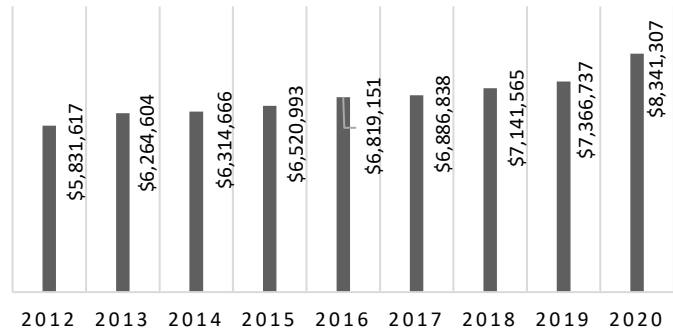


DISTRICT ATTORNEY 1165

1165 - COUNTY SHARE



MISSION STATEMENT

The Office of the Albany County District Attorney has the legal obligation to provide prosecutorial services to every municipality in the County of Albany as well as New York State and Federal Agencies who refer cases for which jurisdiction lies in Albany County.

WHO WE SERVE

The District Attorney represents the interest of the people in local, county, appellate and state courts. Once an action is commenced, the prosecutors must obey timelines imposed by the courts in accordance with the Criminal Procedure Law of New York State. The nature of the offense, the proof in a case, the volume of pending cases, and the resources to prosecute each case are factors considered by a prosecutor when conveying an appropriate plea bargain offer. Decisions made by the District Attorney's Office impact on Corrections and Community Supervision, i.e., jail, probation, and state prison. The burden of proof rests with the People in all prosecutions.

2020 GOALS AND PERFORMANCE TARGETS

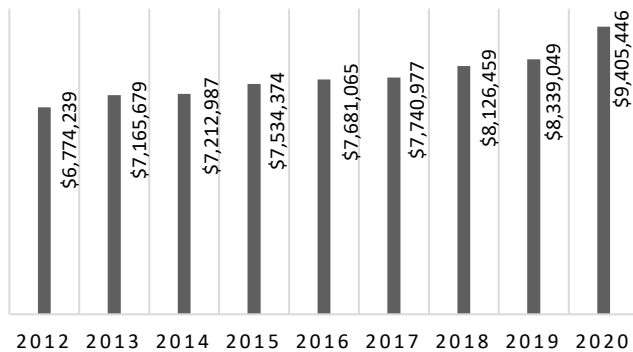
Attached is the 2020 requested budget for the Office of the Albany County District Attorney. This request reflects the necessary changes in our budget in order to deal with the sweeping Criminal Justice Reform passed by the New York State Legislature earlier this spring in the adoption of the State Budget. While these reforms were passed in the budget, they ironically did not include any economic allocations to aid in their implementation.

In essence, here is our problem: on January 1, 2020, a series of new laws will take effect. Make no mistake, these changes that have been made to the Criminal Procedure Law (CPL) will radically change the way we do business in the criminal justice system, and significantly impact the operations of the Office of the District Attorney from now on. I am aware that all County departments have been asked to keep within the same budget framework as last year. Of course, this new legislation provides no money from the state for implementation, infrastructure, resources or additional staff for the agencies it affects, such as 911 call centers, probation departments, local courts, crime labs, police departments, and District Attorney's offices, among many others. In fact, as they were rushing through this radical reform, our state legislators deliberately failed to communicate with any agencies or professionals within the criminal justice system, including the 62 Elected District Attorneys who are actually responsible for implementing the most significant changes. We could have provided meaningful insight on additional staffing needs, computer needs, storage needs and many other items that should have been included in the overall State budget to help usher in a seamless implementation of the reform legislation. By failing to provide additional funding and staffing resources in order to adequately comply with the new law, at even the most basic level, it appears that the State has given us yet another unfunded mandate and has, again, left county government to deal with a mess they created.

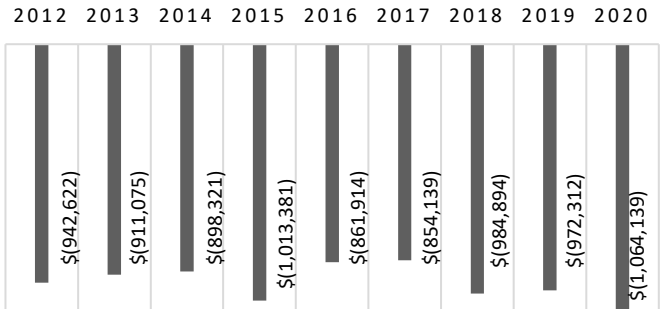
My office is now fully engaged in the ongoing task of implementing the new laws on a line by line basis and creating effective mechanisms for compliance. We are looking at how to successfully implement this new law in a way that is fair, efficient and satisfies the spirit of the law, while at the same time, recognizing that the County does not have an unlimited amount of resources to throw at it. However, it will be impossible for us to implement the changes in our office necessary to comply with the new law without adding additional staffing and funding to our budget for 2020. Therefore, our budget request for the upcoming year reflects what we believe are the bare minimum budget modifications that will be essential to implementing and complying with the new law.

DISTRICT ATTORNEY 1165

1165 - APPROPRIATIONS



1165 - REVENUE



SUMMARY OF BUDGET CHANGES

Let me briefly explain the impact this legislation will have on my office. Previous to this "reform" the CPL gave us six (6) months to indict a felony case from the time of arrest, and then an additional 45 days from the time defense files a motion requesting discovery to provide copies of our case file, which includes police reports, statements, forensic reports, crime scene reports, video evidence, photos, etc. While I have always had an open file policy, it routinely takes us several weeks to assemble a complete police file, and sometimes several weeks to a few months to obtain forensic reports. Starting January 1, 2020, we will have only 15 days after the defendant's arrest to provide our entire case file. The law is clear that the District Attorney's Office is considered to have "constructive possession" of the entire police file, even if we don't know a report or document exists. It will be, therefore, incumbent upon my office to track down and turnover every document or report prepared by the police or the crime lab within that 15 day window, and then certify that we have complied with the law. After carefully examining our obligations under this new statute, and in consultation with other District Attorney's offices in the state, we have determined that the only way we can comply with our new discovery requirements under this new law is to create a "Speedy Trial and Discovery Unit". Their responsibilities will be to obtain, collate, and coordinate the timely distribution of materials that the defendant is now entitled to within 15 days for each of the many thousands of misdemeanor and felony cases we handle every year.

Furthermore, beginning January 1, 2020, all Grand Jury transcripts must be transcribed and provided to the defendant and defense attorney within 15 days after the defendant has been arraigned on a felony indictment, whether or not the case is on track for a guilty plea. This is a significant increase added to the workload already on our Grand Jury stenographers, who usually do not prepare and print transcripts of Grand Jury proceedings until a judge orders them, which is usually only because motions are being litigated or the case is going to trial. Presently, ADAs usually have several weeks or months after the arraignment to provide a transcript of the Grand Jury proceedings and, again, that is only if the case is going to be litigated at trial.

Currently, we are able to operate with our three (3) Grand Juries in session, typically indicting hundreds of cases per year. Now, in every single case where an indictment has been filed, a transcript must be provided to the defendant within 15 days after his indictment. The new law will require our current stenographers to produce their work within an impossibly short window of time. As such, the budget for stenographer and transcription services will exponentially increase.

In order to fully comply with the aforementioned changes in the law that we will be mandated to meet, these are our requests for our 2020 budget which exceed or are in addition to our 2019 budget:

1. "Speedy Trial and Discovery Unit" creation with the funding of (1) Database Administrator to manage the hardware and software associated with 15 day discovery. The Administrator will oversee (6) Network & Systems Technicians to aid in this mandate, in addition to (3) Trial Assistants and (4) Legal Secretaries to review videos and documents in an expeditious manner to be turned over to comply with 15 day discovery.

DISTRICT ATTORNEY 1165

2. Equipment upgrades and maintenance budget increases including photocopiers, high speed scanners, storage and transfer devices, and case management software and hardware. Furniture will be needed to accommodate new employees, and our office supply costs will certainly increase with paper, toner and other supplies needed to comply with 15 day discovery. This will also include an increase in our training budget to ensure that all staff is properly educated on the law and all of the technology upgrades that will be implemented office-wide. We also anticipate an increase in our transcription services budget as all grand jury transcripts will now be turned over to the defense within 15 days.

3. As you know, employee retention has always been an issue with our Assistant District Attorneys (ADAs). Unfortunately, we have seen this problem exacerbated over the past several years. It is often a matter of simple economics: we lose talented attorneys to much higher salaries in the private positions or higher paying State positions – and more recently to higher paying positions within the County of Albany as the state has significantly increased funding for indigent defense. We are requesting an increase in staffing by (7) ADA's at multiple levels to accommodate for any anticipated turnover and to ensure compliance with the new state mandates and for placement in our Felony Courts, Local Courts, and Family Court. The changes to bail, speedy trial, and discovery statutes will completely re-write the procedures in local courts across the state. In our county, this necessitates the addition of staff to comply with the mandates in the statute changes. The expansion of 17 year olds in the Raise the Age statutes will also burden our current structure. Our staff is required to appear in Family Court for hours per case, in addition to investigating case facts, drafting letters and motions sent to the court, and participating in appearances by phone. In 2019, there were approximately (150) 16 year olds arrested in Albany County. Of that, almost (50) offenders were adolescent offenders whose cases include violent felonies such as Armed Robbery, Attempted Murder, Criminal Possession of Loaded Weapons, residential Burglaries, and other lower level felony offenses. Our caseload will increase as of October 1, 2019 when youth part expands to 17 year olds.

4. We anticipate that changes in the bail statute will increase our travel budgets and costs associated with retrieving absconders and individuals with warrants. This, along with exponential increases in physical evidence transfers within 15 days of arraignment, will impact our gas and vehicle budget. The following is a list of offenses that will no longer qualify for bail (meaning defendants will be released after arraignment and not be held in jail) in New York State as of January 1, 2020 (*Source: the District Attorneys Association of the State of New York*)

- Assault in the third degree
- Aggravated vehicular assault
- Aggravated assault upon a person less than eleven years old
- Criminally negligent homicide
- Aggravated vehicular homicide
- Manslaughter in the second degree
- Unlawful imprisonment in the first degree
- Coercion in the first degree
- Arson in the third and fourth degree
- Burglary in the second degree (dwelling)
- Robbery in the second degree (aided by another)
- Grand larceny in the first degree
- Criminal possession of a weapon on school grounds or criminal possession of a firearm
- Criminal possession of a controlled substance in the first and second degree
- Criminal sale of a controlled substance in the first and second degree
- Criminal sale of a controlled substance in or near school grounds
- Specified felony drug offenses involving the use of children, including the use of a child to commit a controlled substance offense and criminal sale of a controlled substance to a child
- Criminal solicitation in the first degree and criminal facilitation in the first degree
- Money laundering in support of terrorism in the third and fourth degree
- Making a terroristic threat
- Patronizing a person for prostitution in a school zone
- Promoting an obscene sexual performance by a child
- Possessing an obscene sexual performance by a child
- Promoting a sexual performance by a child
- Failure to register as a sex offender
- Obstructing governmental administration in the first and second degree
- Obstructing governmental administration by means of a self-defense spray device
- Bribery in the first degree
- Bribe giving for public office
- Bribe receiving in the first degree
- Promoting prison contraband in the first and second degree
- Resisting arrest

DISTRICT ATTORNEY 1165

- Hindering prosecution
- Tampering with a juror and tampering with physical evidence
- Aggravated harassment in the first degree
- Directing a laser at an aircraft in the first degree
- Criminal possession of a weapon in the fourth degree
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- Criminal sale of a firearm to a minor
- Enterprise corruption and money laundering in the first degree
- Aggravated cruelty to animals, overdriving, torturing and injuring animals
- Failure to provide proper sustenance
- Animal fighting

5. I will add a caveat that I believe could impact us as we see the consequences of this law taking effect. One of the more significant changes in the law is that within 15 days of an arrest the defendant and his/her attorney is required to be provided with the name and contact information, of each witness and victim. This, of course, will significantly worsen the problem we are already experiencing with regard to lack of witness cooperation. For the past several years, New York State has provided limited funding to the New York Prosecutors Training Institute (NYPTI) to distribute throughout the 62 District Attorney's Offices to help offset witness relocation expenses. This is a very small pot of money that, as you might imagine, after January 1, 2020, will no longer be sufficiently adequate to deal with the anticipated increase in witness protection and relocation needs. For this reason we are requesting to secure county funding for witness security and protection in the form of: One (1) additional Crime Victims Advocate to assist in increased victim and witness services and safety planning, in addition to six (6) Criminal Investigators to assist in increased victim and witness services and safety planning, and transport victims and witnesses as needed for trials and hearing. To pick up and transport absconders and individuals with warrants. Additionally, to pick up evidence in a timely manner to comply with 15 day discovery. Overtime costs are expected to increase and, as such, we are requesting contractual overtime for investigators and crime victim staff during victim and witness safety emergencies, during trials, and at other times throughout the process where work will be necessary outside of routine business hours.

As always, we appreciate and understand the unique challenges which force counties to bear the burden of unfunded mandates. This burden is continuously carried by the taxpayers of Albany County. Unfortunately, the Criminal Justice Reforms passed on April 1, 2019, are forcing counties to choose between maintaining tax caps and maintaining public safety. Make no mistake that these reforms will cost counties millions of dollars to enact with funds being necessary for the District Attorney, Public Defender, Alternate Public Defender, Information Services, Probation, Sheriff and Pre-trial Service Agencies. It is our hope that by working together with the leadership in Albany County and our Albany County law enforcement partners that these reforms will only increase budgets and not the number of crime victims in Albany County.