



## **MEMORANDUM**

**TO:** Budget and Appropriations Committee of the  
Westchester County Board of Legislators

**FROM:** Acting District Attorney James A. McCarty

**DATE:** November 28, 2016

**RE:** Fiscal and Program Impact of 2017 Proposed County Budget

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The District Attorney is the chief law enforcement officer of Westchester County, and pursuant to the Constitution and laws of the State of New York is responsible for the investigation and prosecution of criminal offenses committed in our county. As such, I proactively investigate and vigorously prosecute those responsible for committing criminal acts. Integral to my ability to accomplish this mandate, is the concomitant responsibility of Westchester County government to provide the funding and the resources necessary to allow me to meet my stated objective.

Further, it is the duty of the Office and my accepted responsibility, to insure that the resources and funding provided to this office by county government are utilized in an efficient and productive manner. The fact that my office accomplishes this objective is unquestionable. To insure that we continue to meet and even exceed the high fiscal standards that we set for ourselves, I am continuing to prioritize innovation and maximize existing resources to initiate new programs and strategies as well as to continue those ongoing programs which support our prosecution and victim assistance services.

While my full budget submission is replete with statistical information, statistics alone are not a measure of our accomplishments. Countless hours are spent on matters that are not readily susceptible to statistical analysis. This is clearly apparent after a review of the last year's activities and achievements.

The District Attorney's Office continues to provide a substantial level of prosecution and investigative services to local Westchester Towns, Villages and Cities. The Local Criminal Courts Bureau operates eight offices throughout Westchester County serving local residents, each of the County's local police departments and all of our local criminal courts. Case intake handled by this Bureau has remained steady with almost 30,000 cases handled in 2015. The caseload for 2016 is projected to exceed that number. Almost all of these cases are commenced as a result of an arrest initiated by a local police department. Unless the matter is prosecuted as a felony in the Westchester County Court in White Plains, these tens of thousands of cases are disposed of in the 41 individual local criminal courts. By having assistant district attorneys and offices in these local municipalities, crime victims and police officers are able to meet with these prosecutors in their own communities, thus saving time and travel costs.

In addition to the prosecution services provided in handling these local arrests, specialized units within the office respond to calls for investigative assistance from local police departments in matters pertaining to computer crimes, complex financial crimes, identity theft, narcotics enforcement, sex crimes, child abuse and homicides as well as a number of other matters. By providing access to forensic accountants, forensic computer analysis, the ability to secure court orders, search warrants and subpoenas, as well as specially trained prosecutors and investigators, local police departments are spared the expense of maintaining these services themselves.

Just as important as the District Attorney's local branch offices in providing services to local communities is the the Westchester Intelligence Center (WIC). The Westchester Intelligence Center is a collaborative resource that provides essential support, coordination and information sharing among Westchester County's local and county police departments and numerous federal and state law enforcement agencies that operate in Westchester. In addition to serving as a clearinghouse for intelligence among those agencies, WIC provides research and investigative support for ongoing investigations and tracks crime trends affecting Westchester County. The center is permanently staffed with crime and intelligence analysts, as well as sworn law enforcement officers. Regularly scheduled meetings are held with police officers throughout Westchester, addressing crime trends and patterns in the County. Analysts at the center have access to multiple law enforcement resources, databases and software applications that are employed to assist local police agencies. Investigative leads are developed and enhanced allowing investigators to locate suspects, establish preemptive surveillances to apprehend would be offenders, and to identify previously unreported/undetected criminal activity. Whether identifying and locating those who have already committed a crime or by preventing future crimes by identifying patterns, increasing public safety remains the overarching goal of the WIC. The WIC is a NY/NJ High Intensity Drug Trafficking Awareness (HIDTA) supported regional intelligence center. In addition to the many intelligence resources that HIDTA provides, it also financially underwrites, in part, the cost of WIC analytical staff. The District Attorney has designed the Westchester HIDTA model to be proactive in reducing crime rather than passively responding to unfolding crime in the County.

The District Attorney's Office plays an important role in training local police throughout the County. Last year the District Attorney's Office held 75 training sessions for our local Westchester Police agencies including police recruits, sergeants, lieutenants and supervisors attending the Westchester County Police Academy. Topics included "stop and frisk," DWI investigations, legal updates, human trafficking and child abuse. The Westchester District Attorney's Office is also one of the few prosecutor's offices in the State to designate a specially trained ADA to investigate and prosecute cases of animal cruelty. This ADA trains police officers on the proper methods of identifying, investigating, and collecting evidence in such cases and also conducts educational programs with 17 such presentations in 2015.

During 2015, 80 assistant district attorneys made 396 presentations to school classrooms, senior centers and community organizations teaching children and adults about internet safety, bullying, drug and alcohol abuse, animal cruelty and the role of the District Attorney's Office. Twenty specially trained ADA's also conducted a total of 202 Internet Safety and Cyberbullying Prevention Workshops for students, parents, teachers and school administrators. The District Attorney's Office also continues to have an active presence in Westchester schools with assistant district attorneys conducting discussions and workshops in elementary, middle and high school classrooms. The high school "PRO-LAW" curriculum consists of a series of interactive workshops concerning violence, drugs, cyber crime, teen pranks and date-rape. In 2015 the District Attorney's Office conducted 97 PRO-LAW sessions reaching thousands of students in various Westchester high schools

In response to a significant increase in identity theft related crimes throughout Westchester County, the District Attorney established an Identity Theft Unit from existing resources.

The unit investigates and prosecutes individuals and groups who steal the personal identifying information of others. Typically, stolen personal identifying information obtained using illegal skimmers and other such devices is encoded onto fraudulent credit cards, counterfeit checks or inserted in fraudulent loan applications. In the last two years, the Identity Theft Unit secured 193 felony convictions.

The Crimes Against Revenue Unit (CARP Unit) is part of the Economic Crimes Bureau (ECB) and works in conjunction with the New York State Department of Taxation and Finance to investigate and prosecute criminal violations of New York State tax laws. The primary goal of the CARP Unit is to bring tax offenders to justice and to reclaim lost tax revenue for the State, County and local municipalities. Investigations generally focus on taxpayers who under-report or fail to report income, evade payment of taxes, fail to file returns, or file fraudulent returns. Targets of CARP investigations may be charged with such crimes as repeated failure to file a return, filing false returns, failing to remit or under-reporting collected sales or withholding tax, grand larceny, and offering a false instrument for filing. In 2015 the CARP unit opened 38 new tax investigations and was successful in reclaiming \$205,088 in lost tax revenue for the State of New York. Since the creation of the unit, \$3.2 million has been ordered to be paid to New York State and \$898,000 to Westchester County.

Using seized assets funds secured from narcotic traffickers and others in previous prosecutions, the District Attorney's Office has underwritten the expenses incurred in launching an anonymous web-based tips program. Tips411 allows anyone with a smartphone, tablet, standard cell phone, or computer to text in a tip, photo, or video to their local police department. This type of tool adds to the way that residents, especially the younger age demographic, can contact police. There is also a Westchester County Crime Tips Facebook page. Thirty-seven of our local police agencies are participating in this program.

The District Attorney coordinates the Gun Involved Violence Elimination (GIVE) Initiative, which was funded by the New York State Division of Criminal Justice Services in 2015. The GIVE Initiative, which focuses on Yonkers and Mt. Vernon, supports strategic work by the District Attorney's Office, local police departments, the NYS Department of Corrections and Community Supervision and the Westchester Departments of Public Safety and Probation to reduce and prevent shootings and homicides. As part of the GIVE strategy, the District Attorney has enlisted a network of community organizations including the school systems of Yonkers and Mt. Vernon, the Nepperhan Community Center, the Yonkers YMCA, the Mt. Vernon Youth Bureau, Boys and Girls Club of Mt. Vernon, Family Services of Westchester and others to deliver a message to parents, children, teens and community members. A palm card, created by this office entitled "Gun Play is not Child's Play" has been widely distributed at community events as part of the effort to increase awareness of the danger of guns and gun violence.

The District Attorney's Office led the creation of Westchester's Child Fatality Review Team (CFRT), a multi-disciplinary team including the District Attorney, local police, the Medical Examiner, a forensic pediatrician, EMS, the County Attorney, the Department of Social Services (DSS) and others. The CFRT examines the circumstances that led to any suspicious death of a child or death of a child receiving services from DSS in Westchester County. The CFRT investigated 12 child fatalities in 2015 and has reviewed a total of 98 child fatalities since its inception in 2006. Already this year, there have been 10 child fatalities investigated. The District Attorney serves as a key member of two separate Multidisciplinary Teams (MDT) for the investigation of child abuse and elder abuse cases. These teams bring together investigative agencies and social, medical, and other service providers to ensure both the compassionate treatment of victims and effective criminal investigations. The child abuse MDT's goal is to reduce trauma to child victims by limiting interviews and providing medical examinations by forensically trained medical professionals. The interviews and medical exams take place at the Children's Advocacy Center (CAC), a child friendly environment at the Westchester Medical Center. The elder abuse MDT, formed in 2011 meets

monthly to conference cases and strategize on how to improve the delivery of social services to vulnerable seniors. The elder abuse MDT was selected to receive a Certificate of Excellence in Providing Adult Services from the New York State Office of Children and Family Services.

An assistant district attorney responds to all homicide scenes in Westchester County. In 2015, the Homicide Bureau opened 203 fatality reports. Investigations conducted with the police and Medical Examiner's Office revealed that 26 of these deaths were homicides; five vehicular crashes; three domestic violence incidents; two stabbings; three blunt force trauma cases; nine shootings; two child fatalities; one felony murder in which a bystander was killed by an NYPD officer's bullet that was fired at an apparent armed robber; and one other officer involved shooting which has been transferred to the NY Attorney General for investigation.

Working with police departments throughout the County the DA's Office has implemented an aggressive prosecution policy toward DWI, Vehicular Assault and Vehicular Manslaughter. The District Attorney's Office also worked in conjunction with the District Attorneys Association of the State of New York to secure passage of "Leandra's Law," which makes it a felony when a first time offender operates a motor vehicle while under the influence of alcohol or drugs with a child passenger 15 years of age or younger. These arrests impact the number of felony DWI prosecutions handled by the Westchester District Attorney's Office. Moreover, additional charges such as Endangering the Welfare of a Child are filed in these cases requiring collaboration with Child Protective Services and the monitoring of the children's well being before the criminal case can be disposed of. In all Driving While Intoxicated prosecutions the District Attorney's Office works closely with Mothers Against Drunk Driving and the Westchester County departments of Probation and Community Mental Health to educate and demonstrate the dangers of drunk driving to those who have been charged with DWI in Westchester County courts. The MADD Victim Impact Program combines lectures, video presentation, and personal testimony to increase awareness of the potential consequences of drunk driving. During 2015 the District Attorney's Office required 1,881 defendants charged with DWI and related offenses to participate in this program as part of their case disposition. Of those cases prosecuted, 215 were charged with felony DWI including 28 Leandra's Law arrests for operating the vehicle with a child under the age of 15 as a passenger.

The District Attorney's staff operates the Victim Justice Center which seeks to help victims cope with the effects of the crime perpetrated against them and navigate through the often confusing criminal justice system. The unit is a multi-lingual center that helps victims and their families cope with the emotional, physical and financial impact of crime. The unit provides a wide range of victim services, including: information and guidance regarding their rights and safety; assistance in obtaining reimbursement for lost income, funeral expenses, medical and psychological expenses and loss of essential personal property; court accompaniment; placement in shelters, advocacy and referral to other agencies, multi-lingual interpreters; free counseling and therapy; crisis intervention; and assistance with victim impact statements. The unit also educates victims regarding their rights under NYS's VINE Program (Victim Information and Notification Everyday) whereby victims can ascertain prisoner status and release dates of convicted felony offenders in the custody of the NYS prison system. In 2015 the Victim Justice Center handled 554 cases providing over 10,666 different services to crime victims in Westchester County.

As the District Attorney's Office has always done in the past, I have taken care to present to you a budget which I believe to be both fiscally responsible as well as realistic in terms of allowing me to carry out my legal mandate. The District Attorney's budget request is less than 1.5% of the \$1,818,539,132 total County budget for 2017 presented by the County Executive. Without sacrificing services or programs, I have managed to limit our 2017 budget request to an amount that is less than the money appropriated to my office in the 2016 budget. The initiatives and

programs outlined above have been established and/or continued without a request for increased funding by utilizing existing staff and maximizing resources

In preparing this budget for presentation to the Board of Legislators my staff and I have worked hard to put together a proposal that is both prudent and responsible and one that takes into account the financial times as they exist today and what we anticipate will extend into 2017. You will note, while I have not requested any additional staffing as part of this 2017 Budget Request, we have shifted 24 positions previously shown as grant positions into the Operating Budget. These 24 positions were moved into the operating budget because the grant reimbursement is less than 50% of each of the salaries for the employees in the affected grants. This shift caused a significant increase in the Net-Annual Regular account, however that increase is more than offset by the decrease in our Advance to Grants account and the increased revenue coming from the grant funds. As you will see, the majority of accounts have been reduced. As we have done in each of the last ten years, we will be effectuating budget savings resulting in a return to the County general fund of a substantial amount of money from our 2016 Budget.