

FY 2019-2020 Budget Testimony
Division of Criminal Justice Services
January 29, 2019

Good morning Chairwoman Krueger, Chairwoman Weinstein and distinguished members of the Legislature. I am Mike Green, head of the Division of Criminal Justice Services. Thank you for inviting me to appear before you today.

New York continues to experience reductions both in reported crime and its prison population. Reported crime declined for the fifth consecutive year in 2017, again reaching an all-time low, and we maintain our standing as the safest large state in the nation. While numbers for this past year are not yet final, preliminary data shows that crime declined even further and 2018 will mark another historic low. For the second year in a row, there will be fewer than 600 homicides, a low that had not been achieved since we started keeping statewide data 44 years ago. Our Gun Involved Violence Elimination initiative, SNUG street outreach program, crime analysis centers and strong alternatives to incarceration network contribute to this success, and these programs continue to receive national recognition for the results they have achieved.

Our investment in proven practices to reduce gun crimes and save lives is paying dividends. Within our 17 GIVE counties, shootings declined 8 percent in 2018, were 14 percent below the five-year average and 21 percent below the total reported in 2006, when tracking began. These aren't just numbers: 191 fewer people – and their loved ones and communities – had their lives impacted by gun violence.

Governor Cuomo's proposed budget will allow DCJS to continue supporting the criminal justice system in communities across the state, support evidence-based programs and develop and implement innovative programs that continue to distinguish New York as a national leader in effective public safety policy.

Over the past two years, several major reforms were enacted: raising the age of criminal responsibility, extending the landmark Hurrell-Harring settlement, requiring video-recording of interrogations for serious offenses and allowing properly-conducted witness identification into evidence at trial. Building on this success, Governor Cuomo has proposed reforms addressing bail, speedy trial and discovery and gun safety laws that are cornerstones of his justice agenda.

The majority of people in New York's jails are held because they cannot afford to post bail. This current system is unfair to those who lack financial resources. The Governor has proposed legislation requiring most individuals charged with a misdemeanor or non-violent felony to be released without cash bail and with the least restrictive conditions to ensure their appearance in court. The proposal would allow the court to order an individual held in jail pretrial upon motion of the People in cases where the person faces a crime of domestic violence or a serious violent crime, commits a crime while on pretrial release, or fails to appear in court.

New York has one of the nation's most restrictive discovery rules, allowing prosecutors to withhold basic evidence until after a jury has been selected and before opening statements. The Governor has proposed legislation that would require the prosecution and defense to automatically share information in an incremental fashion well in advance of trial. This will allow defense attorneys to have information necessary to represent their clients and will provide prosecutors with tools they need to protect the identity and safety of witnesses.

This year's budget also builds on the State's strong gun laws with several proposals to keep New Yorkers safe from gun violence. Governor Cuomo advanced legislation to close existing statutory loopholes to prohibit ownership or sale of bump stocks, which serve no legitimate purpose, and extend the gun purchase background check waiting period to close the Charleston loophole. The Governor also has reintroduced "red flag" legislation. Under this proposal, when school officials, family members and others report that someone they know poses a serious threat to themselves, someone else or multiple individuals, authorities will have a process to obtain judicial review of the person's suitability to possess guns.

Implementation of the first phase of the state's landmark Raise the Age law was possible because of a successful collaboration with the Office of Court Administration and our state and local agency partners. Arrests continue to decline dramatically for those younger than 18 – down 65 percent since 2010, with a decline of nearly 25 percent in the last year alone. Since the October 1 effective date, felony arrests for 16-year-olds fell more than 40 percent. To support full implementation of Raise the Age, the Governor has recommended \$200 million for prevention, diversion, treatment and supervision services.

Public safety is our highest priority. This 2019-20 budget proposal will allow DCJS to continue its support for programs and initiatives that promote fairness, respect and transparency in the State's criminal justice system, and keep New Yorkers safe. Your support of our work will allow the State to sustain its historic reductions in crime and continue to reduce the number of individuals who enter the criminal justice system.

Thank you for the opportunity to speak with you today.