



MEMORANDUM

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

FROM: District Attorney Janet DiFiore *JDF*

DATE: November 21, 2013

RE: Fiscal and Program Impact of 2014 Proposed County Budget

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 offenses committed in our county. As such, I have and will continue to 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 my duty, and 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 have continued 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 33,000 cases handled in 2012. The caseload for 2013 is projected to be consistent. 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, all 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), which has emerged as a model for efficient government, authentic collaboration, and smart policing. The Westchester Intelligence Center (WIC) has come to serve a very critical and practical role in supporting the efforts of law enforcement in Westchester County and beyond. 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 solve and abate crime. 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 WIC serves as a model of thoughtful, deliberate, and strategic policing, overcoming obstacles created by both criminals and challenging economic times.

The District Attorney's Office plays an important role in training local police throughout the County. Last year the District Attorney's Office held 97 training sessions for our local Westchester Police agencies including police recruits, sergeants, lieutenants and supervisors attending the Westchester County Police Academy. Topics included legal updates, elder abuse, sex crimes, human trafficking, bias crimes and drug trafficking. 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 and fighting. The ADA also trains police officers on the proper methods of identifying, investigating, and collecting evidence in such cases. In 2012 four comprehensive training seminars dealing with animal cruelty investigations were conducted throughout the County.

During 2012, 49 assistant district attorneys made 323 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 95 Internet Safety and Cyberbullying Prevention Workshops for students, parents, teachers and school administrators. In addition the District Attorney's Office continued an education campaign in eleven high schools throughout the County on the dangers of texting while driving. An assistant district attorney delivered a Power Point presentation along with allowing students to utilize a driving simulator, that clearly demonstrated the dangers of texting while driving. 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 2012, the DA conducted 97 PRO-LAW sessions, reaching thousands of students in various Westchester high schools

The District Attorney's Office is a leader in New York State in spearheading the effort to enforce New York's new Human Trafficking law. Our office serves as the co-chair of the Westchester County Anti-Trafficking Task Force. The Task Force, organized by My Sister's Place, the International Organization for Adolescents and the Pound Ridge Police Department, includes local police, Immigration and Customs Enforcement, the Attorney General's Office, the Department of Social Services, FBI and other local service providers. The Task Force will be developing protocols for the investigation of sex and labor trafficking cases and will encourage inter-agency cooperation.

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 2012 the CARP unit opened 15 new tax investigations and was successful in reclaiming \$425,452 in lost tax revenue for the State of New York and \$247,500 for Westchester County. To date this year the CARP Unit has returned \$235,033 to the County of Westchester and \$459,406 to New York State. Since the creation of the Unit in 2007, \$1,112,000 has been returned to Westchester County.

The District Attorney's Child Abuse Bureau coordinates the County's Multi-Disciplinary Team (MDT) for the investigation of child abuse cases. With the assistance of a full time Investigations Information Coordinator (IIC) funded by the Office of Children and Family Services (OCFS), the Child Abuse Bureau arranges for all of the intake, record sharing and scheduling of interviews and medical examinations for the MDT. In 2012, the IIC opened 420 cases for investigation by the MDT. The overriding goal of the MDT is to reduce the trauma to child victims by limiting interviews and providing medical examinations by forensically trained medical professionals. The heart of the MDT is the Westchester Children's Advocacy Center (CAC) where interviews and medical exams take place in a child-friendly, supportive environment on the grounds of the Westchester Medical Center. The CAC is one of only eight "Centers of Excellence" recognized by New York State. The MDT members include: Child Protective Services, the CAC, local law enforcement, the District Attorney's Office, the County Attorney's Office, Westchester Jewish Community Services, Victims Assistance Services as well as a host of other mental health and advocacy service providers. Westchester's MDT/CAC has continued to be recognized by New York State as a "Tier 1 Center," an acknowledgment that the Westchester MDT/CAC has achieved the highest standards for the investigation and prosecution of child abuse cases.

An assistant district attorney responds to all homicide scenes in Westchester County. In 2012, the Homicide Bureau opened 103 fatality reports and homicide assistants joined the medical examiner and the police in determining the cause and circumstances of death in each fatality. Investigations revealed that there were 24 deaths as a result of homicide in 2012. This is a slight decrease from the 26 deaths in 2011. Four of the deaths were a result of a vehicular homicide as compared to 1 in 2011. Of the remaining 20 homicides, 2 victims died as a result of domestic violence in the home while 12 homicides occurred on the streets in southern Westchester. The rest occurred at various other locations. The manner of death in these 20 homicides was 13 shootings, 5 stabbings, and 2 children under five killed by reckless conduct and by smothering respectively.

Over the last several years Westchester County has witnessed the horrific results of intoxicated drivers operating their vehicles on our public highways. In case after case innocent motorists, passengers and pedestrians have been maimed or killed by drunk drivers. 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. In addition, 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 2012 the District Attorney's Office required over 2,100 defendants charged with DWI and related offenses to participate in this program as part of their case disposition.

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 multilingual 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 2012 the Victim Justice Center handled over 300 cases providing over 7000 different services to crime victims in Westchester County.

Once again 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. My 2014 Budget request as originally submitted to the County Executive contained funding sufficient to support a Pay Plan Amendment granting raises to Assistant District Attorneys. Even with this additional funding request my total budget request constituted only 1.6490% of the total Westchester County Budget. However, these funds were removed by the Office of the County Executive and are not reflected in the 2014 total submitted to this Board by his office. With the funding for the raises to the ADA's removed my budget constitutes 1.6009% of the total County Budget. This difference is less than 1/20th of one percent. I am requesting that the additional funds necessary to fund the pay increases be restored to my Budget for 2014. My request for a pay increase for my assistants is a continuing one which I have every intention of pursuing through this budget process and into 2014 if necessary. Other than increases submitted in the 1010 line (and the corresponding Advance to Grants line), I have presented you with a budget request that is lower than my 2013 adopted budget.

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 as we anticipate will extend into 2014. I am not requesting any additional staffing as part of this 2014 Budget Request. Mandated step and longevity salary increases for staff including negotiated raises for Criminal Investigator salary increases are included in the Budget Total. I believe that by effectuating budget savings from the 2013 budget and returning these monies to the County general fund that I will have, once again, demonstrated my commitment to work with the administration, the Budget Department and the Board of Legislators.