



**New York County District Attorney's Office**  
**Testimony before City Council Public Safety and Finance Committees**  
**FY17 Preliminary Budget**  
**March 8, 2016**

*Submitted Written Testimony*

Good afternoon Chairs Gibson and Ferraras, and members of the Committees on Public Safety and Finance. Thank you for the opportunity to speak today about my Office's Fiscal Year 2017 Preliminary Budget. The support we have received over the years from the City Council has been critical to our continued success in reducing and preventing crime in Manhattan.

The City's investment in the District Attorney's Offices has helped to keep violent crime in our city at record low levels and maintain New York's status as the safest big city in the United States.

Unfortunately, too many lives are still being lost to violent crime. That is why the signature goal of my Office is to make the city safer and the criminal justice system more fair. My Office is working with the Mayor's Office of Criminal Justice and my colleagues in the other District Attorneys' offices to develop a coordinated strategy to address violent crime that takes into consideration each borough's differences.

It is critical to get guns off the streets before they are used again. Since 2010, my Office's Violent Criminal Enterprises Unit (VCEU) has increased gun trafficking prosecutions by more than 1,000 percent and conducted investigations that have led to the removal of more than 1,000 illegal weapons from the streets of New York. In total, since 2010, more than 3,000 illegal firearms have been recovered over the course of prosecutions led by my entire Office.

Additionally, my office, in collaboration with the NYPD and community partners, will be hosting two gun buyback events in the first half of 2016 – one in Central Harlem and another on the Lower East Side. Despite New York having some of the strongest gun laws in the nation, too many deadly weapons still flood our state. That is why my Office is focusing on combating gun violence nationwide through prosecutions of interstate gun traffickers. Since 2010, VCEU has brought 21 indictments against 64 gun traffickers operating between New York City and states including Virginia, North and South Carolina, Georgia, Ohio, New Jersey, and Pennsylvania. Recognizing that New York cannot fight this battle alone, in late 2013, I co-formed Prosecutors

Against Gun Violence, an independent, non-partisan coalition that identifies and promotes prosecutorial and policy solutions to address this crisis.

In addition to prosecuting the most violent offenders, my Office is redoubling our efforts to divert more non-violent, first-time offenders away from unnecessary incarceration, and working to restore confidence in the justice system.

First, in 2015, my Office, in partnership with the NYPD, the Center for Court Innovation, and the Brooklyn District Attorney's Office, implemented a pre-arraignment diversion pilot called Project Reset. Under this innovative initiative, we provide alternatives to incarceration for 16- and 17-year-old, first-time offenders. Eligible participants arrested for non-violent misdemeanors are issued Desk Appearance Tickets and referred to the Harlem Community Justice Center or Midtown Community Court, where they participate in counseling, community service, or Youth Court, in lieu of ever setting foot in front of a judge in Criminal Court. After an initial pilot in two precincts in Harlem and Midtown South, my Office funded a borough-wide expansion of the program, which will commence this spring. We anticipate that up to 700 young people will be diverted away from criminal court through this program each year, providing critical early intervention to young, at-risk New Yorkers.

Second, in partnership with the NYPD and the Office of Court Administration, my Office announced last week that we will no longer prosecute in criminal court most low-level, non-violent violations and infractions unless there is a demonstrated public safety reason to do so. Rather than being arrested, violators will be given summonses. This will prevent unnecessary detention and jail time for low-level, non-violent violations committed by those who pose no threat to public safety. Through this effort, we are ensuring that police, judicial, and prosecutorial resources are focused on those who commit more serious crimes. We estimate that this initiative will free up tens of thousands of additional hours each year for police officers, judges, prosecutors, and defense attorneys.

Currently, we have a crisis in Criminal Courts: judicial staffing levels citywide do not meet the needs of the caseload coming in. For example, last year in my Office, there were 1,120 instances where both prosecutors and defense attorneys answered ready for trial, but the case had to be adjourned due to lack of available judicial resources. This situation necessitated the need for change for summons processing that went into effect last week.

Finally, in an effort to give a fresh start to those with open summons warrants for low-level offenses, in November 2015, our office hosted its first-ever "Clean Slate" event in partnership with the NYPD, Office of Court Administration, and the Legal Aid Society. More than 700 New Yorkers from all five boroughs came to the Soul Saving Station Church in Harlem to resolve outstanding warrants for summonses. Clean Slate also featured a resource fair with job training, healthcare information, and referral services on-site; a second Clean Slate event will be hosted on the Lower East Side this spring.

Additionally, in an unprecedented opportunity for New York City and State, last year, my Office was in the unique position of securing funds for a wide range of projects aimed at promoting public safety. Within the past six years, my Office's investigations into nine banks have resulted in the forfeiture of \$1.02 billion to New York City and \$2 billion to New York State. One billion dollars amounts to more than ten times our annual City budget allocation. This funding has been directed to a variety of citywide initiatives, including:

- \$447 million that went directly to the City of New York, to be used at its discretion, for the investigation and prosecution of penal law crimes.
- [\\$101 million](#) for NYCHA security upgrades, including cameras, lighting, and keyless access
- [\\$90 million](#) to enhance NYPD mobility, including tablets and handheld devices for every police officer and patrol car;
- [\\$40 million](#) towards New York City’s comprehensive mental health initiatives, including [\\$14 million](#) for the supervised release of qualifying defendants awaiting trial, helping to reduce pre-trial detention and reliance on cash bail.

It is important to note that the forfeited funds represent a one-time infusion of resources, and that we are limited by federal and state statutes and guidelines on how they are disbursed. Specifically, they may not be used for baseline staffing or salaries. Therefore, my Office must continue to rely on additional City tax levy funding support so that it can take on the challenges of a 21<sup>st</sup> century law enforcement agency.

In an attempt to further reduce the unnecessary incarceration of individuals at Rikers Island and state prisons, as part of the executive budget process, my office seeks \$600,000 in baseline funding to form an Alternatives to Incarceration Unit. This new Unit will serve as a resource for the entire office, identifying programs that are worthy diversion options and identifying defendants who can benefit from them without compromising public safety. Staff from this unit will also follow up with defendants who have been diverted from the court system to check on their progress in the community. Lastly, the Unit will collect information on the effectiveness of the diversion programs and share it with other city agencies.

Finally, I want to take a moment to highlight a new challenge of critical importance to law enforcement, and that is smartphone encryption. Every day, local law enforcement uses smartphone evidence to hold criminals accountable and exonerate the innocent. But in September 2014, Apple and Google engineered their operating systems with “default device encryption” expressly so that they could no longer unlock their own devices. Now, when the companies receive a judicial warrant ordering them to unlock a smartphone seized from a criminal suspect, they say they can no longer comply. Smartphones have become the first consumer product in modern history to be warrant-proof.

I have called on Congress to take legislative action on smartphone encryption, because it has real-life consequences on public safety, crime victims, and their families. My Office has written a white paper on the subject; we have copies with us today and I urge you support the position taken by my Office, the NYPD, DA’s and police chiefs across the country, and crime victim’s groups, including Safe Horizon, Sanctuary for Families, and Downstate Coalition for Crime Victims.

I thank you again for the opportunity to speak today about the important work of my Office. I urge City Council to continue its support in ensuring that New York City prosecutors have the funding we need to keep our streets safe and the criminal justice system more fair. With your support, we are confident that New York will continue to thrive as the country’s safest big city.

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