



Division of the Budget

PUBLIC SAFETY

ADVANCES THE GOVERNOR CUOMO'S JUSTICE AGENDA



Ends cash bail



Reforms the discovery process



Ensures a speedy trial

ADVANCE THE WOMEN'S AGENDA

The Budget includes legislation that **fighters sexual harassment** in the workplace, **removes firearms** from domestic abusers, and **ends revenge porn**.

As part of the Governor's Justice Agenda, the Budget **supports the Child Victims Act**.

CUT OFF THE PIPELINE TO MS-13

New York will launch a



\$13 million



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

IMPROVING PUBLIC SAFETY

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



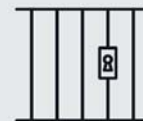
From **2007** to **2017**

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

35%



drop in **New York's prison population**, from a peak of **72,600** in 1999 to a current **population of approximately 47,000** – the lowest level in more than two decades.



Budget Highlights

Ensure Fairness in the Criminal Justice System.

As part of the Governor's Justice Agenda, the Budget advances legislation to end cash bail, reform the discovery process, ensure access to a speedy trial, remove barriers to re-entry, continue New York's efforts to reduce solitary confinement, and provide judges with the discretion of lowering sentences for victims of domestic violence when it played a significant role in the crime they committed.

Advance the Women's Agenda. The Budget includes legislation that fights sexual harassment in the workplace, outlaws non-consensual revenge porn and removes the statute of limitations on rape crimes.

Support the Child Victims Act. As part of the Governor's Justice Agenda, the Budget advances legislation that increases the amount of time during which perpetrators of these crimes may be held accountable and allows the victim to commence a civil lawsuit at any time before they reach 50 years of age.

Establish a Cannabis Regulatory Framework. The Budget proposes a first-in-nation comprehensive cannabis regulatory framework, administered by the newly established Office of Cannabis Management.

The FY 2020 Executive Budget advances the Governor's Justice Agenda 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 2017 since reporting began in 1975. This makes New York the safest large state. The significant decline in crime coincides

with a 35 percent drop in the State’s prison population from a peak of 72,600 in 1999 to a current population of approximately 47,400 – the lowest level in more than two decades.

As part of the Governor’s Justice Agenda, the Budget reforms the discovery of evidence process, the right to a speedy trial, and ends cash bail.

The Budget also includes legislation that advances the Governor’s Women’s Agenda to support equality, expand access to health care, and combat sexual assault. These efforts include ending new forms of sexual exploitation known as revenge porn and removing the statute of limitations for 2nd and 3rd degree rape.

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 2020 Executive Budget also invests \$13 million in a comprehensive strategy to engage at-risk youth in social and educational programs to cut off the gang recruitment pipeline.

Table 15: Summary of Spending (All Funds)

Category	FY 2019 (million s)	FY 2020 (million s)	Change	
			Dollar (million s)	Percent
Department of Corrections and Community Supervision	3,128	3,127	-1	0.0%
Division of State Police	826	829	3	0.4%
Division of Criminal Justice Services	274	228	-46	-16.8%
Division of Homeland Security and Emergency Services	1,104	1,019	-85	-7.7%
All Other	350	449	99	28.3%
Total Public Safety	5,682	5,652	-30	-0.5%

Spending for public safety agencies is projected at \$5.7 billion for FY 2020. The DCJS year-to-year decrease is primarily due to reimbursement from the Federal government for security detail

Performance Profile

Improving Public Safety.

New York has one of the lowest crime rates of any large state in the country. From 2007 to 2017, 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 35 percent drop in the State’s prison population, from a peak of 72,600 in 1999 to a current population of approximately 47,400 – the lowest level in more than two decades.

Improving Interoperable

Communications. In 2018, DHSES- OIEC awarded \$45 million in state grant funding to 57 counties and New York City to improve emergency communications statewide and deploying new technology that helps counties link their systems together. The grant has awarded more than \$450 million in seven rounds to 57 counties and New York City since 2010.

related to President Trump's visit in FY19 and legislative adds that are included FY19 but are negotiated later in the FY20 budget cycle. The DHSES year-to-year change is primarily due to the timing of large FEMA Public Assistance payments related to Superstorm Sandy.

Proposed FY 2020 Budget Actions

Ensuring Fairness in the Criminal Justice System

The FY 2020 Executive Budget proposes comprehensive reforms from arrest to trial that will help ensure equal justice for all citizens.

- **End Cash Bail.** 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. As part of the Governor's Justice Agenda, legislation submitted with the Budget will end cash bail so that no one is detained because they cannot afford the cost of bail.
- **Reform the Discovery Process.** New York is one of only 10 states that enables prosecutors to withhold evidence until the day a trial begins. As part of the Governor's Justice Agenda, 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.** As part of the Governor's Justice Agenda, 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.
- **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; prevents the sharing of mugshots that do not have a specific law enforcement need; enhances criminal history reports; expands opportunities for compassionate release, 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 30 percent reduction in the number of inmates serving sanctions in a Special Housing Unit (SHU). Legislation introduced with the Budget would gradually decrease the amount of consecutive days an incarcerated

individual can spend in traditional SHU confinement. It also creates more progressive, therapy-based sanctions that help inmates understand the cause of their actions to reduce recurrent infractions and help them live productive lives.

- **Consider Domestic Violence in Sentencing.** There is a strong connection between domestic violence and incarcerated women, with nine out of 10 female inmates having experienced severe physical or sexual violence in their lifetime, according to the Correctional Association of New York. To help address the ongoing harm caused to these survivors by the pain inflicted upon them, the Executive Budget as part of the Governor's Justice Agenda advances the Domestic Violence Survivors Justice Act (DVSJA), which would give judges discretion to lower sentences for survivors of domestic violence whose abuse is determined to be a significant contributing factor to their crime.

Protecting New Yorkers

The FY 2020 Executive Budget targets known threats to public safety.

- **Outlaw Non-Consensual Revenge Porn.** As part of Governor Cuomo's Women's Agenda, the Executive Budget includes legislation to prohibit the unlawful publication of sexual materials consensually shared when the person had a reasonable expectation that such material would not be disclosed. Legislation also holds digital communications—including texts, e-mails, and social media messages—with the intent to harass another person to the same standard as phone calls.
- **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 by 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 \$13 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. As part of the Governor's Justice Agenda, the Act will ensure those who abuse children are held accountable criminally and civilly and that survivors of childhood sexual abuse have a path to justice. Legislation advanced in the Budget that increases the amount of time during which perpetrators of these crimes may be held accountable and allows the victim to commence a civil lawsuit at any time before they reach 50 years of age.

Establish a Comprehensive Cannabis Regulatory Framework

In January 2018, Governor Cuomo directed the Department of Health (DOH) to conduct an impact study in consultation with other state agencies to review the potential impact of regulated cannabis in New York State. The report issued in July 2018, concluded that the positive impacts of a regulated cannabis program in New York State outweighs the potential negative aspects.

The report states that the regulation of cannabis benefits public health by enabling government oversight of the production, testing, labeling, distribution, and sale of cannabis. The creation of a regulated cannabis program would enable New York State to control licensing, ensure quality control and consumer protection, and set age and quantity restrictions. Moreover, the report found that a regulated program would reduce racial disparities in criminalization and incarceration rates, noting that there have been more than 800,000 arrests for possession of small amounts of cannabis in New York with the majority of those arrested people of color.

Based on the findings of the impact study, the Governor charged a Regulated Marijuana workgroup to provide advice to the State on legislative and regulatory approaches and launched a series of listening sessions on regulated cannabis across the State that drew approximately 2,400 community members.

The FY 2020 Executive Budget establishes a regulated adult-use cannabis that protects public health, provides consumer protection, ensures public safety, addresses social justice concerns, and invests tax revenue.

To best achieve these goals, the Governor proposes a first-in-nation comprehensive cannabis regulatory framework, administered by the newly established Office of Cannabis Management (OCM) that centralizes all the licensing, enforcement and economic development functions in one entity. The OCM will administer all licensing, production, and distribution of cannabis products in the adult-use, industrial, and medical cannabis markets.

In the adult-use cannabis market, the OCM will implement a three-tier model of distribution. Similar to the market for alcohol, the OCM will issue licenses for producers, distributors and retailers. Producers will be prohibited from also owning retail cannabis establishments. The program will limit the number of producers and retail dispensaries to guard against a market collapse, encourage equity through craft growers and cooperatives, and provide training and incubators to ensure meaningful and sustained participation by communities disproportionately harmed by cannabis prohibition.

In the hemp cannabis market, the OCM will administer the licensing, extraction, and distribution of wellness and pharmaceutical grade cannabis products; including the establishment of the Canopy Growth Corporation's \$100 million Hemp Industrial Park, headquartered in the Southern Tier, that includes growing, processing, manufacturing and research facilities. The investment is facilitated by the passage of the Farm Bill and will establish New York State as the national leader in hemp production and innovation.

In the medical cannabis market, the OCM will supervise the continued expansion of the current medical cannabis program and institute reforms that expand patient access and product affordability while also encouraging research opportunities among medical cannabis providers, health care providers, and medical insurers.

To ensure the broadest possible inclusion in all aspects of this new industry, the OCM will administer social equity licensing opportunities, implement an egalitarian adult-use market structure, and facilitate market entry through technical assistance, mentorship, and access to capital.

The OCM will also supervise a first-in-nation restorative justice initiative that will correct past harms to individuals and communities that have been disproportionately targeted by the war on drugs. New York will launch a program to review and seal cannabis convictions as recommended by the DOH study, eliminate collateral consequences of conviction, such as parole violations, and encourage reinvestment in harmed communities.

The OCM will implement its overarching public health mandate by administering stringent quality and testing regulations for the production of recreational, medical, and health and wellness products, limiting the excessive commercialization of THC products, driving a comprehensive public education campaign, implementing harm reduction strategies, and working with OASAS and OMH to protect vulnerable populations.

The OCM will additionally fulfill its public safety mandate by working with law enforcement to stop unlicensed production and distribution, out-of-state trafficking, and underage distribution. The OCM will work with the Department of Motor Vehicles and the Governor's Traffic Safety Committee to ensure road safety by implementing a driving while impaired campaign, funding research on roadside testing for impairment, and funding new Drug Recognition Experts, law enforcement professionals who are specially-trained to identify persons impaired by drugs when driving.