



## PUBLIC SAFETY

### CUT OFF THE PIPELINE TO MS-13

New York will launch a

**\$11.5 million**

campaign to **engage at-risk youth** in **social** and **educational programs** to discourage recruitment.



### DECLINING CRIME

New York has one of the **lowest crime rates** of any large state in the country.



From **2007** to **2016**

the **crime rate** in New York declined **20%**, reaching an **all-time low** since reporting began in **1975**.

**31%**

drop in **New York's prison population**, from a peak of **72,600** in 1999 to a current **population of approximately 50,300** – the lowest level in more than two decades.



## Budget Highlights

**Bail Reform and Reduce Pre-trial Detention.** To ensure that race and wealth are not factors in the justice system, the Budget reforms the bail system to prevent individuals who pose no risk to public safety, but cannot afford bail, from being locked up for long periods of time before trial.

**Advance the Women's Agenda.** The Budget includes legislation that fights sexual harassment in the workplace, removes firearms from domestic abusers, and ends sextortion and revenge porn.

**Cut Off the Pipeline to MS-13 Recruitment.** The State will launch an \$11.5 million campaign to engage at-risk youth in social and educational programs to discourage recruitment to gangs.

The FY 2019 Executive Budget advances principles of social justice and affirms New York's progressive values within the criminal justice system by reforming the bail system, the discovery process, and access to a speedy trial. To promote public safety, the Budget advances the Women's Agenda, and invests in prevention, diversion, treatment, re-entry and supervision services at the State and local level.

## Overview

The Public Safety agencies assist local communities with crime prevention, supervise criminal offenders both in prison and in the community, patrol the highways, protect critical State assets, and respond to natural disasters and terrorist threats.

The Department of Corrections and Community Supervision (DOCCS) is responsible for providing services that offenders need in safe and secure facilities, preparing offenders for release, and ensuring they receive appropriate monitoring and support while under community supervision.

The Division of Criminal Justice Services (DCJS) collects and analyzes statewide crime data, administers local criminal justice programs, administers the State's Sex Offender Registry and DNA Databank, and tracks the effectiveness of system-wide criminal justice strategies designed to enhance public safety.

The Division of State Police protects the citizens of the State, prevents and detects crime and other violations of law and promotes highway safety.

The Division of Homeland Security and Emergency Services (DHSES) is dedicated to the preparation and protection of the State's citizens, communities, resources, economy, and infrastructure from threats and acts of terrorism, natural disasters, and other emergencies.

## Improving Public Safety and Fairness

New York has one of the lowest crime rates in the country and the lowest imprisonment rate of any large state. The crime rate in New York State has continued to decline, reaching an all-time low in 2016 since reporting began in 1975. This makes New York the safest large

state. The significant decline in crime coincides with a 31 percent drop in the State’s prison population from a peak of 72,600 in 1999 to a current population of approximately 50,300 – the lowest level in more than two decades.

In a reaffirmation of the State’s progressive values, the Budget reforms the discovery of evidence process, the right to a speedy trial, and the bail system to prevent individuals who pose no risk to public safety, but cannot afford bail from being confined for long periods of time before trial.

The Budget also includes legislation that advances the Governor’s Women’s Agenda to support women’s equality, expand access to health care, and combat sexual assault. These efforts include fighting sexual harassment in the workplace, removing firearms from domestic abusers, and ending sextortion and revenge porn.

Due to an increase in violent gang-related crime, particularly involving MS-13 on Long Island, the Governor has launched an aggressive campaign to expand access to State intelligence resources, and to provide additional investigators and Troopers to assist local municipalities with gang-related investigations. The FY 2019 Budget also invests \$11.5 million in a comprehensive strategy to engage at-risk youth in social and educational programs to cut off the gang recruitment pipeline.

**Table 14: Summary of Spending (All Funds)**

Category	FY 2018 (millions)	FY 2019 (millions)	Change	
			Dollar (millions)	Percent
Department of Corrections and Community Supervision	3,121	3,131	10	0.3%
Division of State Police	826	776	-50	-6.1%
Division of Criminal Justice Services	222	213	-9	-4.1%
Division of Homeland Security and Emergency Services	1,384	1,092	-292	-21.1%
All Other	297	373	76	25.6%
<b>Total Public Safety</b>	<b>5,850</b>	<b>5,585</b>	<b>-265</b>	<b>-4.5%</b>

Spending for public safety agencies is projected at \$5.6 billion for FY 2019. The year-to-year change in State Police is mainly attributable to the timing of disbursements related to fleet replacement and capital projects, as well as reestimates of overtime for temporary missions

## Performance Profile

**Improving Public Safety.** New York has one of the lowest crime rates of any large state in the country. From 2007 to 2016, the crime rate in New York declined 20 percent, reaching an all-time low since reporting began in 1975.

**Declining Prison Population.** The significant decline in crime coincides with a 31 percent drop in the State’s prison population, from a peak of 72,600 in 1999 to a current population of approximately 50,300 – the lowest level in more than two decades.

**Pew-MacArthur Results First Initiative.** DCJS continued participation in this program to verify that funded programs are delivering effective services and that the outcomes predicted by the cost-benefit modeling are being achieved. This work is a natural extension of New York’s commitment to data-driven decision-making.

**Citizen Preparedness Corps Training.** Over 215,000 in-person and online trainings have been delivered across the State. Trainings are offered by the New York National Guard and Red Cross in collaboration with DHS&ES to equip citizens with the tools needed to prepare for any type of disaster in their community.

and response to critical incidents. The DHSES year-to-year change is primarily due to the timing of large FEMA Public Assistance payments related to Superstorm Sandy. The DOCCS increase is largely attributable to preventative maintenance capital projects.

## Proposed FY 2019 Budget Actions

### Criminal Justice Reform

The FY 2019 Executive Budget proposes comprehensive reforms from arrest to trial that will help ensure equal justice for all citizens.

- **Reform Bail Practices and Reduce Pre-trial Detention.** New York is one of only four states in the nation that does not allow public safety to be taken into consideration in release and bail decisions. This approach means people in New York who do not present a risk to public safety, but cannot afford bail, are detained while those who may present a risk to public safety can post bail and gain release. Legislation submitted with the Budget will create a presumption that people facing misdemeanor and non-violent felony charges must be released without cash bail. Monetary bail would be permitted, but not required, in remaining cases after an individualized assessment of the case and personal and financial circumstances.
- **Reform the Discovery Process.** New York is one of only 10 states that enables prosecutors to withhold evidence until the day a trial begins. Legislation submitted with the Budget will require prosecutors and the defense to share information in a multi-stage time frame prior to the start of the trial.
- **Ensure Access to a Speedy Trial.** The Executive Budget advances legislation to codify the waiver process, require court reviews of statements of readiness, and prevent undue delay by last minute motion practice. Too often, defendants are held in custody and/or pretrial for excessive periods of time and courts are overburdened with the number of pending criminal cases, leading to backlogs that disrupt the justice system.
- **Improve Indigent Legal Services.** In FY 2018, the Governor introduced a plan to extend the provisions of the Hurrell-Harring settlement statewide with the State funding 100 percent of the costs, with appropriate fiscal oversight through the Division of Budget. The FY 2019 Budget includes a \$50.7 million appropriation to support the first year of the initiative, which will guarantee that indigent defendants have counsel at arraignment, provide caseload relief for indigent defense providers, and improve the quality of representation for indigent defendants.

- **Remove Barriers to Re-entry.** Individuals with criminal convictions face significant economic and social barriers to their successful reintegration into society. Legislation advanced by the Budget removes outdated suspensions and bans on driver's licenses and occupational licenses, expands opportunities for geriatric parole, merit release and limited credit time allowances, and reduces financial burdens on those recently released from prison.
- **Reduce New York's Use of Solitary Confinement.** During the past year, New York has gone above and beyond the parameters of the settlement reached between the New York Civil Liberties Union and the New York State Department of Corrections and Community Supervision by advancing regulations providing stricter oversight of the use of solitary confinement. This has resulted in a 29 percent reduction in the number of inmates serving sanctions in a Special Housing Unit (SHU). The State intends to continue this policy by closing over 1,200 SHU beds throughout New York State's correctional facilities.

## Protecting New Yorkers

The FY 2019 Executive Budget targets known threats to public safety.

- **Combat Sexual Harassment in the Workplace.** As part of Governor Cuomo's Women's Agenda, the Budget includes legislation that will prevent taxpayer funds from being used for settlements against individuals relating to sexual assault or harassment. It would also ensure harassers are held accountable by prohibiting confidentiality related to sexual assault or harassment, unless otherwise expressed by the victim, establishing a unit within the Joint Commission on Public Ethics to receive and investigate complaints of sexual harassment, and instituting a uniform code of sexual harassment policies across all branches of State government. Sexual harassment afflicts people of every gender, race, age and class, and there must be zero tolerance for sexual harassment in any workplace, including those of the State and local governments.
- **Remove firearms from Domestic Abusers.** As part of Governor Cuomo's Women's Agenda, the Budget includes legislation that remove firearms from domestic abusers. When a gun is involved in a domestic violence situation, the threat of death is dramatically increased. New York law prohibits the possession of firearms for individuals convicted of a felony or "serious" offense. However, this excludes certain misdemeanor offenses involving domestic violence, such as assault and battery crimes or strangulation. To ensure that all domestic violence offenders are held to the same standard, the legislation will make it so all domestic violence misdemeanors on the list of prohibited offenses are included among the offenses that prohibit firearm possession. The legislation will also correct a loophole by mandating that rifles and shotguns are surrendered to law enforcement when handguns are surrendered.
- **End Sexual Extortion and Revenge Porn.** As part of Governor Cuomo's Women's Agenda, the Budget includes legislation to address gaps in existing law created by advances in technology and widespread use of social media, which have enabled new forms of sexual exploitation. These include the use of sexual images or videos for blackmail, and revenge porn – the non-consensual dissemination of sexually explicit images or videos intended for harm. To end this

practice, legislation is advanced to create the crimes of Unlawful Publication of Sexual Images, Sexual Extortion in the 3rd Degree, Sexual Extortion in the 2nd Degree, and Sexual Extortion in the 1st Degree.

- **Cut off the Pipeline of MS-13 Recruitment.** In 2017, the Governor launched an aggressive campaign to crack down on the violent gang MS-13 in Long Island, expanding access to State intelligence resources, providing additional resources to local law enforcement, and mobilizing State Troopers to assist. Furthering the fight against this dangerous gang, the Executive Budget provides \$11.5 million to support a comprehensive strategy of engaging at-risk youth in social and educational programs in order to cutoff the MS-13 recruiting pipeline.
- **Support the Child Victims Act.** Under current law, child sexual abuse offenses cannot be prosecuted after five years from their occurrence and civil lawsuits for this conduct must be brought within three years from the victim's 18th birthday. Legislation advanced in the Budget eliminates statutes of limitation for all sexually-related criminal cases when committed against a person who is less than 18 years of age, and extends the statute of limitations for civil claims to 50 years from the date of the offense.
- **Expedite Investigations for Online Sexual Offenses Against Children.** The Budget grants the Superintendent of State Police administrative subpoena power to facilitate State Police's ability to investigate and respond effectively to certain online sexual offenses involving children.