



**New York County District Attorney's Office**  
**Testimony before City Council Public Safety and Finance Committees**  
**FY20 Preliminary Budget**  
**March 19, 2019**

Good afternoon Chairs Richards and Lancman, and members of the Committees on Public Safety and the Justice System. Thank you for the opportunity to speak today about my Office's Fiscal Year 2019 Preliminary Budget. The support we have received over the years from the City Council has helped us stay at the forefront of prosecutorial innovation and is critical to our continued success in reducing crime in Manhattan.

The City's investment in local law enforcement has led to sustained and historic low crime levels across the five boroughs. Last year in Manhattan, there were 31 homicides, a decrease from 46 in 2017, and less than half of the 70 homicides there were in 2010, my first year as District Attorney. Additionally, there were 73 non-fatal shooting incidents in Manhattan in 2018, down from 88 in 2017, and down from 126 non-fatal shooting incidents in 2016.

In addition to contributing to record lows in violent crime, my Office has made criminal justice reform and reducing unnecessary incarceration among its highest priorities. As a result, we have drastically reduced the number of prosecutions for low-level offenses in Manhattan. Last year, there were 42,258 misdemeanor and violation arraignments in Manhattan Criminal Court, a 51% reduction from 85,615 arraignments in 2010. Through prosecutorial discretion, the widespread use of diversion programming, and a corresponding decline in the number of arrests annually by the NYPD, we've essentially halved our caseload for low-level crimes, allowing us to focus on the type of serious white-collar crime indictments and cold-case homicide convictions that you may have heard about in the news just the last week.

We have these statistics at our fingertips because of the work of three critical units in my Office: the Crime Strategies Unit, the Violent Criminal Enterprises Unit, and the Planning and Management Unit. The work of the Crime Strategies and Violent Criminal Enterprises Units, in particular, helped bring violent crime in Manhattan to record lows. To date, these areas of the office, along with our pioneering Conviction Integrity Program and Cybercrime and Identity Theft Bureau, have been entirely self-funded. These initiatives, which mostly commenced in 2010, have been recognized as best practices for a modern prosecutor's office and have been largely replicated in other New York City DA's offices with City Tax Levy funds.

Our activities prosecuting white-collar crimes have the ancillary benefit of allowing us to make substantial financial contributions to the City. Since 2010, my Office has distributed more than \$1.1 billion to New York City (and more than \$2.05 billion to New York State), fifteen times our annual City funding. At the end of November, we transferred \$77.6 million to the City from our

investigation into Societe Generale, a French investment bank that was found to be violating U.S. sanctions out of their New York office.

We are proud that we can contribute more than we take, and we strongly believe that the resources we invest in complex white-collar cases investigated and prosecuted by units we have up until now self-funded, including the Financial Frauds and Cybercrime and Identity Theft Bureaus, are well worth the benefits they return to taxpayers in the form of justice, public safety, and revenue.

Thanks to settlement funds, we've been in the fortunate position up until this point to support innovation, but case-generated revenue is not a stable funding source or a long-term solution for addressing baseline salary needs. Furthermore, criminal justice reform is crucial to helping the City achieve its goal of closing Rikers Island in under a decade, but we require additional City Tax Levy funding to support our efforts. Specifically, DANY requests an additional \$12 million in personal services funding (otherwise known as salaries) to sustain several critical and innovative activities that have been self-funded by our office since 2010. Without additional baseline funding support in the future, my office will no longer be able to fund these programs and will eventually need to drastically cut back on core prosecutorial staffing.

A request for \$12 million is significant, but it is nothing compared to the \$1.1 billion my Office has returned to the City through our casework. In addition to the \$250 million that my Office has allocated to 50 grantees, ranging from community-based organizations to universities to large hospitals, we also allocated \$101 million to the city to upgrade security in key NYCHA developments, as well as the \$90 million to equip the NYPD with tablets, handheld devices, and mobile databases for every police officer and patrol car).

These grantees are providing crucial services to New York City residents through the Criminal Justice Investment Initiative (CJII), a first-of-its-kind effort to support innovative community projects that fill critical gaps and needs in New York City. Guided by the principle of prevention as a cornerstone of a 21<sup>st</sup> century crime-fighting strategy, the investments represent a comprehensive, forward-looking approach to improving the well-being and safety of all New Yorkers.

I brought with me today copies of a brand-new CJII progress report detailing how our money has been directed nearly two years after the first funds became available in June 2016. We have taken the stewardship of these funds very seriously and sought expert consultation from the CUNY Institute for State and Local Governance (ISLG), a policy and research institute with deep expertise in criminal justice issues.

CJII is a once-in-a-generation opportunity to spur innovation, test new approaches, and rigorously evaluate new service models. And I am proud to report today that we are already seeing results. More than 8,000 New Yorkers have received crucial services as a result of CJII investments so far. First, CJII is supporting young people and families to make sure they have the resources they need to succeed. Second, CJII is supporting people who have been victims of crime to address their trauma and mitigate future victimization. And third, CJII is focusing on people who are returning home after periods of incarceration or diverting people from the justice system altogether, helping to ensure that they have the resources and supports they need to be successful. CJII has supported people regardless of age, ethnicity, or lived experience, including

immigrants, young adults transitioning from foster care, LGBTQ individuals, and people with disabilities.

Because my colleagues from public defender organizations will be testifying today, I want to take the opportunity to highlight one CJII grant totaling \$1.33 million for Family and Youth Development to the Legal Aid Society. We know that students with disciplinary issues or learning or developmental disabilities are at higher risk of becoming involved in the criminal justice system. With CJII funds, the Legal Aid Society is providing legal advocacy for young, low-income students and their families who may be at risk of being suspended or who have disabilities. In addition to providing legal advocacy, Legal Aid is leading know-your-rights sessions for parents and guardians, as well as offering support groups for parents. To date, the program has served 67 clients, and I urge you to read about their work on behalf of one pre-teen girl in need of special education services in this report.

As you heard me testify last month, I fully support expunging past marijuana convictions. Another initiative my Office is working on with public defenders is a project that would result in the automatic sealing of previous marijuana convictions.

A second initiative that my Office has funded with forfeiture proceeds is Manhattan HOPE, a program pilot that began on September 4, 2018. Modeled after Staten Island's successful program, and building off the Manhattan District Attorney's existing pre-arraignment diversion portfolio, Manhattan HOPE is designed to divert people arrested for misdemeanor drug possession at the point of arrest. This program is rooted in the principles of harm reduction, procedural justice, rapid engagement and other evidence-based practices.

The nine-month pilot, which was created in partnership with the NYPD and Alliance for Positive Change, runs through June. We expect it will divert approximately 500 people to treatment or other restorative interventions in lieu of the formal court process. Participants who complete the intervention will have their cases "declined to be prosecuted" by the DA's office. In addition to potential jail bed savings, this program yields savings in court and police resources. DANY requests \$625,000 annually starting in FY20 to continue this important program going forward.<sup>1</sup>

We also request financial assistance for two leased locations that are operationally critical to the running of our office: 40 Worth Street in Manhattan and 4312 Second Avenue in Brooklyn.

Since 2015, we have leased office space at 40 Worth Street to serve as a swing space while we made necessary improvements to our 80 Centre Street office space. Our decision to invest in the rehabilitation of 80 Centre Street was predicated on the Manhattan Court Master Plan that called for my Office to permanently occupy all of 80 Centre Street. Unfortunately, this plan has stalled, largely due to the City's Rikers Initiative. We understand that this plan takes precedence given the urgent need to create more borough-based jail capacity as part of the city's strategic plan. We now find ourselves, however, without sufficient suitable permanent space for staff currently located in the swing space at 40 Worth Street. Our lease expires February 2020, but we will need to renew the lease and we request \$2.7 million annually to cover the total cost of extending our lease at 40 Worth Street for another five-year term.

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<sup>1</sup> This estimated annual program cost is based on information we received regarding the Staten Island HOPE program.

Second, we require 22,000 square feet of additional records storage space at 4312 Second Avenue, Brooklyn. As we are required by law to keep most of our files for 25 years, physical storage remains a growing need for our office. We are proactive about seeking alternatives to leasing costly warehouse space, and we have begun utilizing the City's GRM contract when appropriate and actively work with Department of Records and Information Services to transfer files destined for the municipal archives. However, they are behind in collecting files from our office. We digitize certain records for the Office ourselves, such as misdemeanor arraignment paperwork, and will expand the digitization efforts across cases going to storage, but case files – including paper documents – still must be retained and stored. Given the volume of cases and associated documents and the statutory retention requirements, leasing the additional space at 4312 Second Avenue is an operational necessity and we require an additional \$700,000 annually to cover the costs associated with this additional space.

Finally, I just want to follow up on the pay parity issue we discussed when our offices testified before this committee last year. At that time, we highlighted the urgent need for additional City funding so that we could offer competitive salaries to our assistant district attorneys. We appreciate the City Council's immediate acknowledgment of the issue and its support during the Fiscal Year 2019 Adopted Budget negotiations. Thanks to your advocacy, the Mayor's Office also recognized this concern and took steps toward addressing the historical pay disparity among assistant district attorneys and other public sector law professionals. As part of the Fiscal Year 2019 Adopted Budget, an additional \$253,808 in City Tax Levy funding was allocated to our baseline budget to increase the salaries of attorneys in years 1 through 4 of service. We are grateful for these funds and we are eager to implement a new salary structure for our most junior assistant district attorneys. However, the funding received in the Adopted Budget is insufficient to implement this new salary structure. The Manhattan DA's Office requires an additional \$549,066, for a total of \$802,874 annually, to enact the pay raises. We have alerted the Mayor's Office of Management and Budget to this funding need, they agreed with our analysis and we have been assured that additional funding will be made available.

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

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