,584,930 | 2.59% |

Funding Analysis

The Department's Operations units of appropriation show marginal changes from the Fiscal 2007 Adopted Budget to the Fiscal 2008 Executive Budget. In the area of Personal Services, there is an increase of \$23.7 million. This increase is due, in part, to a proposed PEG restoration and other adjustments for collective bargaining. (Please see below.) In the area of Other Than Personal Services there is a decrease of \$1.8 million.

Population of Inmates in the Correctional System

| Fiscal Year | 1991 | 2004 | 2005 | 2006 | 2007* |
|---|---------|---------|---------|-----------|-----------|
| Admissions | 114,929 | 107,571 | 102,772 | 103,813 | 36,448 |
| Average Daily Population | 21,074 | 13,751 | 13,576 | 13,497 | 13,933 |
| Average Length of Stay | 67 days | 47 days | 48 days | 47.6 days | 47.1 days |
| * = through October 2006 | | | | | |
| Note: DOC does not project these statistics very far into the future. According to the agency, however, no significant changes are forecast over the course of the Financial Plan | | | | | |

“Fallout” Rate for Inmates in the Correctional System

| Length of Stay in Days | Percentage of all Admissions * |
|---|---------------------------------------|
| 3 | 28% |
| 7 | 47% |
| 10 | 51% |
| 15 | 57% |
| 30 | 70% |
| 60 | 80% |
| *= Fiscal 2007 Year to Date through March 2007 | |

Over the past few years, DOC’s admissions and average daily population have declined significantly, while its average length of stay has remained static. When compared to fifteen years ago, the Department of Correction’s landscape has changed quite dramatically. In Fiscal 1991, the average daily population was more than 21,000. This figure has dropped by approximately 7,000 as crime in NYC has greatly declined, as the State has assumed custody of State-ready inmates more quickly, and as a greater percentage of those arrested are charged with misdemeanors rather than felonies.

Fiscal 2008 Executive Budget Report

EXECUTIVE BUDGET ACTIONS (000s)

| Description | Fiscal 2007 | | | Fiscal 2008 | | |
|---|------------------|-----------------|------------------|------------------|-----------------|------------------|
| | City | Non-City | Total | City | Non-City | Total |
| Agency Budget as per Preliminary Plan | \$914,076 | \$38,933 | \$953,009 | \$873,728 | \$37,887 | \$911,615 |
| Executive Plan New Needs | | | | | | |
| Court Mandated Facility Ventilation | \$0 | \$0 | \$0 | \$1,794 | \$0 | \$1,794 |
| Drug Interdiction Program | \$0 | \$0 | \$0 | \$1,974 | \$0 | \$1,974 |
| Civilian Overtime Need | \$0 | \$0 | \$0 | \$2,400 | \$0 | \$2,400 |
| Total New Needs | \$0 | \$0 | \$0 | \$6,168 | \$0 | \$6,168 |
| Executive Plan Other Adjustments | | | | | | |
| Captain Collective Bargaining | \$10,390 | \$0 | \$10,390 | \$11,649 | \$0 | \$11,649 |
| Marine Titles Collective Bargaining | \$4 | \$0 | \$4 | \$9 | \$0 | \$9 |
| COBA Collective Bargaining | \$3,838 | \$0 | \$3,838 | \$3,838 | \$0 | \$3,838 |
| Collective Bargaining for Painters and Welders | \$143 | \$0 | \$143 | \$145 | \$0 | \$145 |
| Collective Bargaining for Doctor's Council | \$53 | \$0 | \$53 | \$75 | \$0 | \$75 |
| Heat, Light & Power | (\$5,664) | \$0 | (\$5,664) | (\$4,326) | \$0 | (\$4,326) |
| Fuel | (\$106) | \$0 | (\$106) | (\$149) | \$0 | (\$149) |
| Gasoline | (\$303) | \$0 | (\$303) | (\$79) | \$0 | (\$79) |
| Lease Adjustment | \$0 | \$0 | \$0 | \$548 | \$0 | \$548 |
| Residential Substance Abuse Treatment Program | \$0 | \$180 | \$180 | \$0 | \$0 | \$0 |
| Total Other Adjustments | \$8,354 | \$180 | \$8,534 | \$11,709 | \$0 | \$11,709 |
| Executive Plan Programs to Eliminate the Gap | | | | | | |
| Facility Operating Efficiencies | \$0 | \$0 | \$0 | (\$7,770) | \$0 | (\$7,770) |
| Civilian PS Re-estimate | (\$502) | \$0 | (\$502) | (\$991) | \$0 | (\$991) |
| Leasing Beds to Suffolk County | (\$1,431) | \$1,431 | \$0 | \$0 | \$0 | \$0 |
| Total Programs to Eliminate the Gap | (\$1,933) | \$1,431 | (\$502) | (\$8,761) | \$0 | (\$8,761) |
| Executive Plan PEG Restorations | | | | | | |
| Commissary Outsourcing | \$0 | \$0 | \$0 | \$10,110 | \$0 | \$10,110 |
| Total PEG Restorations | \$0 | \$0 | \$0 | \$10,110 | \$0 | \$10,110 |
| Total Executive Plan Budget Changes | \$6,420 | \$1,611 | \$8,032 | \$19,226 | \$0 | \$19,226 |
| Agency Budget as per Executive Plan | \$920,496 | \$40,544 | \$961,041 | \$892,954 | \$37,887 | \$930,841 |

Executive Budget Action Analysis

New Needs

- **Court Mandated Facility Ventilation.** In 1996, a class action suit (known as the Benjamin litigation) was filed against the Department of Correction relating to the environmental conditions in city jails. As a partial settlement, the Executive Plan funds a new need to maintain the Heating Ventilation and Air-Conditioning (HVAC) systems within facilities at Rikers Island. The HVAC systems provide ventilation and air in each of the facilities. The Executive Plan adds funding in the amount of \$1.8 million annually, beginning in Fiscal 2008, to support the hiring of 26 positions. There will be two senior stationary engineers, two stationary engineers, eighteen oilers, two electricians and two electrician helpers.
- **Drug Interdiction Program.** In Fiscal 2005, the Department funded a two-year Drug Interdiction Pilot program to run within two of its facilities (Anna M. Kross Center and Eric M. Taylor Center). According to the Mayor's Message, "it was [funded] in an effort to reduce the proliferation of drugs within DOC facilities." The Department's budget was enhanced by \$1.2 million in Fiscal 2005 and \$1.1 million in Fiscal 2006 to enable the agency to hire 14 correction officers, train them in the handling of dogs and purchase "equipment necessary to identify and reduce the presence of drugs in Rikers Island facilities." The Fiscal 2007 Executive Budget extended the pilot program for Fiscal 2007 by adding \$1.1 million. Of this amount, \$583,000 was for the Administration OTPS unit of appropriation and \$534,000 was for the Operations PS unit of appropriation to support the 14 uniform personnel.

The Executive Plan now adds one-time funding in the amount of approximately \$2 million in Fiscal 2008. Of this amount, approximately \$1.4 million will support the 14 existing correction officer positions on straight time and an additional 7 uniform positions on overtime. Funds in the amount of approximately \$600,000 will be for OTPS.

- **Civilian Overtime Need.** In reviewing the civilian overtime expenditures for the last three years, the Department has determined that the civilian overtime budget has been improperly funded. To address this need, the Executive Plan increases the civilian overtime budget by \$2.4 million in Fiscal 2008 and by \$2 million in Fiscal 2009 and the outyears.

| Agency-wide Overtime Reconciliation as per the Fiscal 2007 Adopted Plan | | | | | |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|
| | Fiscal 2007 | Fiscal 2008 | Fiscal 2009 | Fiscal 2010 | Fiscal 2011 |
| Uniform | \$54,783,880 | \$54,190,000 | \$53,950,000 | \$53,577,000 | \$53,577,000 |
| Civilian | \$3,011,120 | \$3,350,000 | \$3,350,000 | \$3,350,000 | \$3,350,000 |
| Total | \$57,795,000 | \$57,540,000 | \$57,300,000 | \$56,927,000 | \$56,927,000 |

| Agency-wide Overtime Reconciliation as per the November 2007 Plan | | | | | |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|
| | Fiscal 2007 | Fiscal 2008 | Fiscal 2009 | Fiscal 2010 | Fiscal 2011 |
| Uniform | \$73,624,188 | \$58,938,000 | \$58,680,000 | \$58,285,000 | \$58,285,000 |
| Civilian | \$3,792,812 | \$3,350,000 | \$3,350,000 | \$3,350,000 | \$3,350,000 |
| Total | \$77,417,000 | \$62,288,000 | \$62,030,000 | \$61,635,000 | \$61,635,000 |

Fiscal 2008 Executive Budget Report

| Agency-wide Overtime Reconciliation as per the January Plan | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|
| | Fiscal 2007 | Fiscal 2008 | Fiscal 2009 | Fiscal 2010 | Fiscal 2011 |
| Uniform | \$87,046,868 | \$54,563,519 | \$54,305,399 | \$53,910,709 | \$53,910,709 |
| Civilian | \$3,410,318 | \$3,410,318 | \$3,410,318 | \$3,410,318 | \$3,410,318 |
| Total | \$90,457,186 | \$57,973,837 | \$57,715,717 | \$57,321,027 | \$57,321,027 |
| Agency-wide Overtime Reconciliation as per the Executive Plan | | | | | |
| | Fiscal 2007 | Fiscal 2008 | Fiscal 2009 | Fiscal 2010 | Fiscal 2011 |
| Uniform | \$87,046,000 | \$54,563,000 | \$54,305,000 | \$53,910,000 | \$53,910,000 |
| Civilian | \$3,940,000 | \$6,340,000 | \$5,940,000 | \$5,940,000 | \$3,940,000 |
| Total | \$90,986,000 | \$60,903,000 | \$60,245,000 | \$59,850,000 | \$59,850,000 |

PEGs

- **Facility Operating Efficiencies.** According to the Office of Management and Budget, the Department of Correction was asked to do an inventory cost benefit analysis on the facilities at Rikers Island. Although the proposal is ambitious, the Department of Correction is planning to achieve facility operating efficiencies through the consolidation of inmate housing. According to DOC, "The Department is looking at its various facilities to identify potential efficiencies in housing inmates. The configuration of each of the Correction jails differs and requires more or less staff due to a number of factors including the total number of beds supported, the type (cell/dorm) and number of beds in individual housing areas, the number and length of corridors and stairwells, and the lines of sight in recreation yards and program areas. Each of these variables make a facility more or less efficient. They are also affected by other compounding factors such as the current/planned inmate population (male/female, adult/adolescent, sentenced/detainee), their classification (low/med/high) and even whether there are current/planned construction or repair projects that affect beds. The Department will be looking at factors such as these in the following year to determine whether more appropriate housing areas or facilities should be opened or closed to take advantage of these potential efficiencies."

These proposed efficiencies will allow the Department to save \$7.8 million in Fiscal 2008 and Fiscal 2009. There is no headcount reduction associated with this action, and savings are only recognized for two years as OMB assumes that it may change once additional dormitories are fully operational.

- **Leasing Beds to Suffolk County.** At the beginning of Fiscal 2005, the Department began leasing up to 100 excess beds to Suffolk County. In recognition of the anticipated revenues that would be derived from this lease, the January Plan reduced DOC's City-funded expense budget by \$1.6 million in Fiscal 2005 and \$800,000 in Fiscal 2006. The January Plan assumed that Suffolk County would resolve its capacity issues in Fiscal 2006 and cease letting beds from the City. Should this not have occurred, DOC would have recognized additional lease revenues. Through the middle of February 2005, the Department was housing a lower-than-planned census of Suffolk County inmates (as low as six). In January of 2006 overcrowding in Suffolk County Jails had subsided and therefore Suffolk County was no longer transferring inmates to the Department. The 2007 January Plan therefore

Fiscal 2008 Executive Budget Report

restored \$800,000 in City-tax levy funds that was previously projected as a PEG. This action had no net effect on the agencies budget.

The Executive Plan now removes \$1.4 million in City-tax levy funds and replaces it with non-city funds. This action has no net effect on the agency's budget; it represents only the replacement of city funds with funds provided by Suffolk County.

- **Civilian Personal Services Re-estimate.** As a result of a re-estimate of its PS budget, the Department of Correction is recognizing a civilian PS surplus of \$502,322 in Fiscal 2007 and \$991,244 in Fiscal 2008.

PEG Restorations

- **Commissary Outsourcing Delay.** In the 2005 January Plan, DOC launched a PEG proposal to privatize its commissary operations. Under the Department's proposal, the contracted vendor was set to provide the required civilian staffing, and the need for correction officer staffing would be largely eliminated by a "bag and deliver" system that would bring commissary purchases to the inmates in their housing areas. Therefore, the 2005 January Plan removed \$5.1 million in City-tax levy funding from DOC's budget in Fiscal 2006 and \$10.1 million in Fiscal 2007 and the outyears. The Department also reduced its headcount by 39 positions (27 uniform and 12 civilian) in Fiscal 2006 and the outyears. Because the outsourcing was delayed, the 2006 January Plan restored the entire Fiscal 2006 savings of \$5.1 million in City-tax levy funding to DOC's budget and the 39 positions. The Fiscal 2007 Executive Plan restored another portion of the projected savings in the amount of \$3.2 million in OTPS funds for Fiscal 2007, and included an equal sum in the agency's revenue budget. The OTPS funds represented DOC's cost to purchase the commissary goods, while the revenue was generated from their sale.

The privatization of the commissary was then set to occur in January 2007, but due to an issue with the proposed vendor, the outsourcing had been delayed again. The Department anticipated releasing another request for proposal within the next year. The January Plan therefore recognized another PEG restoration in the amount of \$6 million for Fiscal 2007. Of this amount, \$1.5 million is for PS and \$4.5 million is for OTPS.

The 2008 Executive Plan now recognizes another PEG restoration in the amount of \$10.1 million for Fiscal 2008. Of this amount, \$2.3 million will support the restoration of 39 positions and \$7.8 million will be for OTPS to purchase goods for the commissary. The Department has indicated that the RFP is currently being reviewed by the Law Department and should be released this year. The Department anticipates that on or before January 1st, 2008 a vendor should be selected and the contract will be let.

Other Adjustments

- **Captains Collective Bargaining.** Funds totaling \$10.4 million in Fiscal 2007, \$11.6 million in Fiscal 2008, \$11.4 million in Fiscal 2009, \$11 million in Fiscal 2010, and \$10.4 million in Fiscal 2011 will be transferred from the Labor Reserve in the Miscellaneous Budget to DOC to cover costs associated with recent collective bargaining.

Fiscal 2008 Executive Budget Report

- **Marine Titles Collective Bargaining.** Funds totaling \$3,701 in Fiscal 2007 and \$8,555 in Fiscal 2008 and the outyears will be transferred from the Labor Reserve in the Miscellaneous Budget to DOC to cover costs associated with recent collective bargaining.
- **Correction Officer Benevolent Association (COBA) Collective Bargaining.** Funds totaling \$3.8 million in Fiscal 2007 and the outyears will be transferred from the Labor Reserve in the Miscellaneous Budget to DOC to cover costs associated with recent collective bargaining.
- **Collective Bargaining for Painters and Welders.** Funds totaling \$142,559 in Fiscal 2007 and \$145,091 in Fiscal 2008 and the outyears will be transferred from the Labor Reserve in the Miscellaneous Budget to DOC to cover costs associated with recent collective bargaining.
- **Collective Bargaining for Doctor's Council.** Funds totaling \$53,430 in Fiscal 2007 and \$75,203 in Fiscal 2008 and the outyears will be transferred from the Labor Reserve in the Miscellaneous Budget to DOC to cover costs associated with recent collective bargaining.
- **Heat, Light and Power.** The Executive Plan decreases the Department's heat, light and power budget by \$5.7 million in Fiscal 2007 and \$4.3 million in Fiscal 2008 and the outyears.
- **Fuel.** The Executive Plan decreases the Department's fuel budget by \$105,892 in Fiscal 2007 and \$149,100 in Fiscal 2008 and the outyears.
- **Gasoline.** The Executive Plan decreases the Department's gasoline budget by \$303,384 in Fiscal 2007 and \$79,143 in Fiscal 2008 and the outyears.
- **Lease Adjustment.** The Executive Plan increases the Department's lease budget by \$548,223 in and the outyears.

Revenue PEGs

- **Charge for Civilian Identification fee.** The Department is recognizing an additional \$3,000 per year beginning in Fiscal 2007 from the receipt of civilian identification fees and other fees associated with lost items. Civilians who lose their identifications will be charged \$4 for replacements. Replacements of lost shields and hat pieces will cost employees \$17 and replacement of damaged or lost rule books will cost \$19.50. This last item may produce the greatest amount of revenue for the agency.

Revenue PEG Restoration

- **Commissary Outsourcing Restoration.** The Department estimates that it will collect \$8.8 million in commissary sales for Fiscal 2008.

LEGAL AID/INDIGENT DEFENSE SERVICES

Agency Operations

The Legal Aid Society (LAS), under agreement with the City of New York, serves as the primary defender in the State Court System, at both the trial and appellate levels, for those who cannot afford private legal counsel. By State statute, New York City has the sole responsibility for funding counsel and supportive services for indigent defendants charged with crimes in the City.

Indigent criminal defendants are also represented by other entities. In the Criminal and Supreme Courts, indigent defense work is performed by five contractors (one in each borough), by a Court-appointed panel of Assigned Counsel (18-B) attorneys, and by the Neighborhood Defender Service, which is a full-service agency serving Northern Manhattan. In the Appellate Courts, cases are handled by two contractors, and the Office of the Appellate Defender.

INDIGENT DEFENSE BUDGET RECONCILIATION

(in millions)

As per the Fiscal 2007 Executive Plan

| PROVIDERS | FY 06 | FY 07 | FY 08 | FY 09 | FY 10 |
|--|----------------|----------------|----------------|----------------|----------------|
| Legal Aid Society | \$77.9 | \$71.6 | \$71.6 | \$69.6 | \$69.6 |
| Assigned Counsel (18-B) Program | \$100.7 | \$99.1 | \$99.1 | \$101.1 | \$101.1 |
| 7 Alternative Providers | \$26.9 | \$26.9 | \$26.9 | \$26.9 | \$26.9 |
| Neighborhood Defender Service (NDS) | \$3.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 |
| Office of the Appellate Defender (OAD) | \$2.3 | \$0.0 | \$0.0 | \$0.0 | \$0.0 |
| Total | \$210.8 | \$197.6 | \$197.6 | \$197.6 | \$197.6 |

As per the Fiscal 2008 Executive Plan

| PROVIDERS | Modified FY 07 | Prelim. FY 08 |
|--|-------------------|------------------|
| Legal Aid Society | \$81.0 | \$74.6 |
| Assigned Counsel (18-B) Program | \$92.6 | \$85.9 |
| 7 Alternative Providers | \$28.9 | \$30.1 |
| Neighborhood Defender Service (NDS) | \$3.0 | \$0.0 |
| Office of the Appellate Defender (OAD) | \$2.3 | \$0.0 |
| Total | \$207.8 | \$190.6 |

Issues and Concerns

- **The Legal Aid Society (LAS).** During the course of Fiscal Year 2004, Legal Aid disclosed to the Administration and the City Council, as well as the unions representing its employees, that the Society's finances were in catastrophic shape: a large deficit had been amassed and its annual operating costs were exceeding its revenues. Without the City's financial help, this crisis -- created by a myriad of factors including financial mismanagement, 9/11-related

relocation costs and a contractual agreement with the City that compelled Legal Aid to handle far more cases than had been predicted -- would necessitate massive layoffs of attorney and non-attorney staff, Legal Aid contended. The Society and its board of directors took immediate unilateral action to contain costs, including reorganizing its management structure, instituting rigorous financial controls and retaining two pro-bono consulting firms to help devise restructuring plans. However, because of the projected Fiscal Year 2005 gap between revenues and expenses, layoff notices were sent out to 261 employees in May, imperiling both the jobs of Legal Aid staff members and the constitutional rights of indigent defendants that rely on the Society's legal services.

With layoffs looming and the Society's deficit at an unmanageable level, the City Council developed an action plan to stabilize Legal Aid, retain jobs, protect the City's bottom line, and ensure the provision of constitutionally mandated legal representation. Working with the Mayor's Office of Management and Budget, the Mayor's Office of the Criminal Justice Coordinator and Legal Aid, the City Council secured \$13 million in supplemental funding for the Society: \$11 million was appropriated for Legal Aid in the Fiscal Year 2004 Budget as part of the Third Quarter Budget Modification (MN-5). This sum served as an immediate cash infusion for the struggling Society, enabling it to significantly reduce its deficit.

An additional \$2-million City Council appropriation for Legal Aid was included in the City's Adopted Fiscal Year 2005 Budget. This appropriation enabled the City to reach a criminal defense contract settlement with Legal Aid in August that provides annual payments as follows: \$62 million for criminal defense, \$6.8 million for criminal appeals and \$2.8 million for the representation of indigent parolees in connection with parole revocation hearings. The contract calls for Legal Aid to provide on a periodic basis detailed finance reports including: a spending plan and a listing of actual expenditures; a headcount report; a report on the status of its deficit; and a report outlining cost-cutting measures.

The supplemental appropriations secured by the City Council facilitated the rescindment of all 156 layoff notices for Legal Aid attorneys. As for unionized non-attorney staff, including clerical workers, social workers and paralegals, 100 of 460 positions were eliminated. A total of 75 non-unionized staff positions were also eliminated. The Society also reached labor agreements with both the Association of Legal Aid Attorneys (UAW 2325, AFL-CIO) and the union representing non-attorney staff (Local 1199, SEIU). These agreements -- which included buyouts, transfers, and bonus and salary deferrals -- were forged to stabilize Legal Aid financially and to protect staff to the extent possible. The best news for the City, however, is that there has been no diminution in the scope of legal services being provided by Legal Aid.

Despite the City Council's financial assistance, and the labor and management initiatives described above, the Legal Aid Society was not yet out of the woods. A deficit still existed that would be difficult to eradicate. And the Society's ability to balance the books for its Criminal Defense Division was (and continues to be) severely compromised by the structure of its contract which calls for Legal Aid to handle not a fixed caseload, but rather a percentage (88%) of the cases in the arraignment parts that it staffs. As happened the year before (when the minimum was 86%), it was probable that Legal Aid would be contractually

obligated to handle many additional cases each year above the 88-percent minimum *without* additional compensation. Posing an equally burdensome dilemma for Legal Aid is the contract component that would impose liquidated damages on the Society in instances in which the 88-percent threshold is not achieved.

With these financial challenges as a backdrop, Legal Aid announced a major restructuring on December 20, 2004. The hallmarks of the Society's restructuring, as reported in the *New York Times*, included "settling with its creditors, negotiating budget cuts with its employees and receiving an unusual \$9 million donation from dozens of private law firms to help settle its debts." These maneuvers, according to Legal Aid's Board Chair, Patricia M. Hynes, "put Legal Aid on sound financial footing and, hopefully, will allow Legal Aid to go to the next step and expand client services." (*New York Law Journal*) A similarly optimistic Steven Banks, Legal Aid's Attorney-in-Chief, stated that "all the hours of effort to save the organization can now be redirected to serving clients." (*New York Times*) [Note: This narrative about Legal Aid was first published by the City Council in its January 2005 edition of "Fiscal Notes."]

Legal Aid, while still optimistic about its ability to remain the City's primary provider of indigent defense services, sounded an alarm that its baseline budget was simply inadequate to handle the number of cases called for in its contract. The Fiscal 2006 Preliminary Budget included proposed funding for the Legal Aid Society of \$69.6 million. This figure was \$2 million lower than the Society's Fiscal 2005 Adopted figure of \$71.6 million, and reflected the fact that the Fiscal 2006 Preliminary Budget did not include the restoration of a \$2-million enhancement provided by the City Council in Fiscal 2005. This restoration was ultimately included in the Mayor's Executive Budget, but only for Fiscal 2006. Still, Legal Aid contended, additional financial resources were needed in its baseline budget to ensure appropriate staffing. As such, the organization sought, in its Fiscal 2006 Preliminary Budget testimony, an additional \$7.75 million in Fiscal 2006, and \$10.35 million more annually starting in Fiscal 2007.

Largely meeting Legal Aid's request, in the Adopted Fiscal 2006 budget the City Council provided the Society with \$6.33 million of the \$7.75 million sum it sought. These City Council discretionary funds were not, however, baselined in the City's Financial Plan by the Administration. In the Fiscal 2007 Adopted Budget, the City Council appropriated a supplement of \$9.3 million for Legal Aid based on a \$10.5 million request sought by the Society. Again, this funding was not baselined by the Administration.

During its Fiscal 2008 Preliminary testimony, Legal Aid sought an additional \$13.5 million appropriation to properly reflect its caseload-related expenses (\$10.5 million), cost of living increases (\$2.4 million), and costs associated with the relocation of its Bronx office (\$600,000). While the Executive Plan includes a \$3-million baseline addition to fund a cost of living adjustment (COLA) for Legal Aid, the other portions of the Society's funding request were unmet.

- **Alternative Indigent Defense Contractors.** On July 1, 1996, the City began awarding contracts to newly organized entities to furnish indigent defense representation of the kind

Legal Aid provides. Ultimately, seven such groups were created and funded - five that provide criminal defense services and two that provide appellate advocacy. These groups, each of which handles a fixed number of cases (unlike Legal Aid), have been generally well funded since their inception. That being said, the groups indicated to the Administration that they required more funding to keep up with the increasingly high cost of doing business in the City (overhead, salaries to attract and retain high quality staff, etc.). Whereas the Fiscal 2006 Executive Budget included cost of living adjustment (COLA) increases for these offices, no other baseline additions were made. The total value of their contracts was \$26.9 million in Fiscal 2006. From that time until the release of the Fiscal 2008 Preliminary Plan, the City increased the contract values for the alternative providers to a combined figure of approximately \$29 million. With a COLA increase now included in the Executive Plan (valued at \$867,602 in Fiscal 2007 and approximately \$1.5 million in Fiscal 2008 and the outyears), the proposed budgets for these providers is approximately \$30.1 million.

- **Assigned Council Program (18-B Attorneys).** The Court appoints private 18-B attorneys to handle cases in which Legal Aid representation would create a conflict of interest (i.e., multiple defendants) or when the defendant is charged with a crime punishable by death or life imprisonment. As per the Fiscal 2007 Executive Plan, proposed funding for 18-B services was \$100.7 million in Fiscal 2006 and \$99.1 million in Fiscal 2007. As per the January 2007 Financial Plan, the Modified 18-B Budget for Fiscal 2007 was approximately \$92.6 million, while the Preliminary Budget for Fiscal 2008 stood at \$87.7 million. The Executive Plan now alters funding for 18-B in two significant ways. First, the Plan re-estimates the cost of 18-B services by reducing the baseline budget by \$33.8 million in Fiscal 2007 and \$9.6 million in Fiscal 2008 and the outyears. Second, the Plan recognizes the likely receipt of increased State funding for 18-B valued at \$18 million in Fiscal 2007 and \$8.1 million in Fiscal 2008 and each of the outyears. Of the \$190.6 million the City is budgeted to spend on indigent defense services, State reimbursement is projected at \$30 million.

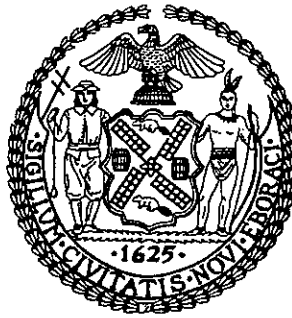
A portion of the City's 18-B funding, it should be noted, funds assigned counsel attorneys who represent adults in Family Court. It should further be noted that the City has recently engaged in a Request for Proposal (RFP) process to create borough-based institutional providers in Family Court. It is anticipated that such contracts will be let in three boroughs.

The 18-B program had been plagued with systemic problems resulting in the quality of 18-B representation being called into question in recent years. One reason for the poor past performance of many 18-B attorneys was the historically low rate at which they were compensated. Compensation rates for 18-B attorneys, set at \$40/hour for in court services and \$25/hour for out of court services since 1986, were increased to \$60 for misdemeanor cases and \$75 for felony cases, beginning January 1, 2004. While the State should be commended for raising the rates and increasing its reimbursement level to \$30 million per year, the financial burden to subsidize 18-B attorneys and the other indigent defense providers rests primarily with New York City.

- **Neighborhood Defender Service (NDS).** NDS is a full service, community-based indigent defense organization. Since no appropriation is included in the Fiscal 2008 Executive Budget

for NDS, a City Council restoration is needed to keep NDS in operation after June 30, 2007. To aid NDS, the Council restored \$2.5 million to its budget in Fiscal 2005 and enhanced it by another \$500,000 in Fiscal 2006 and Fiscal 2007, bringing its funding to \$3 million to run its operations. At present, NDS is seeking a \$500,000 enhancement to bring the organization's City-funded appropriation to \$3.5 million. According to its Preliminary Budget testimony, "An increase in funds would allow NDS to better...meet our rising operational costs, enhance our unique and effective early case representation, retain staff by maintaining a competitive salary structure and, most importantly, restore our ability to provide specialized services to juveniles." In addition to recommending that funding for the agency be included in the Fiscal 2008 Adopted Budget, the Council would like to see funding for NDS baselined in the City's Financial Plan.

- **Office of the Appellate Defender (OAD).** OAD is an almost twenty-year old not-for-profit firm devoted to providing representation to indigent defendants in the First Department, primarily in criminal appeals in the State Court and collateral proceedings in State and Federal Court. The City Council restored \$1.8 million to OAD's budget in Fiscal 2006 and enhanced it by \$450,000, bringing its funding to \$2.25 million to adequately run its operations. This same amount was appropriated by the Council in Fiscal 2007. At present, OAD is seeking Fiscal 2008 funding in the amount of \$2.4 million "to continue to perform its vital mission without reduction in services, to represent a greater number of clients, and to maintain its unique social work program." In addition to recommending that funding for the agency be included in the Fiscal 2008 Adopted Budget, the Council would like to see funding for OAD baselined in the City's Financial Plan.



Fiscal 2008 Executive Budget Hearings

Fire Department (Capital)

May 2007

*Hon. Christine C. Quinn
Speaker of the Council*

*Hon. David I. Weprin, Chair
Committee on Finance*

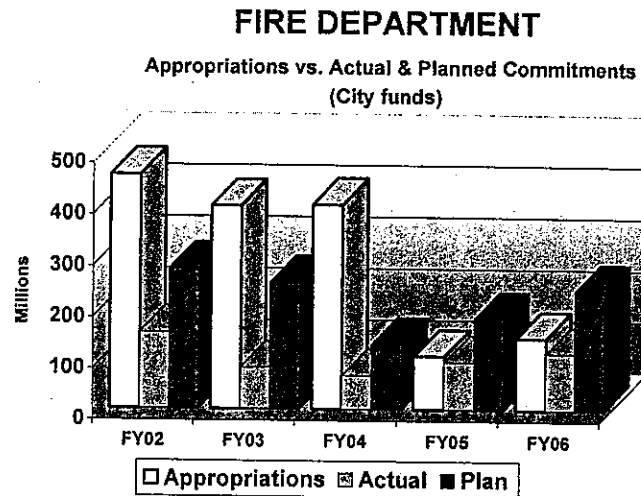
*Hon. Miguel Martinez, Chair
Committee on Fire & Criminal
Justice Services*

*Michael Keogh, Director
Finance Division*

Fiscal 2008 Executive Capital Budget Report

Agency Overview

The Fire Department's mandate is to protect lives and property from fires and related disasters. The Department has 71 fire-fighting command posts including headquarters, divisions, battalions, and a citywide special operations command. There are 410 fire-fighting and supervisory units (strategically placed in over 250 firehouses throughout the City) whose primary responsibilities are to extinguish, prevent, and investigate fires, and conduct fire safety education and fire prevention activities. In addition to these roles, the Fire Department also responds to calls for utility emergencies, building collapses, hazardous material incidents, and water main breaks.



In Fiscal 1996, the City Council voted to merge the citywide Emergency Medical Service (EMS) with the Fire Department. The merger, which took place on March 17, 1996, placed all of the administrative functions of EMS under the auspices of the Fire Department. The Fire Department's intention is to create a "neighborhood-based" EMS system, patterned after the neighborhood firehouses found throughout the City.

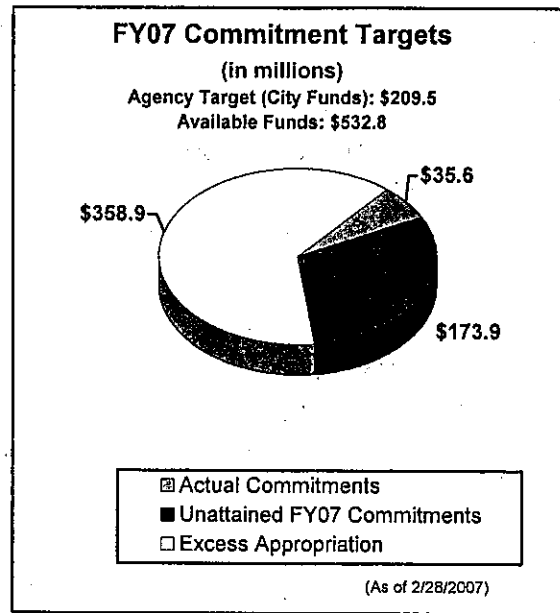
Fiscal 2008 Executive Capital Budget Report

Current Budget Summary

The April 2007 Capital Commitment Plan includes \$607.1 million in Fiscals 2008-2011 for the Fire Department (including City and non-City funds). This represents 1.3 percent of the City's total \$44.5 billion April Plan for Fiscals 2008-2011. The agency's April Commitment Plan for Fiscals 2008-2011 is 33 percent more than the \$455.7 million in the January Commitment Plan, an increase of \$151.4 million.

Over the past five years, the FDNY has committed an average of 46.8 percent of its annual capital plan. As of February 28, 2007 the Department had only committed \$ 35.6 million, or 17 percent, of its \$209.5 million Fiscal 2007 plan. Therefore, it is assumed that a large portion of the agency's Fiscal 2007 capital plan will be rolled into Fiscal 2008, thus greatly increasing the size of the Fiscals 2008-2011 capital plan.

Current FDNY appropriations total \$532.8 million in City funds for Fiscal 2007. These appropriations are to be used to finance the Department's \$174 million City-funded Fiscal 2007 capital commitment program. The agency has two times more funding than it needs to meet its entire capital commitment program for the current fiscal year.



Fiscal 2008 Executive Capital Budget Report

The Fire Department's capital commitments for the last five years are shown below:

| FIVE YEAR HISTORY – CAPITAL BUDGET (\$ in millions) | | | | | |
|--|------|------|------|------|------|
| | FY02 | FY03 | FY04 | FY05 | FY06 |
| CITY | 149 | 81 | 66 | 97 | 111 |
| NON-CITY | 0 | 18 | 3 | 0 | 13 |
| TOTAL | 149 | 99 | 69 | 97 | 124 |

The Preliminary Four-Year Capital Plan is shown below:

| PRELIMINARY CAPITAL PLAN – JANUARY 2007 (\$ in millions) | | | | | |
|---|-------|------|------|-------|------------|
| | FY08 | FY09 | FY10 | FY11 | FY's 08-11 |
| CITY | 103.7 | 72.5 | 65.8 | 213.7 | 455.7 |
| NON-CITY | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 103.7 | 72.5 | 65.8 | 213.7 | 455.7 |

The Executive Four-Year Capital Plan is shown below:

| EXECUTIVE CAPITAL PLAN – APRIL 2007 (\$ in millions) | | | | | |
|---|-------|-------|------|-------|------------|
| | FY08 | FY09 | FY10 | FY11 | FY's 08-11 |
| CITY | 205.5 | 104.6 | 85.9 | 211.1 | 607.1 |
| NON-CITY | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 205.5 | 104.6 | 85.9 | 211.1 | 607.1 |

EXECUTIVE BUDGET ISSUES:

Planned Commitments for Fiscals 2008-2011

In the April Capital plan, the Department's City-funded planned commitments for Fiscals 2008-2011 total \$607.1 million. This is an increase of \$151.3 compared to the January capital plan. Of the \$151.3 million, \$33.1 million in planned commitments are rolled into the plan from Fiscal 2007. Significant changes in the April plan that make up the remaining increase include:

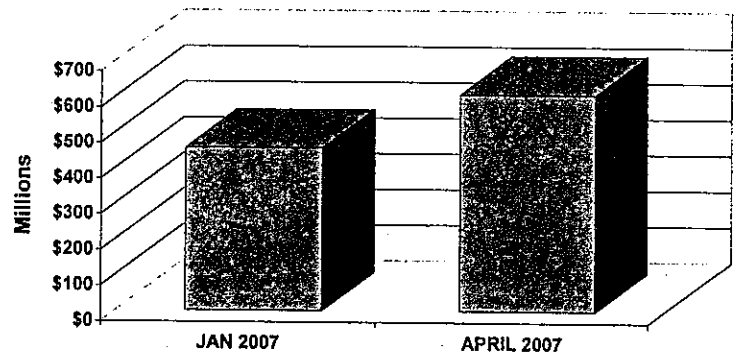
- An additional \$31 million for Department vehicle acquisitions, increasing the total allocation for related projects to \$210 million.
- An allocation of \$53.4 million to build new EMS stations. The plan includes building four new EMS stations; Washington Heights (Manhattan), Soundview/Parkchester (Bronx), Bushwick (Brooklyn), Sunset Park (Brooklyn)
- An additional \$19.6 million for the renovation of the Department's Communications offices, increasing the projects total planned commitments to \$30.7 million.

Other major allocations for large-scale projects in the April plan for Fiscals 2008-2011 include:

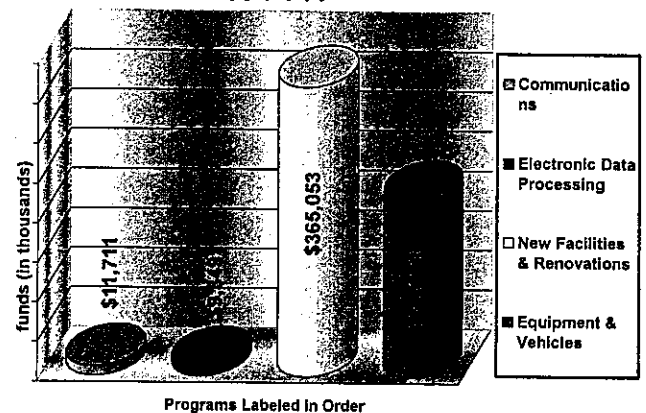
- \$123.4 million to complete a new fleet repair and maintenance facility located in Maspeth (Queens).
- \$9.9 million to complete renovations at the Department's Randalls Island training center, which includes a new Special Operations Command facility and a new emergency vehicle training course.
- \$26.7 million for new firehouses for Rescue Unit 2 (Brooklyn) & Rescue Unit 3 (Bronx)
- \$10 million for a new fireboat.

FIRE DEPARTMENT

January 2007 vs. April 2007
CAPITAL COMMITMENT PLANS



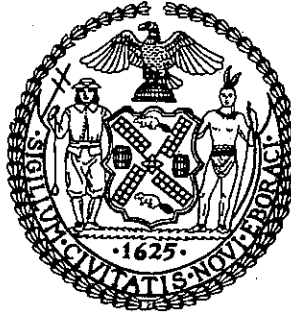
Capital Commitments by Program Area FY08-FY11



Ten-Year Strategy

The Department's Ten-Year Capital Strategy includes a total of slightly over \$1 billion in funding for the acquisition and maintenance of equipment, facilities, communications systems, and computer systems for Fiscals 2008-2017. The Department's capital funding is allocated toward four categories of capital needs:

- Facilities Renovation – The Ten-Year Capital Strategy includes \$522.5 million for facilities renovations including \$141.9 million to construct a new fleet maintenance facility and \$72.9 million to build new EMS stations.
- Vehicles, Fire-fighting Tools, and Equipment – The Ten-Year Capital Strategy includes \$455.5 million for vehicle replacement and fire-fighting tools and equipment. The average lifecycle for most of the Department's vehicles is 11 years.
- Communications - The Ten-Year Capital Strategy includes \$34.2 million for radio replacement and fire alarm call box cabling
- Electronics and Data Processing - The Ten-Year Capital Strategy includes \$11.6 million for computer network and applications development.



Fiscal 2008 Executive Budget Hearings

Department of Corrections (Capital)

May 2007

*Hon. Christine C. Quinn
Speaker of the Council*

*Hon. David I. Weprin, Chair
Committee on Finance*

*Hon. Miguel Martinez, Chair
Committee on Fire & Criminal
Justice Services*

*Michael Keogh, Director
Finance Division*

Agency Overview

The Department of Correction (DOC) manages New York City's inmate population. DOC provides custody and control for four categories of detainees: inmates awaiting trial or sentencing, misdemeanants or felons sentenced to one year or less, State prisoners with court appearances in New York City and alleged parole violators awaiting revocation hearings.

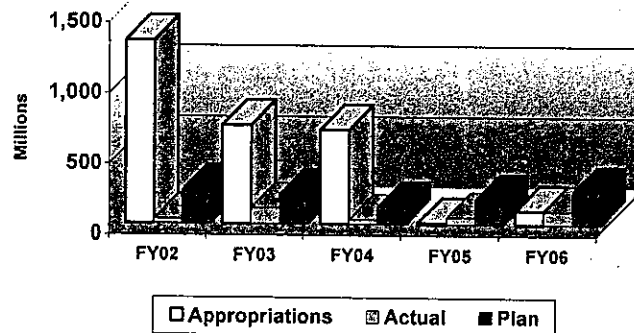
As part of its overall rehabilitation efforts, the Department provides professional care and services including drug abuse counseling, health care, religious observance, educational and job training opportunities, and legal services (including access to law libraries) for the incarcerated.

DOC is responsible for the transportation of several thousand inmates to and from court, work locations or community service projects and hospitals on a daily basis. The Department currently operates 12 jail facilities, including ten on Rikers Island and two borough facilities. In addition, the Department maintains court holding areas (pens) in each borough and prison wards in three City hospitals. DOC also has six facilities – two on Rikers Island and four borough jails – that are currently closed.

At the present time, the Department's jails have a maximum physical capacity of 14,357 beds. As of January 31, 2005, the inmate census was 13,693.

DEPARTMENT OF CORRECTION

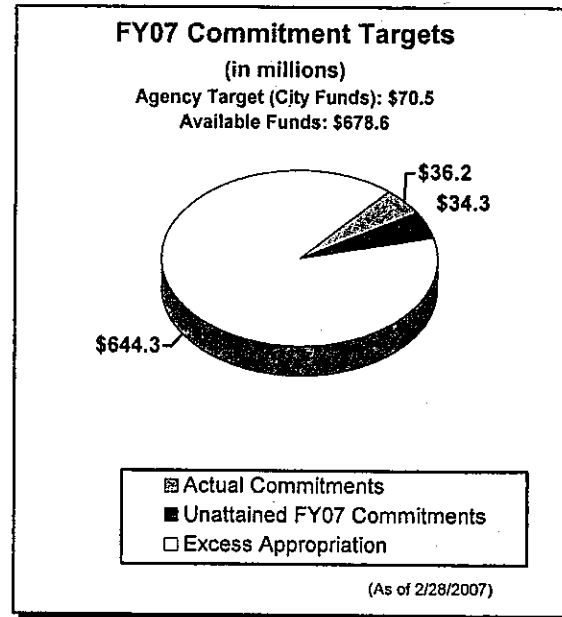
Appropriations vs. Actual & Planned Commitments
(City funds)



Current Budget Summary

The April 2007 Capital Commitment Plan includes slightly more than \$1 billion in Fiscals 2008-2011 for the Department of Correction (including City and non-City funds). This represents 2.3 percent of the total \$44.5 billion April Plan for Fiscals 2008-2011. The agency's April Commitment Plan for Fiscals 2008-2011 is less than one percent different than the \$993 million in the January Commitment Plan, a slight increase of \$8.6 million.

Over the past five years, DOC has only committed an average of 32 percent of its annual capital plan. As of February 28, 2007 the Department had committed \$36.1 million, or 51 percent, of its \$70.5 million Fiscal 2007 plan. Therefore, it is assumed that a portion of the agency's Fiscal 2007 capital plan will be rolled into Fiscal 2008, thus increasing the size of the Fiscals 2008-2011 capital plan.



Current DOC appropriations total \$678.6 million in City funds for Fiscal 2007. These appropriations are to be used to finance the Department's \$34.4 million City-funded Fiscal 2007 capital commitment program. The agency has almost 19 times more funding than it needs to meet its entire capital commitment program for the current fiscal year.

Fiscal 2008 Executive Capital Budget Report

The Department of Correction's capital commitments for the last five years are shown below:

| FIVE YEAR HISTORY – CAPITAL BUDGET (\$ in millions) | | | | | |
|--|------|------|------|------|------|
| | FY02 | FY03 | FY04 | FY05 | FY06 |
| CITY | 31 | 110 | 30 | 51 | 93 |
| NON-CITY | 1 | 0 | 0 | 0 | 0 |
| TOTAL | 32 | 110 | 30 | 51 | 93 |

The Preliminary Four-Year Capital Plan is shown below:

| PRELIMINARY CAPITAL BUDGET – JANUARY 2007 (\$ in millions) | | | | | |
|---|-------|------|-------|-------|------------|
| | FY08 | FY09 | FY10 | FY11 | FY's 08-11 |
| CITY | 101.2 | 79.9 | 186.9 | 621.0 | 989.0 |
| NON-CITY | 0 | 3.8 | 0 | 0 | 3.8 |
| TOTAL | 101.2 | 83.7 | 186.9 | 621.0 | 992.8 |

The Executive Four-Year Capital Plan is shown below:

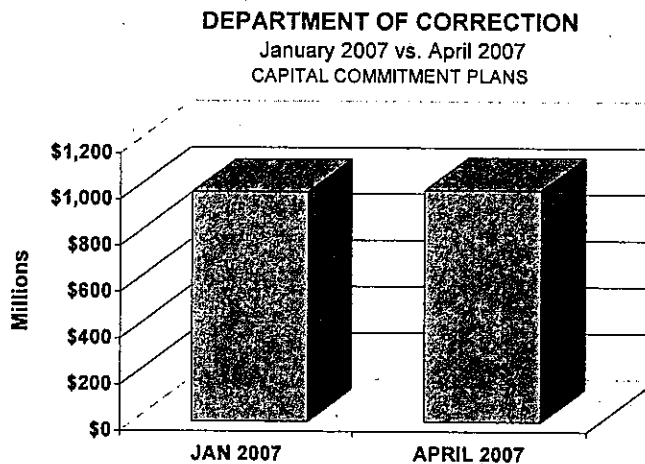
| EXECUTIVE CAPITAL PLAN – APRIL 2007 (\$ in millions) | | | | | |
|---|-------|------|-------|-------|------------|
| | FY08 | FY09 | FY10 | FY11 | FY's 08-11 |
| CITY | 109.8 | 79.9 | 186.9 | 621.0 | 997.6 |
| NON-CITY | 0 | 3.8 | 0 | 0 | 3.8 |
| TOTAL | 109.8 | 83.7 | 186.9 | 621.0 | 1,001.4 |

Note: Totals may not add due to rounding.

EXECUTIVE BUDGET ISSUES:

Planned Commitments for Fiscals 2008-2011

Compared to the January plan, the Department of Corrections' City-funded planned commitments for Fiscals 2008-2011 increased \$8.6 million to \$997.5 million in the April plan. When taking into consideration that approximately \$8.2 million was rolled into the 4-year plan from Fiscal 2007, there is no significant change in the April plan. Major allocations for large-scale projects in the April plan for Fiscals 2008-2011 include:



- \$220 million for a new borough jail. Pending the Council's approval, this funding will go toward the proposed Oak Point Jail Facility (Bronx). Design and construction of this project would take 5 years from approval. The new jail is planned to house 2,040 inmates.
- \$240 million for plans to reopen and expand the Brooklyn House of Detention to accommodate 1,479 Brooklyn inmates awaiting trial or disposition. The expansion would take five years and would more than double the facilities current inmate capacity.
- \$300 million for capacity replacement citywide.
- \$90 million to renovate and reopen the James A. Thomas Center at Rikers Island, with an inmate capacity of 1,200.

Ten-Year Capital Strategy

Over the next ten years, the DOC plans to replace temporary structures with permanent additions to the Rose M. Singer Center and the Brooklyn Detention Center. The Department also plans to reopen the James A. Thomas Center and build a new jail complex at Oak Point in the Bronx.

The Ten-Year Capital Strategy provides a total of \$1.84 billion for DOC projects during Fiscals 2008-2017. The Department's capital funding is allocated toward four categories of capital needs:

Fiscal 2008 Executive Capital Budget Report

- Replacement Capacity - The Ten Year Capital Strategy includes \$1.1 billion for capacity replacement of existing modular units and sprung. 4,764 beds will be replaced over the next ten years.
- Building systems and Infrastructure - In the Ten Year Capital Strategy, \$566.4 million is allocated for building systems and infrastructure projects including, replacement of roofs, windows and facades; fire/life safety systems; and mechanical and electrical power upgrades.
- Support Space - The Ten Year Capital Strategy includes \$116.2 million to improve and construct support facilities.
- Equipment - The Ten Year Capital Strategy includes \$67 million for replacements and upgrades for computer, security, and communication systems, as well as vehicles.