

**FY 2018-2019 Budget Testimony**  
**Division of Criminal Justice Services**  
**January 30, 2018**

Good morning Chairwoman Young, 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 in crime and the prison population. Reported crime reached an all-time low in 2016, 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 reached another all-time low in 2017, with a homicide decrease of more than 10 percent. DCJS initiatives such as GIVE, SNUG, and our alternatives to incarceration network contribute to this success, and these programs continue to receive national recognition.

Governor Cuomo's proposed budget for Fiscal Year 2018-2019 will allow DCJS to continue to support the criminal justice system in communities across the state, support evidence-based programs proven to be effective and cost efficient, and develop innovative programs that position New York as a national leader in effective public safety policy.

**Criminal Justice Reform**

Governor Cuomo has advanced significant criminal justice reforms, improving every stage of the justice system from arrest to community re-entry. Last year, 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 additional criminal justice reforms addressing bail, speedy trial, discovery, civil asset forfeiture, and re-entry that will enhance the fairness and effectiveness of our criminal justice system.

*Bail Reform*

The majority of people in New York's jails have not been convicted of any crime and are held because they cannot afford to post bail. The current system based on monetary bail is unfair to those who lack the financial resources to post it. The Governor is committed to reforming New York's bail statute and has proposed legislation that would require that most defendants charged with a misdemeanor or non-violent felony be released without requiring cash bail, in a manner that is the least restrictive way of assuring the defendant's appearance in court. The court may order a defendant to be held in jail pretrial upon motion by the people in cases where a defendant is charged with a crime of domestic violence or other more serious violent crimes, commits a crime while already on pretrial release, or fails to appear in court.

*Ensure the Right to a Speedy Trial*

The Sixth Amendment to the United States Constitution and State law guarantee all citizens accused of a crime the right to a speedy trial. Too often, however, defendants are held in pretrial custody for excessive periods of time and courts are overburdened with the number of pending criminal cases. To address this problem, the Governor has advanced legislation to reduce unnecessary delays and adjournments in court proceedings and ensure that accused individuals proceed through the justice system in a streamlined and efficient manner.

### *Discovery Reform*

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

### *Enhance Employment Opportunities for Individuals with Criminal Convictions*

Individuals with criminal convictions continue to face significant barriers to their successful reintegration into society. Everyone benefits from the opportunity to participate fully in the workforce, where they can build a stable life and support themselves and their families. Our communities benefit as well, as employment is closely tied to reduced recidivism and reduced dependence upon public services. In recognition of this, the Governor proposes to update New York's occupational licensing statutes to remove outdated mandatory bars that have kept qualified applicants with criminal convictions from being licensed in many fields.

### **Raising the Age of Criminal Responsibility**

Last year, the legislature passed, and Governor Cuomo signed into law historic legislation raising the age of criminal responsibility to 18 years of age. To successfully implement the Raise the Age legislation, the Governor proposes a \$100 million appropriation over the next fiscal year to support a continuum of effective prevention, diversion, treatment, and supervision services at the state and local level.

This 2018-19 budget proposal will allow DCJS to continue to carry out and implement innovative and evidence-based initiatives that are designed to promote fairness, respect, and transparency in the State's criminal justice system. But our highest priority is public safety. We are confident that with your continued support, we will sustain the historic reductions in crime we have achieved, while continuing to reduce the number of individuals who enter the criminal justice system.

Thank you for the opportunity to speak with you today.