



New York County District Attorney's Office
Testimony before City Council Public Safety and Finance Committees
FY18 Preliminary Budget
March 30, 2017

Good morning Chairs Gibson and Ferraras-Copeland, and members of the Committees on Public Safety and Finance. Thank you for the opportunity to speak today about my Office's Fiscal Year 2018 Preliminary Budget. The support we have received over the years from the City Council has helped us stay on the forefront of prosecutorial innovation and is critical to our continued success in reducing 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. Since the beginning of my first term in 2010, violent crime in Manhattan fell 11.9% and homicides are down 30%--last year there were only 41 homicides in Manhattan.

Still, too many lives are lost to violent crime caused by gun and gang violence. To investigate and prosecute the most significant drivers of violent crime, my Office created the Violent Criminal Enterprises Unit (VCEU) in 2010. Since its formation, VCEU has brought 33 indictments against 81 gun traffickers and conducted investigations that have led to the removal of more than 1,700 illegal firearms from the streets of New York City. Our most recent indictment, which was announced earlier this month, involved the smuggling and selling of over 105 illegal firearms from South Carolina, which could have been in the hands of some of our most dangerous criminals if it were not for the proactive investigative work of my Office and the NYPD.

I appreciate that the Mayor and City Council recognized these efforts and allocated us funding through the Mayor's Office of Criminal Justice's Anti-Violence Challenge program. This grant has allowed us to expand the VCEU legal and analytical resources and has also brought the five DA offices together to develop a coordinated strategy to address violent crime across the City.

In addition to prosecuting the most violent offenders, my Office is redoubling our efforts to reduce the number people charged with low-level offenses prosecuted in Manhattan. These efforts have culminated in a 27 percent reduction in the number of misdemeanor and violation cases referred to us by the NYPD alongside a simultaneous reduction in violent crime. To put this remarkable decline into context, in 2010, my first year as District Attorney, the NYPD made 92,585 misdemeanor and violation arrests in Manhattan; last year there were 67,246 arrests. This reduction, which we believe we can continue driving down, is a result of a number of innovative approaches.

First, I'd like to update you on Project Reset, our pre-arraignment diversion program for 16- and 17-year-olds. To date, 295 participants have successfully graduated from the program, participating in youth counseling or other social services, in lieu of ever setting foot in front of a judge in criminal court. After a successful pilot period, we funded a borough-wide expansion of the program last summer. We believe that the effect of this model and its potential to restore confidence in the justice system extends well beyond young people. To that end, we recently released a solicitation to expand the Project Reset model to adults 18 years and older. We anticipate that approximately 6,500 people will be diverted away from criminal court through this program each year, providing critical early interventions to New Yorkers of all ages at their first point of contact with the justice system.

Second, as of March 2016, my office stopped the practice of prosecuting most low-level, non-violent violations and infractions in criminal court unless there is a demonstrated public safety reason to do so. As a result, 11,000 fewer low-level cases have been sent to us from the NYPD, preventing thousands of people from unnecessarily being arrested, detained and going before a judge in a criminal courthouse.

Third, in an effort to give a fresh start to those with open summons warrants for low-level offenses, our office hosted two "Clean Slate" events in the past year-and-a-half in partnership with NYPD, Office of Court Administration and the Legal Aid Society. Altogether, more than 1,150 New Yorkers from all five boroughs participated in the events, and 700 outstanding summons warrants were resolved. I'd like to thank the Council for recognizing the value of this approach and funding my Office \$30,000 in last year's budget to support a third Clean Slate that is being planned for June 17 in East Harlem. Notably, for this event, we will be conducting outreach to homeless New Yorkers, working with the Human Resources Administration and Department of Homeless Services to raise awareness of this opportunity and increase the participation of that population.

Despite these efforts, there are still upwards of 1.5 million open summons warrants in New York City, over half of which are over a decade old. In 2014, my Office sat down with our partners at the Mayor's Office of Criminal Justice, New York State Office of Court Administration, and the NYPD to propose the idea of dismissing open summons warrants older than ten years en masse. We estimate that close to 200,000 summons warrants in Manhattan alone will be expunged through this effort, which we are hopeful will take place next month. I applaud Speaker Mark Viverito for her leadership on this issue and look forward to working with the Speaker and the Council to move this initiative forward.

In addition to these initiatives, we are creating the capacity within our Office to assess the collateral consequences of a criminal conviction on a case-by-case basis. Immigration consequences, revoked professional licenses, and family implications, just to name a few, are among the considerations that assistant district attorneys factor into their decision-making when handling any case that may result in a criminal conviction. To ensure that my staff are consistently factoring in collateral consequences into their decision-making, we are building this capacity within our Office, a first-of-its-kind for a prosecutor's office.

Finally, my Office recently created an Alternatives to Incarceration Unit thanks to the funding support we received from the Council and the Mayor. By having the resources to screen defendants more carefully and match them to programs to address their needs, we have already

seen an uptick in the utilization of ATIs and expect to see increased compliance in program mandates and in turn enhanced public safety.

As a part of my Office's Criminal Justice Investment Initiative, we recently announced an unprecedented commitment of \$58 million in youth and family development programming to prevent crime in Manhattan. Nearly \$46 million of the funds are being directed to 100 community-based organizations in four Manhattan neighborhoods to establish five Youth Opportunity Hubs. These Hubs will knit together community-based organizations to provide comprehensive services to young people. The additional \$12 million investment will support existing organizations specializing in family and youth development to expand their capacity and develop innovative new services to strengthen families. Additional funding opportunities will continue to be released through competitive solicitations throughout the remainder of 2017. Funding priorities for the Criminal Justice Investment Initiative are outlined in our strategic plan, copies of which I have left with you today.

In order to ensure justice and fairness without fear of favor, my office must be able to recruit and retain the brightest legal minds. Unfortunately, it is becoming increasingly difficult to do so given the legal job market. Our starting salary of \$62,500 is remarkably low even for public service law careers. My staff recently surveyed 18 similarly situated public law offices, including the New York City Law Department, and found that our starting salary is approximately \$7,000 less than the average. Given the cost of law school and the cost of living in the New York City area, it is extremely challenging for young people to accept a position at such a low salary. We are unfortunately heading down a path whereby the only individuals who can accept an ADA position within our office are those of privileged backgrounds. Raising the salaries of our most junior ADAs will help reverse this trend. This spring I will be seeking the additional funds necessary to offer our most junior ADAs a competitive salary that reflects the level of responsibility bestowed upon them. I ask for your support in addressing this critical issue.

Despite all of the success that we have experienced in the past seven years, my Office, as well my fellow DAs with me here today, are at risk of losing critical funds from the federal and state government that support our work in sustaining record low crime levels. Every year my Office receives \$675,000 in federal funds from two federal grant programs – the Violence Against Women Act (VAWA) and the Byrne Justice Assistance Grant (Byrne JAG) – that provide critical resources to support the effective prosecution of some of the most violent crimes. Through the VAWA program, my Office funds vital positions within our Special Victims Bureau, overseeing the prosecutions of sex crimes and domestic violence, and providing crucial services to crime victims. Similarly, the Byrne JAG grant supports investigators and assistant district attorneys that pursue the prosecution of violent organized crimes, such as gang violence and violence associated with narcotics. Likewise, in the Governor's proposed budget, we are at risk of losing another \$500,000 in grant funding that support the enhanced prosecution of violent crime and tax fraud. I hope that we will be able to avoid these harmful reductions in funding and will keep the Council informed of our discussions with State and Federal representatives.

Finally, I would like to take a moment to highlight a challenge of critical importance to law enforcement and that is concealed gun carry legislation being proposed by our federal lawmakers. This legislation would require each state to recognize the concealed carry permits of gun owners for all other states, effectively dismantling more restrictive local gun-carrying restrictions in New York. This means that tourists and visitors from other states could bring their guns while visiting Times Square, the plaza at Rockefeller Center and other heavily trafficked

New York City locations. The NYPD, my Office and other police chiefs throughout the country oppose this legislation because it would put the lives of their officers and residents at risk. Law enforcement has no way to verify that someone presenting an out-of-state permit is in fact a law abiding visitor to their state, so this legislation could turn interactions with out-of-state visitors, such as routine traffic stops, into dangerous situations for officers and civilians. I strongly urge you to support local law enforcement in speaking out against this proposed legislation, ensuring that New York City continues to be the country's safest big city.

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