

Robert T. Johnson
District Attorney of Bronx County

Kenneth P. Thompson
District Attorney of Kings County



Cyrus R. Vance, Jr.
District Attorney of New York County

Richard A. Brown
District Attorney of Queens County

Daniel L. Master, Jr.
Acting District Attorney of Richmond County

October 28, 2015

Frederick A.O. Schwarz, Jr., Chairman
Quadrennial Advisory Commission for the
Review of Compensation Levels for Elected Officials
c/o Brennan Center for Justice
161 Avenue of the Americas
New York, New York 10013

Dear Chairman Schwarz:

We write to bring to the attention of the Commission our views regarding the compensation level of the District Attorneys in New York City. As you know, Administrative Code Section 3-601 requires that the Quadrennial Advisory Commission periodically review salaries for elected officials, including the District Attorneys, to ensure that their compensation reflects the important work that they perform. Factors to be considered include salary trends for positions with analogous duties, the length of time since the last change, changes in the cost of living, and the compression of salary levels for others in the elected official's office. In light of these guidelines, we believe the annual salary of the District Attorneys should be raised to \$250,000.

As District Attorneys, we are responsible for the prosecution of the most serious and violent criminal offenses including murders, rapes, robberies, gang violence, child abuse and domestic violence. We conduct long term investigations into sophisticated white-collar crimes, official misconduct and corruption, gun and drug trafficking and other offenses. We play a critical role in the handling of quality of life crimes that impact on our local communities and oversee a wide variety of school programs, drug treatment and mental health programs and other initiatives aimed at preventing crime. Our offices are also responsible for criminal appeals in state and federal courts, extraditions, forfeiture proceedings, crime victim assistance and a host of other civil and criminal enforcement efforts. In all of these cases, the public relies on District Attorneys to see that justice is done. We supervise hundreds of lawyers and support staff and have budgets in the tens of millions of dollars. Our offices are among the largest law firms in the City.

The last Quadrennial Advisory Commission issued its report in late 2006 and recommended that the next Commission should be appointed in 2011 as required by statute. Because four additional years have elapsed until the appointment of this Commission, the salary of the District Attorneys has remained at \$190,000 for the last eight years. In light of the four year delay in forming

the Commission, we ask that the salary adjustment be retroactive to 2011.

During the period since the last Quadrennial Advisory Commission, while the salaries of the District Attorneys have remained flat, the baseline Consumer Price Index (CPI), one of the standard measures of the real cost of living in a region, has continued to increase. Using the CPI, we calculated the salary of the District Attorneys from the last increase in 2007 out to 2020 (when the next Quadrennial Advisory Commission would be convened) as if it had kept pace with the cost of living. For the projected future years, we used the average annual increase between 2007 and today (see attached chart entitled CPI-NY). Such an analysis yields an annual salary of \$253,568. We hope that the Commission, going forward, will consider tying the new salaries to a cost of living increase, similar to that granted to Federal judges.

Public sector employees in New York City with similar duties are currently paid at levels higher than the District Attorneys. Deputy Mayors are paid \$222,182 (a 16.94% variance); the First Deputy Mayor is paid \$256, 819 (a 35.17% variance). The New York City Corporation Counsel, the Director of the Mayor's Office of Criminal Justice, the Police Commissioner and other senior commissioners are paid \$214,413 (a 12.85% variance). And if District Attorneys salaries are not increased by the Commission, the gap will continue to increase over time.

Another approach in calculating appropriate compensation levels is to look at how District Attorneys have fared over the years compared to these appointed City managers. Since the last Quadrennial Advisory Commission, City managers have received periodic salary increases. Had the District Attorneys received similar increases over the same period analyzed above (2007-2020), their annual salaries would be projected to be \$258,389. Once again, we calculated the out years by using an average of managerial salary increases during the period from 2007 to today (see attached chart entitled MPO).

Also relevant are the salaries paid to District Attorneys around the country. For example, District Attorneys in California earn \$291,006 in Santa Clara; \$317, 685 in Los Angeles; and \$260, 842 in Alameda. In Denver, the District Attorney will be paid \$219, 606 starting January 1, 2016. If these salaries were adjusted to New York City cost of living standards, they would be even higher.

The inadequacy of the District Attorney's earnings is brought into greater focus when compared to legal salaries in the private sector. Most large or top tier New York City law firms pay their first year associates \$160,000 and many also pay significant bonuses, bringing their annual earnings close to those of the elected District Attorneys. Within a few years, these young attorneys earn far more than elected District Attorneys. And senior partners in these firms, whose responsibilities are closer to those of District Attorneys, earn in the millions. The Executive Director of the MTA is paid \$359,877 and the Director of the Port Authority earns \$289,667. Executives at large non-profits also have salaries that are significantly greater than the District Attorneys.

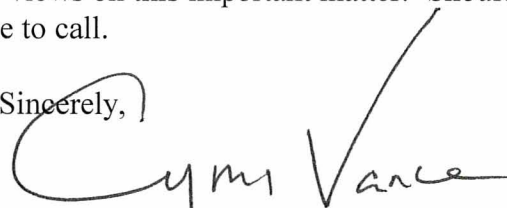
Beyond this, the eight year salary freeze of the District Attorneys' salaries has caused downward compression of all salaries in the District Attorneys' offices -- in particular those of our

most senior managers. That pressure reached a point where it could no longer be contained, and in the last year salaries of some of our senior managers now exceed that of the District Attorney himself. The salaries of many other senior managers in all the offices are now right up against the salary of the District Attorney. Despite the increases, all of those salaries are still below where they would be if not for the cap on the salary of the District Attorney.

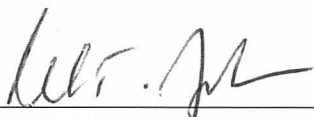
The salaries of attorneys at all levels of our offices also continue to be severely compressed. This has had a harmful effect on employee retention. Although there is stiff competition for entry-level positions, many leave the public sector for more lucrative jobs after they have received invaluable training and experience as prosecutors. Our best prosecutors -- those who have handled the most difficult and complex cases, involving both violent crime and white collar crime -- are most in demand. Some firms, and even regulatory and other public agencies, are offering these prosecutors tens of thousands of dollars more in pay. Our ability to fight crime will be gravely affected if we cannot adequately compensate our best and our brightest. In recommending increases for the District Attorneys in 2006, the last Quadrennial Advisory Commission found that the professional degree requirements of the office and the difficulties that our offices have in retaining our most talented attorneys demonstrated a compelling need for increases that would keep our offices competitive.

Thank you for the opportunity to present our views on this important matter. Should you require any further information, please do not hesitate to call.

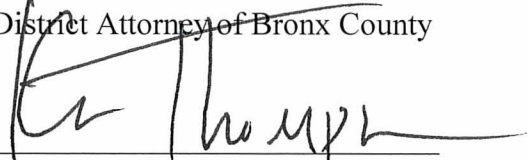
Sincerely,



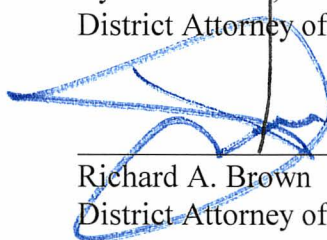
Cyrus R. Vance, Jr.
District Attorney of New York County



Robert T. Johnson
District Attorney of Bronx County



Kenneth P. Thompson
District Attorney of Kings County



Richard A. Brown
District Attorney of Queens County



Daniel L. Master, Jr.
Acting District Attorney of Richmond County

Attachment:

cc: Jeffrey Friedlander, Executive Director

DA Salary Analysis

CPI-NY*				
Year	Starting Salary	%	Increase	Adjusted Salary
2006 (Base)				190,000
2007	190,000	2.8%	5,320	195,320
2008	195,320	3.9%	7,617	202,937
2009	202,937	0.4%	812	203,749
2010	203,749	1.7%	3,464	207,213
2011	207,213	2.8%	5,802	213,015
2012	213,015	2.0%	4,260	217,275
2013	217,275	1.7%	3,694	220,969
2014	220,969	1.3%	2,873	223,842
2015	223,842	2.1%	4,701	228,542
2016	228,542	2.1%	4,799	233,342
2017	233,342	2.1%	4,900	238,242
2018	238,242	2.1%	5,003	243,245
2019	243,245	2.1%	5,108	248,353
2020	248,353	2.1%	5,215	253,568
Total			63,568	33%

MPO*				
Year	Starting Salary	%	Increase	Adjusted Salary
2006 (Base)				190,000
2007	190,000	4.4%	8,341	198,341
2008	198,341	4.0%	7,934	206,275
2009	206,275	4.0%	8,251	214,526
2010	214,526	0.0%	-	214,526
2011	214,526	1.0%	2,145	216,671
2012	216,671	1.0%	2,167	218,838
2013	218,838	1.0%	2,188	221,026
2014	221,026	1.5%	3,315	224,341
2015	224,341	2.5%	5,609	229,950
2016	229,950	3.0%	6,898	236,848
2017	236,848	2.2%	5,211	242,059
2018	242,059	2.2%	5,325	247,384
2019	247,384	2.2%	5,442	252,827
2020	252,827	2.2%	5,562	258,389
Total			68,389	36%



DISTRICT ATTORNEY OF QUEENS COUNTY N.Y.
125-01 Queens Boulevard, Kew Gardens, New York 11415-1568



U.S. POSTAGE >> PITNEY BOWES



ZIP 11415 \$ 000.48⁵
02 1W
0001386243 OCT 28 2015

Frederick A.O. Schwarz, Jr., Chairman
Quadrennial Advisory Commission for the
Review of Compensation Levels for Elected Officials
c/o Brennan Center for Justice
161 Avenue of the Americas
New York, New York 10013

1001381284 0031

