

**New York County District Attorney’s Office**

**Testimony before City Council Justice System and Finance Committees**

**FY19 Executive Budget**

**May 14, 2018**

Good afternoon Chairs Lancman and Dromm and members of the Committees on the Justice System and Finance. I am Chief Assistant District Attorney Karen Friedman Agnifilo and I am presenting testimony on behalf of District Attorney Vance. Thank you, on behalf of District Attorney Vance, for holding today’s hearing and affording me the opportunity to speak with you about our Fiscal Year 2019 Executive Budget.

When Mr. Vance testified before you in March, he outlined two pressing funding issues facing our office: the costs associated with the NYPD’s Body Worn Cameras program and the comparatively low salaries of our junior ADAs. I am pleased to report that as part of the Mayor’s FY19 Executive Budget, our office was allocated $613,353 to support the Body Worn Camera program beginning in July 2018. We are grateful for this additional funding and thank City Council for its advocacy on our behalf. Since the pilot began in Manhattan, our office has handled just over 3800 body worn camera arrests with over 8100 videos saved. The NYPD is expected to complete its roll out of body worn cameras in Manhattan by the end of August and the new staff that we hire with these funds will handle the expected influx of body worn camera footage and other digital evidence. However, we will continue to be challenged by the limitations of the NYPD’s system, particularly the lack of long-term storage capacity necessary to properly store this critical evidence which as per state law we must preserve for a minimum of 25 years for cases we prosecute. We are currently considering strategies for long term storage and retrieval of this digital evidence and in the coming months, our office will develop a forecast for additional capital and OTPS funds necessary to meet the technological demands of this program. We ask for your support in fully addressing this critical budget need.

While we are grateful for the funding we received in the Mayor’s Executive Budget, I must note that our request for an additional $3.9 million in baseline funding necessary to offer a competitive salary to our most junior ADAs remains unaddressed. Furthermore, we have not had substantive conversations with the administration regarding this issue since last summer. We appreciate City Council’s support, as expressed in your FY19 Preliminary Budget response, and we are hopeful it will encourage the Mayor’s Office to reengage on this matter. As Mr. Vance and his colleagues laid out when they were before you in March, the starting salary of an Assistant District Attorney in New York City is considerably lower than those of other public service lawyers.

Our starting salary for newly admitted attorneys of $63,000 is one of the lowest in the New York City metropolitan area. This is particularly concerning when compared to the New York City Law Department which offers a starting salary of $68,494 to its new attorneys many of whom perform similar prosecutorial function as assistant DAs but in Family Court. Even in cases where our starting salary exceeds that offered by another agency, our assistant DAs quickly fall behind due to less generous step increases. The hiring rate for a NYC Agency Attorney is $58,716; however, the rates for second year and third year Agency Attorneys are $66,326 and $73,938 respectively. This increase outpaces the additional $3,000 per year step increases DANY second and third years receive. The difference in scale is even more extreme for jurisdictions outside City limits. The Westchester County District Attorney’s Office starts attorneys at $61,883 but second year salary climbs to $69,347 and increases to $76,166 by the third year. Last, regional Department of Justice AUSA’s start at $90,369 with just a few years of experience, while Manhattan assistant DAs do not achieve a comparable level salary until they are with the office for nine years or more.

 This low starting salary combined with the twin burdens of tremendous law school debt and the cost of living in New York City makes it extremely challenging for our offices to recruit recent law school graduates in the competitive legal labor market. The law career landscape has changed dramatically in the last five years, further exacerbating the recruitment challenges caused by our low starting salary. Both law school enrollment and JD graduation rates have decreased 20% since 2013. The total number of Manhattan DA applicants decreased by 45% over the same period. Our office is proud to have maintained consistent diversity staffing levels over the past few years despite a 28% percent decline in minority applicants since 2014. The low starting salary continues to be an impediment, however, and we don’t expect that we will be able to attract the same level of talent much longer, because we are falling behind other public offices. Our salary structure, particularly for assistant DAs in their first 10 years of service is lagging as compared to our public service competitors, to say nothing of those individuals lured each year by law firm salaries. We are unfortunately heading down a path whereby the only individuals who can accept a position within our office are those of privileged backgrounds and therefore, the applicant pool is less likely to reflect the population it is seeking to serve. Addressing the low starting salary is an important step toward reversing this trend.

Lastly, I’d like to briefly mention the physical state of the Manhattan Court Complex, an issue that has been under discussion, without any real resolution, for more than 20 years. 80, 100 and 111 Centre Street are home to Manhattan Criminal and Supreme Court as well as our office. The residents of Manhattan and the public service professionals who serve them deserve court facilities that properly reflect the respect and dignity we hold for the criminal justice system. The offices of our 1300 employees are spread out amongst four buildings currently, none of which are interconnected. We have created patchwork solutions to our space problems that has been compounded over the course of many decades. Indeed, I would argue that the substandard state of our facilities negatively impacts recruitment, when prospective attorneys learn that they could be sharing cubicles with six other people in a defunct elevator bank that has been transformed into office space out of necessity.

The Mayor’s Office has completed an analysis of the Manhattan Court Complex that outlines a comprehensive plan for improving the facilities and $500 million has been earmarked for this project in the City’s Capital plan. However, it is our understanding that this earmark, though substantial, is insufficient to address all the issues outlined in the City’s plan. This is the third such plan to be developed for the Manhattan Court Complex; the previous two iterations failed, in part, because the cost of the comprehensive renovation was too great. Today, I ask for your support in ensuring that the current effort does not meet the same fate as its predecessors and encourage the administration to utilize the existing earmarked funds to begin improvements to these deteriorating buildings.

Thank you for the opportunity to speak today, and thank you for the continued support of my Office.