

*2020 Joint Budget Hearing Testimony
Public Protection
District Attorneys Association of the State of NY*

Thank you for the opportunity to speak to you on behalf of the District Attorneys Association of the State of New York.

I commend you for your commitment to improving the criminal justice system in our great State. For the past year we have had a unique dynamic in our State government, where those in the majority were able to accomplish a lot and pass many, many bills. I am here to tell you that you cannot have meaningful reform without meaningful input from everyone. In the last 2 or 3 months, many of you have been engaging in conversations with more of my fellow District Attorneys from around the State. We certainly appreciate these conversations. However, all offices and all of counties must be consulted if we want meaningful changes and if we want these changes to be successful.

We have reviewed the Public Protection items in the proposed Executive Budget and notably missing is money or solutions that deal with the criminal justice laws that took effect January 1, 2020 including, bail discovery and speedy trial. The current fiscal year budget was passed with no money allocated for the implementation of these new laws. I can only hope that the omission in the Executive Budget means that any changes to these items will be given the attention and time they deserve so that meaningful debate and public discussion can occur.

The Article 7 Budget Bill introduced by the Governor includes a District Attorney Compensation fund. This fund would direct \$2 million to prosecutors across the State to comply with changes to our State's criminal discovery laws. Money for this "fund" would come from New York City DA offices and money they receive from deferred prosecution agreements. The Manhattan District Attorney's office is likely the office that receives the most money from deferred prosecution agreements and would likely be contributing the bulk. But dollar amounts would vary from year to year. While I appreciate the acknowledgement that some kind of funding needs to be established for prosecutors to comply with the new discovery requirements, \$2 million falls far short of realistic estimates of the funding that would be sufficient for statewide discovery mechanisms. Most estimates range upwards of \$100 million dollars with some estimates at \$400 million per year. Further, it seems risky to fund discovery via money from deferred prosecutions that might not be a steady or predictable stream year after year.

I would recommend any funding for statewide discovery begin with dedicating money for the Prosecutors Case Management System (PCMS). This is a web-based system that is already in place and is administered by the New York Prosecutors Training Institute (NYPTI). Currently 55 of New York's 62 Counties are already using this platform that tracks information, automatically generates required notices, tracks discovery and generates indictments for prosecutions.

To help offices comply with the new discovery mandates, NYPTI added the Digital Evidence Management System (DEMS) that connects prosecutors, police agencies, crime analysis centers, 911 call centers, defense attorneys and others. In short DEMS is an efficient secure solution to all of the individual components related to complying with the new laws. Prosecutors are able to manage documents, review body worn camera footage, surveillance videos, photos and almost any digital evidence in an online platform. Law enforcement agencies that are trained and equipped to utilize DEMS can upload their case files and multi-media evidence to the platform and it is directly accessible to District Attorneys and then it is able to be directly accessible to defense attorneys. Proper investment in DEMS hardware, software, storage, staff and training will result in an efficient and secure streamlining of the discovery process.

Rather than individual counties investing in millions of dollars of new piecemeal technology and infrastructure on a county by county basis, adequately funding DEMS and PCMS would be a fiscally sound solution to help prosecutors, law enforcement and defense attorneys meet the demands of the new laws.

Any discussion of costs related to the new discovery laws must also acknowledge that without resources dedicated to forensic labs prosecutors will not be able to do our jobs. Many small counties do not have their own crime labs and it often takes more than 30 days to get results back. Additional resources should be provided to state labs in order to meet the additional and expedited discovery timelines required by the laws.

The changes to our criminal justice system will have consequences for years to come. Adequately funding District Attorneys' offices and the offices of our law enforcement partners will help ensure the success of these laws. This includes seeking input from all sides. Public confidence in our criminal justice system is necessary for an efficient and fair criminal justice process. We owe it to our residents, our businesses and our visitors to continue to make sure NY is one of the safest states in the country while protecting the rights of the accused

I can assure you DAs want to be part of these conversations and I am here to answer any of your questions. DAs stand ready to continue this dialogue in upcoming weeks and months. I have also submitted a copy of our annual budget letter where we highlight our additional priorities and budget needs.