

The FY 2018 Executive Budget strengthens preparedness against terrorism, natural disasters, and cyber-related threats. It advances principles of social justice and affirms New York's progressive values by raising the age of juvenile jurisdiction for 16 and 17 year olds, removing mandatory prison sentences for minor offenses, and reforming 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. These reforms balance law and order with compassion and common sense.

## 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.

## Budget Highlights

**Increase State Police and National Guard Presence in New York City.** The Budget continues the Governor's New York Crossings Project, which assigns 150 State Police members and 150 National Guardsmen, respectively, to bolster security and anti-terror exercises at nine MTA-operated bridges and tunnels.

**Strengthen Response to Cyber Incidents.** The FY 2018 Executive Budget supports the creation of a Cyber Incident Response Team aimed at strengthening cyber preparedness and response.

**Bail Reform and Reduce Pre-trial Detention.** Reform 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.

**Modernize Sentencing Laws.** Remove mandatory minimum terms of imprisonment for minor felony offenses.

## Performance Profile

### Improving Public Safety.

New York has one of the lowest crime rates of any large state in the country. From 2006 to 2015, 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 28 percent drop in the State's prison population, from a peak of 72,600 in 1999 to a current population of approximately 52,000 – the lowest level in more than two decades.

**Combating Terrorism.** The Division of Homeland Security and Emergency Services conducted 600 counter terrorism exercises in FY 2017. The Budget supports continuation of exercises in each of New York State's 16 Counter Terrorism Zones.

## Focusing on Emergency Preparedness and Crime Prevention

### Emergency Preparedness

In September 2014, Governor Cuomo initiated a counter terrorism surge in the New York City metro area with enhanced security measures and an increased State Police, Metropolitan Transportation Authority police, and National Guard presence. In response to the 2015 terrorist attacks in Paris and San Bernardino, the Division of Homeland Security and Emergency Services increased the number of security assessment exercises across New York. The Office of Counter Terrorism, along with State, Federal and local law enforcement partners, completed more than 600 "Operation Safeguard" counter terrorism exercises at businesses and organizations across the state to test their suspicious activity reporting programs and counter terrorism plans.

The FY 2018 Executive Budget builds upon these actions. It strengthens preparedness by providing active shooter trainings for six upstate cities, training for airport employees to identify potential threats to public safety, and bolstering security and anti-terror activities at nine MTA-operated bridges and tunnels.

### Criminal Justice

New York has one of the lowest crime rates in the country and the lowest imprisonment rate of any large State. From 2006 to 2015, the crime rate in New York declined 20 percent, reaching an all-time low since reporting began in 1975. This makes New York the safest large state. The significant decline in crime coincides with a 28 percent drop in the State's prison population from a peak of 72,600 in 1999 to a current population of approximately 52,000 – the lowest level in more than two decades.

In December of 2015, the Governor issued an Executive Order to establish a facility to house 16- and 17-year old youths who are in the State's correctional system. Since August of 2016, these youths have been housed at Hudson Correctional Facility, currently a DOCCS operated facility that has been transformed to appropriately house and serve younger offenders. Youth receive programming geared toward younger offenders, and individuals with mental health needs are provided access to Office of Mental Health services.

The FY 2018 Executive Budget builds on these efforts by raising the age of juvenile jurisdiction for 16 and 17 year olds. It also expands access to on-the-job training opportunities for inmates, removes mandatory prison sentences for minor offenses and reforms 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.

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

Category	FY 2017 (millions)	FY 2018 (millions)	Change	
			Dollar (millions)	Percent
Department of Corrections and Community Supervision	3,067	3,120	53	1.7%
Division of State Police	831	767	-64	-7.7%
Division of Criminal Justice Services	235	224	-11	-4.7%
Division of Homeland Security and Emergency Services	609	580	-29	-4.8%
All Other	270	318	48	17.8%
<b>Total Public Safety</b>	<b>5,012</b>	<b>5,009</b>	<b>-3</b>	<b>0.1%</b>

Spending for public safety agencies is projected at \$5 billion for FY 2018. The year-to-year change in State Police is attributable to retroactive payments associated with NYS Police Investigators Association’s collective bargaining agreement and one-time costs associated with the expansion of Troop NYC. DHSES year-to-year change is due to the completion of disaster recovery projects resulting from Hurricane Irene and Tropical Storm Lee. The Department of Corrections and Community Supervision's increase is associated with the payment of general State charges for maintenance personnel funded through capital. The \$48 million year-to-year change for other criminal justice agencies is largely related to timing of contract payments for the Office of Indigent Legal Services and increased Federal grants and subsequent payments in the Office of Victim Services.

## Proposed FY 2018 Budget Actions

### Emergency Preparedness and Cyber Security

The FY 2018 Executive Budget strengthens preparedness against terrorism, natural disasters, and cyber-related threats.

- Increase State Police and National Guard Presence in New York City.** As part of the Governor’s New York Crossings Project, the State Police and the Division of Military and Naval Affairs will assign 150 members and 150 National Guardsmen to bolster security and conduct anti-terror exercises at nine MTA-operated bridges and tunnels. In addition, the State Police will collaborate with Triborough Bridge and Tunnel Authority Police on toll enforcement as automatic tolling systems are rolled out.

- **Strengthen New York’s Response to Cyber Incidents.** The Budget supports creation of a new Cyber Incident Response Team to provide cybersecurity support to state entities, local governments, critical infrastructure and schools. The team will strengthen cyber preparedness and response through outreach, coordinated exercises, and best practices at non-executive State agencies, Authorities, local governments, and critical infrastructure. Housed within the DHSES Office of Counter Terrorism, the team will be the first responder to reported cyber incidents and will work with the targeted organization to regain normal operations.
- **Protect Critical Infrastructure.** In FY 2018, DHSES will build on the 600 counter terrorism exercises conducted in FY 2017 by continuing these essential security assessments of critical infrastructure and key resources in each of New York State’s 16 Counter Terrorism Zones.
- **Local Emergency Responder Active Shooter Training.** The State Preparedness Training Center will provide full scale active shooter training to local emergency responders in six cities.
- **Civilian Airport Employee Security Training.** DHSES Office of Emergency Management will conduct train-the-trainer programs and provide direct training to civilian airport employees focused on increasing security awareness and active shooter preparedness. The program will place emphasis on the importance of their role in reporting potential threats and responding appropriately during an emergency in order to protect themselves and the public.

## Criminal Justice

The FY 2018 Executive Budget proposes comprehensive reforms from arrest to trial that will ensure equal justice for all citizens.

- **Raise the Age of Juvenile Jurisdiction.** New York is one of only two states in which the age of juvenile jurisdiction ends on a youth’s 16th birthday. This means that all 16 and 17 year olds are processed in the adult criminal court system, and not through the family courts, regardless of the nature of their offense. All other states, except for North Carolina, have set this age at 17 or 18 years old.

In December of 2015, the Governor issued Executive Order #150 to establish a facility to house 16- and 17-year old youths who are in the State’s correctional system. Since August of 2016, these youths have been housed at Hudson Correctional Facility, currently a DOCCS operated facility that has been transformed to appropriately house and serve younger offenders.

The FY 2018 Executive Budget reflects the next steps in juvenile justice reforms through legislation to raise the age of juvenile jurisdiction to age 17 on January 1, 2019 and to age 18 on January 1, 2020. Additional reform measures include comprehensive diversion, probation, and programming services for justice-involved youth.

- **Improve Indigent Legal Services.** This year, the Governor will introduce a plan to extend the provisions of the Hurrell-Harring settlement to the rest of the State. Under this plan, the State will fund one hundred percent of the costs necessary to extend the reforms in the Hurrell-Harring settlement to all of the State's counties and the City of New York, with appropriate fiscal oversight through the Division of Budget. The annual cost to the State is estimated to be \$240 million when fully phased-in. This initiative will guarantee that indigent defendants have counsel at arraignment, provide caseload relief for local judges and prosecutors, and improve the State criminal justice system for indigent defendants.
- **Reform Bail Practices and Reduce Pre-trial Detention.** New York is one of 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 are able to post bail and gain release.
- **Ensure Access to a Speedy Trial.** Develop and formalize an effective legislative and administrative approach to ensure the constitutional right to a speedy trial is protected across New York State.
- **Update Evidence Based Practices to Ensure Fairness.** Permit eyewitness photo identification arrays into evidence and require video recording of custodial interrogations for serious crimes. Further, the requirement for video recording would help prevent wrongful convictions based on false confessions while also protecting law enforcement from erroneous allegations of correction. The Governor previously dedicated nearly \$1.7 million in grant funding to help localities purchase video equipment.
- **Modernize Sentencing Laws and Remove Mandatory Prison Terms for Minor Offenses.** Expand determinate sentencing to non-violent, non-drug, non-sex offenses. Remove mandatory minimum terms of imprisonment for minor felony offenses.
- **Reform Post-Release Supervision.** Allow individuals on parole for certain offenses to reduce their term of supervision by three months for every six months of good conduct.
- **Incentivize Comprehensive Rehabilitation and Programming through Sentence Reductions.** Expand limited credit time allowances to DMV call center and vocational culinary arts programs.
- **Change Maximum Security Correctional Facilities Visitation Schedule.** Reduce the number of days visitors are allowed at maximum security correctional facilities to align more closely with medium security correctional facilities.

- **Risk Reduction Enhanced Response Pilot Program.** The Office for the Prevention of Domestic Violence will increase the number of pilot programs in FY 2018 to cover four more high risk areas. This program seeks to prevent intimate partner related homicides in New York State by jointly focusing local law enforcement and service providers on interventions.