

**Testimony of Sean M. Byrne
Acting Commissioner, New York State Division of Criminal Justice Services
Before the Senate Finance Committee and the Assembly Ways and Means Committee
Hearing Room B
January 30, 2012
10:30 a.m.**

Good morning Chairman DeFrancisco, Chairman Farrell and distinguished members of the Senate Finance and Assembly Ways and Means Committees. I am Sean Byrne, Acting Commissioner of the Division of Criminal Justice Services.

Thank you for inviting me to appear before you today.

Governor Cuomo's budget for 2012-13 builds on the success of last year by continuing our fiscal discipline and spending restraint while taking our reform efforts to the next level.

My testimony today will focus on how the Governor's budget advances 3 of his priorities: reducing violent crime, reducing re-offending, and our continuing efforts to improve State operations.

First, I would like to talk about how we will meet the Governor's commitment to reduce violent crime.

Expand the DNA Databank

No initiative has more potential to reduce violent crime than the proposal to expand the DNA databank. DNA is an exceptionally powerful law enforcement tool that contributes to convicting the guilty, exonerates the wrongfully convicted, and excludes the innocent from suspicion. DNA can also breathe new life into cases whose trail of evidence went cold decades ago.

Since the inception of the State DNA Databank in 1996, there have been more than 10,000 hits against the Databank. Just as important, countless suspects are routinely excluded from suspicion, and 27 individuals have been exonerated in New York State through DNA evidence.

Unfortunately, we are not realizing the Databank's full potential. No one knows how many exonerations go unrealized and how many violent crimes go unresolved by the current limitations. Governor Cuomo's budget would change this by expanding the Databank to include convictions for all felonies under the laws of New York, as well as convictions for all misdemeanors defined in the Penal Law.

Operation Impact

Preliminary data shows that all crime, including all violent crimes, declined in New York State in 2011, with the largest drop in reported homicides. When final figures are in, it is projected that New York will report more than a 10 percent reduction in homicide compared to 2010 – the lowest number reported since Statewide crime reporting began 37 years ago. The success of Operation IMPACT and the growing sophistication of the regional Crime Analysis Centers played a vital part in this dramatic reduction. Funding for the 17 Operation IMPACT sites, and the Crime Analysis Centers located in Albany, Buffalo, Rochester and Syracuse, will be continued at the same levels as last year.

Reducing Reoffending

One of the most effective ways to break the cycle of crime is to reduce reoffending by helping former offenders to successfully integrate into their communities. The 2012-13 Executive Budget continues to support programs that will improve offender outcomes in several ways.

First, the Governor's budget advances legislation which would give sentencing judges greater discretion when setting the length of a probation sentence. This legislation would authorize a judge to impose a period of probation of either three, four, or five years for a felony conviction, and a period of probation of two or three years for a class A misdemeanor conviction, bringing the terms of probation in New York in line with the national average.

Second, the Governor's budget also extends three critical community programs which provide jobs for ex-offenders. Our research has consistently shown that employment makes the biggest difference in reducing the odds of re-offending.

Last, funding for county probation departments, local Alternative to Incarceration programs, and County Re-entry Task Forces continues at the same levels funded in 2011-12.

DA Salary Increase

The Executive Budget also recommends an increase in funding of \$530,000 to provide payments to counties for costs associated with District Attorney minimum salary increases which are tied to judicial compensation increases scheduled to take effect April 1, 2012.

Summary

In sum, Governor Cuomo's Public Safety budget builds on the success of last year by continuing our fiscal discipline and spending restraint while making our government operations more efficient and effective. The Governor's budget is designed to continue the historic progress we have made in reducing crime, recognizing that when we invest in initiatives that drive down crime, there is a ripple-effect return on that investment. Fewer crimes means fewer crime victims – which means fewer hospital bills, less strain on the insurance industry – fewer people on parole and probation, and fewer people in our jails and prisons. It means businesses can operate safely, and people can work and shop in our cities without fear. Thank you.