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***PAST NYSDAA PRESIDENT.**

April 6, 2006

Honorable George E. Pataki
Governor
Executive Chamber, State Capitol
Albany, N.Y. 12224

Dear Governor Pataki,

I am writing to encourage your approval of several items of appropriation added to the 2006-2007 Budget by the State Legislature.

In the Executive Budget \$6 million in Aid to Prosecution funding was proposed to be funded by surcharges, fees and fines that were to be passed as part of an Article VII Bill. The Legislature did not pass the Article VII and added an identical "Aid To" item of appropriation out of the general fund. The Legislature did not strike the items proposed in the Executive Budget, presumably to avoid violating the rule against striking an item and adding it back elsewhere. The net effect of the Legislature add is that the Budget has two items of Aid to Prosecution in the amount of \$6 million. This is in addition to the \$11,090,000 that you proposed and the Legislature adopted from the general fund. I, and my colleagues around the State, ask that whatever action you take with regard to the added item of appropriation that you ensure that the \$6 million in cash that is meant to flow to District Attorneys as Aid to Prosecution in the 2006-2007 fiscal year actually reach the District Attorneys as both you and the Legislature intended. This will ensure that District Attorneys receive the same level of Aid to Prosecution that they received last fiscal year.

In precisely the same manner discussed above, \$15,459,000 was proposed to fund Operation Impact out of new surcharges, fines and fees. An identical appropriation was made from the general fund by the Legislature. Please ensure that this program is fully funded in the upcoming fiscal year.

Your Executive Budget had a \$5 million item of appropriation for the recruitment and retention of district attorneys which was to be funded out of the additional revenues discussed above. The Legislature reduced the item to \$1,000,000 and provided that it be paid from the general fund. We request that you support this item. I and my colleagues need whatever support we can get, so that we are better equipped to retain and recruit Assistant District Attorneys around the State. The intention and objective of your fiscal proposal is realized, albeit in a reduced amount, by this item.

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In prior Budget years you have proposed and in other Budget years the Legislature has added an item of appropriation for the New York Prosecutors Training Institute to fund its Summer College of District Attorneys. In the 2006-2007 Budget as passed by the Legislature, \$134,000 was added for the New York Prosecutors Training Institute (NYPTI). This appropriation is crucial to NYPTI being able to provide a full compliment of continuing legal education programs to prosecutors throughout the State. This is one service that the District Attorneys of the State of New York have been able to provide to our Assistants in the past several years. I ask that you leave this item of appropriation in the 2006-2007 Budget.

The Legislature also added a \$500,000 item so that NYPTI could provide assistance to District Attorneys for the prosecution of medicaid fraud. We ask that you leave this item of appropriation in the 2006-2007 Budget.

We are very mindful of your responsibility to ensure the fiscal integrity of the Budget. Nonetheless, my colleagues and I believe that the items of appropriation covered by this letter are critical to the operations of the 62 Offices of District Attorneys around the State. It has been a genuine pleasure for New York's District Attorneys to work with you over the past 12 Budgets. Thank you for your consideration of this letter.

Very truly yours,

Frank J. Clark
Erie County District Attorney and
President, DAASNY

Cc: John Cape
Richard Platkin
Chauncey Parker
Susan Knapp
Roger McDonough