

# Public Safety

Division of Alcoholic Beverage Control  
State Commission of Correction  
Department of Corrections and Community Supervision  
Division of Criminal Justice Services  
Division of Homeland Security and Emergency Services  
Office of Indigent Legal Services  
Division of Military and Naval Affairs  
Office for the Prevention of Domestic Violence  
Division of State Police  
Division of Veterans' Affairs  
Office of Victim Services

## Overview

The Executive Budget reflects a strong commitment to smart public safety, focused on preparedness, prevention, and performance. The Budget provides for the recovery from Superstorm Sandy and prepares New York for the next storm. It implements first-in-the-nation laws on gun control and the use of DNA testing. New performance-based programs aim to decrease the chances of new crimes being committed by formerly incarcerated persons, and the prison system continues to right-size.

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The State spends \$5 billion annually to protect New York's residents. 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.

## Focusing on Preparedness, Prevention and Performance

### Disaster Recovery and Preparedness

In just two years, New York State has sustained damage from three powerful storms that have crippled entire regions: Hurricane Irene, Tropical Storm Lee and, most recently, Superstorm Sandy. The response to Sandy is ongoing, with billions of Federal aid expected to support the recovery. Combining efforts to repair the damage with smart decisions on how to mitigate future disasters will be the key to meeting the challenge of this "new normal."

### Criminal Justice

New York has one of the lowest crime rates in the country, and is the only state to have driven down incarceration while also driving down crime for more than a decade. From 2002 to 2011, the number of crimes committed in New York declined 17 percent. Simultaneously, the State's prison population has fallen from a peak of 72,600 in 1999 to fewer than 55,000, currently.

Continuing this trend, the prison population will decline by more than 800 in the current year, followed by smaller but steady declines in the coming years. To produce further population declines, the Department of Corrections and Community Supervision (DOCCS) is implementing new programs to better prepare offenders for a return to the community and enhance their chances of success once released. Despite seven closures during 2011-12, eliminating 3,800 excess beds and saving \$112 million, the prison system continues to have excess capacity.

Employing science in the fight on crime, the State has operated a DNA Databank since 1996. The DNA Databank law has been amended five times to expand the number of crimes that require a DNA sample upon conviction. The latest expansion took effect on August 1, 2012, placing all felonies in any State law and all Penal Law misdemeanors within the scope of the program – making New York the first state in the nation to do so. As of August 2012, the DNA Databank had identified 14,347 “hits” to assist in solving crimes and exonerating the innocent.

Following the tragic events of December 2012 in Newtown, CT and West Webster, NY, the State enacted a tough, comprehensive and balanced answer to gun violence. The new law addresses weaknesses in the current regulatory structure by establishing a clear, enforceable ban on assault weapons and high capacity magazines, closing a loophole that allowed guns to be sold privately without a background check, setting a single standard for licensing, tightening provisions governing the gun ownership by persons with serious mental illness or where an order of protection has been issued, requiring safe storage of guns, and creating new penalties for illegal gun use.

Overwhelmingly, increased spending recommended in the Budget is for the ongoing recovery from the recent major storms – Hurricane Irene and Tropical Storm Lee in September 2011 and Superstorm Sandy in October 2012. Spending for public safety agencies grows by nearly \$3 billion, primarily reflecting the impact of Federal disaster relief flowing to the State, and through it to local governments and other storm-impacted entities, such as public authorities and not-for-profits.

Excluding Federal disaster aid, spending for public safety agencies will decline 10 percent in 2013-14. This spending reduction is primarily the result of a retroactive collective bargaining settlement for correction officers in 2012-13, and the receipt of Federal disaster aid reimbursement to offset spending in 2013-14. After adjusting for these extraordinary changes, spending in State Operating funds grows \$42 million, or 1.2 percent.

**Summary of Spending (All Funds)**

Category	2012-13 (\$ in millions)	2013-14 (\$ in millions)	Change	
			Dollar (in millions)	Percent
Public Safety	6,744	9,737	2,993	44.4
Department of Corrections and Community Supervision	3,139	2,959	(180)	(5.7)
Division of State Police	703	698	(5)	(0.7)
Division of Criminal Justice Services	282	249	(33)	(11.7)
Division of Homeland Security and Emergency Services	1,983	5,132	3,149	158.8

**Proposed 2013-14 Budget Actions to Implement the Governor’s State of the State and Other Initiatives**

**Disaster Recovery and Preparedness**

- **Spur Recovery from Superstorm Sandy.** The estimated total cost of response and recovery for Superstorm Sandy is \$32 billion, including costs of local governments, public authorities, not-for-profits, homeowners and businesses. In the coming year, an estimated \$5 billion in State and Federal funds will be invested in helping communities impacted by Superstorm Sandy recover and rebuild. Additional investments will be made in future years, as the recovery continues.

Federal assistance is expected to support virtually all of the response and repair costs, as well as, the cost of mitigation projects that will help New York build back better and smarter.

- **Ensure Universal Protocols for Emergency Response.** To improve coordination among State and local emergency response professionals and ensure efficient management during an emergency, the State will provide training for key officials from local emergency management operations. The Division of Homeland Security and Emergency Services (DHSES) will collaborate with SUNY to develop the training program, which will focus on incident command, response, recovery, and State emergency protocols. Those completing the training will be certified by the State, and would maintain that certification through a multi-year renewal process and ongoing training.
- **Accelerate Statewide Interoperable Communications Grants.** DHSES is assisting counties in developing a single public safety communications network that will allow all of the State's emergency responders to seamlessly communicate with each other. The State leads this effort by developing the strategy and setting the standards to guide regional communications consortia as they create their own systems. These systems, supported by State grants, are also available for use by State agencies. DHSES will award \$102 million in grants to counties in early 2013, \$66 million more than originally anticipated for 2012-13. This action accelerates the 2013 grant cycle, acknowledging the need to hasten development of interoperability, given the key role communications play in emergency response. Well-crafted plans submitted by counties demonstrate an expanded level of cooperation within regions and set the stage for improving radio system infrastructure and developing standard operating procedures to guide system usage statewide. The 2013-14 Executive Budget includes a \$75 million appropriation for another round of grants, the maximum amount of annual assistance pledged to counties under the 2010 enabling legislation.
- **Include Schools in the Intermutual Aid Program (IMAP) for Disaster Response.** In 2012, in response to Hurricane Irene and Tropical Storm Lee, legislation was enacted creating standards and practices on which local governments could rely when assisting one another in disaster response. The law set forth the financial and workforce rules all municipalities would follow, so that they may assist in disaster response without fear of bureaucratic obstructions or unexpected costs. The law also directed DHSES to undertake an evaluation of the potential for including school districts within the scope of IMAP and, consistent with DHSES recommendations, the Executive Budget adds school districts to the 2012 law.

## Criminal Justice

- **Protect Against Gun Violence.** The Executive Budget includes \$35.9 million to implement the NY SAFE Act – recently enacted legislation strengthening gun control. Additional staff at the Division of State Police and other public safety agencies will oversee the five-year recertification of all pistol licenses, launch new enforcement activities, and deploy school safety improvement teams at a cost of \$3.2 million. The bill also calls for an electronic database of all current gun licenses. The system will enable the State to compare records of gun licenses with other data that identify someone who, under Federal law, would be disqualified from possessing a firearm. When a disqualifying match of data is found, the information will be referred to the licensing official for action. The Budget provides a \$32.7 million capital investment for the creation of this database.
- **Continue Right-Sizing Prison Capacity.** To realign the prison system's capacity with continuing declines in the offender population and to achieve recurring savings for taxpayers, the Executive Budget recommends the closure of two prisons – Bayview in Manhattan and Beacon in

Dutchess County. The Bayview Correctional Facility was evacuated as a result of Superstorm Sandy and continues to be vacant. These two facilities are the least efficient in the State prison system. Bayview's total staff cost per inmate is \$74,385, and Beacon's total staff cost per inmate is \$69,863. These numbers are compared to a \$34,193 benchmark, representing the most efficient DOCCS facilities. The closures are expected to reduce bed capacity by more than 432, and will save \$18.7 million in 2013-14, growing to \$62.1 million in 2014-15, including proceeds from the sale of Bayview. Legislation in the Executive Budget reduces the one-year notification requirement for these prison closures to 60 days.

- **Reduce Reoffending with Targeted Grants.** Alternatives to Incarceration programs (ATIs) offer employment, treatment, and supervision services to offenders residing in the community, so that they do not commit another crime or violate the conditions of their parole or probation. The Executive Budget proposes that an existing \$11.4 million in funding for ATIs be restructured as a competitive grant program targeting the highest risk offenders. The program restructuring is based on a new "Results First" model that is based on achieving the maximum return on investment.
- **Reform the Traffic Adjudication Process.** Citizens regularly plead down tickets for serious traffic infractions, avoiding State fines, surcharges, and "points" that lead to higher auto insurance costs and license suspension. This practice threatens public safety and leads to a loss of \$58 million annually in State revenue. To curb the practice of pleading down speeding tickets, the Executive Budget advances legislation which will restrict plea bargaining, except in limited circumstances documented by the court. The Department of Motor Vehicles will also make plea information more easily available on the driver's record, so that it may be evaluated by prosecutors and judges when considering whether to offer or accept a plea bargain. Finally, the legislation authorizes the imposition of \$80 in surcharges for those violations to which speeding tickets are most commonly pled, eliminating the ability for ticketed drivers to avoid State penalties.
- **Hold New State Police Academy Classes.** During 2012-13, the Division of State Police resumed the recruitment and training of new members, holding two classes totaling 340 recruits. In 2013-14, the Division plans to again hold two classes bringing in 330 new recruits. After attrition of current officers, these classes are expected to result in a member strength of 4,657 officers, which reflects an increase of 5.2 percent from the prior year.