



P. DAVID SOARES
DISTRICT ATTORNEY

CHRISTOPHER D. HORN
DEPUTY CHIEF ASSISTANT DISTRICT
ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY JUDICIAL CENTER
6 LODGE STREET
ALBANY, NEW YORK 12207
(518) 487-5460
(518) 487-5093 - FAX

CHERYL K. FOWLER
CHIEF ASSISTANT DISTRICT ATTORNEY

October 16, 2024

TO: Hon. Wanda F. Willingham, Chair
Audit and Finance Committee

FROM: P. David Soares, District Attorney
Office of the District Attorney

RE: Response to Proposed 2025 Budget Questions

Please find answers to your questions below. Should you need any additional information, please do not hesitate to contact me at any time.

1. Identify department representative appearing before the Audit & Finance Committee for your agency budget presentation.

District Attorney David Soares, Chief Assistant District Attorney Cheryl Fowler, Deputy Chief Assistant Christopher Horn

2. Identify by line item all vacant positions in your department.

The following positions are currently vacant, however we are in the process of hiring people on some lines which will result in different lines becoming vacant. We are also continuously advertising for candidates and interviewing individuals to fill vacancies.

Position	Description	Org	Object
130192	Assistant District Attorney VI	A91165	12011D
130130	Assistant District Attorney V	A91665	12012
130134	Assistant District Attorney IV	A91665	12013
130140	Assistant District Attorney II	A91665	12015
130151	Criminal Law Associate (pending hire)	A91665	12017
130184	Criminal Law Associate (pending hire)	A91665	12017
130191	Criminal Law Associate (pending hire)	A91665	12017D
130186	Criminal Auditor	A91665	14020
130115	Criminal Auditor	A91665	14020

3. Identify by line item any new position(s), how the position(s) will be funded and the reimbursement rate(s), if applicable.

Position	Description	Org	Object
130106	Business Office Manager	A91165	14923

In conversations with stakeholders and partners in county governance, it has been recommended that we seek to add a line for a Business Office Manager due to the extensive grant load and office managerial needs. Position 130106 was previously our Clerk of the Works position. The person in that position has since departed for a job with the state and the office has more need of a Business Office Manager than a Clerk of the works. \$20,000 of increased salary was added from the Aid to Prosecution (ATP) grant, with 25.2% reserved for fringe and we are asking that the position be redesignated as a Business Office Manager position. The need for such a position is particularly obvious when one considers that more than half of our budget is funded by various grants.

4. Identify by line item any proposed salary increase(s) beyond union contract commitments. Include justification for those raise(s).

Please see attached spreadsheet, which was the budget we proposed and submitted to the County Executive. All raises, and additional fringe benefit costs, are funded with increased funding of the ATP Grant as indicated in the spreadsheet. This eliminates the need for distribution of year end bonuses. The County Executive's proposed budget zeroed out line 19954X, which is where the funds for the raises were previously allocated, but did not include the raises which those funds were directed at. It also did not add the ATP funds to position 130106 which we are proposing to become a Business Office Manager.

5. Identify by line item any position proposed to be eliminated or salary decreased.

N/A

6. Identify by line item all positions that are funded by grant money, the percentage of funding provided by the grant and indicate whether there is a commitment that the grant has been renewed for 2025.

All sources of the below grant funding are in the process of being renewed for 2025.

POSITION	DESCRIPTION	ORG	OBJECT	PERCENTAGE
130092	CRIME VICTIM CASEWORKER	A91165	12017	100%
130164	CRIME VICTIM CASEWORKER	A91165	12017	100%
130095	SUPERVISOR CRIME VICTIM CASEWORKER	A91165	12238	100%
130194	VOLUNTEER COORDINATOR	A91165	12249	100%
130166	CRIME VICTIM PROGRAM COORDINATOR	A91165	12262	100%
130120	BUREAU CHIEF ASSISTANT DISTRICT ATTORNEY	A91165	11150	61%
130208	SENIOR GUN PROSECUTOR	A91165	12056G	100%
130209	GUN PROSECUTOR	A91165	12057G	100%
130121	BUREAU CHIEF ASSISTANT DISTRICT ATTORNEY	A91165	11150	50%
130135	ASSISTANT DISTRICT ATTORNEY III	A91165	12014	75%
130037	CRIMINAL INVESTIGATOR	A91165	14021	50%
130122	BUREAU CHIEF ASSISTANT DISTRICT ATTORNEY	A91165	11150	90%

130111	CONFIDENTIAL ASSISTANT TO DA	A91165	12558	80%
130139	ASSISTANT DISTRICT ATTORNEY III	A91165	12014	100%
130063	CRIMINAL INVESTIGATOR	A91165	14021	50%
130103	SR. CRIMINAL INVESTIGATOR	A91165	14032	50%
130162	INTELLIGENCE ASSISTANT DISTRICT ATTORNEY	A91165	12012	100%

7. Identify by line item any job titles proposed to be changed or moved to another line item (e.g., reclassifications).

130115 and 130186 – Criminal Forensic Auditor – this title needs to be changed to Criminal Investigator positions because the current titles are not Union negotiated positions.

We are requesting that position 130106, which was previously our Clerk of the Works position, be changed to a Business Office Manager position instead. In our proposed budget, \$20,000 of increased salary was added from the Aid to Prosecution (ATP) grant, with 25.2% reserved for fringe. We are asking that the position be redesignated as a Business Office Manager position. The office needs a Business Office Manager due to the extensive grant load and office managerial needs.

8. Provide an itemized breakdown of specific expenditures regarding fees for services lines and miscellaneous contractual expense lines and indicate 2024 expenditures compared to 2025 proposed expenditures.

44046 – FEES FOR SERVICE	2024	2025
REQUEST	\$296,302	\$296,302
ACTUAL	\$238,919 (YTD)	\$N/A

44020 – Office Supplies	2024	2025
REQUEST	\$48,000	\$48,000
ACTUAL	\$22,712 (YTD)	\$N/A

44029 – Automotive Parts/Supplies	2024	2025
REQUEST	\$5,000	\$5,000
ACTUAL	\$0 (YTD)	\$N/A

44035 – Postage	2024	2025
REQUEST	\$10,500	\$10,500

ACTUAL	\$3,194 (YTD)	\$N/A
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44036 – Telephone	2024	2025
REQUEST	\$32,000	\$32,000
ACTUAL	\$27,456 (YTD)	\$N/A

44037 – Insurance	2024	2025
REQUEST	\$25,267	\$25,267
ACTUAL	\$27,516 (YTD)	\$N/A

44038 – Travel, Mileage, Freight	2024	2025
REQUEST	\$45,000	\$45,000
ACTUAL	\$50,712 (YTD)	\$N/A

44039 – Conference, Training, Tuition	2024	2025
REQUEST	\$30,000	\$30,000
ACTUAL	\$11,804 (YTD)	\$N/A

44040 – Books, Transcripts, Subscription	2024	2025
REQUEST	\$37,900	\$37,900
ACTUAL	\$37,492 (YTD)	\$N/A

44042 – Printing and Advertising	2024	2025
REQUEST	\$5,000	\$5,000
ACTUAL	\$277 (YTD)	\$N/A

44054 – Transcription Services	2024	2025
REQUEST	\$163,667	\$163,667
ACTUAL	\$114,119 (YTD)	\$N/A

44065 – Photocopier Lease	2024	2025
REQUEST	\$41,500	\$41,500
ACTUAL	\$9,377 (YTD)	\$N/A

44070 – Equipment Repair & Rental	2024	2025
REQUEST	\$1,500	\$1,500
ACTUAL	\$250.47 (YTD)	\$N/A

44102 – Gas and Oil	2024	2025
REQUEST	\$20,300	\$20,300
ACTUAL	\$12,753 (YTD)	\$N/A

44120 – Discovery, Storage, Case Management	2024	2025
REQUEST	\$130,000	\$130,000
ACTUAL	\$85,633 (YTD)	\$N/A

44305 – FEES FOR SERVICE	2024	2025
REQUEST	\$10,000	\$10,000
ACTUAL	\$3,225 (YTD)	\$N/A

9. Identify any new initiatives and/or eliminated programs, and reimbursements associated with these new programs.

Our primary initiative for 2025 will continue to be to comply with the previously unfunded mandates created by the passage of Criminal Justice Reform in New York State on April 1, 2019 and the additional updates and additions to those reforms in 2020. We continue to anticipate increased expenses in every aspect of our operations from staff overtime for victim and witness protection to increased transcription costs. Now that the courts have fully opened, data management expenses are continuing to rapidly increase. To address this situation, we have contracted with Axon to provide data storage and case management software at costs far lower than handling data on site. This initiative will also increase the speed and efficiency of our data collection and transmission to the defense as required by the Criminal Justice Reforms. The costs of this initiative and the acquiring of necessary hardware upgrades are

funded entirely by the Discovery Grant. Since we started the project, the Public Defender, Conflict Defender, and other offices have followed suit. This has created greater efficiencies both in criminal justice but in the costs related to same.

10. Identify all County vehicles used by your department. Include the title of the employee(s) assigned each vehicle and the reason for the assignment of a County vehicle to that employee.

All employees with issued vehicles are allowed to take them home because they are all on call 24 hours a day, 7 days a week and must respond to crime scenes, victim/witness protection details or emergencies when called by the District Attorney or our partners in Law Enforcement. All vehicles are purchased and maintained by seized funds with the exception of the \$15,000 for maintenance in the annual budget. This figure increased because the NYS Legislature greatly diminished the amount of funds available via forfeiture.

2019 Chevrolet Tahoe	1GNSKAKC1KR192745	Pizzola
2019 Chevrolet Tahoe	1GNSKAKC1KR233715	Soares
2019 Chevrolet Equinox	2GNAXSEV9K6235370	Sprague
2014 Subaru Legacy	4S3BMBC60E3038469	Connelly
2020 Chevrolet Traverse	1GEVGKW1LJ255635	Horn
2021 Chevrolet Colorado	1GCGTDEN3M1206530	Farry
2021 Chevrolet Equinox	3GNAXSEVXMS155032	Quinlivan
2021 Chevrolet Equinox	3GNAXSEV4MS116470	Wise
2021 Chevrolet Equinox	2GNAXSEV2M6120807	Fowler
2021 Chevrolet Equinox	3GNAXSEV2MS106522	Coleman
2021 Chevrolet Equinox	3GNAXSEV9MS106520	Ward
2021 Chevrolet Equinox	3GNAXSEV8MS116469	Stein
2023 Chevrolet Trl Blz	KL79MRSL1PB089211	Vogel
2023 Chevrolet Trl Blz	KL79MRSL5PB083024	Unassigned
2023 Chevrolet Trl Blz	KL79MRSLXPB091426	Ruff

11. Provide a specific breakdown of the use for the proposed funding for all Conferences/Training/Tuition line items in your department budget.

All Conference/ Training/Tuition dollars in the 2025 budget are grant funded.

12. Provide a specific breakdown of overtime line items in your department budget including the actual overtime expenditures for the previous two years.

All overtime hours are based on court caseload and victim/witness management needs. Additionally, \$18,000 is reimbursed as a result of task force participation.

Year	Overtime Budget	Overtime Actual
2022	\$50,000	\$69,627.22

2023	\$50,000	\$105,000.00
2024	\$50,000	\$77,886.36 (YTD)

Year	Discovery OT Budget	Discovery OT Actual
2022	\$0	\$0
2023	\$30,000	\$30,000
2024	\$30,000	\$0

13. Identify by line item any positions that were established/changed during the 2024 fiscal year.

N/A

14. Please describe the biggest risk your department faces and the actions you have taken (or will take in 2023) to better understand that risk and mitigate it.

The biggest risk to the Office of the District Attorney continues to be the complexity of responding to the passage of the mandates created by the Criminal Justice Reforms in 2019 and 2020, along with Raise the Age. Multiple police agencies have added body cameras. The entirety of the New York State Police have committed to the use of body cams. All of this leads to an exponential growth of data and concomitant needs for increased personnel and storage.

As we have observed the last few years:

*The biggest risk to the Office of the District Attorney is the passage of the several mandates created by Criminal Justice Reforms in 2019 and 2020. In 2020, New York State has witnessed the extraordinary confluence of Criminal Justice Reforms enacted on January 1, 2020, the Covid-19 Pandemic constraints beginning in March 2020, the historic repeal of CRL §50-A on June 12, 2020 * * * Each law and executive order has exponentially increased the demands, discovery, technological, procedural and statutory responsibilities of prosecutors, investigators and legal support staff across New York State. It is a collection of some of the most complicated and in many cases needed changes; but also, several of the largest unfunded mandates in close succession of one another in our state's history. * * * The passage of these laws without guaranteed funding or guidance to prosecutors and all other law enforcement partners will and has resulted in the dismissal of criminal cases based on procedure, not evidence.*

All of the foregoing has resulted in unprecedented rates of resignation due to fatigue, frustration, and fear of professional reprisals. While the legislature has suspended the restrictions of the residency requirement to allow us to recruit from different areas in our community, we simply have not been able to attract qualified candidates for the salaries we are able to offer.

With funding provided by the state, we have signed a long term contract with AXON for data storage and case management, improved our IT infrastructure, and have been able to provide our employees with enhanced pay in the form of bonuses. Since our office signed on with Axon, multiple other offices have followed suit – including the Public Defender, Conflict Defender and

others. This greatly improves the efficiency of our criminal justice related offices and saves money on IT infrastructure. Because these grants have continued to be funded at even higher levels going forward, we are asking to use Aid to Prosecution funds to increase salaries across the board so that we can attract and retain qualified personnel.

The unintended consequences of reform are numerous. Discovery reform has made local town and village practice more laborious, with a current backlog of five to six years for the busiest courts. ADAs in the past could easily balance a local court assignment right along with their felony caseload. Given the amount of increased litigation and motion practice and persistent under-staffing, additional resources are needed to deliver public safety services in local towns and villages. Raise the Age has also achieved quite the opposite of its original intent. Today we have criminal prosecutors in family court more than we have ever had in the past. Given the rise in gun violence and the involvement of the 16 – 17 year old defendants, we have to appear frequently to make arguments for youth court adoption of said cases. These offenders are routinely released back into the community they threaten by Family Court and, sadly, a disturbing percentage of them quickly graduate to committing more serious crimes as a result.

15. Please list performance indicators and metrics used by your department and current statistics for those metrics.

Data from the Department of Criminal Justice Services and the Office of Court Administration will be used to continue to measure case outcomes in Albany County. However, our true measure of success will be measured by our ability to meet the needs of every victim in Albany County, despite the outcome of their case in court.

16. Note specifically all potential new unfunded mandates, regulations, risks to grant revenues, risks to reimbursement revenues, from any source.

The criminal justice reforms and the consequences that have flowed therefrom continue to be the gravest threat to the operation of this office. There has been increased revenue provided by the state, but personnel and expertise are difficult to come by particularly at the salary levels we offer.