

## **Westchester benefit cuts prompt mass resignations in DA's office; police chiefs (and the DA) seek reversal**

WHITE PLAINS — Several top prosecutors in the Westchester County District Attorney's Office plan to resign following the county's decision to cap their unused sick-time payouts and make them pay part of their health insurance premiums.

A concerned District Attorney Janet DiFiore spoke with police chiefs and county lawmakers, informing them that as many as a dozen senior assistant district attorneys are quitting by July 1, when the changes take effect.

DiFiore is seeking their help in reversing the Board of Legislators' decision and meeting with legislators in her office today.

"She's already received 10 or 12 resignations and they are some of the most seasoned people in her office," said Tuckahoe Police Chief John Costanzo, president of the Westchester Police Chiefs Association. "This certainly will affect all of us in law enforcement, without a doubt."

It was not known which prosecutors intend to resign. Costanzo said the District Attorney's Office already has problems keeping prosecutors with the lure of higher-paying jobs in private practice. He said he reached out to DiFiore and told her the association will work to persuade lawmakers to reconsider the reforms.

Sleepy Hollow Police Chief John Kapica, who was called by DiFiore this morning, said he is asking the chief's association to hold an emergency session on the topic and for members to attend the county board's next meeting.

"To lose seasoned prosecutors like that really compromises our ability to successfully prosecute career criminals and really bad people for serious crimes," Kapica said. "One of the most important cogs in the criminal justice system is severely hampered."

In a letter to Republican County Executive Rob Astorio, Kapica said the changes undermine the district attorney's ability to fight crime if the county drives out prosecutors with decades of experience.

"As a law enforcement officer for nearly forty years, I believe this is foolish and represents politics at its worst, especially in light of the DA's offer to provide identical savings in other areas of her budget," he wrote.

There are 125 prosecutors in the District Attorney's Office. Ten have at least 30 years experience and make between \$125,000 and \$158,640 a year, according to payroll data.

One assistant district attorney who is staying and agreed to speak on the condition of anonymity said the departure of so many prosecutors is "scary for everybody" because of the heavy

workload everyone carries.

"With such a large group leaving on such short notice, and talks about a hiring freeze, we're worried we'll never get to go home," the prosecutor said. "The work still has to get done." Since prosecutors have not received raises since 2006, the changes in health contributions are effectively a pay cut, the prosecutor said.

County prosecutors juggle multiple cases at any given time. They can get called out to crime scenes in the middle of the night and are not entitled to overtime.

"It's more than a nine-to five job," said Calvin Scholar, who left the District Attorney's Office in 2008 after 11 years to start his own practice. "You work seven days a week and, if you're on homicide duty, you're working 24 hours a day."

Scholar said the departure of top prosecutors would drain the office of institutional knowledge and decades-long relationships with police chiefs. "Younger assistants are not going to have them to draw from anymore," he said.

DiFiore, a Democrat, did not return calls for comment today, but has been outspoken against some reforms championed by Astorino and the Board of Legislators.

The board earlier this week unanimously approved having non-union managers — including those in DiFiore's office — pay between 10 percent and 20 percent of their health insurance premiums, based on salary, to address a large budget deficit and control spiraling costs. It was a compromise with Astorino, who in January asked for 15 percent across-the-board contributions.

The prosecutor's office was exempt from previous versions that were later changed.

The county board also approved a cap on sick and vacation payouts — which could translate into tens of thousands of dollars for a seasoned prosecutor — and a voluntary buyout incentive worth \$1,000 a year up to \$30,000.

When she testified before the board in February, DiFiore said the proposal could have "unintended consequences" of eliminating, "in one fell swoop," some of the county's most experienced prosecutors.

She then said that, because as many as 21 senior prosecutors were eligible for retirement, changing the policy would have detrimental repercussions on their pensions and benefits.

That would "have potential effects on public safety," she said.

County board Chairman Ken Jenkins, D-Yonkers, said he and other legislators would try to address, or at the very least hear, DiFiore's concerns.

"If that is a consequence, we need to listen to it," Jenkins said of staff departures. "We tried to come up with something that everybody could live with... If we need to make adjustments, then we'll do that."

Majority Leader Tom Abinanti, D-Greenburgh, said an unfortunate aspect of these reforms is that experienced staff would leave and, given the county's precarious financial condition, voluntary departures are better than the alternative.

"I would rather entice people to leave, rather than lay people off," Abinanti said. "That's the choice Astorino is giving us. It's much fairer to allow people ready to retire to leave than lay off people in the middle of their careers who desperately need their jobs."



Westchester District Attorney Janet DiFiore (D-Rye) ( nee R) (Journal News file photos)



. Westchester Board of Legislators Chair Ken Jenkins (D-Yonkers)