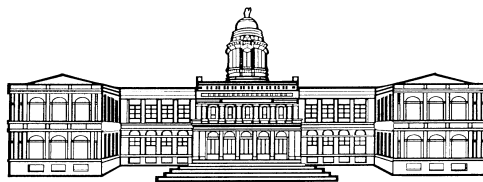


THE COUNCIL OF THE CITY OF NEW YORK

Finance Division



Hearing on the Fiscal 2010 Executive Budget for the **District Attorneys/Special Narcotics Prosecutor**

Tuesday, May 19, 2009

Hon. Christine C. Quinn
Speaker

Hon. David I. Weprin
Chair, Committee on Finance

Hon. Peter Vallone Jr.
Chair, Committee on Public Safety

Preston Niblack
Director

Jeffrey Rodus
First Deputy Director

Andy Grossman
Deputy Director

Lionel Francois
Legislative Financial
Analyst

District Attorneys/Special Narcotics Prosecutor (901-906)

Agency Overview

The five District Attorneys (DA's) enforce the provisions of the penal law and all other criminal statutes, which include the initial screening of new cases, preparation of hearings, gathering of resources for hearings, and presentation of cases in court for trial and appeal. The Office of the Special Narcotics Prosecutor (OSNP) enforces the provisions of the penal law relative to felony narcotics and predicate felony cases by the investigation of complaints, preparation of indictments, and trial of defendants indicted on felony narcotics charges.

TOTAL (ALL DA'S & OSNP)

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$262,819,753	\$233,374,335	\$241,223,875	\$241,822,987
Other than Personal Services	\$34,912,200	\$30,900,718	\$34,576,509	\$34,094,971
Total	\$297,731,953	\$264,275,053	\$275,800,384	\$275,917,958
Funding				
City	NA	\$249,945,628	\$261,470,959	\$261,588,533
State	NA	\$13,092,425	\$13,092,425	\$13,092,425
Intra-City	NA	\$1,237,000	\$1,237,000	\$1,237,000
Total	NA	\$264,275,053	\$275,800,384	\$275,917,958
Headcount				
Full-time Positions	3,923	3,484	3,484	3,484

DISTRICT ATTORNEY-NEW YORK

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$81,689,536	\$69,761,309	\$75,575,630	\$75,653,852
Other than Personal Services	\$8,574,242	\$6,796,026	\$6,796,026	\$6,974,009
Total	\$90,263,778	\$76,557,335	\$82,371,656	\$82,627,861
Funding				
City	NA	\$72,174,919	\$77,989,240	\$78,245,445
State	NA	\$3,727,416	\$3,727,416	\$3,727,416
Intra-City	NA	\$655,000	\$655,000	\$655,000
Total	NA	\$76,557,335	\$82,371,656	\$82,627,861
Headcount				
Full-time Positions	1,211	1,024	1,024	1,024

DISTRICT ATTORNEY-BRONX

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$47,657,900	\$43,689,731	\$44,105,177	\$44,233,788
Other than Personal Services	\$3,104,175	\$2,380,775	\$2,380,775	\$2,382,195
Total	\$50,762,075	\$46,070,506	\$46,485,952	\$46,615,983
Funding				
City	NA	\$42,590,021	\$43,005,467	\$43,135,498
State	NA	\$2,898,485	\$2,898,485	\$2,898,485
Intra-City	NA	\$582,000	\$582,000	\$582,000
Total	NA	\$46,070,506	\$46,485,952	\$46,615,983
Headcount				
Full-time Positions	797	724	724	724

DISTRICT ATTORNEY-KINGS

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$67,784,523	\$60,672,875	\$61,966,282	\$62,046,329
Other than Personal Services	\$15,799,446	\$15,055,594	\$15,731,385	\$15,198,330
Total	\$83,583,969	\$75,728,469	\$77,697,667	\$77,244,659
Funding				
City	NA	\$72,318,088	\$74,287,286	\$73,834,278
State	NA	\$3,410,381	\$3,410,381	\$3,410,381
Total	NA	\$75,728,469	\$77,697,667	\$77,244,659
Headcount				
Full-time Positions	1,023	937	937	937

DISTRICT ATTORNEY-QUEENS

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$41,009,519	\$36,586,189	\$37,273,087	\$37,372,185
Other than Personal Services	\$6,023,341	\$5,339,633	\$8,339,633	\$8,360,132
Total	\$47,032,860	\$41,925,822	\$45,612,720	\$45,732,317
Funding				
City	NA	\$40,184,096	\$43,870,994	\$43,990,591
State	NA	\$1,741,726	\$1,741,726	\$1,741,726
Total	NA	\$41,925,822	\$45,612,720	\$45,732,317
Headcount				
Full-time Positions	591	525	525	525

DISTRICT ATTORNEY-RICHMOND

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$7,378,732	\$6,664,544	\$6,780,117	\$6,836,393
Other than Personal Services	\$932,195	\$740,826	\$740,826	\$742,444
Total	\$8,310,927	\$7,405,370	\$7,520,943	\$7,578,837
Funding				
City	NA	\$7,217,953	\$7,333,526	\$7,391,420
State	NA	\$187,417	\$187,417	\$187,417
Total	NA	\$7,405,370	\$7,520,943	\$7,578,837
Headcount				
Full-time Positions	95	92	92	92

OFFICE OF THE SPECIAL NARCOTICS PROSECUTOR

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
Personal Services	\$17,299,543	\$15,999,687	\$15,523,582	\$15,680,440
Other than Personal Services	\$478,801	\$587,864	\$587,864	\$437,861
Total	\$17,778,344	\$16,587,551	\$16,111,446	\$16,118,301
Funding				
City	NA	\$15,460,551	\$14,984,446	\$14,991,301
State	NA	\$1,127,000	\$1,127,000	\$1,127,000
Total	NA	\$16,587,551	\$16,111,446	\$16,118,301
Headcount				
Full-time Positions	206	182	182	182

Executive Budget Overview

The combined Executive Fiscal 2010 Budget for all of the City's prosecutors is approximately \$275.9 million, an increase of \$11.6 million (4.4%) compared to their combined Adopted Fiscal 2009 Budget of \$264.3 million. This increase is due to the lack of any budget reduction actions, coupled with increases for collective bargaining and, to a lesser extent, funding added to certain offices for the operation of Family Justice Centers and for the preparation of predicate felon transcripts.

November and January Plan PEGs

- **PEG Reductions.** The November Plan contained PEGs for the prosecutors' offices totaling the following amounts: approximately \$3 million in Fiscal 2009, \$10.8 million in Fiscal 2010, \$10.9 million in Fiscal 2011 and \$11 million in Fiscal 2012. The PEGs for Fiscal 2009 and Fiscal 2010 were subsequently eliminated through an adjustment in the January Plan, while the value of the Fiscal 2011 and outyear PEGs remain in the City's baseline budget. Additional November Plan adjustments also added back the following sums: \$1.8 million in Fiscal 2009 (including a one-time \$825,000- restoration for the Manhattan DA), \$1.9 million in Fiscal 2010, \$1.9 million in Fiscal 2011 and \$2 million in Fiscal 2012.
- **Revenue Agreement Credits.** The prosecutors have been operating under a Revenue Enhancement Program for several years. The Program, established by OMB, provides a mechanism for the

prosecutors to have a portion of prior-year PEGs restored through the generation of certain revenues. Originally, these potential restorations totaled \$15.7 million. However, since the Program's inception, OMB has baselined 82% of this value, leaving the remaining sum, approximately \$2.8 million as a restoration target. In certain instances, the Program allows credits generated by one or more of the offices to be shared among the rest. Because the Manhattan DA has been credited with an extraordinary level of generated revenue, the January Plan restores the entire 18% PEG amounts for all of the offices, and provides the Manhattan DA with a restoration far in excess of its 18% target. In total, these Revenue Agreement credits total approximately \$6.6 million.

- **Outyear PEGs.** As a result of the revenue generation cited above, the prosecutors' budgets were held harmless in Fiscal 2010 from the 7% PEG reductions that impacted most agencies. Outyear PEGs have been proposed totaling: \$16.2 million in Fiscal 2011, \$16.4 million in Fiscal 2012 and \$16.7 million in Fiscal 2013.
- **Predicate Felon Transcripts.** Funds totaling \$143,000 are included in the November and January Plans to cover the costs associated with the processing of predicate felon transcripts.
- **Family Justice Centers: Administration and Rent.** The November and January Plans include funding for the offices of two District Attorneys relating to their borough's Child Advocacy Centers. The Plans include \$97,000 for the Brooklyn DA in Fiscal 2010 and Fiscal 2011, and \$218,000 in Fiscal 2010 and Fiscal 2011 for the Queens DA.
- **Collective Bargaining Adjustments.** Beginning in Fiscal 2009, funds are being transferred from the Labor Reserve in the Miscellaneous Budget to the budgets of the District Attorneys and the Special Narcotics Prosecutor to cover the costs associated with recent collective bargaining settlements. For this purpose, the January Plan includes approximately \$3.7 million in Fiscal 2009 and \$5.6 million in Fiscal 2010 and the outyears.

Executive Plan Actions

- **Outyear PEG Reduction.** The prosecutors propose to take a reduction of \$1.3 million and 31 positions beginning in Fiscal 2011, \$1.2 million and 15 positions in Fiscal 2012 and Fiscal 2013.

Total (All DA's and OSNP)

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
001 – Personal Services	\$262,819,753	\$233,374,335	\$241,223,875	\$241,822,987
002 – OTPS	\$34,912,200	\$30,900,718	\$34,576,509	\$34,094,971
Total	\$297,731,953	\$264,275,053	\$275,800,384	\$275,917,958
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State	NA	\$13,092,425	\$13,092,425	\$13,092,425
Intra-City	NA	\$1,237,000	\$1,237,000	\$1,237,000
Total	NA	\$264,275,053	\$275,800,384	\$275,917,958
Headcount				
Full-time Positions	3,923	3,484	3,484	3,484

District Attorney-New York

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
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001 – Personal Services	\$81,689,536	\$69,761,309	\$75,575,630	\$75,653,852
002 – OTPS	\$8,574,242	\$6,796,026	\$6,796,026	\$6,974,009
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State	NA	\$3,727,416	\$3,727,416	\$3,727,416
Intra-City	NA	\$655,000	\$655,000	\$655,000
Total	NA	\$76,557,335	\$82,371,656	\$82,627,861
Headcount				
Full-time Positions	1,211	1,024	1,024	1,024

District Attorney-Bronx

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
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001 – Personal Services	\$47,657,900	\$43,689,731	\$44,105,177	\$44,233,788
002 – OTPS	\$3,104,175	\$2,380,775	\$2,380,775	\$2,382,195
Total	\$50,762,075	\$46,070,506	\$46,485,952	\$46,615,983
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Total	NA	\$46,070,506	\$46,485,952	\$46,615,983
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Total	\$83,583,969	\$75,728,469	\$77,697,667	\$77,244,659
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City	NA	\$72,318,088	\$74,287,286	\$73,834,278
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Total	NA	\$75,728,469	\$77,697,667	\$77,244,659
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City	NA	\$40,184,096	\$43,870,994	\$43,990,591
State	NA	\$1,741,726	\$1,741,726	\$1,741,726
Total	NA	\$41,925,822	\$45,612,720	\$45,732,317
Headcount				
Full-time Positions	591	525	525	525

District Attorney-Richmond

	2008 Actual Expenses	2009 Adopted Budget	2010 Preliminary Budget	2010 Executive Budget
Spending				
001 – Personal Services	\$7,378,732	\$6,664,544	\$6,780,117	\$6,836,393
002 – OTPS	\$932,195	\$740,826	\$740,826	\$742,444
Total	\$8,310,927	\$7,405,370	\$7,520,943	\$7,578,837
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City	NA	\$7,217,953	\$7,333,526	\$7,391,420
State	NA	\$187,417	\$187,417	\$187,417
Total	NA	\$7,405,370	\$7,520,943	\$7,578,837
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Office of the Special Narcotics Prosecutor

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Total	\$17,778,344	\$16,587,551	\$16,111,446	\$16,118,301
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City	NA	\$15,460,551	\$14,984,446	\$14,991,301
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Total	NA	\$16,587,551	\$16,111,446	\$16,118,301
Headcount				
Full-time Positions	206	182	182	182

Executive Plan Actions

- **Outyear PEG Reduction.** As a result of revenue generation from the District Attorneys' Revenue Enhancement Program, the prosecutors' budgets were held harmless in Fiscal 2010 from the PEG reductions that impacted most agencies. The prosecutors, therefore, propose to take a reduction of \$1.3 million and 31 positions beginning in Fiscal 2011, \$1.2 million and 15 positions in Fiscal 2012 and Fiscal 2013.
- **Fringe Benefit Offsets.** In order to give the agency PEG credit, the PEG actions described above include fringe benefit savings that should be properly accounted for not in the prosecutor's budget, but in the City's Miscellaneous Budget. To reflect the neutral impact on the prosecutor's budget that would result from these fringe benefit savings, an offsetting sum totaling \$254,838 in Fiscal 2011, decreasing to \$261,351 in Fiscal 2013, is being added back to the Board's budget as an adjustment.
- **Collective Bargaining Adjustments.** Funds totaling approximately \$189,000 in Fiscal 2009, \$449,000 in Fiscal 2010, and \$515,000 in Fiscal 2011 and the outyears are being transferred from the Labor Reserve in the Miscellaneous Budget to the DA's PS budgets to cover the costs associated with recent collective bargaining settlements with the Communications Workers (CWA), Local 300, Staff Analysts and Audio Visual Aides, among other titles.
- **Predicate Felon Transcripts.** Funds totaling \$161,000 are included in the Executive Plan to cover the costs associated with the processing of predicate felon transcripts.
- **Lease Adjustments.** The Executive Budget removes approximately \$103,000 from the prosecutor's baseline budget beginning in Fiscal 2010, growing to \$191,000 in Fiscal 2010 and then adds approximately \$182,000 in the outyears to properly reflect the costs associated with the District Attorneys' lease needs.
- **Heat, Light and Power.** The Executive Plan adds approximately \$54,000 to the District Attorneys' budgets in Fiscal 2009 and removes \$140,000 in Fiscal 2010 and the outyears to properly reflect the costs associated with heat, light and power.

Federal Stimulus Funding Applications

- **Justice Assistance Grant (JAG).** The City has applied for JAG funding for a variety of different programs across City public safety agencies. A portion of this funding would support the District Attorneys work relative to major cases, gang prosecution and domestic violence. Funding decisions by the Department of Justice are expected mid-summer.