BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

JOINT LEGISLATIVE HEARING

In the Matter of the
2024-2025 EXECUTIVE BUDGET ON
PUBLIC PROTECTION

Hearing Room B
Legislative Office Building
Albany, New York

January 25, 2024
9:36 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblyman Jeffrey Dinowitz
Chair, Assembly Committee on Codes

PRESENT:

Senator Thomas F. O'Mara
Senate Finance Committee (RM)

Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

Senator Brad Hoylman
Chair, Senate Committee on Judiciary

Assemblyman Charles D. Lavine
Chair, Assembly Committee on Judiciary

Senator Jamaal T. Bailey
Chair, Senate Committee on Codes

Senator Julia Salazar
Chair, Senate Committee on Crime Victims,
Crime and Correction

2024-2025 Executive Budget
Public Protection
1-25-24

PRESENT: (Continued)

Assemblyman Erik M. Dilan
Chair, Assembly Committee on Correction

Assemblyman John T. McDonald III
Chair, Assembly Committee on Governmental Operations

Senator Kristen Gonzalez
Chair, Senate Committee on Internet and Technology

Assemblyman Steven Otis
Chair, Assembly Committee on Science and Technology

Senator Zellnor Myrie

Senator Shelley B. Mayer

Assemblyman Alex Bores

Assemblywoman Jo Anne Simon

Senator Jessica Ramos

Assemblyman Philip A. Palmesano

Assemblyman Michael Tannousis

Senator Anthony H. Palumbo

Senator George M. Borrello

Assemblyman Michael Reilly

Senator Rob Rolison

Assemblywoman Monica P. Wallace

Assemblyman Michael Durso

2024-2025 Executive Budget
Public Protection
1-25-2024

PRESENT: (Continued)

Assemblywoman Latrice Walker

Senator Daniel G. Stec

Assemblyman Chris Burdick

Assemblywoman Marcela Mitaynes

Senator Dean Murray

Assemblyman Brian Manktelow

Assemblywoman Dana Levenberg

Assemblyman Phil Steck

2024-2025 Executive Budget
Public Protection
1-25-24

LIST OF SPEAKERS

	STATEMENT	QUESTIONS
Honorable Joseph Zayas Chief Administrative Judge NYS Office of Court Administration	16	24
Robert H. Tembeckjian Administrator and Counsel New York State Commission on Judicial Conduct -and- Patricia Warth Director NYS of Indigent Legal Services	128	144
Rossana Rosado Commissioner NYS Division of Criminal Justice Services -and- Daniel Martuscello Acting Commissioner NYS Department of Corrections & Community Supervision -and- Dominick Chiumento Acting Superintendent NYS Division of State Police	197	222
Jackie Bray Commissioner NYS Division of Homeland Security and Emergency Services -and- Dru Rai CIO NYS Office of Information Technology Services	325	336

2024-2025 Executive Budget
Public Protection
1-25-24

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Nile Anderson Eighth-Grade Student MACADEMY School of Science & Technology -and- Marlene Galaz Dir., Immigrant Rights Policy New York Immigration Coalition -and- Oriana Shulevitz Rosado Policy and Advocacy Strategist Immigrant ARC -and- Fabiola Dávila Senior Program Associate Vera Institute of Justice	403	415
Ariel Savransky Senior Advocacy and Policy Advisor UJA-Federation of New York -and- Nava Greenfield Community Advocate Project Protect -and- Reverend Jim Ketcham Executive Council Member NYS Council of Churches	427	436

2024-2025 Executive Budget
Public Protection
1-25-24

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Brian Crow Executive ADA for Policy New York County District Attorney -and- Susan C. Bryant Executive Director NYS Defenders Association -and- Tina Monshipour Foster Board President NY Legal Services Coalition -and- Kristin Brown President and CEO Empire Justice Center	445	457
Patrick Hendry President Police Benevolent Association of New York City -and- Chris Summers President NYSCOPBA -and- Kurt Nolan Executive Director & Counsel Police Benevolent Association of New York State -and- Timothy M. Dymond President NYS Police Investigators Association -and- Edward Tase, Jr. President Firefighters Association of the State of New York	470	485

2024-2025 Executive Budget
Public Protection
1-25-24

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Theresa Hobbs Executive Director New York State Dispute Resolution Association -and- Sarah Rudgers-Tysz Executive Director Mediation Matters -and- Hailey Nolasco Director of Government Relations Center for Justice Innovation	502	511
Thomas Gant Community Organizer Center for Community Alternatives -and- Jennifer Scaife Executive Director Correctional Association of New York -and- Andrew Lama Government Affairs Specialist Worth Rises	514	525

CHAIRWOMAN KRUEGER: Good morning, everyone. Hi. I'm Senator Liz Krueger, the chair of the Senate Finance Committee and cochair of today's budget hearing.

Today is the third of 13 hearings conducted by the joint fiscal committees of the State Legislature regarding the Governor's proposed budget for the state fiscal year 2024-'25. These hearings are conducted pursuant to the New York State Constitution and Legislative Law.

Today the Senate Finance Committee, along with the Assembly Ways and Means Committee, will hear testimony concerning the Governor's proposed budget for the following agencies -- a long hearing today; everybody get comfortable seats. We have Judiciary, State Commission on Judicial Conduct, the Office of Indigent Legal Services; New York State Division of Criminal Justice Services, the New York State Department of Corrections and Community Supervision; the New York State Division of State Police; the New York State Division of Homeland Security and Emergency

Services; and the New York State Office of Information Technology.

Following each testimony there will be some time for questions from the chairs of the fiscal committees and other legislators.

Before I just go and start to introduce my colleagues joining us today, I want to just do a little housekeeping. This is a redesigned, improved budget conference room. There is -- obviously there are new sites that you can read things off of. We have technology where you can read whatever anyone's saying on the mic. Which also means be very careful your mic is on when you want it on and off when you don't want it on. Because not only will you be heard by people throughout the State of New York, they'll be reading whatever you said.

And in fact we have a new microphone system. And it's actually much better in sound quality. But particularly for legislators -- but also for anybody testifying later during the day -- you have to press the push button quite hard to move

it from red to green or green to red. So just letting everyone know, when you want to be speaking into the mic, you press that push button until it turns green. And you will see some people trying over and over again, but we're working that out.

We also have new, stronger WiFi in this room, so you can be on Senate Guest or Assembly Guest or, as legislators, be on the regular Senate or Assembly WiFi from this room.

I'm trying to think of other procedures. For everyone who's here who's asking questions, during the time where we are interviewing or listening to testimony from the government reps, the chairs of the relevant committees get to have 10 minutes to ask questions. The rankers have five minutes. Everyone else has three minutes.

The clocks are visually available in all directions. I want everyone to understand the rules -- and this is the Legislature I'm speaking to. If the clock is five minutes, that is for you to ask and

whoever to answer. Some people -- and we're in politics, I get it. Some people have five-minute questions. You'll have no chance to hear an answer. You have to leave the person time to answer the questions you're asking.

And so we are going to cut you off at the time limits, whether or not the question has been answered. But if it hasn't been answered, we will ask our guests to please submit their answers in writing to both committees, Ways and Means and Finance, and we will make sure all legislators get those answers. All right?

So -- and we understand, sometimes we ask stump-you questions and you may not sincerely know the answer. "I'll get back to you" -- and then get back to us, please -- is a perfectly acceptable response.

Okay, with that -- and again, after we complete the government panels -- and that will be many, many hours from now. So if you're planning your day, just realize government panels take longer and it will be

many, many hours to get through this many government agencies.

But there's only three minutes, when we get to those panels, and that's three minutes whether you're a chair, a ranker, or just a member of a committee, both three minutes for asking and answering.

All right, I would now like to introduce members of the Senate, because I know it's texted to me, one second. Sorry, here we go. And other members of both the Senate and Assembly may come and go during the day, and then we'll try to make sure to announce them when they get here.

So we have Senator Gonzalez, we have Senator Salazar, Senator Hoylman-Sigal, Senator Bailey, Senator Mayer and Senator Myrie.

And I will ask Tom O'Mara, the ranker on Finance, to introduce his members.

SENATOR O'MARA: Thank you.

Good morning, everyone. We have, joining us on our side, Senator Rolison, Senator Borrello, Senator Murray.

CHAIRWOMAN KRUEGER: Great, thank you. And now I'm going to ask my friend and today's chair of Ways and Means for the day, Jeff Dinowitz, to introduce his members.

ASSEMBLYMAN DINOWITZ: Good morning, everybody. I'm Assemblyman Jeffrey Dinowitz. I chair the Assembly Codes Committee, but in addition to my role as Codes chair, today I am also filling in as cochair of the hearing for Assemblywoman Helene Weinstein, who is the Ways and Means chair. She would ordinarily be chairing, but she is presently recovering from knee surgery. And she'll be back hopefully in a couple of weeks. We certainly look forward to her return.

So I will introduce the Assembly Majority members that are here today. They include Assemblymember Lavine, who chairs the Judiciary Committee; Assemblymember Dilan, who's chair of the Corrections Committee; Assemblymembers Bores, Burdick, Mitaynes, Levenberg and Wallace. And I think that's everybody.

Would you like to introduce the

Minority members?

ASSEMBLYMAN RA: Good morning. We have with us today Assemblyman Tannousis, who is the ranker on the Judiciary Committee, as well as Assemblymembers Reilly, Durso and Manktelow.

CHAIRWOMAN KRUEGER: Thank you. All right. So I also, just for the record, have to welcome the entire list of state representatives who will be with us.

So we're starting out with the Honorable Joseph Zayas, Chief Administrative Judge, the Office of Court Administration; Robert Tembeckjian, administrator and counsel, New York State Commission on Judicial Conduct; Patricia Warth, director, New York State Office of Indigent Legal Services; Rossana Rosado, commissioner of the New York State Division of Criminal Justice Services; Daniel Martuscello, acting commissioner of the New York State Department of Corrections and Community Supervision; Dominick Chiumento, acting superintendent of the New York State Division of State Police;

Jackie Bray, commissioner of the New York State Division of Homeland Security and Emergency Services; Dru Rai, chief information officer of the New York State Office of Information Technology Services.

I just also -- before we start, I want to remind all of my colleagues here, because there are so many chairs of so many committees, when the guest is actually within the purview of your committee, you have the 10-minute chair rights. If you are not the chair of the committee that has oversight of that specific guest, I would hope that everybody will follow the rules of just being three minutes, as if they're not the chair for that purpose. And a couple of the committees have overlapping oversight, and we'll just deal with that.

So -- but for example, I'm quite sure that our first speaker, Honorable Judge Zayas, Chief Administrative Judge of the Office of Court Administration, will have Judiciary being the chairs, although obviously Codes and Crime Victims also

overlap to some degree, particularly Codes. So perhaps we'll see Codes and Judiciary as the two 10-minute chairs for the Chief Administrative Judge.

And now I'm going to ask you to start and also -- sorry, one more thing. You have the 10 minutes. Some people's testimony is two pages long. No problem. Some people like to send 20 pages of testimony. We love getting more materials. And everyone's testimony is up online for legislators and the public to read. But encouraging you, if you know that you have testimony you can't possibly get through in 10 minutes, just bullet-point what you think are the most important issues. And we have your testimony, and we can read the full 20 pages.

So with that, nice seeing you, Judge.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Thank you, Senator.

So good morning, Chairpersons Krueger, I guess Acting Chairperson Dinowitz -- and Chairperson Weinstein, who couldn't be here today -- Hoylman-Sigal and Lavine, and all

other committee members who are present today. I am, as you heard, Joseph Zayas, the Chief Administrative Judge of the New York State Unified Court System. And it is my pleasure to appear before this body today to discuss the Judiciary's budget submission for the 2024-2025 fiscal year.

I appear today on behalf of Chief Judge Rowan Wilson, our outstanding leadership team, and the over 16,000 judges and nonjudicial employees of the Unified Court System. Collectively, we are more committed than ever to ensuring that the judicial branch has the resources it needs so that all New Yorkers have access to the fair and expeditious administration of justice in our courts.

During our conversation this morning about what New York courts are doing now and what we hope to be doing in the future, I think it's likely that my perspective, my unique perspective, will differ in some noticeable respects from some of my predecessors. The reason for this is that I

have spent most of my career in courtrooms rather than at the Office of Court Administration -- trial courtrooms and appellate courtrooms. Therefore, our courts' extraordinary workload has never been an abstract concept to me.

Before I was an appellate justice in the Appellate Division, I served as the administrative judge in Supreme Court Criminal Term. I was serving in that role when the pandemic struck in March of 2020. Almost overnight, our amazing IT staff was able to implement virtual court proceedings so that our judges could continue to resolve emergency applications and essential matters, including motions brought jointly by prosecutors and defense attorneys to release pretrial detainees from Rikers Island.

I was also the administrative judge as the courts began the painstaking process of slowly, deliberately getting back to doing the critical things that courts need to do to dispose of criminal cases -- basically conducting hearings and trials -- while

significantly modifying our procedures to comply with the latest public health guidance. I therefore fully understand how much the peak pandemic years contributed to the backlogs that we're currently seeing in our criminal courts.

My tenure as the Queens administrative judge also coincided, coincidentally, with the enactment of transformative criminal justice legislation, which I personally implemented in our courts. Significant reforms of our bail, discovery and speedy trial statutes, raising the age of criminal responsibility, including the new sealing provision, decriminalizing marijuana possession and then legalizing it, and the expungement provisions for prior marijuana convictions. The breadth of these changes would have been unimaginable to me when I was a trial lawyer, appellate practitioner, and death penalty attorney at the Legal Aid Society in the late 1980s and 1990s.

Going all the way back to my judicial career, I spent my first seven years on the

bench in New York City's lower criminal court. I presided over arraignments and made more bail determinations and arraignments than I could ever hope to estimate, even in ballpark accuracy.

But my criminal court experience consisted of much more than that. I served as the presiding justice of the Queens Misdemeanor Court, the Mental Health Recovery Court, the Felony Domestic Violence Court, and Youth Court, just to name a few. I also previously served as a law clerk to Justice Rolando Acosta in Lower Civil Court and at the Harlem Community Justice Center. So I know firsthand the life-changing work that is done each and every day in our hundreds of problem-solving courts, and I'm fully supportive of efforts to greatly expand their reach and impact.

All of this introduction is to say that if we begin to talk this morning about criminal justice reforms or fundamentally changing the existing mental health and treatment court models, or the importance of

virtual proceedings, or how we train our judges, or the need for increased funds for civil legal services, I will not be answering those questions for you as an administrator. I will also be answering or drawing upon my 36 years of on-the-ground experience in our courts, and upon my personal, lived experience growing up in public housing projects in Manhattan and Harlem, the Frederick Douglass Housing Projects, with a father who had a serious mental illness -- schizophrenia -- and with a mother, God bless her, who almost single-handedly had to raise five unruly sons with the occasional help of public assistance when my father was in psychiatric hospitals.

Now, I have only been in my new role as chief administrative judge since May of last year. But Chief Judge Wilson and I agreed very early on that it was incredibly important, one of our first priorities, for the judicial branch to reset our relationship with the Legislature. Since my appointment, I've had the pleasure of meeting with many of

you and your colleagues, including several productive meetings I've had over the past couple of days.

Many of you have told me what you want to see the courts do more of, or what you want to see the courts do differently.

What's become plain to me is that we share, the judiciary and the legislative branch, we share many of the same goals. We want more criminal defendants to receive the substance abuse treatment and mental health services they often so desperately need. We want to have the best-trained judiciary in the country. We want the public to have ready access to our courtrooms so that they can see what we do and have confidence in the outcomes. We want our family courts to be less backlogged and more compassionate places. We want more of our litigants in civil court to be represented by counsel. And we want our judiciary and our workforce to reflect the beautiful diversity of our great state.

In my view, our visions of what the

justice system should look like are largely aligned with yours, and we want to collaborate with you and your colleagues to make our shared goals a reality.

To achieve these goals, our budget this year will not only enable the Judiciary to continue its ongoing work, but also address historic access to justice funding gaps. It calls for 2.7 billion in spending, reflecting an increase of 131.2 million, or a 5.2 percent increase over the current year.

To maintain core operations and meet required statutory obligations, this funding more specifically will support the cost of new judgeships added by the Legislature in 2023; negotiated pay increases for nonjudicial employees which essentially matched what the executive branch offered to their employees; judicial pay increases recommended by the 2023 Salary Commission; cost-of-living adjustments for legal services providers; and critical technology upgrades for the courts.

Our budget also includes a further

increase of 50.8 million, or 2 percent, which will be used to implement much-needed operational enhancements, including additional judgeships and staff in our Family and Housing court.

I see my time is depleting here, so let me close quickly.

In closing, I want to suggest that this year's judiciary budget be seen as an attempt to catch up, to restore the courts' resources we have been deprived of in recent years because of the periodic fiscal crisis, and to secure funding for crucial programs that have up until this point been beyond our means to implement.

CHAIRWOMAN KRUEGER: Thank you, Judge. Appreciate it.

Our first questioner will be the chair of Judiciary in the Senate, Brad Hoylman-Sigal, 10 minutes.

SENATOR HOYLMAN-SIGAL: Thank you, Madam Chair.

It's good to see you this morning, Judge.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Good to see you.

SENATOR HOYLMAN-SIGAL: Let me just first say I really appreciated your introduction, because you have been meeting with members and -- but it's good to learn more about your background and your on-the-ground experience.

And I want to also commend you and the Chief Judge for your desire to turn the page, as you said, and reset the relationship with the State Legislature. I think we all have a great deal more confidence in your administration just in the first, you know, year of it being launched, so thank you for that.

And also wanted to acknowledge the way you break down your budget request is very helpful, kind of a menu of different expenses and, you know, what it will be providing to the people of the state, and that's also very much appreciated.

My first question regards Family Court, and a number of my colleagues and I

have had concerns over the backlog, the treatment of litigants, the time delays that families suffer because of the existing conditions. And we had a hearing with my colleague Senator Brisport, and I was wondering, since the Chief Judge was there -- it was an honor to have him there for part of the hearing -- what you and your colleagues learned from the testimony at that hearing in the early part of the year.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. Sure. So one of our first orders of business when I took this position as chief administrative judge and met with the Chief Judge was to prioritize Family Court. So we certainly were familiar with the Williams report, which had pointed out a number of things. And we knew that we were going to be making it a priority to begin to resource Family Court.

So immediately, within months, they were the ones who received most court employees. If they lose a position, they get that position filled quicker than any other

court in our courthouse.

We then immediately appointed -- we never had a statewide coordinating judge for family matters, but we had one for matrimonial matters, we had one for drug treatment courts. And we thought that it was important to appoint someone who can oversee statewide and come up with concrete plans to reduce the backlogs -- all the things that you talked about, Senator -- then we'd have an extraordinary administrative judge downstate as well.

So Richard Rivera just got elected to Supreme Court in the Third J.D., and so we appointed him. First time we appointed a Latino to a statewide position like that. And so they are working together to address a lot of the concerns raised by the Williams Commission.

But in addition, we have -- we feel, and I'm not -- I hope I'm not sounding defensive on this but we want to, desperately, change the culture of Family Court, the way -- the backlog in

Family Court. And so, for example, we were very supportive of the hiring and the raising of the 18-B rates. We cannot move cases along unless lawyers are getting paid adequately and are willing to start taking those cases.

And so with that, with respect to the sort of culture of the lack of compassion and the way folks were treated in Family Court, their supervisors and the administrative judges are addressing that where they're meeting with the stakeholders more often and having conversations with the judges and overseeing that, and listening to the audiotapes so that they can monitor that progress.

And there's all sorts of other things we're doing to -- it's really -- it is our top priority, as you've probably heard us say in the press, that court consolidation is not necessarily a priority for us, but that's not to say that Family Court is not the priority, because that has become the priority. Maybe we'll revisit consolidation at some future

time. But from my perspective, every time I consider the consolidation plan, the real issue is Family Court. How do we elevate Family Court to be the court that it needs to be?

And believe me when I say we are doing everything in our power to do that. You know, we increase the number of support magistrates, we increase the number of court attorney referees, we're dealing with all of those issues and we're going to continue to do the best we can to make that work.

There's one area that we have a problem with, and that is the Bronx Family Court and the facilities there. So -- and I say this to all of my Bronx legislators, that Queens County got a brand-new courthouse, Staten Island got a brand-new courthouse, Brooklyn got a brand-new -- I'm talking about Family Courthouse, and Manhattan, it's a little older, but they too got a new courthouse that's been refurbished. And the Bronx has not.

So I've been talking to leaders about

why that's the case. Now, as you know, we don't -- those are not our buildings. And so we can't build that. That can't be the Judiciary's job, as much as I want it to be. But from my perspective, it's time for the Bronx to have a new Family Court courthouse that can meet the needs of the growing population.

SENATOR HOYLMAN-SIGAL: I don't know if you heard Senator Bailey cheering your comments on, but I think he is. And I appreciate that.

You know, one of the things we heard at the hearing was Family Court -- you know, I think it was the Jeh Johnson report that said that it was viewed as a second-class court by many of its participants, including some of its judges, and it's kind of in a black box where people don't know what's happening inside that court. If they did, I think they'd be appalled, like you and others are.

What do you think about cameras in courtrooms at this point? That was something

that was raised by families, that if someone actually saw or was able to check the activities of the court, maybe change would even come more quickly.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: It's a great question. And Senator Mayer has also -- Family Courts are supposed to be open. Anybody should be able to go in. And Senator Mayer's bill is a bill that we support in principle, maybe some language changes, et cetera. So -- especially in Family Court. There's confidentiality issues in Family Court, so we can't be totally open. And judges have to exercise some discretion to make sure that the names of young people, et cetera, are redacted.

But we are in favor of -- we met with, as you may know, the Fund for Modern Courts, long discussions with them. We've had a lot of discussions with other advocates of opening up the courtrooms to cameras. And we are in favor of cameras in the courtrooms.

The bill that has been proposed, however, wanted the court system to foot the

multi-multi-multi-dollar bill to livestream whatever's happening in every courtroom in the state.

Now, if we -- if you gave us a billion dollars, we could do that. But so we -- here's our position right now. And I work with a collaborative team. I don't decide anything anymore. I gave up a lot of my power when you enter a collaborative team with the chief and -- so it's a team, and we meet with the judicial associations who might have some things to say.

But our position at this point is as long as the journalists, the media companies are bringing in their own camera, we're willing to have them come in and do away with the prohibition. And we think it's a good thing.

And there might be cases in which we can actually stream live. I had an exoneration case back at some point, and we streamed -- and it was an exoneration case with prosecutorial misconduct, so this was a critical piece. I allowed the livestreaming,

and it actually got livestreamed to not, you know, Good Morning America, but Good Morning Britain. That's where our livestream went.

So I am all for livestreaming, but I'm not sure we --

SENATOR HOYLMAN-SIGAL: Well, we'll work on that bill together. It's a bill I carry with Assemblymember Weprin. Look forward to further collaboration.

And thank you again for your diversity initiatives, which I know my colleagues will be asking you about as we continue our conversation this morning.

Thank you again, Judge.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Thank you, Senator.

SENATOR HOYLMAN-SIGAL: Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Assembly.

ASSEMBLYMAN DINOWITZ: Good to see you, Judge. First of all, thank you for bringing up the issue of the Bronx Family Court building. If you didn't, I would have. It has to be a top priority. The Bronx all

too often is in the back of the line when it comes to things like this. But it's my hope, and I'm sure we can count on everybody here today to push real hard to get the Bronx a new facility, a facility that it deserves and a facility that the people who it serves need.

I just wanted to ask you one question regarding the $100 million that's being taken away from the IOLA account. That seems to me to be a big mistake. It's a lot of money. And I realize maybe in the past year or so interest rates have been higher than has been the case in many years, but, you know, what goes up will come down, especially given the likely prospect that the Fed is going to lower interest rates.

I was just wondering if you have any thoughts on that, how it can impact civil legal services.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. So obviously it is concerning. As you know, the IOLA monies are used to fund civil legal services. And there's a huge, huge

unmet need for those services throughout the state.

Indeed, the Judiciary proposes an increase -- we have, in our budget -- both in the funds we provide to civil legal providers and the amount we allocate directly to IOLA. So we need -- we need to be increasing funding for these services, not decreasing them.

That said, I know that IOLA currently has a large fund balance and there will be no impact on the funds allocated this year. And I give the Governor credit for proposing to increase the amount that IOLA can spend each year from 50 million to 60 million. But the Fed has made it clear that it intends to cut interest rates in 2024, which will decrease the revenues going into the IOLA fund. So having a strong fund is important to ensure that we will be able to continue to increase civil legal services funding in the coming year.

And it's important to us because our backlogs will be difficult to address if we

don't have lawyers in the courtrooms. So the AFC lawyers, the lawyers who are appearing on behalf of criminal defendants, et cetera. So we are against anything that will lower legal services providers funds. So.

ASSEMBLYMAN DINOWITZ: Okay, as am I.

So I thank you for that answer. And I just want to say, generally speaking, I believe that when money is earmarked in a particular way -- I never thought it was a great idea for the federal government to be grabbing money out of the Social Security fund, for example. It was always outrageous when various governors took money that was earmarked for the MTA and put it into the General Fund. That's, to me, not good fiscal practice. So I hope and I urge that this proposal in the budget be rejected.

Before I --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Chair, can I just say one other thing? because the same was done with ILS, the Indigent Legal -- well, maybe I'm getting the acronym now, but the head of that is Patricia

Warth. And the same thing was done there as well.

So there's a -- it's been done in -- two separate funds have been swept (air quotes) -- I'm not sure what that exactly means -- and our view applies to them as well.

ASSEMBLYMAN DINOWITZ: Okay, thank you.

Before I stop, I just want to acknowledge that we've also been joined by Assemblymembers Walker and Steck.

And you'll notice there's about six minutes left, and I'm not using my time. I hope that serves as an example --

(Laughter.)

ASSEMBLYMAN DINOWITZ: -- to everybody here, except for those who would prefer to stay here till midnight.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And Jamaal Bailey, who does not get Jeff Dinowitz's extra time.

(Laughter.)

SENATOR BAILEY: I thought I would be yielded the time, Madam Chair -- but thank you, Madam Chair.

Thank you, Judge Zayas. And let me just start on the same note that Senator Hoylman-Sigal said; this is a breath of fresh air in the last eight months. This is refreshing. There are a lot of questions that I may not have to ask you because we've actually been in constant communication and there's been a level of responsiveness by you and this administration, you and the Chief Judge, to keep us abreast of developments that are happening. So I'm greatly appreciative of that.

I will start off on the same note that my Bronx colleague mentioned, and we're excited about the Bronx Family Courts, that the prospect of getting a new building where it is a -- the most dilapidated courthouse that I have ever been to or, once upon a time when I practiced, practiced in, and it desperately needs an overhaul.

But something about Family Court that

I wanted to ask you is about a law department. Other Civil Supreme, they have a law department pool of attorneys, for those who may not know what law department is, that can assist judges with some of the backlog. Have we contemplated possibly adding a law department to Family Court so that some of the backlog of the cases could be alleviated?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes. Thank you, Senator, for that question.

So in our -- what Chairman Hoylman-Sigal referenced, there's a menu of items. And in -- we have allocated funds to address basically higher court attorneys in these courts. So there is -- that's part of our budget. I think it's 50 court attorneys, so that Family Court judges, criminal court judges who sit in lower court, could also have a court attorney. They -- sometimes they currently share court attorneys, and that would certainly help.

As I said earlier, that we've increased the number of support magistrates and court attorney referees to help out in

those matters as well.

SENATOR BAILEY: That's great to hear, because in speaking to a number of Family Court judges, they just need that little bit of extra help. So it's heartening to see that there is help on the way for these judges in Family Court and other courts.

You mentioned 18-B. That, you know, we're excited about the 18-B raise, and that was truly a bipartisan lift that most people here were supportive of to make sure that assigned counsel got a rate increase.

Have we seen an increase in representation yet? Has the rate increase spurred more folks to start participating again in the pool?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yeah, I regret -- as much as we are trying, and we have -- this comes out of the Appellate Division, because they control the First, Second Department, at least in New York, they sort of oversee the 18-B program. And there has been a negligible increase, but a lot of reach-out on both the

criminal side and the attorney for child and attorney for parent side.

So they're working on it, they're advertising it, they're recruiting, they're converting, they're trying to get all sorts of people to join the panel. Because that too is a bottleneck for us, because you'll have an 18-B lawyer who has a lot of the serious cases, and obviously he can -- or she can only try one case at a time, which means that person's other eight cases get delayed.

SENATOR BAILEY: Again, I'm heartened by that, any increase now -- it's been less than a year since it's been in effect --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I think there's been a negligible increase but I'll have to get back to you on the particular numbers.

SENATOR BAILEY: Even any increase at all I think is worth being happy about, because it shows that there's going to be an increase moving forward.

And you talk about efforts in terms of advertisement and recruiting, and there's a

recent quote that you said that "It's more Phil Jackson than Bobby Knight." Which as a basketball fan, that truly speaks to my heart and the beauty of the triangle offense. If anybody wants to Google what that was, it was a --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I included that for you because of the sneakers you wear, Senator.

(Laughter.)

SENATOR BAILEY: I truly appreciate that.

But it speaks to the new administrative style in what you're doing. Could you speak a little bit more about your philosophy, your commitment to diversity in the courts, and especially non -- diversity in non-judicial positions. Could you speak to us a little bit about that?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Right, sure. Sure. So, I mean, I really think that -- and this is part of the reason why I thought it was important to give you my history, right? Because I graduated Columbia

Law School in '88, so I've been practicing since those days. And I don't want to take up too much of your time, Senator, but -- I mean, in those days, and anybody who practiced in those days, there was not a single African-American judge in these courthouses, or Latino judge, or Asian judge.

So that's the history that I look back to and see the world of difference. Not that we've come as far as we need to be, but it certainly is something to celebrate. And I think that we have to recognize the historical moment that we're in right now. Can you imagine that we have, today, the first African-American chief judge in the history of New York. We have the first Latino chief administrative judge in the history of New York. I got appointed on May 18th. On May 19th I appointed the first African-American first deputy chief administrative judge. And so that's our top leadership.

And many of my other appointments have been historic. I appointed the first Asian

appointed to, you know, upstate. He has some difficulty given his population, and so diversity in a lot of the courts up there, a little hard, but we're getting better. We saw Judge Cuevas get elected in the Fourth Judicial District, we saw Richard Rivera get elected in the Third, and Christine Ryba. But just recently I appointed the first Asian appointed as an administrative judge outside New York, in the history of -- and that's Kris Singh, in the Fourth Judicial District. The Fourth Judicial District is a district that is basically North Country.

And so there are -- I could go on and on and on about the recent appointments. I know folks have been asked previously about acting Supreme Court judges and how -- and the lack of disparity in those appointments, because those are a chief administrative judge's appointment. And the stats I just recently got was that out of the 36 appointments that I made, 22 had diverse backgrounds. Our -- our top administrative team is made up of 31 people. These are all

our statewide or DCAJs, and there are 15 people of color out of the 31 there. You know, not sufficiently broadly diverse -- we don't have enough Latinos and Asians in that group, and we're working on that -- but even our top team is extremely diverse.

And I know, Senator, that you're also interested in non-judicial employees. And so we've been doing all sorts of things to attract -- basically going into schools. I sent you a video of -- it was a recruitment video that's going to -- I mean, any Senator, any legislator that wants me to send them that to send to their constituents. But it's basically explaining -- and it was done by young people in Albany, that talks about all the different positions that we're offering in our courts. Because we desperately need more employees, so -- I'm sorry I took up so much of your time.

SENATOR BAILEY: No, I think it's excellent, because it shows again the clear commitment and the contrast when we only spoke about diversity via the LEO program in

years past, and that was what was pointed to. Anytime I asked about diversity: Well, we have the LEO program. Well, we need more than a LEO program, however phenomenal it is, and I thank you for that consistent commitment.

The last question I have is about foreclosure. And I would just encourage that we look to fund the appointment of a counsel that -- that -- in the CPLR 3408 about that, if we can look to -- as the budget process goes further, if we can make sure that there are specific funds allocated towards that. Because foreclosure is a major problem, specifically in the Northeast Bronx and the City of Mount Vernon, I know in Southeast Queens and many other areas throughout the state.

So I just hope that we can put some real funding for that access to counsel in that, because when homes are on the line, we're talking about housing and the right to housing and housing being a human right, it's -- all of those things are proper. We

want to make sure we encourage people to be able to stay in their homes, and getting them counsel is critically important. So I would urge that we allocate some extra funding there.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes. Yeah, I mean it's an interesting question, and I know that there are some groups out there that do that, the homeowners who appear for their settlement conferences are getting advised about counsel, and they're being referred.

I'm not sure there's a lot of folks out there who do this work. But we will certainly look into that to see if we can find some lawyers who want to do this work.

SENATOR BAILEY: Certainly. Thank you, Judge.

And like Jeff, I will yield the remaining 20 seconds of my time.

(Laughter.)

CHAIRWOMAN KRUEGER: Wow.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember

Ra.

Oh, let me just say we've been joined by Assemblymember Simon.

CHAIRWOMAN KRUEGER: Oh, we've also been -- sorry, if you don't mind -- Senator Shelley Mayer, Senator Ramos, Senator Stec. Thank you. Thank you.

ASSEMBLYMAN RA: Good morning, Judge.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Good morning.

ASSEMBLYMAN RA: Thank you to you and your staff for the meeting yesterday. I think it was certainly informative in preparation of today.

And I just wanted to go through a couple of the items we had discussed, one of which was if you can provide that breakdown regarding the additional $22 million in capital and where that's planned to be utilized.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes, sure.

So the -- so it's at Second Department. One of the things that happened

when Cuomo was governor is there were not quick appointments to the appellate divisions in the First and the Second Department. So I'm not criticizing him, I'm just saying sometimes positions were open for five years.

ASSEMBLYMAN RA: I wouldn't mind you criticizing him.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: What's that?

ASSEMBLYMAN RA: I said I wouldn't mind you criticizing him.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: And then in the First Department there was sort of this malaise in appointing judges to the Appellate Division -- the Third Department and the Fourth Department too.

I think this might be the first time in my memory that there is a full slate of judges in all four of the appellate divisions. I mean, that takes away judges from the trial courts. Right? So -- which has caused, you know, a little consternation because we're losing our trial court Supreme

Court judges. But the backlogs are happening up in -- especially in the Second Department, where there's not enough judges. Right? So the -- as a result of that, and as a result of just issues happening, things breaking, the capital improvement is to help the landmark building there get some work done.

And in the First Department, it's related to the court attorney pools and the additional judges and creating space for them to work.

So, you know, on -- other than the -- we don't -- we're not responsible for any capital projects in our trial courts. But in our appellate divisions, that's the only place that we actually have to request capital improvements for that.

ASSEMBLYMAN RA: And one of the other things we discussed that I think came across very clearly that you were very passionate about is the Mental Health Court expansion. And I know there's a budget request for $1.3 million to support that expansion. If you can elaborate on what the department

would be doing with those funds.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. Sure.

So, you know, our Mental Health Court budget, if you look at it, it doesn't sound like a lot of money. But what we do in our Mental Health Courts, we already -- that money that we allocate doesn't apply to the judges, because they're already there, to the staff, the court officers, et cetera.

What that money goes to is the resource coordinators and the case managers who are liaisoning with the programs to which we send the defendants, whether it's an inpatient or outpatient. So that's -- we have been talking to a lot of legislators across the state who have wanted us to expand mental health treatment courts. And you might know that I recently appointed a Mental Health Task Force headed by D'Emic and an upstate judge, Sisson.

And that's basically -- just to take a detour there, that's what we have been trying to do in a lot of our appointments. Because

we're a big state and when we make appointments on these commissions, we like to put someone from downstate, put someone from upstate.

And so the money that's allocated is really for the case managers which will help facilitate the -- making sure that these folks are found qualified.

Some of the money that really needs to be necessary to expand the Mental Health Court is that the city and the counties who fund the programs to which we send these defendants need to basically allocate additional funds so that we can have more beds and more places for them.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

Thank you for being here, Your Honor. Appreciate it.

You mentioned in your opening comments some of the things that you couldn't have

imagined before. One of them was Raise the Age. The timing is interesting, because there's an article in my local paper how the city of Dunkirk in my district is being terrorized by a 16-year-old kid who's been arrested 16 times in about a month and a half. He's destroyed hundreds of thousands of dollars worth of material. He mentioned being a Latino. His latest victim was a Latino-owned small business in the City of Dunkirk, which by the way has a large Latino population.

This is a problem. He's not been sent to juvenile detention. So what do you say to those local businesses and those folks that are suffering because of Raise the Age? And how do we address this? How does this kid get treatment? Because clearly he has issues. He was literally dancing in front of a security camera as he broke bottles in a bar that he broke into. So how do we address that in this new world of Raise the Age?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: That's a very good question. Obviously if

that's happening in that court, I'm not sure how the judge is handling the securing order. It sounds like you're suggesting that he's allegedly committing crimes and then getting released and committing more crimes.

SENATOR BORRELLO: Yeah, exactly what's happening. And, you know, I spent 10 years in county government. I know juvenile detention centers in Western New York, the beds are limited, the cost is about a thousand dollars a day -- and trust me, they're not staying at the Ritz Carlton at a thousand dollars a day.

So how do we address this? How do we get this kid help and stop him from destroying business after business, released again and again and again?

Also, Raise the Age has become the gang recruitment program. They're now recruiting younger and younger kids. How do we address this from a judicial standpoint?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So obviously every judge has to exercise his or her own discretion on these cases. Right?

Some judges might have decided that upon the third or fourth alleged commission of a crime that detention is appropriate. Or a program is appropriate to whom this child should be sent.

But definitely the county can -- it's the county's responsibility to create programs to which these young people are sent, and to monitor their progress in the program.

SENATOR BORRELLO: You think there's enough funding for that? Because honestly, that is the problem. It's very expensive for rural counties like ours to -- you know, at a thousand dollars a day for detention, plus the cost of treatment, do you think there's enough funding? Do we need more funding if we're going to have this Raise the Age?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I mean, yeah, I think clearly there needs to be a renewed investment in especially the detention facilities. In New York City there are 2 pretrial, you know, detainee facilities that, you know, qualify as appropriate. They

keep them away from the adults, et cetera.

SENATOR BORRELLO: And I agree with you, that we need more funding.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: You present, you know, a problem that is --

CHAIRWOMAN KRUEGER: Thank you, Judge. I have to cut you off. Thank you.

SENATOR BORRELLO: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Judiciary Chair Lavine.

ASSEMBLYMAN LAVINE: Thank you, Chair Dinowitz.

And Judge Zayas, good to see you.

Over the years, last years, when I've been privileged to serve as Judiciary chair, the Senate and the Assembly have worked very closely with the executive branch to provide sufficient funding and needed funding for our courts. And certainly there are certain aspects of that proposition that require a little more funding. And I'm glad that someone brought up the Raise the Age question.

I don't think anyone wants to see children in adult criminal courts. You and I, who were both public defenders -- and you were a prosecutor as well -- have seen what happens to children who are exposed to the criminal courts and children who are jailed in adult courts. That is not humane. And it makes no sense, and it's counterproductive. However, we will work together to provide sufficient funding, I am sure, for the Raise the Age program. But I have a couple of questions for you.

But before I do, I just want to say how much I appreciated you describing your background. And I think that in your position it is tremendously important that we have someone who has this well-rounded background and understands from a granular level how our courts function.

So speaking of Family Court, we have provided for funding for new judges in the Family Court. And for this year the Judiciary is looking for -- or seeking is a better way to put it -- 11.6 million for its

budget to implement 28 new Family Court judges, and that's effective a year from now. But that 11.6 isn't simply for the salaries of the judges, it's for the court personnel who have to support the important work of those judges. So this 11.6 million provides partial-year funding. Do we have a sense -- meaning do you have a sense of what the full-year funding total is going to look like?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: You know, I contemplated bringing my budget person to sit near me so I could find that out, but that's something I'd have to get back to you on.

ASSEMBLYMAN LAVINE: I would appreciate that.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I would like to -- I think you said that I previously -- not that there's anything wrong with being a prosecutor, but I was never a prosecutor.

ASSEMBLYMAN LAVINE: Oh, I'm sorry, I thought that you had worked in Melinda Katz's

office in the --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: No. No.

ASSEMBLYMAN LAVINE: -- unjust conviction --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: No, I was exonerating people with -- Melinda Katz developed a conviction integrity unit, and I was the judge who handled most of the wrongful conviction cases.

But like I said, not that there's anything wrong with being a prosecutor, I just didn't want the record to --

ASSEMBLYMAN LAVINE: Judge, I didn't mean to insult you.

(Laughter.)

ASSEMBLYMAN LAVINE: And I want to just make clear that while I was never a prosecutor, but I did serve for many years as a criminal defense attorney, I have more convictions than any prosecutor you'd ever want to meet.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: And

although I was never a prosecutor, I always worked very closely with them. And my special counsel's a prosecutor. And I love prosecutors.

ASSEMBLYMAN LAVINE: As do I. As do I.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: And I'm speaking -- I was actually -- even though I was a long-time public defender, I'm speaking on Friday at the Association of Prosecutors, on Friday they're having their conference in Manhattan. So maybe I'll see some of you there.

ASSEMBLYMAN LAVINE: I also want to mention how much I, for one, appreciate your collaborative way of interacting with the Legislature and the enhanced communication that we have seen. It is truly, truly appreciated.

So just a couple of things on the Family Court, and then I want to ask you a question about the Governor's judicial security provision. Let's start with the security provision.

Senator Hoylman and I have bills that are narrower in scope, and they're not as lengthy. In fact Senator Hoylman's bill and my bill are I think no more than two pages. The Governor has submitted an elaborate proposal, which is important. And judicial security is needed, and we see what's going on, unfortunately, in today's world. But I want to ask you to consider -- and you don't have to give us an answer today -- who would be able under the Governor's judicial security proposal to request relief? Because there's a question about how expansive the Governor's list of those who could apply is. And the approach that Senator Hoylman and I have taken -- and of course our bill -- my bill has passed in the Assembly, and I am confident that Senator Hoylman's bill will pass in the Senate as well.

But I'd ask you to consider working with us to make sure that those who can apply are more specifically defined. So just something to keep in mind.

CHIEF ADMINISTRATIVE JUDGE ZAYAS:

Certainly committed to doing that. We've actually put together a team of -- from counsel's office that are going to be working as hard as we can to collaborate with you early on in the process, not just wait till we get the two bills passed.

But we want to know what's out there, and we want to start working on it ahead of time and begin the collaboration part earlier on than previously.

ASSEMBLYMAN LAVINE: Thank you. It is absolutely necessary. We will not function as a democracy if we can't provide sufficient protection for our institutions.

And lastly, while I don't live in the Bronx, I can -- to paraphrase another politician, I can see the Bronx from my house, but that requires that I stand on the roof. But I have worked, when I practiced law, in the Family Court in the Bronx. And I just want to assure you that those of us who have -- who have experience working in the Family Courts will do our best to make sure that the Family Court -- critically,

critically important -- in the Bronx and in all the other counties has the facilities it needs.

Thanks so much.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Thank you, Assemblyman.

ASSEMBLYMAN LAVINE: And I yield two minutes and 46 seconds.

CHAIRWOMAN KRUEGER: Well, I think it's great if we're starting a competition today on who can be the shortest. So keeping track of the numbers.

The next questioner is Zellnor Myrie, from Brooklyn.

SENATOR MYRIE: Thank you, Madam Chair.

And I want to echo the sentiments of my colleagues. You know, we are never reluctant to take folks to task when they are not collaborative, when they're not doing the --

CHAIRWOMAN KRUEGER: (Mic off; inaudible.)

SENATOR MYRIE: It is. Is this

better? As I spill water all over my desk.

We're never reluctant to take people to task when you don't do the job; it's important to give credit when you do. So kudos to you and your team.

I have one question, and it is -- hopefully will be informed by your opening statement, your professional experience as an attorney, as a judge, and now certainly as an administrative judge. We're considering expanding after-school programming. And I was hoping that you could speak to whether you think, as a public safety measure, that after-school programming could be an effective tool.

We know that from the hours of 3 to 6 p.m., that is when our young people are most at risk of getting in trouble. And so I'm hoping you can speak to whether you think this would be an effective public safety tool, with a goal of every student, every young person who wants the opportunity being able to take advantage of it.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I'm

not an educator, but my fervent belief is that judges, courts, court employees, judicial associations should do everything in their power -- and this is -- the chief and I are aligned on this -- to go into schools, into after-school programs, into high schools, into colleges, and do everything we can to not only connect and talk to and motivate young people to -- just them meeting us would be a wonderful thing for them.

So -- and to the extent -- we are in the process, we have a posting right now of a civic engagements coordinator. It's a statewide position that we're going to hire somebody to -- we basically have these coordinators in every judicial district across the state, but we're hiring a statewide one to basically facilitate and organize all of these events. Because we earnestly believe that bringing young people into our courthouses and bringing our judges into their schools and their high schools and even in their colleges -- there was an article recently written about the

Chief Judge spending two full days with the students at John Jay College. I'm constantly at Columbia Law School talking to students and other folks, mentoring young people.

The judicial associations are very active in that as well. They're doing community service and all sorts of things like that that --

CHAIRWOMAN KRUEGER: Thank you.

Sorry, Senator Myrie.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Thank you, Senator.

CHAIRWOMAN KRUEGER: That worked.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Bores.

ASSEMBLYMAN BORES: Thank you.

Good to see you again.

I appreciate in your testimony your support for the No Cap Act to reduce -- to get rid of the constitutional cap on Supreme Court judges, a bill that I carry with Senator Hoylman-Sigal and the Governor's put in her budget and has broad support from

Democrats and Republicans on this panel.

But I wonder if you could just expand a little bit on how that will enable you to have sort of rational decisions on where judges are needed most and what you think that might be able to do to the backlog of cases.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So we are in -- let me just clarify. We are in full support of lifting the caps. Okay? That to me is the easy part. It's arbitrary, and they should be lifted.

As a Queens person, however -- so the caps have been -- right. Right, Judge Ramos -- I mean Senator Ramos.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So there are folks across the state whose caps haven't, you know, been used yet -- Westchester, Queens, and Brooklyn. And so the caps should be lifted, but the harder problem, the political problem, which I'll stay out of, is why should Manhattan -- if you base it on filings, right, Manhattan's

going to get 20 more Supreme Court judges even though Manhattan has like a tiny population compared to Queens, which is the second-most popular borough in the state, or Brooklyn. And our caps haven't expired yet. Only yours has -- no, I'm just kidding.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Or the Bronx, not that I got anything against the Bronx.

(Laughter; overtalk.)

ASSEMBLYMAN BORES: Or Staten Island.

(Inaudible overtalk.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Or Albany --

ASSEMBLYMAN BORES: I'm not going to ask you to get into the politics of it.

Just would that enable you to have the conversations about where --

(Overtalk.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I think the difficult, you know, hard labor on this is going to be, okay, now how do we figure out -- how do you figure out where

these judges should go.

But we are in support of it completely, that the caps should be lifted.

ASSEMBLYMAN BORES: Thank you.

And then lastly you mentioned new tech and modernization for the court system. Some courts have digitized; some still run on paper. I think last time I was in arraignments in Manhattan, there were beautiful computers there but everything was done by paper.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes.

ASSEMBLYMAN BORES: What are you targeting in terms of digitizing or not? What does that look like --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So one of the -- one of our OCA bills is trying to -- you folks have sort of -- I don't mean this critically, but you have -- the bill that exists now requires me to get permission, the chief administrative judge to get permission from the Legislature every time we want to do a new filing in a

different court.

And so we have a bill that asks the Legislature to just give us the authority to do them in the courts that we want to do them in. And so I've talked to folks -- should I just stop talking when that red light goes on?

(Laughter.)

CHAIRWOMAN KRUEGER: Sorry. Nope, you're it, thank you. You can follow up afterwards, and again in writing, because I think these issues apply to all of us.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes.

CHAIRWOMAN KRUEGER: Thank you, Judge.

Assembly. Oh, no, I'm sorry, that was the Assembly. Excuse me.

Let's try Senator Salazar.

SENATOR SALAZAR: Thank you, Chair.

And thank you, Judge Zayas.

As you are well aware, New York State law provides a mechanism for judicial resentencing. However, current law limits judicial review --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Can you just repeat that? I'm having a little trouble --

SENATOR SALAZAR: Oh, sorry.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I'm getting a little old. It's not you, it's me.

SENATOR SALAZAR: Can you -- are we better now? Great.

So as you are well aware, current state law in New York allows for a mechanism for judicial resentencing. However, under current law --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: This is the adult survivors of domestic violence statute you're talking about?

SENATOR SALAZAR: Oh, I'm saying a mechanism for judicial resentencing. So under current law, judicial review is limited solely to the question of whether the original sentence is illegal. You know, it doesn't matter how much the individual who is sentenced may have changed or if the prosecutor who prosecuted their case thinks that resentencing would be appropriate, or

really if otherwise the interests of justice dictate a reduction in their sentence.

The American Bar Association has endorsed New York's Second Look Act, which would provide a way to allow for judicial review of a sentence in other circumstances. Does OCA have a mechanism -- or, rather, would support a mechanism or have a position on creating a mechanism to allow for judicial review of sentences in those cases?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So earlier I said that I like to collaborate with my team. But I'm going to go out on a limb on this one and say I can't see how we would not support that.

But subject to their approval and the other folks that I generally -- but it to me seems like a no-brainer, that judges -- when judges sentence someone -- I mean, just look at this historically. Like folks used to get sent to jail for a single drug sale, for four and a half years to nine. It was an indeterminate term. Right?

And there's a lot of people who think

about that now as, like, that's atrocious. Like how could somebody spend four and a half years for a single drug sale, typically to an undercover cop. Right? And I think it's maybe common knowledge now that that was -- that this is why this body did away with the Rockefeller Drug Laws.

But there's also a lot of evidence that -- I mean, the best evidence you have of someone's unlikelihood of recidivism is what they have done since they were sentenced. So that is empirical proof that that person has recidivated. Jeez.

(Laughter.)

CHAIRWOMAN KRUEGER: Oops.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I think you get my point.

SENATOR SALAZAR: Thank you, Judge.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Time flies when you're having fun.

(Laughter.)

ASSEMBLYMAN DINOWITZ: Assemblymember

Tannousis.

ASSEMBLYMAN TANNOUSIS: There we go. Thank you.

Judge, thank you so much for being here today. Before we start, I just want to say I was proud to be an assistant district attorney.

(Laughter.)

ASSEMBLYMAN TANNOUSIS: And I was even prouder to have worked for the great Rob Johnson.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Some of my friends are district attorneys.

(Laughter.)

ASSEMBLYMAN TANNOUSIS: There we go.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: My special counsel back here was a district attorney.

ASSEMBLYMAN TANNOUSIS: So I just want to say, you know, based on certain conversations that I have had with members of the judiciary and members of district attorney's offices, it's my understanding that there has been a backlog that has been

caused by the discovery laws that were passed back in 2019.

So I wanted to ask you, is that indeed the case? Has a backlog been caused? And if so, what has been the cause of this backlog?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So let me start out by saying there's a lot of things that cause backlogs, right? COVID and all sorts of things. Type of case, et cetera.

But one of the sort of premises of enacting the discovery reforms -- which I was 100 percent in favor of, because I've had enough cases, including the many exoneration cases that I had to handle, where Brady material was not turned over and men and women spent many, many, many years in jail as a result of that. So I'm completely in favor of the discovery laws.

One of the premises was that if you give the defense over everything they need, they're going to see that maybe their client is on video committing the crime and that that would result in a quick resolution.

Right?

But in practice what has happened is the district attorney's offices are having an extremely difficult time in getting all of the discovery material together on time. So it takes them a few months. That means the speedy trial clock is ticking against them. And sometimes they don't get everything they're supposed to get.

And even if they do, the next thing that happens is -- and this was also unintended -- that the defense has every interest, because they need to be zealous advocates, are now challenging the discovery that they were given as inadequate. So now you've got these challenges to the certification and to the readiness. And so it has added months and months and months and months of litigation, motion litigation even before the omnibus motion gets filed.

And so I know into that body has allocated some funds for the district attorney's offices across the state to help them with their discovery. But we have to

figure out -- this is causing a backlog problem, that's why I'm interested in it. We have to figure out how the district attorney's offices can get that discovery done much more quicker so that -- I don't fault the defense attorneys for challenging the certification. That's their job. And if they feel like they didn't get something, they're going to litigate it.

But it has caused a bottleneck that we didn't anticipate. And I think with intuition you would think, well, if the defense got something that shows clearly their client was guilty, but that lawyer also got thousands of other pages, and body cam, that that lawyer now has a constitutional obligation to go and look at every single piece of paper that he or she received.

So it's a complicated problem with a lot of nuances, but it's something that has been a problem.

ASSEMBLYMAN TANNOUSIS: Thank you. Thank you very much.

CHAIRWOMAN KRUEGER: Okay, thank you

very much.

Next is Senator Ramos.

SENATOR RAMOS: Thank you.

All right, well, good morning, Judge Zayas.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Good morning.

SENATOR RAMOS: Let me begin by saying that you make Queens very proud. You clearly bring our spirit of diversity and that big Queens energy everywhere you go, so thank you so much.

I wanted to delve a little deeper on mental health courts. And I know you're not talking numbers today, but alas, this is a budget hearing. And I do want to talk a little bit about numbers. Because although we've heard so many big value statements from the Governor, from OCA, about how important mental health courts are, they actually aren't funded in the budget. We haven't seen in the Executive Budget that's being proposed any real numbers to increase the investment in mental health courts, and that I think is

very worrisome to many people in the community. Because even when you do the basic math of how much it costs to hire one caseworker at around $75,000 a year for 62 counties, we're starting to talk about almost $5 million.

And I'll say that the previous administration, before you and Chief Judge Wilson came on, often said that they weren't really willing to use the judges and existing staff for this endeavor, and clearly that's a -- what you're telling us today is a clear departure from that that is very welcome.

But I do think that the advocates -- with the Treatment Not Jails bill that I've been carrying now for a little while, for a few years, we actually estimate that a true expansion, accounting for the previous administration's mentality, would actually cost around $16 million.

So I do want to know if, like other state agencies, whether you have the discretion to use any of your general funds to expand mental health courts, or what this

would look like if the Governor ends up not increasing the amount of money that would be allocated for that purpose.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So my understanding is that the Governor has allocated -- I can't get -- we'll get you the exact number, Senator. But for OMH and beds, which is precisely the type of thing that we're somewhat interested in.

So our funds are related to court operations and -- but once we approve a defendant for mental health treatment court, we then send that defendant to a program. We, unless this body wishes to give us that money --

SENATOR RAMOS: I wish.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: If you give me a hundred million dollars, we will help to fund the programs to which these defendants go. That is really what needs to happen.

Right now it's not generally considered a court expense, it is the

county's expense. So if the mayor of New York City -- jeez. Okay.

SENATOR RAMOS: We'll continue.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR RAMOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Walker.

ASSEMBLYWOMAN WALKER: Thank you.

In New York, 98 percent of convictions come through guilty pleas, not trial, making a mockery of our system of justice and constitutional right to trial. What role do mandatory minimums play in reducing access to trials, and what policies or potential changes in law --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Assembly --

ASSEMBLYWOMAN WALKER: -- does OCA think would help address this crisis?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I'm really having trouble hearing you. Please

forgive me.

CHAIRWOMAN KRUEGER: (Inaudible.)

ASSEMBLYWOMAN WALKER: Okay.

In New York, 98 percent of convictions come through guilty pleas, not trial. What role do mandatory minimums play in reducing access to trial, and what policies or potential changes in law does OCA think would help address this injustice?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I understand, yes. Yes.

So you're absolutely right about most cases end in pleas and trials are somewhat a rarity. There are bills -- we are -- we have offered program bills which would eliminate the second felony offender statute where the district attorney consents. So instead of going to trial, it might result in a plea that the defendant can take that will reduce his exposure. Because the mandatory minimums sort of encourage defendants to say, I'm not taking that, that minimum is too high, I'm not going to jail for that long. And so --

ASSEMBLYWOMAN WALKER: Thank you.

My second question is with respect to 3408(b), the requirement that counsel be provided in foreclosure proceedings. How much is included in your budget this year in order to fund that requirement?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: You know, I'm not -- I'm not -- there's so many numbers running in my budget, so it's something that I have to get back to you.

ASSEMBLYWOMAN WALKER: Well, I believe that that number may be zero.

Is there any funding of this particular initiative in previous budgets?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: This is -- this is a -- to do what? To --

ASSEMBLYWOMAN WALKER: This is to provide access to the right to counsel in foreclosure proceedings, sir.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I mean, we're doing a lot of work along those lines, so I would be surprised that it's a zero budget, because we -- that's an issue that's actually in litigation in terms of advising those who appear on foreclosure

proceedings that we have a duty to inform them that they have the right to counsel at these settlement proceedings.

ASSEMBLYWOMAN WALKER: Okay, thank you. I just was wondering where it was included in the budget, because I was looking for it and I was not able to actually see it.

Are you aware that there is presently a lawsuit with respect to this issue in the court system?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes. I just said that, yes.

ASSEMBLYWOMAN WALKER: And I believe I heard you say that there were no attorneys, though, that you were aware of who actually could represent these individuals. Are you aware that there is a New York State Foreclosure Defense Bar?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: There certainly is. And there are attorneys that will be willing to take these cases. There's just not that many.

ASSEMBLYMAN DINOWITZ: Thank you.

ASSEMBLYWOMAN WALKER: Thank you.

ASSEMBLYMAN DINOWITZ: Next is Senator Stec.

SENATOR STEC: Thank you very much.

Good morning, Judge. Thanks for being here today.

I'm encouraged by the Chief Judge's desire to expand Family Court, and I've been listening to your testimony and a lot of questions about Family Court around the state. Seems like a lot of interest, in particular in the five boroughs.

I represent six counties in the North Country. I'm worried about my kids and my Family Court. In 2018, then-Senator Little and I in the Assembly put in legislation looking for a Family Court judge for Essex County. For six years I've been chewing on that tree. Now I'm in the Senate, and Assemblyman Simpson has the bill. We've written letters to OCA; most recently I wrote a letter to Kris Singh. And, you know, letters to my colleagues here, you know, in the budget process.

If you'd just entertain me, the most

recent letter that I wrote, I'll just read the relevant part: "We are writing to request funding for the creation of an Essex County Family Court judge in this year's budget.

"Essex County has a population of about 38,000, and a single judge presides over its Family, County and Surrogate's courts. This person also oversees four specialty courts: Integrated Domestic Violence, Drug Treatment, Mental Health and the only Veterans Treatment Court in the entire judicial district.

"Recently Essex County Family Court has seen nearly 1,000 new Family Court cases and 3,000 court appearances each year. This has made ensuring swift due process incredibly challenging and highlighted a need for a county Family Court-specific judge."

Again, this is a six-year-old request for a North Country county. One judge is doing everything up there. My people and my families matter too. I've got all the relevant players in the room here. I'd love

to see this included in the budget. If you could please take a sharp look at specifically Essex County, and let's try to do the right thing by their Family Court system.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I believe that the statute that created the 20 judgeships, we did not weigh in on where those judges should be assigned. Right? So what you're raising is a question of once judgeships are created -- and we're requesting 28 new Family Court judgeships. I don't want to blame your colleagues, but they kept you out of --

SENATOR STEC: I do a lot of that. And most of the time, they deserve it.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: But in other words, my understanding is that the -- when we received the statute about the 28 Family Court judgeships, they are telling us where they are assigned. We're not deciding that. So I don't want to say your argument is with them, not us, but --

SENATOR STEC: Well, there's just -- there's always -- you're always involved in the conversation, right? None of this happens in a vacuum. And like I said, I'm just thrilled that the chair of Finance and the chair of Judiciary are sitting to my left here today, as they often are --

(Laughter.)

SENATOR STEC: And if we could, though, let's all get this done, all right? Essex County, Lake Placid, the place of miracles. Thank you.

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: You're welcome.

ASSEMBLYMAN DINOWITZ: Next --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: And I'm happy -- we have our own formula, which would be based on filings. And if --

ASSEMBLYMAN DINOWITZ: Assemblymember Simon.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I'm sorry. Yes.

ASSEMBLYWOMAN SIMON: (Mic issue.)

It's a delicate dance up here.

So thank you very much, Judge, for your testimony. I have a couple of questions I wanted to ask you. One is -- and just a reflection on your testimony about diversity on the bench. And I am from Brooklyn, I'm a civil rights lawyer. I'm one of those people that I think you can achieve both goals, right, racial and ethnic diversity -- but also diversity of background.

I think on the federal level they're doing a much better job at making sure that people who sit on the bench are people who come from various areas of expertise. And I know how hard {mic out; inaudible} -- on the federal bench years ago. And he's been an outstanding, you know, judge.

So I just wanted to ask what if anything you're doing about that, and to encourage you to do more.

I also wanted to just say, with the civic engagement, great -- but younger, young kids. I was in grad school before I ever met a lawyer. Right? And that's only because I

went to grad school -- my roommates were law students.

So if you could just address those two issues.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. So, I mean, one of the things that we noticed right away was that there has to be also demographic diversity.

So we have made great efforts to make sure that when we are making appointments -- one of the things we have is committees that advise the chief administrative judge on all matters of Family Court, Civil Court. And so we have -- I have diversified those committees not only based on ethnic background and race, but on -- I appointed a lot of folks from outside of New York City on it.

And one of my first things that I did is the -- Deputy Chief Administrative Judge St. George, who was from Long Island, was the DCAJ for the whole upstate. And I wanted him down with me at Beaver Street, but I also understood that the folks upstate wanted one

of their own, so to speak. And I appointed Judge Murphy to be that DCAJ.

And we're doing that in every respect. You know, we had a great Family Court judge who knew a lot about Family Court in New York City, and when we wanted to appoint a statewide Family Court coordinating judge, it meant a lot to us to appoint someone from Albany, someone from upstate.

I'm not sure if I'm answering your question. Did I miss your question?

ASSEMBLYWOMAN SIMON: Well, I was talking about diversity of background of legal experience --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Oh, I see, right.

ASSEMBLYWOMAN SIMON: -- as well.

So yes, obviously there's geography. But it's also people on the bench who are not just, you know, prosecutors -- no offense -- although some of our best criminal defense attorneys were prosecutors. But that's not the only enchilada, right? So it should be --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yeah, absolutely. Yeah, I appreciate it.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next is Senator Gonzalez.

SENATOR GONZALEZ: Hi. Good morning.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Good morning.

SENATOR GONZALEZ: Can you hear me?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes.

SENATOR GONZALEZ: All right. So I wanted to dig in a little bit more today on technology spending. OCA's budget request includes 93.4 million for technology to support court modernization, an increase of 14.6 million. The 14.6 million includes 6.6 million to support general court operations and 8 million in capital funding. So I want to better understand, one, how the upgrades in technology assist court operations and, two, if there are specific court locations that can -- especially in places where we're seeing a need, that OCA

intends on focusing on expanding these technology needs.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. It's a good -- I'm glad you asked that.

So we developed a courtroom modernization department and appointed a director. And what I did in Queens when I was the administrative judge there is we started a program where every single courtroom was equipped with all sorts of the best modernization in terms of listening, assisted listening devices. So you go in a courtroom in the Criminal Court in Queens, every juror now has a screen, a monitor in front of the juror so that if somebody wants to publish -- if somebody introduces evidence and they want to publish something to the jury, sometimes it would take, you know, 20 minutes for the court officer to hand each juror that document, and then just wasted 20 minutes.

Now it gets put up on a screen, all jurors are able to watch it simultaneously.

And so it is modernizations like that. And we're doing that not only in the city and in other parts of the city, but upstate. So that's the court modernization project.

With -- I'm sorry.

SENATOR GONZALEZ: Oh, no, I said "oh, yes."

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So with respect to the upgrades that are necessary, you know, we are engaging, as you know, in a lot of virtual proceedings throughout the state. So we now have to -- as well as live-streaming. So some people -- and so we're doing -- we're trying to do a live-streaming capability in each of our major courthouses. And so that's where a lot of that technology goes.

Technology is getting very expensive, and so what used to cost -- inflation, et cetera, so.

SENATOR GONZALEZ: That's incredibly helpful. Thank you for your answer.

And would love to get more information on these modernization efforts to see, you

know, how the Legislature can support --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. Sure.

SENATOR GONZALEZ: -- especially from the accessibility end.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: We'll get back to you and send you some more information on that, with more specifics.

SENATOR GONZALEZ: I appreciate it. Thank you.

CHAIRWOMAN KRUEGER: Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Steck.

ASSEMBLYMAN STECK: Oh, there we go.

So I've actually been practicing civil rights law in upstate New York for 40 years. And you could probably count on one hand the number of lawyers in the Northern District of New York who do that full-time.

For many, many years, we always went to federal court under Title VII because it was more favorable than the New York Human Rights Law. And in the city, of course, they had the city human rights law, but now the

Legislature has made the New York Human Rights Law and the city law pretty much the same.

So I think what I'm going to ask about, and I'll tell you why in a second, is what -- what is being done to train judges, almost none of which have ever practiced in this area of law, as to what the legal rules are?

I went before a judge I've known for years, and it was a disability discrimination case, and the first words out of the judge's mouth were, "Well, your client's an at-will employee." Which has nothing to do with a disability discrimination case.

So it indicates to me that there's a need for a lot of training in this area. These judges are not familiar with it. And I'm wondering what OCA is doing about that.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So that's an interesting question. And I think for a long time -- and you probably are aware of this -- there was a lot of confusion in even some of -- within our most brightest

judges as to whether the state and the city human rights law were one and the same. And you probably are aware that Justice Acosta and then the Second Department had sort of straightened all of that out and said, Wait a minute, the New York City human rights law is completely different because of its terms.

ASSEMBLYMAN STECK: Not anymore though. We amended the law.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I understand. But -- but -- I mean, that's more recent.

ASSEMBLYMAN STECK: Previous.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: But that was a 10-year sort of hiatus in where folks were wrongly -- and good judges. I mean, you're talking about a judge who wasn't trained, but these were very smart analyses.

So we do training at the JI two weeks every summer for each of the judges. I am not in a position to defend every single judge. So when a judge makes a mistake, thank the Lord that you have the right to an appeal and those things. We try to train our

judges -- webinars; at JI, summer programs; and especially those who are specializing in this. But, you know, sometimes the training doesn't get through.

CHAIRWOMAN KRUEGER: Thank you, Judge.

Next is Senator Shelley Mayer.

SENATOR MAYER: Thank you.

And I want to echo my colleagues' comments, Judge. We're so pleased to have what you call the breath of fresh air here and your responsiveness already on a number of issues.

You know, I feel passionately about the shortcomings in the Family Court, both in New York City and outside New York City, and appreciate the appointments you've made.

In your testimony you say: "We have enhanced the visibility of the system in New York City Family Court that allows court participants to express concerns about judges and non-judicial staff." What is that?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So basically we've created a system where those who have issues in the Family Court can have

a voice, somebody to speak to, or -- they're called like monitors, to talk about like what their problem was that day.

SENATOR MAYER: How do they know about that? I had not heard that.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: There's signage all over the courthouse about this feedback about how you were treated today. We're doing that in a lot of our courthouses, but --

SENATOR MAYER: How does that work for virtual court experiences?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I'm sorry?

SENATOR MAYER: When there's virtual court experience, when it's not done in person.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Well, that's a good question. That's something that we should look at, right. That's something we should look at in terms of -- I mean, I'll get back to you on whether or not even in the virtual appearance there might be some follow-up. I just don't know.

SENATOR MAYER: Okay. Thank you.

The second question is about these other kinds of courts, including in -- I think you may know, in New Rochelle we have the Opportunity Youth Court with Judge Rice, which has been an extraordinarily successful model, which at the court's expense, as opposed to what you were describing at the not-for-profit's expense, they're reaching these particularly young men earlier in the process.

Is there any plan or consideration of increasing the number of these Opportunity Youth Courts to other city courts and other places where they have proven to be effective?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I mean -- and I may have misspoke, because we do fund CIJ, or the Center for Court Innovation, right, and they do run one of our programs in Brooklyn. So there are some. And this is -- the one you mentioned is another one.

It's something that we certainly

should be looking into. We sort of think that this is something that the counties should be doing, because once it's our employees, there is at least a potential for a conflict of interest. So if we appoint the -- we have the case manager and the resource coordinator interacting with the program. And if the program are now hired by us, at least the -- and then they sort of agree, that defendant might think that, Wait a minute, these are just people.

So we've tried to keep sort of the wall in between that. But I recognize we haven't always done that.

SENATOR MAYER: Thank you.

ASSEMBLYMAN DINOWITZ: Assemblymember Mitaynes.

ASSEMBLYWOMAN MITAYNES: Thank you.

I'm concerned about what appears to be a clear pro-bank bias among some judges in New York State in mortgage foreclosure actions -- more than just a cozy relationship between banks, lawyers and the courts. In one particularly glaring example, a lower

court's judge's foreclosure rulings were overturned 32 times by the Appellate Division over a three-year period -- 32 out of 54 total foreclosure cases -- and in each one the decision was reversed in the borrower's favor. In not a single one of any of his reversals had the lower court judge ruled for the borrower. Every time was for the banks. He has gone so far as to state explicitly in a decision that he will refuse to apply Appellate Division directives, given his apparent special knowledge that the Court of Appeals would accept and reverse the Appellate Division.

Does a record like that concern you? And is that something that the Office of Court Administration can address, or do you need additional tools and directives from the Legislature?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Thank you. No, thank you for the question.

I -- we meet -- we meet with virtually every advocate that wants to. Not about their case, obviously. But the chief and I

are meeting with virtually any advocacy group. And we have met with an advocacy group, Assemblymember, who has raised that question directly with us, someone who I talk to and confer with.

And we investigated that, determined that in fact that is not the case, that the lawyer -- the judge that he had claimed was always ruling in favor of the banks was not true at all.

And as I said in the beginning of my testimony, I was an appellate judge for many years, and I know for a fact that that judge was affirmed even when the judge ruled in favor of the homeowner.

And so we also brought that to -- so when a litigant, an advocate comes to us about criticizing a judge, we generally reach out to the judge, we report what the person has said, and say, Can you respond?

And so that is my memory of how far that went down. And I know from personal knowledge, because I sat -- I sat -- the Appellate Division hears probably four

foreclosure cases every time we sit, especially in the Second Department. And I know for a fact that I have affirmed that judge's rulings.

But I appreciate you bringing it up. We did -- I guess I should stop.

CHAIRWOMAN KRUEGER: Thank you.

Senator Hoylman-Sigal for the chair three-minute follow-up.

SENATOR HOYLMAN-SIGAL: Thank you.

Thank you, Judge. I wanted to ask you two quick questions in my follow-up three minutes.

The first is about Midtown Community Justice Center. Thanks for the amazing work for the group that I know you're familiar with, the Center for Justice Innovation, and for your commitment to problem-solving courts. As I understand it, that court had been scaled back to one day a week. We now have two days a week in my Senate district. And it deals with a lot of quality-of-life issues in the neighborhood, and Judge Wang does a terrific job. And the Chief Judge

visited recently.

Do I understand correctly that the budget will allow that court to open five days a week if we approve your request?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes. Yes. I mean, we're opening it -- we're opening it five days a week, I think. I mean, we're moving towards opening it now. We think it's a community -- I worked in the Harlem Community Justice Center. They're wonderful courts, wonderful neighborhood courts.

SENATOR HOYLMAN-SIGAL: That's terrific news.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Perfect judge in there, and we're very supportive of that.

SENATOR HOYLMAN-SIGAL: Thank you so much.

And then I carry a bill with Assemblymember Lavine to expand the Commission on Judicial Conduct's authority to allow you to continue or begin investigations into judges even after they leave their post.

We see this as a crucial step toward ensuring that jurists who engage in misconduct aren't able to evade investigations simply by retiring or resigning.

Do you support that approach?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes.

SENATOR HOYLMAN-SIGAL: Thank you.

I yield my one minute 25 seconds.

ASSEMBLYMAN DINOWITZ: Thank you.

Assemblymember Wallace.

ASSEMBLYWOMAN WALLACE: Hi. Thank you so much, Judge, for your testimony today.

First I just want to associate myself with the chair's comments earlier about the sweeping of the IOLA fund. As you know, they provide essential services. And if we were to not have that funding available, we would increase the number presumably of pro se litigants, which would then increase the burden on the courts because it takes more time, the judges have to explain what the process is and so forth.

So I think we would be penny wise and

pound foolish to do that. So thank you for your support of putting that money back in.

And I guess I just want to talk a little bit about the Family Court crisis. First of all, obviously, I support increasing --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I didn't hear that. About --

ASSEMBLYWOMAN WALLACE: The Family Court crisis.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes.

ASSEMBLYWOMAN WALLACE: Obviously I support increasing the number of judges, Family Court judges. I think that will go a long way. I note you mentioned the Fund for Modern Courts, and I know in the past there have been discussions about elevating and expanding jurisdiction of the Family Court and how that would help alleviate -- I don't think that's part of this current budget.

But, you know, we're talking about eliminating the cap on Supreme Court judges. I think we really need to stay focused on

Family Court judges and addressing that issue.

And I'm wondering -- you know, I spent a lot of my career in federal court, and I know that when there's a backlog and there aren't more judges to handle things, there is an increase in the number of lawyers and law clerks to try to help those judges, because they can really streamline those cases. Every time you add a new judge, you have a new courtroom, you have a whole new staff of people.

Whereas if you add more law clerks and more attorneys, they can really help move that case along and help the judge streamline and address more cases.

So I'm wondering, have you made efforts to try to address that in lieu of the judges, and how can we help you in that regard?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Sure. Right. So one of the parts of our budget is to hire 50 law clerks for the lower courts, for Family Court and other courts.

And so that will absolutely be helpful.

With respect to hiring the lawyers who are going to represent the litigants --

ASSEMBLYWOMAN WALLACE: No, no, that's not what I meant. More lawyers for the courts.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Oh, yeah, so court attorneys -- law clerks, yes.

ASSEMBLYWOMAN WALLACE: Yes.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yeah, so we're doing that. That's in our budget, to -- we think that the more law clerks that we hire will help the Family Court judges reduce their caseload and reduce the backlog. And that's in our budget.

ASSEMBLYWOMAN WALLACE: Okay. And referees and other --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: And referees, yeah. I mean, that's -- I mean, as soon as we get a request for a support magistrate, we approve it and move it right away.

There's some -- you know, there's

some -- you have to interview, you know -- we're a good government operation, so everything we post, and that process does take time. But when somebody leaves the bench or leaves the court attorney position or a support magistrate gets elevated, we immediately get someone else in there.

ASSEMBLYWOMAN WALLACE: Okay. And I'm running out of time, but I just want to also mention Erie County Surrogate's Court is one of the most backlogged in the entire state, and so if we could look at maybe addressing that in some way as well.

Thank you.

ASSEMBLYMAN DINOWITZ: Thank you.

Assemblymember Burdick.

ASSEMBLYMAN BURDICK: Thank you.

I first want to join my colleagues in warmly welcoming your collaboration with the Legislature.

And you mentioned -- this is a question about access to counsel.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: About a --

ASSEMBLYMAN BURDICK: About access to counsel. And you mentioned a huge, huge increase in the need for funding representation for civil litigants, that IOLA has a large fund balance, and that the Governor has proposed increasing to 60 million from 50 million funds which IOLA can spend in this area.

Now, I recognize that there are other sources of funding for legal service organizations that are in this area and in the Executive Budget. My concern is that even taking that all in the aggregate, it still isn't sufficient. And given the dire need, particularly migrants requiring legal representation in deportation hearings, would you be amenable to increasing above the 60 million level?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So I'm going to -- I talked to you about transparency, which is what our administration wants to do. And as I -- we prepared our budget on December 1st when we had understood that there was austerity and

maybe not a balanced budget. Right?

So I would love -- I keep thinking about this as I read everything every day, and I keep thinking I made a mistake and we should have requested 200 more million dollars for civil legal services. That is honestly what I've been thinking over the last few days. And so that's on me. The buck stops with me. And I feel like I should have asked for much more than we did.

But to the extent that you have the power to do that, I will gladly accept that into my budget. I don't know if that answers your question.

ASSEMBLYMAN BURDICK: It answers it very nicely.

(Laughter.)

ASSEMBLYMAN BURDICK: Thank you so much.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Next time I come here I'll do a little better and do my homework a little more.

ASSEMBLYMAN BURDICK: Well, listen, it was shifting sands. There's no way to be

able to predict these things. But I would welcome working with you on trying to get that number up.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yeah, and it's not only because, you know, the poor need this help, but it helps the operations of the courts. Because that is a thing that bottlenecks our courts, that there's not enough lawyers, there's not enough 18-B lawyers to try all the cases that need to be tried. And so adjournments have to be granted sometimes, because one lawyer is representing a defendant on an old case or a Family Court litigant on an old case, but that lawyer has already had his trial scheduled -- you know, two or three trials scheduled. So now I've got to --

ASSEMBLYMAN DINOWITZ: Thank you.

ASSEMBLYMAN BURDICK: Thank you.

(Laughter.)

ASSEMBLYMAN DINOWITZ: Assemblymember Reilly.

ASSEMBLYMAN REILLY: Thank you, Mr. Chair. Thank you, Judge.

One of the things I want to talk about is the 3030 speedy trials. So ever since the law changed, in 2019 there were 12,000 dismissals. That increased in 2022 to 31,000, almost a 250 percent increase.

So given your remarkable professional experience that you laid out for us -- and I'd really be interested in this -- do you have any recommendations for the Legislature to address that and maybe practical implementation to address the increase in technical dismissals?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So my view of this is that these dismissals, this increase in dismissals of these cases, is invariably due to the difficulty that the prosecutors' offices are having in getting discovery. And if you don't get discovery by a particular time, the case is getting dismissed. And that is happening all across the city, and it's happening all across the state.

I am not criticizing the discovery reforms. I am 100 percent behind, behind

them. But somehow something has to be done on -- and I'm not criticizing the prosecutors, because I'm not saying they're dropping the ball.

But there has to be -- and this may be somebody asked me a tech question before. There has to be an effort to develop a program that makes it easier for district attorneys' offices to provide that discovery to the -- to certify. Because if it's not certified and the time passes, the case is going to get dismissed.

So my understanding from where I sit is that a lot of those dismissals are the result of prosecutors not being able to certify that they provided all of the necessary discovery.

ASSEMBLYMAN REILLY: So to expand on that, is there any specific training for judges when it comes to the speedy trial conflicts, so delays that have to do with production beyond the control of district attorneys? So in other words, is there an ability for a judge to grant the extension?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Good cause extension, right.

Yeah, there is training. There's training at the institutes. I mean, anybody who is -- exercises criminal jurisdiction, this is the topic. You know, bail -- and I sat at -- even though I was the administrative judge, I sat through these hearings, even though I've been a practitioner for many years. And I'm still learning things. But there certainly is all sorts of training with respect to discovery.

You know, bail has occupied the discussion for the last few years, and very few people have been talking about discovery. So I'm glad -- I'm not saying the bail discussions are over, but I'm glad that we can move on to talk about some of the other reform legislation. Which, again, I say I am completely supportive of.

ASSEMBLYMAN REILLY: So do you see -- one last question. Do you see any -- do you have any specific recommendations for us that would help expedite and close that gap, that

250 percent increase of technical dismissals? And how can we help offer improvements to the training for judges?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yeah, I mean, I -- like I said, I was never a prosecutor, but maybe the prosecutors can -- I think the prosecutors' offices have to come up with a tech-savvy way of getting this done. I mean, I wish I had some suggestions. But to me, it's an internal process in the district attorneys' offices as to how they're going to produce -- you know, you can't even -- there's so much documents that a lawyer will come in, the defense attorney, and say, here, here's my thumb drive, put it all on my thumb drive so I'll have the discovery, and that thumb drive doesn't have enough -- what is that called, BTUs or whatever that is --

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: -- the kg --

(Laughter.)

CHIEF ADMINISTRATIVE JUDGE ZAYAS: It

doesn't have enough room. I mean, how could a thumb drive not have enough room? So you're talking about video cameras, audio proceedings, et cetera, et cetera.

So I wish I had a recommendation for you. To me, it's -- the solution is tech, because that -- there has to be some way where the police departments are in an easy way getting that information to you -- thank you.

ASSEMBLYMAN REILLY: Thank you, Judge.

CHAIRWOMAN KRUEGER: And for the record, Judge, your staff can order you bigger thumb drives that absorb that --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Say that again?

CHAIRWOMAN KRUEGER: Your staff can get you bigger thumb drives that take more data.

(Laughter.)

CHAIRWOMAN KRUEGER: One of those people behind you knows what I'm talking about.

CHIEF ADMINISTRATIVE JUDGE ZAYAS:

Yes. Yes.

CHAIRWOMAN KRUEGER: Thank you.

We have one more Senator, Senator Rolison.

SENATOR ROLISON: Thank you, Chair.

And good morning, Judge. I love the BTU comment.

(Laughter.)

SENATOR ROLISON: I also thought it was that at one point in time.

(Laughter.)

SENATOR ROLISON: On the discovery, as my colleague Assemblyman Reilly was talking about, I have heard over a period of time and we've talked about, you know, the amount of discovery that has to be supplied to the defense, and I understand that.

But that some members on the prosecutor side have said that things were being sent over that aren't even being looked at, because emails aren't being opened up, so they know they're not being looked at.

You know, is there a way -- and have you thought of this at all, when we talk

about discovery reform and maybe some reform to the discovery reform, that some of those things that just aren't absolutely necessary, that are not really going to be looked at and used in the defense of an individual -- and I'm not trying to take away any of those rights that have been granted to the defense and the individual accused -- could be, say, removed from that, where it would expedite getting it over, you wouldn't see as many of the technical dismissals?

Is that something that anyone on your side in OCA has thought about, reviewing that from a access issue.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: So I am not familiar with anyone who's reviewing that. It sounds to me like the defense bar, prosecutors, and members of this body might want to do that. I mean, I think it's more appropriately a legislative function, in collaboration with both the defense bar and the -- yeah.

SENATOR ROLISON: Sure, understood.

And one more question, Judge. I

attended, I participated in the hearing in Manhattan last year on Family Court. Kind of an eye-opening hearing for sure, and great testimony and discussion on both sides, both from people who have been in Family Court and ones who practice in Family Court.

With that said, is Family Court, would you say, the area with the largest backlog in -- statewide in the system?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I mean, it's --

SENATOR ROLISON: It sounds like it in New York, but --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yeah, there's a huge backlog there. But it's either between that and criminal, you know, felony -- serious felony criminal term.

And it's in New York City. I mean, we don't really see the criminal cases being backlogged too much outside of the city. And I think the same is probably true for Family Court. So it's the high-volume courts that have the problem. And I attribute it to a lack of sufficient number of defense

attorneys.

SENATOR ROLISON: In my last 16 seconds, how is OCA staffed up? Shortages in those courts as well?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes. So, I mean, the -- as soon as there is a vacancy, we fill that vacancy. I mean, even in Housing Court. I appoint Housing Court judges.

SENATOR ROLISON: Thank you, Judge.

Thank you, Chair.

ASSEMBLYMAN DINOWITZ: Chair Lavine.

ASSEMBLYMAN LAVINE. Talk about electronic difficulties -- I can't even turn this on.

(Laughter.)

ASSEMBLYMAN LAVINE: I just wanted to mention that on the subject of discovery, issues involving problems with the delivery and the digesting and review and analysis of discovery don't seem to be very prevalent on the civil side of our litigation experience. But we know it's difficult on the criminal side.

And for those of us who have engaged in actual electronic discovery, as you mentioned, it's a matter often of reviewing hour after hour after hour of video, much of which is completely inconsequential. So it's a difficult experience, and it's also a very expensive experience to review and analyze voluminous discovery provided by prosecutors. It very often requires hiring agencies and companies that can do that sophisticated research in order so that we can learn what is actually important and what's not.

But we did provide in last year's budget -- when I say "we," this is the state -- provided $80 million to the prosecutors, to our district attorneys, to be able to gear up to do this. And I'm confident that over time they'll be able to use that funding and that we will get there. This is our modern world, and -- but you may not want to trust me so much as someone who can't even figure out how to turn on the -- the microphone here. But we're heading in the right direction.

And thank you.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: I forgot who asked me about training on this. But there is -- there is ways in which this type of thing can get fixed, with training on tech. So ...

ASSEMBLYMAN LAVINE: No further questions.

CHAIRWOMAN KRUEGER: Thank you.

And Senator Jamaal Bailey, chair, for a three-minute follow-up.

SENATOR BAILEY: Thank you, Madam Chair. I just want to -- you spoke about the good cause shown exception. So I just want to make sure I put on the record that there are exceptions to discovery law for voluminous records and good cause shown then to the judges so that it's not -- because it seemed like it was kind of being presented that there's a wall that if you hit a clock and then automatically you run out of time. And that's just not the case. I wanted to make sure that we cleared that up for the record. I just want to say --

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes, absolutely. Yeah. And judges do grant those, right.

SENATOR BAILEY: I just wanted to make sure that was clear for the record.

And I wanted to talk about -- you mentioned these things, and I concur with Assemblymember Lavine that, you know, the money that we gave to prosecutors they will use in good faith to update their systems.

But I just had a question. Would you -- and maybe you can get back to me at a later point in time. But if there was a bill that created a comprehensive electronic discovery system that allowed prosecutors, the Division of State Police, the NYPD, larger state agencies to be able to be more efficient in the sharing of discovery, so that the delays between, you know, law enforcement and prosecutor -- which is sometimes an unspoken conversation -- if that were to be something that we would do, would OCA -- could OCA potentially consider supporting that?

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes, absolutely.

Let me say one other thing about training, because there are no interlocutory appeals in -- there are interlocutory appeals in criminal cases. So the Court of Appeals just sort of clarified the standard by which these cases can get dismissed, where discovery is not. But that took, because of how long it takes to go on the Appellate Division appeal, et cetera, so we finally do have some guidance. And that's the best training that you could get, because the Court of Appeals is saying this is how this situation needs to happen. And that decision, written by Judge Halligan recently -- Bay, People v. Bay -- set that forth.

So we're getting clarity, but on the criminal side it takes a little more time sometimes to get an appellate ruling.

SENATOR BAILEY: Thank you, Your Honor. Nothing further.

Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you. I'm just double-checking.

I believe you have completed your assignment today with us, Judge.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Hallelujah!

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you very much.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Thank you very much. I appreciate it.

CHAIRWOMAN KRUEGER: Appreciate it. And I know there was some follow-up you need to respond to people because we just didn't get to everything.

CHIEF ADMINISTRATIVE JUDGE ZAYAS: Yes, ma'am, we'll do that. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much. And as you leave with your team, remember, everyone, you take your conversations you're trying to have with them outside so that we can continue with our next panel, which is the New York State Commission on Judicial Conduct and the New York State

Office of Indigent Legal Services.

(Off the record.)

CHAIRWOMAN KRUEGER: It is still morning. This is very good news. Good morning, both of you.

And do you have a preference with whoever goes first? Okay, thank you. And you have to press the button till it turns green, and it's a challenge. You have to hit the sweet spot. There you go.

Thank you. Good morning.

DIRECTOR WARTH: Good morning. I'm Patricia Warth. I'm the director of the New York State Office of Indigent Legal Services. And I want to thank you for this opportunity to talk to you about the ILS budget. But I also want to thank you for your ongoing support of the Office of Indigent Legal Services as we work to improve the quality of public defense, which includes not only public criminal defense but also the representation of parents in Family Court matters.

My written testimony compares our

budget request to the Executive Budget request. So I'm not going to go over my written testimony, but instead I'm going to talk to you about the two most salient points that I want you to be aware of.

First is the crisis in the quality of representation provided to parents in Family Court matters. And this is a crisis that must be addressed. And there was a lot of discussion about this earlier. For that reason, ILS is requesting $50 million in our Aid to Localities budget for improved-quality parent representation.

Second, I'm urging you to reject efforts to sweep money from the Indigent Legal Services Fund, which is earmarked for a special purpose, into the General Fund. The Indigent Legal Services Fund must be used for the purpose for which it is earmarked, and that is to improve the quality of public criminal defense and the representation of parents in Family Court matters.

I'll start with the representation of parents in Family Court matters. Since 2016,

because of the Hurrell-Harring settlement, the state has made a significant fiscal investment in improving the quality of representation provided to people in criminal matters. But Family Court has been left behind. And the data that we get from providers across the state shows what this means.

The data we get shows that Family Court attorneys on average carry weighted caseloads that are 50 percent higher than their criminal court counterparts. And on average they spend less than half of what their criminal court counterparts spend on cases.

Now, viewed through a criminal lens, this is sort of good news, ironically, because it shows what can happen when there's a state investment in improved quality: Attorneys have manageable caseloads and are spending the time and resources needed to provide competent representation.

But when viewed through a Family Court lens, it shows what happens when the state

hasn't made a similar commitment. Family Court attorneys feel like second-class citizens -- and there was some discussion about that feeling earlier. Defense attorneys work under overwhelming caseloads with few resources needed to do their job. Their parent clients face a higher likelihood that their children will be taken from them and placed in foster care. And because we know that the child welfare system has a disparate impact on families of color, what this means is Black and brown families being torn apart.

And of course having overburdened attorneys running from court to court means that any effort that the judiciary and the Legislature makes to improve the functioning of Family Court and reduce caseloads, that there's going to be a significant barrier because you're not going to have the defense attorneys with the caseloads, manageable caseloads, needed to do that.

Now, there's a solution to this crisis, and we all know what it is. It's one

that we learned from experience from the Hurrell-Harring settlement and its extension statewide. We must do the Hurrell-Harring settlement model in Family Court, just as we've done in criminal court. And the core of that model is caseload relief -- in other words, making sure that there's enough attorneys so that attorneys have manageable caseloads.

And so this past summer, at the request of our board chair, ILS conducted a study of all the family defense providers across the state to determine just how much it would cost the state to bring Family Court defense providers into compliance with ILS caseload standards. And we determined that at a minimum, that would be $150 million. And that's less than the 273.8 million that is currently being devoted to doing the same thing in criminal cases.

Like the statewide extension of the Hurrell-Harring settlement, we propose that the $150 be phased in over three years. So that is why our budget request for fiscal

year '24-'25 is 50 million, with the goal of reaching 150 million by budget year '26-'27.

Now, based on last year's enacted budget, I know that I don't have to convince you of the importance of this initiative. Because of you, last year's enacted budget included 14.5 million for improved family defense. Ten million of it came from you. Thank you.

But even with this legislative support, that 14.5 million wasn't enough for us to disburse to every county that needs it. And so we had to engage in a competitive process, and all the money that we've gotten over the past three years for Family Court defense, none of it has been enough to disburse to counties statewide.

And so currently, as a result, only about a third of New York counties are getting some additional funding for Family Court representation. And even that's not enough. And most of your districts have been left behind.

And then this year's Executive Budget

proposal worsens the problem, because this year not only did the Executive Budget not honor our request for $50 million for improved Family Court representation, but they also didn't honor the legislative add of 10 million from last year -- so this year the Executive Budget proposal for improved-quality family defense is only 4.5 million.

So my ask of you today is that over the next several weeks you make it a priority to include in the final enacted budget the full 50 million that we are requesting for improved Family Court defense, with the goal of reaching 150 million by fiscal year '26-'27. And importantly, the funding for this should not come and need not come from the General Fund. Rather, it should come from the Indigent Legal Services Fund, which is specifically earmarked for improved-quality criminal defense and parent representation in Family Court matters.

Which of course is a segue to my second point, which is that the proposal to sweep money from the Indigent Legal Services

Fund to the General Fund must be rejected. And here the Executive's Budget proposal includes language in the Public Protection and General Government Article 7 bill proposing to sweep $234 million from the Indigent Legal Services Fund to the General Fund.

Now, based on last year's enacted budget, we think that 114 million of this is to fund the increased costs associated with increasing the assigned counsel rate, the 18-B rates. And that's a relevant fund purpose. But that means 120 million of the 234 million is not related to improved public defense. It's not related to the purpose for which the fund is earmarked.

As background, the ILS fund was established in 2003 with the enactment of State Finance Law 98-b, as a special fund earmarked to assist counties and New York City in, quote, improving the quality of public defense services. To date, the fund has been used almost exclusively for improvements in public criminal defense.

Very little of the funding has been used for improved parent representation.

In 2017, legislation was enacted to increase the fund's receipts, and that legislation has worked well. Right now the fund is vibrant, and it is capable of both fully supporting the Hurrell-Harring settlement and its extension statewide. And based on the fact that the Executive is proposing to sweep the fund, it's clear that the fund can do more. But this more has to be improved-quality parent representation, not bolstering the General Fund.

So therefore I urge the Legislature to reject the proposed sweep and to ensure that the money is used for improving the quality of public representation of parents in Family Court matters.

And I look forward to answering any questions that you may have about these two issues as well as anything from my written testimony.

CHAIRWOMAN KRUEGER: Thank you.

Good afternoon, Robert.

ADMINISTRATOR TEMBECKJIAN: Good afternoon, Senator. And to you and all of your colleagues, thank you once again for this opportunity.

A judiciary which is both independent and accountable is essential not only to the rule of law, but to public confidence in the courts. In New York, as in all 50 states, there is a mechanism to ensure that accountability. Here it is enshrined in the Constitution, which creates an independent Commission on Judicial Conduct that is responsible for receiving and investigating and, where appropriate, publicly disciplining judges for engaging in ethical misconduct.

I think it is fair to say that the New York commission is the leader nationally in this field, not only by the number of public disciplines that we render each year, but by the fact that the procedures that we have developed in New York have been adopted by other states which recognize how sophisticated and appropriate they are to the task at hand.

As we all know, so much attention is being paid nationally to the role of the judiciary, to the importance of judges acting in a manner which is ethical, and the degree to which they will be held accountable when they are not. Only recently the U.S. Supreme Court became the last court in all of the United States to adopt an ethics code, but there is significant discussion as to the significance of that, because there's no means to enforce it. There's no independent federal entity equivalent to what New York has in the Commission on Judicial Conduct or that all the other states have throughout the United States, which is a recognized and effective means of enforcing judicial ethics on the judiciary.

And that task is growing by leaps and bounds. Last year we processed over 2800 complaints, which is a record exceeding by almost 400 the record that we set in 2022 when we had 2400. Now, given that there are approximately 3400 judges throughout the New York State Unified Court System, that

number of 2800 complaints is astonishing.

But lest anyone think that it means that the judiciary in New York is running amuck, that's not true. We publicly disciplined 17 judges last year, including 13 who were either removed from office or who entered into voluntary stipulations of resignation publicly committing themselves never to return to office again.

And the significance of that is that in the New York Constitution, a judge who is removed from office is barred from ever returning to judicial office.

But processing those 2800 complaints, engaging as we did in approximately 550 initial reviews and inquiries and over 200 full-fledged investigations -- which ultimately means that roughly one in four of the complaints that we received last year significantly indicated potential misconduct and required significant attention from the commission and its staff -- means that we really need to pay attention to the degree of appropriate funding that is called for for us

to be able to meet this daunting and growing challenge.

And I'm sorry to say and I'm disappointed to say that in this Executive Budget the recommendation falls short. Our current budget is 8.1 million, and we asked for an increase in round numbers to 8.9. But the Executive Budget only recommends 184,000, which is barely -- it's actually not enough to cover the mandatory statutory increases in the salary to our existing staff. It makes no provision whatsoever for us to implement a case management system, for us to pay for our increased rent, our increased software licenses. All of the tools that we need to efficiently and effectively meet this burgeoning challenge are unaddressed in this budget.

There has been some public attention to that fact in the last several days, and I must say that I am heartened beyond measure by the public expressions of support that have been made by Senator Hoylman-Sigal and by Assemblymember Lavine, both of whom chair

their respective Judiciary Committees and are intimately associated with and familiar with the work that the commission does.

It was my hope -- it is my hope that when the amended Executive Budget comes out, the so-called 20 or 21-day amendments, that this shortfall will be rectified. But for as long as I've been doing this work, which is for over four decades, the process by which the Executive Budget and the Division of Budget come up with these numbers is almost as mysterious to me now as it was 40 years ago, because there's simply no explanation. And notwithstanding the fact that we are available for conversation, we submit a detailed request.

I am happy to say that I have had fruitful conversations with the Governor's executive staff, particularly the counsel's office, with whom I have very good relations and which is which I think is very aware of the commission's unique and independent constitutional status.

But still, somehow, when the Executive

Budget comes out, the numbers are wanting. And so I come to you. Over the years I'm more than gratified to say that the Legislature has made up for the shortcomings in the Executive Budget. Just in my tenure as the administrator of the commission, you've increased our budget to the tune of $3 million over what the executive has been recommending. And that has significantly supported the work that we have done and that we have to do and that is showing no signs of diminishing as time goes on.

As people become more and more aware of the importance of judicial ethics, as they become more sophisticated with gathering information and learning where to make their complaints, as they become aware of the public disciplines that we do impose -- and by the way, in our history we have imposed 945 public disciplines, every one of which is available on our website, which is a guidepost not only to the judiciary in terms of what kind of behavior to avoid so that they don't come into the field of view of the

commission, but also to the public, to reassure them that when public officials such as judges who wield enormous power over their lives and in the system of our government, when they do stray, there is an effective mechanism to hold them accountable.

But we can only do the job if, with your continuing support, the relatively modest request that we made for an increase of $770,000 -- which in an Executive Budget of $233 billion, where the total expenditures of all of the agencies has been increased by $2 billion, somehow it doesn't seem to me unfair to expect that what we need to continue the high level of efficiency and effectiveness that we've demonstrated, $770,000 is not so much that the Executive Budget couldn't have found a way to make it happen for us. And which I hope that all of you, when the final budget is enacted, will be able to achieve.

As always, I thank you for your support throughout the year, particularly during the budget season. And as always, as

I am to each of you individually, available to answer your questions either today or in the future.

CHAIRWOMAN KRUEGER: Thank you very much. Appreciate it. Our first questioner will be Senator Brad Hoylman-Sigal.

SENATOR HOYLMAN-SIGAL: Thank you, Madam Chair.

Thank you both for being here. And I'm really distressed to learn about the cuts that you both face. Let me just ask both of you, in each instance did the budget representatives reach out to you and discuss what they were going to do in terms of the sweep, or not funding you as you requested?

ADMINISTRATOR TEMBECKJIAN: No, not with us.

DIRECTOR WARTH: Not with us either. The sweep was a surprise for us. And the reduced funding for parental representation, I can't say it was a surprise, but it was deeply disappointing.

SENATOR HOYLMAN-SIGAL: I agree. I mean, to think that we would be attempting to

balance the budget on the backs of folks who are underrepresented in our court system, or at the expense of the integrity of our judicial system, is frankly unacceptable and outrageous. And I think you have heard from my colleagues already that we will fight to resist those cuts in both instances.

Could I ask you, Mr. Tembeckjian, about the number of complaints that you mentioned in the previous year, 2800?

ADMINISTRATOR TEMBECKJIAN: 2800, yes.

SENATOR HOYLMAN-SIGAL: And the trend line seems to be indicating that you're having more complaints. Is this the most complaints in recent memory?

ADMINISTRATOR TEMBECKJIAN: It's the most in any year in our history, and the trend line is definitely on an upsweep. The only year in the last 10 where we had a dip was 2020, when because of COVID the courts were closed and there was so much downtime. And yet in that year we still received 1500 complaints, which is really a large number given that the courts were closed.

And of course our ethics enforcement responsibility is not limited to on-the-bench misconduct. Judges can fall astray of the judicial conduct rules by off-the-bench misbehavior, throwing the weight of their office around for personal gain, conflicts of interest, and so forth. There are other ways in which judges can commit misconduct other than literally while they're presiding.

But the trend line is definitely on the upward. For 10 years it's been going up, and last year was a record. And it smashed by almost 400 the number of complaints we dealt with the year before.

SENATOR HOYLMAN-SIGAL: So while the number of complaints has increased, your staffing has decreased. Back in 1978 you had 63 full-time staff. Now how many do you have?

ADMINISTRATOR TEMBECKJIAN: Forty-nine.

SENATOR HOYLMAN-SIGAL: Forty-nine. It makes no sense to me.

But if I could also ask you about the

legislation that Assemblymember LaValle and I carry. Those judges who resigned based on, I guess, an agreement that you had with them, they walk out the courthouse door, they're free of any further investigation or inquiry into their conduct on the bench?

ADMINISTRATOR TEMBECKJIAN: Yes. Under current law, once a judge leaves office, our jurisdiction effectively ends. So even if they've committed misconduct that wasn't removable, we can't -- we can't conclude the proceeding. And because all of our proceedings are confidential until there is a discipline imposed, we're not even at liberty to inform the public that a judge who left office did so under an ethical cloud.

It is a relatively limited number of judges with whom we enter into what for them is the voluntary resignation in exchange for our stopping the inquiry. But they publicly have to acknowledge that they will never come back to office again, which is the most we could do under any circumstance. That's the greatest power that we have -- removing a

judge, which bars them from ever coming back.

SENATOR HOYLMAN-SIGAL: I'm curious to know, do local district attorneys ever reach out and say "we'd like to follow up on this matter" if it's ended at the commission's doorstep?

ADMINISTRATOR TEMBECKJIAN: I would say that the -- next to judges, who make up that type of complainant from whom we hear least often, lawyers, whether they're prosecutors or defense attorneys, are far less likely to file complaints with us or notify us about what they are in a very unique position to recognize, unethical behavior by judges, because they're in a very difficult spot.

I mean, they essentially have to deal with the judiciary and the court system, and there is a sense that if they become identified as complainers or whiners or those who are going to identify misconduct, that it might come back to hurt them or their clients. And so I think that that tends to inhibit lawyers from making complaints.

Not their clients, however. And the majority of complaints that we receive are from civil and criminal litigants. Which is really not so much of a surprise.

SENATOR HOYLMAN-SIGAL: Well, I think you should be heartened by what we heard the chief administrative judge say in terms of his stated support for our legislation that might fix some of this.

ADMINISTRATOR TEMBECKJIAN: Well, I was gratified by that, and frankly I was heartened by his very crisp "Yes" without hesitation, without context, without equivocation, and certainly without qualification.

It really was very, very reassuring to me, as it will be to the commission, to -- when I report that he very firmly and affirmatively responded to your question.

And this reflects the sort of conversations that I've had with you and with Chairman Lavine on the Assembly side. And it's certainly my hope that this bill will pass and that the Governor will sign it.

SENATOR HOYLMAN-SIGAL: And you think -- I'm going to turn to Ms. Warth in a second. But do you think that cameras in the courtroom would improve scrutiny of our judges, and accountability? Or do you have a position on that?

ADMINISTRATOR TEMBECKJIAN: Well, my sense is that it would improve the behavior not only of the judges, but of all the participants.

And let me give an analogous example. In 2007, as a result of hearings held by the Legislature, the Office of Court Administration essentially equipped all of the town and village courts with audio software on laptops, and by rule required that they audio record all proceedings in town and village courts. And we saw a dramatic decline in demeanor-related complaints against judges.

Now, maybe it's because they knew that they were being recorded and that we would have access to those recordings, or maybe they were just improving their behavior with

the benefit of a history of the commission imposing discipline for judges for inappropriate demeanor. But it made a significant difference, I think. And it also turned out to be an enormous tool for us to exonerate judges who were falsely accused of not affording defendants of their rights, such as the right to counsel. The audio captured everything that was going on, and it was an enormous benefit.

SENATOR HOYLMAN-SIGAL: Thank you. And I think, again, we should be heartened by the chief administrative judge's crisp response to the question about cameras in courtrooms too. Thank you.

Ms. Warth, funding for your office and the resources it provides counties to support improved quality of public defense comes about almost entirely from the Indigent Legal Services Fund. What are your top-line concerns about the proposed sweep of $234 million from the ILS Fund?

And by the way, "sweep" seems like a euphemism, doesn't it?

DIRECTOR WARTH: Yeah. The technical term is "budget transfer."

SENATOR HOYLMAN-SIGAL: Yes, yes. thievery might be more accurate.

DIRECTOR WARTH: Yeah. I mean, the concern of course is that the funding won't be there when it's needed. And in fact, you know, the fact the Executive is proposing to transfer funding to the General Fund that is needed for improved parent representation, yet reduce the amount of money available for parent representation, I think highlights the -- answers the question, essentially, about the concern of the transfer.

SENATOR HOYLMAN-SIGAL: And every year I think we discuss about the Hurrell-Harring specter on parental representation. That still exists, correct?

DIRECTOR WARTH: Say that again, the --

SENATOR HOYLMAN-SIGAL: The fact that a Hurrell-Harring type of lawsuit might --

DIRECTOR WARTH: Yeah. Oh, yes. Oh, yeah.

SENATOR HOYLMAN-SIGAL: Could you just describe for my colleagues what that would look like?

DIRECTOR WARTH: I mean, all the essential elements are there. We have a commission report from 2019 describing the poor quality of representation, just like the Kaye Commission report from 2006 in criminal cases. We have a Family Court system in crisis, just like a criminal court system in crisis before the Hurrell-Harring lawsuit.

And frankly, we have people who are interested in solving this problem, and they're waiting -- they're not going to keep waiting for the Executive or the Legislature to solve it. And if that doesn't happen soon, there will be a lawsuit.

SENATOR HOYLMAN-SIGAL: Well, maybe that might be the only route to providing quality representation to these families.

DIRECTOR WARTH: I would hope not. I would hope that something happens sooner.

SENATOR HOYLMAN-SIGAL: Me too. Me too.

ASSEMBLYMAN DINOWITZ: Thank you.

CHAIRWOMAN KRUEGER: Thank you. Assembly.

ASSEMBLYMAN DINOWITZ: Assembly Judiciary Chair Lavine.

ASSEMBLYMAN LAVINE: I think I can speak for everyone here and say how much we value and appreciate what each of you does for the people of the State of New York.

So, Ms. Warth, let me follow up on the Hurrell-Harring issue. As you've said and as is noted in your written testimony, state funding for Hurrell-Harring settlement -- for the Hurrell-Harring settlement and its extension statewide has been flat for years. How has that impacted public criminal defense providers and their clients?

DIRECTOR WARTH: The best example is just this contract I signed yesterday extending a previous contract that was supposed to fund seven attorneys for a provider. But there was only enough funding -- because it was the same amount as in previous years -- to fund six attorneys.

So we're going backwards. You know, the -- you cannot maintain the same number of staff people and you cannot maintain the same programs, the same technology, the same space -- you know, as Mr. Tembeckjian said -- when you have the same funding. And inflation has gone up in the past three years between 3.5 and 7 percent every year.

And we've requested for the settlement, its extension statewide, and for the ILS program that is the foundation to both of those, only a 3 percent COLA increase. And we think that's a modest increase, but it would go far in making sure that the programs that have been established and the staff people who have been hired, that the providers can maintain them.

ASSEMBLYMAN LAVINE: Thank you.

And Mr. Tembeckjian, there have been some positive signs over the last days that one way or another, the commission is going to be funded.

ADMINISTRATOR TEMBECKJIAN: I'm very happy to hear that.

ASSEMBLYMAN LAVINE: I want to ask you a question, though, about your proposal that the commission be able to continue investigating and reporting on judges who have resigned.

ADMINISTRATOR TEMBECKJIAN: Right.

ASSEMBLYMAN LAVINE: Now, given that there are quite a few judges who negotiate a voluntary resignation with a stipulation that it's over, it's over at that point, how will that affect your ability to continue to investigate and report on those judges?

ADMINISTRATOR TEMBECKJIAN: I should say that the 40-year figure of judges who have resigned while under investigation by the commission is almost 700. It's about 675. We have negotiated 131 public resignations of judges. So there is a substantial number who over the years have left office without agreeing to a discipline, probably because we weren't close enough to the end of the proceeding to meet our current statutory limitation. So that number I think would be redressed by the legislation.

There would be less of a need for us to negotiate a resignation if we had the authority to continue. But there would also be a greater incentive for those judges who previously were able to escape consequences by resigning because they would know that we would continue.

Now, I should point out that for other public officials in the executive and the legislative branch both, under current ethics procedures you're subject to continuing discipline for two years after you leave office. That's not the case with judges. It stops at 120 days. Only if we're going to remove the judge, not for lesser misconduct. And 120 days if you count up all of the statutory and rules, time requirements, is almost impossible to go from start to finish.

So this legislation would go a long way I think to improving the behavior overall of the judiciary by indicating to them that they can't necessarily escape by leaving office. And I think it would go a long way to assure the public that very powerful

public officials will be held accountable for their wrongdoing.

ASSEMBLYMAN LAVINE: Thank you both for fighting for our constitutional protections.

No further questions.

ADMINISTRATOR TEMBECKJIAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Next we have Senator Ramos for three minutes.

SENATOR RAMOS: Thank you so much, Chair.

Hi. My question this afternoon is for Ms. Warth. I, you know, get on average a handful of letters from Rikers to my office every week, mostly folks who are incarcerated and wanting better representation. And I think when you do a deep dive into what the life of a public defender is like, it's not very easy. There are very high caseloads and actually many public defenders work part-time jobs in order to make ends meet because the salary is pretty low, considering the cost of

living in New York State.

In fact, of the student loan reimbursement programs in our state, it's the public defenders who receive the least. It's a measly $3400 per year. I actually have a bill to increase that to $8,000.

But overall, I wanted you to talk a little bit about what the impact on the current attrition rate is like. We know that in 2022 Legal Aid Society lost 200 people. Queens Defenders lost 17 attorneys. Bronx Defenders lost 18. Brooklyn Defenders lost 40. Can you talk about what the existing attrition rate is and what the proposed cuts -- what impact those would have?

DIRECTOR WARTH: Thank you. It really varies from county to county. But it is true across the state, all of our public defense providers are experiencing problems both in recruiting new attorneys and keeping the attorneys, retaining the attorneys that they have.

And so, you know, we did in our budget request a 3 percent increase for our

foundational criminal defense programs. And a significant portion of that is going to have to go to salary increases. If it doesn't go to salary increases, then we know -- and if we don't get that 3 percent, then we know that the attrition and retention problem is going to persist and get worse.

And then there's some other funding things that the funds can be used for, including work on developing an office culture that keeps people engaged. And we've had some promising results with some of our providers who have done that. But again, that takes funding. And so it's critical that we get the additional funding that we've requested in our budget.

SENATOR RAMOS: Thank you. I hope we're able to deliver.

CHAIRWOMAN KRUEGER: Okay, thank you.

Assemblymember Steck.

ASSEMBLYMAN STECK: Yes, Assemblymember Steck.

First of all, I'd like to thank Mr. Tembeckjian for the important work of the

Commission on Judicial Conduct. As indicated in a previous question, I've been practicing 40 years in civil rights law in upstate New York, and I have observed a tremendous decline in the temperament of the judiciary, which I think is consistent with the number of complaints that you're seeing.

So I want to ask you, how do we -- how do we address these issues, with a particular example. So it's a very well known rule of law that if the plaintiff calls the defendant as a witness, the plaintiff is entitled to lead the witness and use the cross-examination style. I guess it's okay if a judge doesn't know that fundamental rule of law, but the worst thing is what happens when the plaintiff's lawyer files a memorandum of law and then gets yelled at by the judge to have -- having the temerity to file a memorandum of law, which is what lawyers do. Doesn't that indicate that there's an underlying temperament problem that needs to be addressed and may rear its ugly head later on in other cases?

ADMINISTRATOR TEMBECKJIAN: Yes. And I would say it also is indicative of an education and training issue as well.

There is a rule of judicial conduct that says a judge has to be faithful to the law, competent in the law, respect and comply with the law, and afford all of the litigants and their attorneys the full opportunity to be heard.

That rule is breached by the example that you gave, and it is the type of conduct that we can investigate. And we can discipline a judge for it, but it will not address the underlying issue of how did a judge who is so uninformed get there in the first place, and what steps are being taken to appropriately educate and train the judge so that they know the -- at least the fundamentals of appropriate courtroom decorum and law.

That's an issue which I believe that the Office of Court Administration does attempt to tackle through the Judicial Institute, but clearly more can be done. The

perfect world would be one in which we get 2800 complaints a year and not any of them is justified or substantiated, and they're all dismissed because the judges throughout the state are all behaving to the highest standards.

That will probably never be the case. But I think more can be done at all levels to ensure that judges are more appropriately schooled in the law. And that's especially so for the nonlawyer town and village court justices.

ASSEMBLYMAN STECK: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Next is Senator Salazar, chair. Oh, I'm sorry. I apologize. Senator Bailey, chair of Codes.

SENATOR BAILEY: Thank you.

So thank you both for all of your work. And I just really want to take the opportunity to thank you for being in the literal and figurative trenches in terms of the work of the judges and also family

representation.

So 18-B. You know, we got the increase. Have you seen an increase in interested parties, people that want to -- that are interested in coming back into the pool?

DIRECTOR WARTH: So what we're hearing -- and we did a deep dive into the five Hurrell-Harring settlement counties, and we're, you know, surveying the other counties. It does vary from county to county. But the two major themes we're hearing is that, one, it was necessary in that it stanched the flow of attorneys leaving the panel for economic reasons.

So for example, when we looked at the five settlement counties, they had no attorneys leave for economic reasons, you know, since the rate increase, which is very different from before the rate increase. Now, attorneys are still leaving because of other reasons, including they're aging out, they're retiring.

There's been some success in bringing

new attorneys to the panels. But it varies from county to county. It's not been a deluge of new attorneys; it's been a trickle. And, you know, the ACP leaders, the Assigned Counsel Program leaders across the state are working really diligently on leveraging the rate increase to try to bring in new attorneys.

SENATOR BAILEY: Okay. Because, again, I think, in speaking with Chief Administrative Judge Zayas, it's not something that we're going to be able to see the effects until like at least a two to three, maybe five-year period when we get to -- when we look back at the numbers. But any -- I guess to correct the -- to fix the dam so that the water doesn't go all the way out. We've fixed the levees, now it's about rebuilding the levees, so to speak.

DIRECTOR WARTH: Right. It was a crisis 19 years in the making. And so it's not going to, you know, be solved right away.

But I can tell you that the trend is moving in the right direction because of the

rate increase. So I thank you for that.

SENATOR BAILEY: So I would also want to -- I want to align my comments with Senator Hoylman-Sigal, in that we certainly think that the sweep, transfer, whatever language you want to use, of $234 million, quite frankly for the people who can least afford representation, we can least afford that sweep. So I just want to make sure I concur with that.

I want to talk about parental representation. I wanted to give you some time to talk about what it is. Because people that are listening may think it's simply right to counsel. It is way more than that. The services that are provided, it is a wraparound type of services that can do a lot more for families. Could you I guess provide a greater context as to what parental representation actually is.

DIRECTOR WARTH: Sure.

I mean, I think the best way to say it is it's the right to counsel in the matters that affect the most intimate and important

part of your life. And so the model of quality representation is not only having an attorney, but having that attorney able to access social workers, case managers, parent advocates, people who can come to terms with what is going on in the life of the family, and help address some of the issues that may have brought the family into the court process or into the child welfare system.

And so a good example is if you're in a child welfare investigation, a person has access to a counsel who has a social worker working for them. That counsel can work with the social worker and the parent to help the parent identify what is the whole -- what's going on with this investigation. Often help the parent connect to much-needed services -- identify an individualized approach to what those services are, and then help the parent access them and then follow up with the parent.

When that type of representation is delivered, chances are that child welfare investigation is not going to lead to a

Family Court petition being filed. The problem's going to be solved.

And so that's the value of having, you know, funding for improved quality parent representation, is it really helps parents solve the problems that -- you know, again with aspects of the most intimate part of their lives.

SENATOR BAILEY: So it's fair to say that it's well beyond the scope of just the courtroom or the proceeding, that this is something that can help, again, not just stop the proceeding but can help to improve the lives and provide direction for individuals in that. Would that be fair to say?

DIRECTOR WARTH: Yeah, and for the families. So think about it. So in that child welfare matter that I gave the example, the child stayed with the family. The child stayed with a parent. A child wasn't needlessly removed from the parent and put in foster care.

And so you're not only reducing public spending on needless foster care, but you're

having a significant impact on the lives of families and lives of children.

SENATOR BAILEY: So the $50 million we spend up front that you want and that I agree that we should have, is -- the value that we're getting for that $50 million is well beyond the $50 million. Would that be a fair assessment to say?

DIRECTOR WARTH: Yeah. Not only value in saved costs, you know, in foster care costs and things like that, but also, you know, for those of you who were at the Senate hearing in November, listening to people talk about the Family Court system is fundamentally unfair -- well, it was fundamentally unfair to them because they didn't have an attorney, sometimes no attorney, sometimes an attorney with overwhelming caseloads who couldn't help them navigate the system in a way that they understood it.

So I think it also is a huge investment in increased sense of fairness of our systems.

SENATOR BAILEY: And speaking of caseloads, we know that in criminal defense there are case caps. In thinking about -- you know, you mentioned in your testimony or in your operating remarks, I should say, that certain attorneys get overburdened. Would you be supportive of -- is there a way to implement an informal case cap? Because I know that contextually you don't want to necessarily limit it at X amount of cases because we have a representation problem.

Would there be something that you would support in terms of trying to limit the amount of cases so that these attorneys aren't overburdened?

DIRECTOR WARTH: So we have established case caps for both criminal cases and we've established case caps for Family Court cases. And our board has approved both sets of those case caps.

The Family Court cases we don't have the state money to implement them. So right now they're purely aspirational. And attorneys across the state are exceeding

those case caps because there isn't the funding.

In the criminal realm, because of the Hurrell-Harring settlement and its extension statewide, the providers are working towards meeting those case caps.

But to answer your question, we look at it at a provider level, so there's some discretion within the provider that some attorneys can handle more, some attorneys shouldn't. Right? So --

SENATOR BAILEY: And that's a -- it's a case-by-case contextual decision --

DIRECTOR WARTH: Yeah. Right.

SENATOR BAILEY: -- because no two cases are alike. And maybe that Attorney X may have the ability to handle more cases based upon their experience.

DIRECTOR WARTH: But the provider overall has to have the funding so that on a provider level they're within the case caps.

SENATOR BAILEY: And on a wish list -- I don't even know if this is in your -- included within that figure of $50 million.

In order to make it a workable system so that these case caps were able to go into effect and that the state was providing the money, do you have a rough estimate of how much money that would cost?

DIRECTOR WARTH: A hundred and fifty million.

SENATOR BAILEY: A hundred and fifty million.

DIRECTOR WARTH: Yeah. And so that's why the --

SENATOR BAILEY: Over time, or phased in?

DIRECTOR WARTH: I'm sorry, what?

SENATOR BAILEY: Phased in, or at one time?

DIRECTOR WARTH: Phased in -- 50 million, you know, at one time. So that's why we're proposing 50 million with a three-year phase-in. So 50 million this budget year, budget year '25; 100 million budget year '26; and then 150 million budget year '27.

SENATOR BAILEY: Okay. And again,

these are investments that if you are an investor, you would say that they would pay for themselves.

DIRECTOR WARTH: Yes. That's a sound fiscal investment.

SENATOR BAILEY: I have no further questions. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Simon.

ASSEMBLYWOMAN SIMON: Thank you very much.

I have a couple of questions. One, Mr. Tembeckjian, thank you for your testimony.

You know, we just had a conversation with Judge Zayas about judges not understanding, for example, disability rights in the law. And I have had a number of lawyers reach out to me because judges have denied their request for accommodations. So these are not litigants, but they are lawyers

who had just had cancer and wanted to do something remotely, or need large print and can't follow the transcript as quickly and would like an extension of a day or so. And some have even had cases dismissed, and of course they can't appeal that, there's no record.

Is that the kind of thing that somebody would bring to the attention of the Commission on Judicial Conduct?

ADMINISTRATOR TEMBECKJIAN: It is. It has. One of the important tools that we have is a confidential letter of caution, which is a way for us to give confidential advice, suggestions, recommendations to a judge where we find not egregious misbehavior, but shortcomings in the managing of the courtroom, in the decorum of the courtroom, and in the accommodations to individuals. Best practices advice, so to speak.

And we do that quite often. I mean, we are in some ways, as you point out, the only resource to someone who can't take up on appeal something that is certainly within the

judge's discretion to handle in the courtroom, but we can certainly make the judge sensitive to the need to be a little more accommodating, where people have a health issue, a disability limitation or some other such issue.

But absolutely, yes, we're a place that people can come for that.

ASSEMBLYWOMAN SIMON: Thank you.

And Ms. Warth, with regard to indigent legal services, I totally support your request to not sweep that money.

But, you know, I've been working with a number of legal services attorneys on the loan reimbursement program that we have in New York State, to increase its availability to people for a longer period of time, but also increase the amounts that are available.

And this also would apply to prosecutors, because they're losing -- DAs are losing employees as well.

Can you address that issue, the need for loan forgiveness for those attorneys working in indigent legal services who have a

mountain of debt and aren't earning very much?

DIRECTOR WARTH: I mean, very quickly, you know, two parts to it. One, they need it, if only because they just don't have enough money, because their salaries are so low, to live day to day.

But two, having that loan forgiveness is incredible incentive to stay doing public defense work. And so from that perspective it's also a really important recruitment and retention mechanism.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Chair Senator Salazar, Crime and Crime Victims.

SENATOR SALAZAR: Thank you, Chair.

And first I want to associate my comments with Senator Bailey regarding the position on the proposed transfer of funds from the ILS Fund account to the General Fund, and appreciate your position on that.

Wanted to ask you about an issue that is relevant to ILS clients and also

potentially to ILS funding, the End Predatory Court Fees Act. So essentially fines, fees and surcharges in our court system can become a regressive tax on defendants and people interacting with the court system. The revenue is not even centrally tracked.

Previously, a couple of years ago when Senator Bailey and I cochaired a hearing on the End Predatory Court Fees Act, you testified in full support, even though some revenue from these court fees currently goes toward funding ILS. Obviously I want your position to be accurately characterized here on, you know, eliminating fees that burden indigent clients.

Would you still support including the End Predatory Court Fees Act in the final budget, for example, if we were able to ensure that it would be included? And would you be able to elaborate on the impact that you'd anticipate seeing if it were law?

DIRECTOR WARTH: So, you know, from the perspective of the director who heads the agency with the mission to improve the

quality of public defense, ILS supports ending court fees that, you know, burden our clients for the rest of their lives. I mean, we think that's a quality improvement measure, so we support that.

When I testified at the hearing before, you know, I commented that the impact on the ILS Fund wouldn't be significant because the court fees are the smallest percentage of receipts into the fund. The major receipts into the fund are from the OCA Criminal History Record that's sold, and also attorneys' biannual registration. So for attorneys here, thank you very much for that contribution to our fund.

But I also want to circle back to something Senator Bailey said, because he talked about the $150 million for improved quality representation being a sound investment. It's not only a sound investment, there's already money earmarked for this investment. And so that's -- you know, that the fund should be used for that purpose, that it's there. And to me, that's

what the Governor's proposed budget transfer communicates to us, is that the money is there in the fund to sustain not only the settlement, its statewide expansion, but also what we need to do -- what we all know we need to do to improve the quality of representation of parents in Family Court matters.

SENATOR SALAZAR: Excellent. Thank you.

I cede my time.

ASSEMBLYMAN DINOWITZ: Assemblymember Levenberg.

ASSEMBLYWOMAN LEVENBERG: Thank you so much. And thank you, Chair.

I appreciate all of your testimony, and certainly I'm right there with you.

I had a very quick question about this transfer of funds, because -- and you just spoke about it again. You said the money is there. So once again, is the money not being spent, or it's not currently being allocated to the ILS Fund? That's -- I'm having a hard time understanding.

DIRECTOR WARTH: That's a very good question. Like I said, there was legislation enacted to increase receipts at the fund. And so that's part of why the fund keeps building up.

The expenditures for the settlement and its expansion statewide, in large part because the implementation happened during the pandemic, there was -- they were slow to both start the implementation process, which has started, but also many counties and New York City have not been claiming in a timely fashion. But over the past year they have caught up.

And so just by way of example, in 2022 ILS processed 1,036 claims totaling $82 million in value. In 2023, we processed 1,500 claims totaling $210 million in value. So that's an exponential increase of money now coming out of the fund.

We also sent to over 45 counties, you know, payments for the state's share of the increased assigned counsel rates. And then there's also an automatic 40 million that

goes to New York City every year.

And so, you know, it's starting to tick up. But the fund is currently flush enough to handle that tick-up in expenditures and still support the additional need to fund Family Court representation.

ASSEMBLYWOMAN LEVENBERG: So again, that 50 million per year that you're looking for would be coming out of the 236 or --

DIRECTOR WARTH: Well, the fund right now has more than that, yeah. Yeah.

ASSEMBLYWOMAN LEVENBERG: Okay, but out of the -- in other words, if it wasn't -- you mentioned the sweep as, oh, it's okay if it's going to underwrite the 18-B additional funds --

DIRECTOR WARTH: Yeah.

ASSEMBLYWOMAN LEVENBERG: -- but not so great, you know, just for anything else.

But again, I'm just not clear if that -- if we did nothing but not have that sweep happen, then the money would be there for you beyond --

DIRECTOR WARTH: So the money would be

there and it wouldn't be being spent the way it should be spent.

ASSEMBLYWOMAN LEVENBERG: Got it.

DIRECTOR WARTH: So, you know, to me the Governor's proposed transfer shows that even the Governor's office thinks that the fund is sufficiently -- you know, has enough money in it to support ongoing settlement implementation extension and more.

But our view is the more needs to be parent representation, not putting money in the General Fund.

ASSEMBLYWOMAN LEVENBERG: Okay. I don't know if I have enough time -- no, I don't think I do.

CHAIRWOMAN KRUEGER: Thank you.

Senator Palumbo, five-minute ranker.

SENATOR PALUMBO: Thank you, Chairwoman.

Good afternoon. Good to see you folks. And, you know, just to comment again -- and it's not lost on anyone up here about the important work that your two agencies do just generally for the profession

as a whole. As many of you know, you know, as a private attorney, as an ADA for years, after 16 years of practice, which was now about 10 years ago, I realized people don't like lawyers. So I got into politics, and here I am.

But -- and we usually do these panels with the two of you together, because obviously maintaining ethics on the bench and providing legal services not only makes it a more efficient system, it's supposed to be fair and reasonable. So I just thank the both of you for the work that you do. And as far as the budget's concerned, it's extremely important that we fund you folks.

Mr. Tembeckjian, you know, $9 million is your budget and, you know, we have $233 billion. That's about 630 or 40 million dollars a day. So as far as adequate funding for you folks, we need to make sure that we find it.

So again, I just wanted to say that from the 30,000-foot level, that what both of you folks and your agencies do is extremely

critical to having a nice, reasonable and maintaining some sense of order in our system.

So that being said, I just wanted to ask -- and a lot of the questions I had were already asked. But I think, you know, Bob, if you -- as far as -- and I don't even know how this would work. But when someone resigns currently, under current law, that investigation is closed, I presume, and it at least lightens the caseload a little bit.

ADMINISTRATOR TEMBECKJIAN: Correct.

Under current law, if a judge resigns while under inquiry, we have 120 days to conclude, but only if the result is going to be removal. And 120 days, when you count up all the statutory and rules time factors, is almost impossible to meet. So effectively we're done if the judge leaves office.

SENATOR PALUMBO: Got it. So -- and the legislation that Chairman Hoylman-Sigal and Chairman Lavine have been carrying, I think -- I may have even -- and I think we all support it. I certainly support it. But

there was such a budgetary issue there, I think I may have even voted no on that legislation previously because that would almost make the caseload untenable, is what it seems like, if -- not untenable, but at least we'd now have -- people have been removed from the bench, retired, maybe even resigned pursuant to stipulation. Is that -- would that be a closed case or --

ADMINISTRATOR TEMBECKJIAN: Yes. They do that now. And I don't believe that there would be any significant budgetary impact if this legislation were to pass, because we're already investigating these cases. And in fact there have been a number of cases most frustrating where we've investigated, we've formally served with charges, we've taken then all the way through to a hearing, they get an adverse referee's report, and then they resign.

So we've already put in the work, and the only thing that is left is the denouement, the conclusion. And we can't render it because they leave office. So

there's no additional funding that would be required; there's just the statutory inhibition on us from completing the process that has already been spent.

SENATOR PALUMBO: I'm glad you clarified that. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Next is Assemblymember Walker.

ASSEMBLYWOMAN WALKER: Okay. Good afternoon.

So I was looking through your testimony; I did see the need for an increase in resources for attorneys' salaries. I was wondering, does this also include paralegals and other support staff that would be necessary?

ADMINISTRATOR TEMBECKJIAN: Is that addressed to the commission?

ASSEMBLYWOMAN WALKER: ILS.

DIRECTOR WARTH: Oh, I'm sorry.

For parent representation, the $150 million was for attorney caseloads.

That's why we consider it to be a conservative investment. Of course, if we get the funding, we're able to meet with every provider, figure out exactly how much they need based on our caseload standards, and work with them on how best to use that funding. But it -- but that's -- the $150 million is frankly a conservative estimate.

ASSEMBLYWOMAN WALKER: Oh, okay. And most of those, I would imagine, would be operating expenses.

So I was also wondering, with respect to technological infrastructure needs, does the proposal also include sort of capital requests for what may be required in the area of technology?

DIRECTOR WARTH: Not the $150 million we're requesting for improved parent representation. Like I said, it's a very conservative request.

The additional 3 percent that we're requesting for the settlement -- Hurrell-Harring settlement, its expansion

statewide, and the ILS foundational program, that could include other costs. You know, not only attorney costs, personnel costs, but also other than personnel costs.

ASSEMBLYWOMAN WALKER: Okay, great.

So also, in my last minute, with respect to the criminal defense resources that you also included in your testimony, does any of that include perhaps technological infrastructure resources to comply with perhaps discovery and Raise the Age, et cetera?

DIRECTOR WARTH: Yes, it would. That part would, the 3 percent increase would cover those extra costs. Yes, which are very important.

ASSEMBLYWOMAN WALKER: Thank you. I'm sorry. There were also some sort of combined requests with New York City, for instance, as well as the state, as it relates to supplying some of these additional resources. And I know last year there were monies that were put into the State Budget.

Can you tell me a little bit about

what New York City also did to also support the resources that the state put in its budget?

DIRECTOR WARTH: You know, that money was disbursed through the Division of Criminal Justice Services, so I can't respond to how that's been spent.

I can say my understanding is that that money that DCJS has issued award letters to providers in New York City, but so far providers outside of New York City have not received award letters yet.

ASSEMBLYWOMAN WALKER: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Shelley Mayer.

SENATOR MAYER: Thank you, Madam Chair. Thank you both.

First, Mr. Tembeckjian, first, are there any vacancies on the commission currently, or is every seat filled?

ADMINISTRATOR TEMBECKJIAN: No, all 11 places are filled.

SENATOR MAYER: Okay. Of the 945 public dispositions, how many of those

were for nonlawyer judges?

ADMINISTRATOR TEMBECKJIAN: The -- roughly 70 percent of those have been for town and village court justices. And of those, about -- well, clearly the majority of that 70 percent have been the nonlawyers. So overall, the majority of our public disciplines has involved judges in village or town courts who are not attorneys.

SENATOR MAYER: The majority of your dispositions.

ADMINISTRATOR TEMBECKJIAN: The majority, yes.

SENATOR MAYER: Okay. Senator Ryan has a bill with respect to that in particularly busy town and village courts, so this is relevant to that. Thank you.

And then, Ms. Warth, I have a question. How many parents were served last year through this parent representation of the ILS Fund?

DIRECTOR WARTH: We don't have that number available to us. I'm sorry, you mean how many parents were served?

SENATOR MAYER: Yes. You're talking about parent representation. We want to support that. But how many parents were served last year?

DIRECTOR WARTH: We don't -- we don't have data on the exact number of parents who were served.

I can tell you that with the funding that has been appropriated to date for improved quality parent representation -- which, you know, like I said is not a lot of funding -- we have been able to issue awards to -- with two rounds of RFPs, essentially. With fiscal year '22 and '23 funding, we've been able to issue awards to 20 counties.

And then with the last year's funding, we've issued awards to eight counties, eight additional counties. Those procurement records are still being reviewed by the Office of State Comptroller.

SENATOR ROLISON: But the counties don't report to you how many people are actually served at the end of the day?

DIRECTOR WARTH: At this point we

don't have that data. We're trying to -- for those awards, we're working with the counties on trying to get that data.

SENATOR MAYER: And do you know the income level for who -- does each county determine their own income eligibility?

DIRECTOR WARTH: ILS established financial eligibility standards for financial eligibility for assigned counsel a few years back, pursuant to the settlement. And so all of these people would fall within that -- those income levels.

Most people are well below the federal poverty guidelines who are eligible --

SENATOR MAYER: Is there one statewide number, or is it regional?

DIRECTOR WARTH: They're standards, so -- you know, there's like presumptive standards, but you also have to look beyond just somebody's income. You also have to look at liabilities and number of defendants and things like that.

So I couldn't give you one number, but I'd be happy to share our standards with you.

SENATOR MAYER: Okay, thank you. I think it would be helpful to know how many people we're talking about while we support the additional funds.

Thank you.

ASSEMBLYMAN DINOWITZ: Assemblymember Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And this is a question for Mr. Tembeckjian. And I'm wondering whether you have a breakdown of where complaints that are lodged with the commission are coming. Are they defendants, other litigants, the general public? Do you have any kind of breakdown on that?

ADMINISTRATOR TEMBECKJIAN: We do. And this is a pretty consistent percentage regardless of the total number of complaints each year. But the majority, about 55 percent, come from litigants.

ASSEMBLYMAN BURDICK: From the litigants.

ADMINISTRATOR TEMBECKJIAN: Yes.

And the rest is scattered among what

we refer to as concerned citizens, who hear about misconduct or read about it in the newspapers and call it to our attention. Other public institutions. Other private institutions.

ASSEMBLYMAN BURDICK: But they're scattered.

ADMINISTRATOR TEMBECKJIAN: But they're scattered.

ASSEMBLYMAN BURDICK: Can you give an idea about how -- you know, the average length of investigating it and resolving it, settling it? How long does that process take?

ADMINISTRATOR TEMBECKJIAN: It's going to vary. We have concluded matters from inception to discipline within a year, and there are some -- because of the complexity of the case, the number of alleged acts of misconduct, procedural issues that certain defense lawyers are pretty good about effectuating -- it can take two to three years.

And it really depends. There's no way

I can give you an accurate average.

ASSEMBLYMAN BURDICK: Sure. Just one last question, if I can.

ADMINISTRATOR TEMBECKJIAN: Sure.

ASSEMBLYMAN BURDICK: Sorry, because my time is limited.

ADMINISTRATOR TEMBECKJIAN: That's all right.

ASSEMBLYMAN BURDICK: And apologies if you've already answered this.

What's the general caseload on an annual basis?

ADMINISTRATOR TEMBECKJIAN: I'm sorry, the --

ASSEMBLYMAN BURDICK: The general caseload of these -- of complaints lodged against -- with the commission.

ADMINISTRATOR TEMBECKJIAN: We get -- last year, 2800 complaints. We had initial reviews and inquiries in about 550 of those, full-fledged investigation in over 200 of those.

So one in four of the complaints that we get gets serious attention by the staff

and the commission. But they all are processed. And they all require some evaluation and recommendation. And the commission members see every single one of them.

ASSEMBLYMAN BURDICK: Great. Thank you so much.

ADMINISTRATOR TEMBECKJIAN: You're welcome.

CHAIRWOMAN KRUEGER: Thank you very much.

I want to thank both Robert and Patricia for being here with us today.

And everybody asked my questions, so I'm not going to take any time.

We appreciate you being with us and doing such amazing work on behalf of all New Yorkers. So thank you very much.

ADMINISTRATOR TEMBECKJIAN: Thank you. And thank you for your support.

DIRECTOR WARTH: Yeah, thank you for the opportunity to talk to you about this.

CHAIRWOMAN KRUEGER: Thank you.

And I'm going to be calling up

Panel B: New York State Division of Criminal Justice Services; New York State Department of Corrections and Community Supervision; and New York State Division of State Police.

(Pause; discussion off the record.)

CHAIRWOMAN KRUEGER: All right. Good afternoon, everyone. Why don't we just go in the order you are on the list, the Division of Criminal Justice Services, Rossana Rosado.

Good afternoon. And the buttons have to be pushed really hard to go from red to green.

DCJS COMMISSIONER ROSADO: Got it.

CHAIRWOMAN KRUEGER: Just letting you know.

DCJS COMMISSIONER ROSADO: Thank you.

Good afternoon, Chairs Krueger and Dinowitz, legislative fiscal committee members, and other distinguished members of the Legislature. I am Rossana Rosado, commissioner of the Division of Criminal Justice Services. Thank you for the opportunity to discuss Governor Hochul's fiscal year '24-'25 budget, a budget that

puts community safety and justice first.

With the combined support of the Governor and the Legislature, DCJS continues its work to build safe and strong communities throughout New York. As a multi-function support agency, we advance all aspects of the state's criminal justice system, from preventing crime to assisting justice-involved people as they return home. I am proud to represent more than 400 employees who help our law enforcement and community partners keep New Yorkers safe and ensure a justice system that works for everyone.

The challenges of the past few years have kept the country, and us all, in crisis -- the pandemic, social unrest, violent extremism, and a surge in shootings, just to name a few. We found our footing by redoubling our efforts to stop the cycle of violence and stabilize neighborhoods. Today, I am pleased to share that these efforts are working. We are using this moment to develop new approaches and innovations that are

preventive and that make our state safer and also attempt to make our communities whole.

Since 2021, the agency's budget has grown to be the largest in our 52-year history -- a more than $500 million increase. We have used this funding to better support our local partners and to expand our evidence-informed programs that tackle the causes and consequences of crime.

To guarantee that these investments reach the people and places most in need, I toured 20 communities, met with public safety and community leaders, and heard about their local programs and their unmet needs. In several communities, this was the first time they had been brought together by a state agency to discuss what was working, what wasn't working, and also what support was needed to provide more opportunities for those communities to thrive.

At every stop we discussed recruitment and retention challenges, pandemic disruptions, justice reform implementation, and growing needs among justice-involved

individuals. This outreach strengthened existing partnerships and fostered some new ones, and guided our funding to prosecutors, public defenders, police, probation, and community groups. Our investments addressed changes in the public safety field and brought many of our priority programs to scale, including the GIVE initiative, now in 21 counties to help law enforcement agencies adopt evidence-based strategies to drive down crime; the Crime Analysis Center network, with 11 centers serving 49 counties and more than 350 agencies with dedicated intelligence and investigative assistance; the SNUG outreach program, in 14 communities, leveraging more than 200 credible messengers and social workers to interrupt the cycle of violence; the Project RISE community engagement, in seven cities, with 99 organizations providing 50 new services to promote safety and expand youth opportunities; the county Re-Entry Task Forces in 20 counties to support the needs of people returning to the community

from prison and to foster successful reintegration; and, finally, the Alternatives to Incarceration portfolio of 55 programs that deliver services and treatment for people who can be safely diverted from the justice system.

Together, these efforts have made a difference. Our comprehensive approach has curbed the pandemic-era surge in violence, and we are well-positioned to use similar collaborations to curtail the rise in property crimes. Last year, shootings were 24 percent lower than 2022, and 36 percent lower than their 2021 peak. This means there were 1,013 fewer shootings and 198 fewer people killed by gun violence in New York. This is a victory.

Through the first nine months of 2023, reported crime throughout most of New York State returned to pre-pandemic levels as seen in 2017 and 2018. In terms of trends, violent crime decreased; however, property crimes increased. Outside of New York City, violent crime dropped 5 percent and violent

crime involving firearms dropped 13 percent, yet property crime was up 5 percent through September of '23. New York City's initial crime reporting shows similar changes.

To further the fight against crime and victimization in 2024, Governor Hochul has prioritized the expansion of domestic violence interventions and targeted enforcement of organized retail theft and property crime. The proposed budget provides DCJS with more than $35 million to enhance police and prosecution efforts to combat domestic violence where it is most prevalent.

We have long supported these types of focused strategies. In partnership with the National Network for Safe Communities at John Jay College, the City of Kingston addressed intimate partner violence through GIVE and successfully reduced the recidivism rate of domestic abuse by more than half. This nation-leading investment will allow partner agencies to use comprehensive strategies to save lives and hold abusers accountable.

This budget also includes $15 million

to combat organized retail theft through crime analysis and information-sharing with district attorneys' offices and police departments. This collaboration will build upon the crime intelligence resources that New York has developed in the last 15 years, and will forge new relationships with businesses to identify theft trends and help authorities solve these crimes.

Finally, I join you and the Governor in rejecting all forms of hate in our state. DCJS administers the Securing Communities Against Hate Crimes grant program to protect nonprofit organizations at risk of hate crimes. Through this program, we have provided nearly $68 million to fund more than 1,400 security projects since 2021. We also just released a new request -- today -- for applications that is posted on our website, which will provide another round of funding to secure these community institutions.

This Executive Budget will allow DCJS to continue to deliver the training, tools, and technical assistance needed by our local

partners. It will build upon our solutions to keep neighborhoods safe, and it will promote trust and confidence in our justice system. To me, it also allows us to be proactive and serve the changing needs of our communities. To quote a former police commissioner: "We need to be able to watch the grill and water the flowers at the same time" -- and this budget does that for DCJS.

I want to thank Governor Hochul for her outstanding leadership on public safety. I also want to recognize the exceptional DCJS team who make this work possible, bringing humanity and a holistic focus to justice and safety. This team has gone above and beyond to develop an award-winning work community and culture where people are valued.

Thank you for your steadfast support and your time today. I look forward to answering any questions.

CHAIRWOMAN KRUEGER: Thank you very much. Next along the panel we have Daniel Martuscello.

DOCCS ACTING CMMR. MARTUSCELLO: Thank

you. Good afternoon, Chair Krueger, Chair Dinowitz, and other distinguished members of the Legislature.

I am Daniel Martuscello III, the acting commissioner for the Department of Corrections and Community Supervision. It is my honor to discuss some of the highlights of Governor Hochul's Executive Budget plan and the various initiatives that will benefit the department and enhance public safety.

The department continues to implement a multitude of structural changes as a result of shifting demographics and legislative initiatives. The incarcerated population has been on a consistent downward trend, decreasing 55 percent from our high of 72,773 in 1999 to the current population of 32,750. This dramatic reduction in the incarcerated population has resulted in our ability to right-size the system with the closure of facilities and consolidation of housing units across the state.

While we have been focused on ongoing recruitment and retention efforts, we

continue to have critical vacancies throughout the department, particularly with the position of correction officer. This issue is not unique to New York, as correctional systems across the nation are struggling to meet staffing demands.

As a result of current staffing levels and excess capacity, the Executive Budget recommends the closure of up to five correctional facilities to ensure the safe and efficient operation of the system. This will assist us in managing the population, utilizing staff more effectively, and operating programs in a safe manner, while we continue to focus on our recruitment efforts. Staff wellness and retention initiatives will be prioritized to ensure the hardworking employees of the department are provided the support and relief they deserve.

Facility safety will continue to be an issue of overriding concern. Last year there were 1,671 assaults on staff, a 13 percent increase, and 2,107 incarcerated-on-incarcerated assaults, a 42 percent increase.

The rates for both categories of assault were the highest ever recorded. No one should have to endure the threat of violence at their place of work or fear for their safety while residing in any of our facilities.

We will continue to work with all stakeholders to enhance safety and security and pursue solutions to drive down assaults within the system, including the deployment of new technology such as body scanners, enhanced staff training, and introduction of new and innovative programs to ensure we are addressing the population's risks and needs.

I believe that education, in all of its forms, is transformative in a correctional setting and a key pillar to the department's mission and an individual's success. Building on the Governor's vision to restore TAP eligibility for incarcerated individuals, we will expand college programming from the current 36 facilities to all facilities. This will open additional avenues to higher education for the population so that they may enrich themselves

and their peers, while serving as role models for the remainder of the population.

We will also seek to enhance existing programs and institute articulation agreements to ensure credits are transferable between facilities and there is no interruption in a college student's education.

Understanding that not all individuals are suited for college, it is critical that we address reading comprehension as a building block for further educational advancement. Accordingly, the Executive Budget includes funding to institute a reading remediation program to enhance reading skills among the population. Through these initiatives, the department will expand the availability and quality of education programs so that incarcerated individuals can reach their true potential.

Recognizing that the trades are an important facet of our society and an area with tremendous job opportunities, the department continues to implement several

programs included in the Governor's Jails to Jobs initiative. These include the expansion of our auto tech and commercial driver's license programs, as well as new initiatives such as heavy equipment operator and coding programs.

The department is laser-focused on enhancing employment opportunities for the individuals in our care and will continue to evaluate programs to provide economic security for individuals releasing to the community.

In 2022, the Department began piloting the Edgecombe Transitional Housing Program, a first-of-its-kind program for undomiciled men returning to New York City to receive transitional housing and social supports as they seek permanent housing and employment. The program has been a great success and has prevented over 215 individuals from entering the New York City homeless shelter system.

This year, building on our success, we will expand this initiative to include undomiciled women who are returning to

New York City, with additional financial support for those who secure permanent housing.

Among our community supervision operations, working with the Board of Parole we have seen a significant reduction in the number of releasees on supervision, with our current population at 17,730 individuals. As part of the Governor's Jails to Jobs initiative, the department hired employment parole officers that are deployed throughout each of the community supervision regions and are tasked with connecting releasees with employment resources and opportunities in their communities.

This initiative, combined with the lower population, has enabled us to focus our efforts more centrally on an individual's needs, employment, and overall adjustment to release and supervision to promote their success, reduce recidivism, and increase community reintegration.

Last year Governor Hochul advanced a bold agenda to reduce gun violence and

violent crime, which included the launch of a new initiative called SAVE, Supervision Against Violent Engagement, in Albany, Buffalo, Rochester, and Syracuse. SAVE identifies individuals under community supervision who are at the highest risk of reoffending in a violent manner. Since the program began, more than 80 percent of participants have successfully adjusted to supervision. Fifteen percent of SAVE cases resulted in arrest, with more than half of those arrests being firearm-related, as compared to only 9 percent of non-SAVE firearm-related arrests.

While the program is still being evaluated, these early indicators show that the SAVE initiative is having an impact on community gun violence.

This year, we will establish two specialized versions of SAVE, one for those at high risk of engaging in domestic violence and the second for individuals with a mental health diagnosis, which will better connect them to behavioral and mental health services

in the community, in partnership with the Office of Mental Health. The department will utilize advanced supervision tactics, community-based referrals, and information sharing to ensure access to services and enhance overall public safety.

Under the previously enacted medication-assisted treatment law, the department is now offering all forms of MAT in our facilities to address substance use disorder among the population. In 2023, we provided lifesaving MAT medication to 5,831 incarcerated individuals. Recognizing the Governor's commitment to fight the opioid crisis, DOCCS will continue to work with OASAS to leverage available opioid settlement dollars to enhance services in the correctional setting.

The overall safety of our staff and the security of our facilities and area offices remain a top priority for the department, while providing progressive programs and employment opportunities for the population. The department is fully

committed to supporting our workforce and recruiting the next generation of corrections and community supervision professionals, who will continue to be our most valuable resource in advancing our mission into the future.

The Governor's budget positions the department for success and addresses our staffing issues by leveraging excess capacity to the benefit of the entire agency, as well as the taxpayer.

Thank you for the opportunity to appear before you today, and I'll be happy to answer any questions.

CHAIRWOMAN KRUEGER: Thank you very much.

And our next is Acting Superintendent Dominick Chiumento. And I have a note saying there's a loss of ability to speak, so perhaps someone will speak for you.

ACTING STATE POLICE SUPT. CHIUMENTO: I have some loss of voice, so Lieutenant Colonel Christopher West is going to read my statement for me. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

ACTING STATE POLICE SUPT. CHIUMENTO: I'm not trying to sound like Dan.

(Laughter.)

CHAIRWOMAN KRUEGER: I'll leave that between your two departments.

Hello, Chief of Staff. Welcome.

ASST. DEPUTY SUPT. WEST: Good afternoon, Chairs Krueger and Dinowitz and distinguished members of the joint committee.

Thank you for this opportunity to speak about the essential work performed by the New York State Police and some of the proposals that Governor Hochul has put forward in her Executive Budget.

I am Assistant Deputy Superintendent Christopher West, reading this on behalf of Acting Superintendent Dominick Chiumento.

I would like to take this opportunity to thank Governor Hochul and the Legislature for your enduring support of the New York State Police. Because of your support, the New York State Police continues to be one of

the leading law enforcement agencies in the nation, and a model for reducing crime in our neighborhoods and cities.

For more than a century, the New York State Police has provided excellence in public service through the fulfillment of our core missions, while also meeting the ever-changing needs of society and the citizens of New York.

The expectations placed upon our agency continue to expand as new and unprecedented challenges arise. Despite this, our members continue to go above and beyond to meet the needs of the people of our state. And while more is demanded of our Troopers than at any other time in our history, we remain steadfast in carrying out the vital undertaking of protecting all New Yorkers.

Governor Hochul has made it clear that public safety is her number-one priority, and she has backed that up by providing the necessary funding and resources to help us serve the public by solving and preventing

crimes and keeping our roadways safe.

In the prior two years, funding for the division increased by 27 percent. Head count increased by 645 personnel, a 12 percent increase. The fiscal year 2025 Executive Budget continues to support the New York State Police with budgetary actions. Governor Hochul recommended a workforce of 6,521 full-time employees, an increase of 101 from the previous fiscal year. With the proposed fiscal year 2025 budget, that would be 746 positions in three years.

This year's increase is for the creation of a new State Police enforcement unit to combat retail theft. With earmarked funding in the Governor's proposed budget, we can continue to elevate our efforts to protect all New Yorkers.

One area of concern throughout the country is the proliferation of hate crimes. With funding provided by the Governor last year we have had success in preventing and suppressing bias-motivated attacks by bolstering the work of the Joint Terrorism

Task Force and our counterterrorism strategies. We have been able to dedicate more resources to prevention and education, and increasing our presence in impacted communities.

However, international conflicts escalated in 2023, resulting in a significant increase in activity and threats, and there is more work to be done. The additional funding in the Governor's proposed budget will help the State Police expand efforts to combat crimes that target individuals simply because of their religion, race, or other protected classification.

With the resources outlined in the budget, we can continue to proactively identify potential threats to our state and most vulnerable communities. And, in conjunction with our law enforcement and Homeland Security partners, we can mitigate these threats to ensure the safety of all New Yorkers.

In November, Governor Hochul added five social media analyst positions, and then

10 positions to the Joint Terrorism Task Force.

Another top priority is addressing the spike in retail thefts. The Governor included funding in her proposed budget that would establish a New York State Police Smash and Grab Enforcement Unit. With the increase in larcenies, our small businesses are feeling the impact of lost inventory and revenue. Additionally, many New Yorkers are uneasy about shopping in certain retail locations, and this unit will help us to expand our strategies to deter and stop such crimes.

In the last two years, under the leadership of Governor Hochul, our top priority has been the fight against gun violence and the proliferation of illegal guns. The Interstate Task Force on Illegal Guns has been critical in gathering, and sharing data, intelligence, and evidence to stop the illegal flow of guns into our communities.

I want to thank the Governor and the

members of this committee for recognizing the importance of our efforts to combat gun crime, and for providing the resources that are essential for getting these guns off the streets and preventing violent crimes in our communities.

To highlight some of our work, the New York State Police seized 1,316 illegal guns in 2023. From 2018 to 2023, illegal gun seizures increased by 159 percent. And with your help, we can continue this crucial work.

As a designated point-of-contact state, in September of 2023 the Division of State Police launched the New York National Instant Criminal Background Check System, also known as NICS. All background check requests for firearms, rifles, shotguns, and ammunition purchases must now be submitted to the State Police.

Since the NICS launch, almost 99 percent of the total number of gun and ammunition checks have been approved.

Agency staffing remains an area of constant executive-level discussion within

the State Police, and ensuring that our agency is at an adequate staffing level is a top priority. Thanks to Governor Hochul's commitment, and the commitment of this committee, in October of this year, we were able to launch another Trooper Academy in Cazenovia to accommodate additional basic school classes. This is vital to ensuring that adequate staffing levels are maintained to perform our new and core mission priorities, without sacrificing the response time or the safety of our Troopers.

In addition, the New York State Police remains committed to reaching a diverse pool of candidates, and we have taken the "30x30" pledge to increase our percentage of female recruits to 30 percent by 2030. In June of 2023, there were 34 graduating females in our basic school class, and in our December 2023 class there were 41.

During our July 1 through October 1 recruitment campaign, 12,691 individuals applied to take the exam. We saw a significant increase in applications since

the Governor approved our request to raise the maximum age to apply to become a New York State Trooper from 29 to 34.

To build on that momentum and continue our efforts to diversify our ranks, on October 23, 2023, we reopened the Trooper Entrance Exam application process. Candidates will have until March 4, 2024, to apply to take the exam.

We certainly could not provide the high-quality services that we do without the support of Governor Hochul and you, our legislators. Our most valuable asset is our Troopers. With your support, the Executive Budget continues to provide our members with the necessary equipment, training, and other valuable resources to carry out their duties. The men and women of the New York State Police serve each day with integrity, pride, and dedication, and they will continue this tradition of excellence with your support.

Thank you for your continued support and investment in the State Police, and for

the opportunity to address you today. We welcome any questions you may have.

CHAIRWOMAN KRUEGER: Thank you. Appreciate it.

Our first questioner will be Chair Senator Salazar.

SENATOR SALAZAR: Thank you, Chair.

My first question is for DCJS. In last year's budget $10 million in capital funding was provided for DCJS to award to reproductive health centers' security projects. Do you know how much of this funding has actually been awarded so far to reproductive health centers?

DCJS COMMISSIONER ROSADO: The money was moved from DCJS to DOH.

SENATOR SALAZAR: Okay. Thank you.

And I have a question about -- well, directed to Commissioner Martuscello. Good to see you. And I just want to say thank you for the increased communication that we've seen I think publicly and also -- and otherwise, from DOCCS in the time since you took over last year.

The Governor's budget proposes an investment of an additional $2 million in the Transitional Housing Program. Of course given the high number of people who need housing when they leave state custody or local jails, does $2 million seem sufficient to support transitional housing when there is currently a sort of prison-to-shelter pipeline, unfortunately, in New York with so many people unhoused or very housing-insecure when they leave prison or jail?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, thank you for the question, Senator.

The funding proposed in the budget is specific to the Edgecombe Residential Treatment Facility. You know, last year, again, first of its kind, we changed over an operating correctional facility to house undomiciled males returning to New York City.

So the one thing that we found, we had a stipend program where a head of household would take the individual in after their 90 days. We would offset that with a $100 a week stipend, up to 12 weeks, to offset the

additional mouth being fed.

Because this is a state-run program, these individuals going into Edgecombe do not qualify for housing vouchers in New York City because they're not in the shelter system. So this $2 million will go to offsetting rents. When they talk to the residents, one of their biggest complaints is that they don't want to be a burden on their families and on their friends, but they actually want to be employed and they want to get housing on their own. And not getting those vouchers was a big deterrent and kind of a setback, and their biggest complaint.

So the Governor addressed that with the adding the additional $2 million so we could offset that and pay directly to the leasee or the landlord a portion of rents depending on where the housing's located.

SENATOR SALAZAR: Thank you.

And I want to talk about postsecondary education in prison. Obviously it's a critical resource for people in prisons, people who are incarcerated. And people who

participate in College in Prison programs on average are four times less likely to be arrested again after they leave prison.

But we also know that right now about 50 percent of people in New York State prisons are eligible to enroll in a postsecondary education program, but only 4 percent are enrolled. Why do you think so few of the currently eligible people in DOCCS facilities are enrolled in these programs?

DOCCS ACTING CMMR. MARTUSCELLO: Well, I think it comes down to the access and the partnership, which is why in this budget we will be expanding our college footprint from 36 facilities to all of the remaining facilities at the end of the day.

Last year we were able to serve approximately 2200 incarcerated individuals. Any given semester it's almost 1700. We awarded over 291 degrees. So with the new TAP eligibility for incarcerated individuals and the expansion of college, we'll continue to work with our college partners, which there's 29 of them, to increase access but

also increase the types of degrees that are awarded -- you know, going from associate's, increasing our eligibility for baccalaureate degrees, as well as master's. Right now we only have two master's programs.

So I think education is really critical to individual successes, and it has additional benefits. It's calming to the overall institution, but it also allows the incarcerated parents to talk to their children and break cycles of incarceration, which will be immeasurable in the future.

SENATOR SALAZAR: Thank you.

And wanted to just ask about capital projects across DOCCS facilities. Not a lot of information is publicly available or like easily accessible to legislators even about capital projects at different facilities perhaps in their districts. Would you mind even just sharing -- because I know we don't have a ton of time -- some information about ongoing capital projects that DOCCS has, maybe a sample? And would you be willing to make that information about capital projects

and facilities more accessible?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, absolutely. We have -- every facility has a five-year capital plan which we invest. And obviously, depending on initiatives either pushed by the Legislature or pop-up emergencies, we have to shift gears. But certainly we'll make that accessible to you and anyone that's interested in that.

A lot of our capital dollars go to upgrades in maintenance and repairing buildings, window projects, roofs. In the last 10 years we've spent over $600 million in camera projects, in fixed-camera systems, and making sure that we're putting those in our institutions. That's included in this year's budget request as well, so -- and then additionally, some of that funding goes to support the staff that work in our power houses and our maintenance.

This budget calls for an increase of $82 million in our capital allocation, as we've been investing in cameras and infrastructure upgrades to respond to some

legislative initiatives that have been pushed, we've had to move some projects around. So we do have increased expenditures this year projected in this budget to cover additional costs.

SENATOR SALAZAR: Thank you.

I'll pivot to a very different subject, which is on the medical treatment available to incarcerated individuals.

The City -- the publication, not the municipality -- published a report recently on how many of the deaths in New York State prisons are preventable and cited examples of substandard medical treatment that had potentially led to otherwise preventable deaths. You know, the -- I think what I want to know is, what is DOCCS doing to address the substandard medical treatment that is available in many facilities that contributes to pretty shocking statistics about deaths in facilities and the life expectancy for someone who is incarcerated in New York?

DOCCS ACTING CMMR. MARTUSCELLO: Sure. Appreciate the question.

First, I'm not going to agree with that article on the substandard treatment. But I would say that obviously any death in custody really hits home. Anytime somebody dies while in custody, regardless of the day or night, I receive a phone call directly making myself aware of it.

Last year we had 107 deaths in custody. It's actually the lowest number in 25 years. Of that, it breaks down, based on autopsies currently known, 54 were for natural causes, we had two overdoses -- which is a direct result of our drug interdiction efforts. We had, unfortunately, 10 suicides, which is 44 percent down from last year. And we're still waiting on 40 autopsies.

You know, I think it comes down to staffing. You know, the medical staff that we do have, they care what they -- with the treatment they're providing, they want to provide the community level of care. So we have to augment through contracts, through OGS, for nurses. But we also have five regional medical units across the state. We

have a network of hospitals. And we also contract with providers, 404 different providers that provide specialty services.

So we can really provide the standard level of care that we can get in the community. But our recruitment -- you know, no one goes to nursing school and says, Hey, I'm going to nursing school because I want to work in prison as a nurse.

So I think part of our transparency plan of what you've seen from me, in the redirection and kind of taking down the wall, if you will -- no pun intended -- is for us to really show the state-of-the-art equipment, the access to care, and the things that our employees are doing every day for our population, in serving them. And hoping to attract those people into public service and show that we can be an employer of choice.

SENATOR SALAZAR: Thank you.

And want to ask about OMH and the implementation of the HALT solitary confinement law. Would you -- I think you

would agree. But would you agree that OMH uses medically accepted techniques for making mental health diagnoses of individuals in custody?

DOCCS ACTING CMMR. MARTUSCELLO: I would agree with that.

SENATOR SALAZAR: Yeah, I hope so.

(Laughter.)

DOCCS ACTING COMMR. MARTUSCELLO: Without being Commissioner Sullivan, I would agree with that.

SENATOR SALAZAR: Right. Then why would you say are some people on the OMH caseload still placed in segregated confinement -- in SHU, to be specific -- even though the HALT Law prohibits placement in segregated confinement for someone with, you know, mental impairment?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah. So as you're very familiar -- I don't need to educate this body on HALT -- but you're talking about special populations and -- who are deemed ineligible to go to SHU in the first instance. So as it outlines that,

seriously mentally ill, those with a disability.

I mean, consulting with OMH in reviewing the terminology and the definition under the HALT Law, it was deemed that only individuals with a seriously -- that are seriously mentally ill qualify under that definition. Obviously there's other individuals with a weigh score less than 70, and other diagnoses codes. But it actually did not apply to everyone on the OMH caseload.

So we follow that determination. We talk to them quite frequently. I know you have a bill that would change that --

CHAIRWOMAN KRUEGER: Thank you.

DOCCS ACTING COMMR. MARTUSCELLO: Sorry. Red light.

CHAIRWOMAN KRUEGER: That's okay. I have to cut you off.

And just for everyone to know -- I recited it earlier in the day -- if people ask questions and there's not time to give a full answer, then we just ask you to respond

in writing to both the Ways and Means Committee and the Finance Committee, and we'll make sure everybody gets copies of the letters. So thank you.

Next up, Assembly.

ASSEMBLYMAN DINOWITZ: Assembly. We'll start with me.

So for Commissioner Rosado. So the budget provides an additional $10 million in funding for DAs to prosecute property-crime cases and $5 million additional to build the capacity of local law enforcement efforts to combat retail theft, which of course is a huge issue -- I know it is in my district.

So will local law enforcement agencies have to apply to receive the funding to build the capacity to combat retail theft? Or will the money be automatically allocated?

DCJS COMMISSIONER ROSADO: The money is going to be disbursed through our CACs. And so the local law enforcement are already at the CAC, the Crime Analysis Centers, and so they're going to work together to figure out strategies. And we'll fund, you know,

projects as they come up.

They're not going to have to apply. That's not the intention. They're going to work together, both in crime solving and in the strategy to -- you know, to implement preventive strategies.

ASSEMBLYMAN DINOWITZ: Do you think there are cases where property crimes are not being prosecuted because of just not enough resources?

DCJS COMMISSIONER ROSADO: You know, we were out in the community, so we know what we hear. You know, we know what the narratives are. This money allows us to bring all the right people to the table to look at the data and to figure out, you know, what the approach will be.

ASSEMBLYMAN DINOWITZ: The Office of Gun Violence Prevention was not provided with the $2.5 million carveout that had been in previous budgets. Why?

DCJS COMMISSIONER ROSADO: The Office of Gun Violence is in DOH.

ASSEMBLYMAN DINOWITZ: I'm sorry, say

again?

DCJS COMMISSIONER ROSADO: But we work closely -- Joe works closely with them.

DCJS EX. DEP. COMMISSIONER POPKIN: Hi, Joe Popkin, the executive deputy commissioner.

So the $2 million for the Office of Gun Violence Prevention in DOH was carried in the DCJS budget for the last two years. But as a part of budget-making, we thought it was more appropriate to actually be situated in DOH, because that's where the office is. Versus having to do a transfer every year and then it might jeopardize their funding in the outyears.

So it was a budget-making thing.

ASSEMBLYMAN DINOWITZ: Okay. Now, you had mentioned that in most areas -- not every category, but in most categories -- crime has been going down significantly in some cases in the past year or so, correct?

DCJS COMMISSIONER ROSADO: Correct.

ASSEMBLYMAN DINOWITZ: So I didn't want to really bring this up, but as far as I

know we didn't repeal bail reform, and yet crime is going down even though we still have bail reform. Now, I know the police are doing a very good job and that's one reason why that's happening. But could it be that as the pandemic has ebbed, so is crime in many cases?

DCJS COMMISSIONER ROSADO: You know, there are people in academia looking at that. We're happy to have the results. You know, we're happy about what the data is indicating. And also, as we have more data sets, you know, every six months on the impact of bail reform, it's showing what we said to you last year, which is that there isn't a big difference in terms of people returning to court or, you know, being rearrested. It's -- it's -- we have been able to do both things, right, to implement bail reform and to see historic declines in crime.

ASSEMBLYMAN DINOWITZ: Right. And I guess it will take a while to really know what the trends are. But it just seems to me

that the decrease in crime and the waning of the pandemic seem to have gone hand in hand. So just an observation. Thank you.

I do have a question for the State Police.

So it's my -- and tell me if I have my information correct, but it's my understanding -- well, first of all, the training that the Troopers get with regard to -- and this is kind of a sort of narrow question. But in regard to search-and-rescue missions in the 215 state parks, do they get special training different or over and above what the normal training would be for the other functions that they perform?

ACTING STATE POLICE SUPT. CHIUMENTO: (Struggling to talk.) So yes, they do. We have specialized units that do swiftwater rescue and rappelling rescue, a special operations team that go in and do those rappelling rescues. And in Letchworth State Park for swiftwater.

Is that what you're asking? Specialized units have that specialized

training.

CHAIRWOMAN KRUEGER: We might ask for that afterwards, I apologize.

ASSEMBLYMAN DINOWITZ: It's like when the Zoom has a bad connection and you're getting every other words. But okay, I think I got the gist of it.

ACTING STATE POLICE SUPT. CHIUMENTO: (Whispering.) Can you hear me? Or is it just creepy?

(Laughter.)

ASSEMBLYMAN DINOWITZ: Okay. Yes. Writing would be helpful, though. In addition to that excellent response that you gave.

And do the Parks Police get that training also? Or --

ACTING STATE POLICE SUPT. CHIUMENTO: Yes.

ASSEMBLYMAN DINOWITZ: Okay. Okay. That's it. That's it, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Our next is Chair Jamaal Bailey.

SENATOR BAILEY: Thank you,

Madam Chair.

Thank you, Commissioner, Acting Commissioner, Acting Superintendent. Thank you all for your service and your responsiveness -- not just today, in the days preceding.

The first question that I have is for Commissioner Rosado about discovery. We've had a lot of conversations about discovery every single year, and there's been $120 million allocated for discovery reform in this budget. We have heard past concerns by prosecutors that, you know, sometimes the funding has gone to the counties and, based upon internal political struggles that you or I have no concerns or subject matter jurisdiction over, the money doesn't get to them.

How is the $120 million that's allocated in this budget going to get to the prosecutors?

DCJS COMMISSIONER ROSADO: So thank you for the question.

We've worked with the prosecutors

through DASNY, the state organization of DAs, and in many cases we've been able to get around the counties and get the money directly to them. And so we're confident that we'll be able to do that with this money as well.

SENATOR BAILEY: Okay. Because there were some issues and concerns that there was an application-based process for some of the funding that had been previously allocated, and I see that we've -- since we've implemented discovery reform we've given about $210 million in total for prosecutors, you know, to be able to effectuate discovery reform.

And do you know how much of that is still, I guess, tied up in that application-based process? Would you happen to have that information, or no?

DCJS EX. DEP. COMMR. POPKIN: So I would say that the vast majority has -- you know, has been delivered to where it was received.

The application-based process, this

year we tried to streamline, as the commissioner talked about, to avoid some of the hiccups that we saw before.

We also baselined funding for the DAs offices in this year, because we know from their last two years that they were spending roughly 67 percent of their award on the DAs offices, so we kind of made that, you know, kind of a requirement going forward.

So I can get you an exact breakdown of where everybody is, but as of right now, to the best of our knowledge, all the counties that have applied, we've made sure that we're processing their payments. And if there are specific counties, we can drill into them.

And we provided dedicated funding in last year's budget for New York City as well now.

SENATOR BAILEY: Excellent. Because again, we all want discovery reform to work, right? You know --

DCJS COMMISSIONER ROSADO: Yes, and I just want to add that DA Flynn in Buffalo also -- they've been allowed to do some

innovative stuff, so he hired some nonlawyers to get through some of that discovery stuff. We had a lot of complaints about that last year, but this year they've really used the money.

SENATOR BAILEY: Okay. And I would echo the sentiments of my co-Codes chair, my Bronx colleague Assemblymember Dinowitz, in the fact that we've seen a drop in crime and bail reform is still enacted and the world has not -- the sky has not fallen.

But I want to talk about assaults on retail workers -- obviously a problem that goes along with retail theft that we don't want to take lightly. What was the impetus, what thought process, who was consulted about determining that retail workers would be covered under this new proposal?

DCJS COMMISSIONER ROSADO: Well, I mean, you know, the Governor is out in the community and she hears from both the, you know, retailers and the business owners, and we've been out there. And so what we did, you know, is kind of act on what we're

hearing.

And this money, the DCJS portion -- because as the superintendent mentioned, there's a role for State Troopers, for the Troopers to attack this issue also.

But as far as DCJS is concerned, we're using the CACs, where we are already in all of those communities, where we already have at the table the prosecutors, the sheriffs, the police and the analysts, to also, you know, tailor to the community, the individual communities, what are the incidents and what kind of help they need.

SENATOR BAILEY: And again, I agree, everybody should be protected in their workplace, nobody should be subjected to violence. But some of the language in the Article VII, it wasn't exactly clear. So I look forward to us having a further discussion about what the intent and the specific elements that would have to be formed in order for something like that to take place.

Retail theft. This is one -- this is

more for the State Police. And you called it, in your testimony, the Smash-and-Grab Enforcement Unit which it is going to be called -- $25 million in total, $18 million for 101 jobs and $7 million for vehicles.

What would those 101 employees do? Are they -- would they be brand-new hires? Would they be law enforcement only? Would they be civilian? Can you talk to me about those 101 jobs that $18 million is going to be getting us?

ACTING STATE POLICE SUPT. CHIUMENTO: I'll work on it. There are 10 of those that are nonsworn. The other 91 are sworn members. They'll be scattered out across the state into the nine troops.

With the smash-and-grab, there's two parts to the unit. There's one group that's going to go and actively pull the people that are doing the retail thefts. And the other part of half of the unit is going to building the larger cases with the people that organize these smash-and-grab people.

Most of the things we've learned is

that they've hired people -- there's an organization that hires people to go and do these, and they return back to them.

SENATOR BAILEY: So -- and thank you for your answer. And thank you -- seriously, thank you for your testimony through the voice.

The question, I guess -- is that going to be in concert with other local law enforcement agencies? Will there be like, let's say, depending on region and depending on counties, State Police will allocate X amount of members of this enforcement unit? How will that work out?

ACTING STATE POLICE SUPT. CHIUMENTO: So it's a new unit, so we don't know exactly how it's going to look across the state, but we will be working in concert with retailers and other agencies.

SENATOR BAILEY: Okay, yeah. Because I don't want us to downplay the seriousness of retail theft. You know, nobody likes going to retail stores and having to press a button and waiting 45 minutes for a bar of

soap. None of us like that, right?

But I just want to make sure that if we're spending taxpayer dollars, that this unit is going to have like a specific and focused purpose so that we can maximize and actually bring the retail thefts down and hopefully alleviate us of those issues and concerns.

Back to DCJS for a brief second about gun violence prevention. Twenty million dollars stays for SNUG. Do you think that's a sufficient amount, or should that be increased?

DCJS COMMISSIONER ROSADO: You're welcome to add.

(Laughter.)

DCJS COMMISSIONER ROSADO: You're welcome to add. But --

SENATOR BAILEY: It just so happens that as the sponsor of the bill to codify SNUG I would love for us to add more money for SNUG, Commissioner.

DCJS COMMISSIONER ROSADO: Yes, thank you. As a steadfast champion of SNUG, as you

know, we had increased funding over the last two years. We put the funding to good use. We have hired more SNUG workers. But we also have hired, you know, other folks to work with the SNUG workers, such as the social workers. And also SNUG has been really -- the SNUG workers have been key in our Project RISE, which is providing dollars, $2 million per community -- it was seven communities last year -- for real community folks to come around the table and say, Hey, DCJS, this is how we want you to spend the money.

You know, as I said, the first two years we were just pure pandemic, and then last year was bring those shootings down. So this year we have time to be a little innovative, to say, you know, there are programs, there's a guy in Buffalo who's using an after-school program, kids are building -- are making jewelry out of melted guns and -- you know, that have been seized by law enforcement, and other kind of innovative ways to keep kind of youth on a different track. And so SNUG has been very

involved in that.

We could always use more money, but we feel that we've been -- we've invested the money that we've received, and we're ready to act on the 20 million this year. We have great plans.

SENATOR BAILEY: So it would be fair to say that these credible messengers actually are credible in their communities and that it does more than just a pat on the back, it actually provides an insight as to why these individuals are engaging in this activity? Would that be fair to say?

DCJS COMMISSIONER ROSADO: They contribute to the stability of a community. I can tell you I was in Buffalo about six weeks after the mass shooting, and our SNUG workers, both from Buffalo and Rochester, just started to do the work. As a result of the shooting, they went house to house, they were credible messengers and they went to kind of gauge what the citizens needed. As you know, it was a food desert, and they basically took a -- they did a whole tally of

who needed what. And as a result, the SNUG teams have been working -- for the last two years they've been working on this plan to -- which we hope to pilot -- Joe laughs because it's one of my pet projects, is to get -- they want a food truck project where they will be able to deal with both the food desert issue but also train their participants in food prep, culinary, and also owning a business. Right?

So that all came from the SNUG team and wanting to make the community whole after that shooting that had -- you know, wasn't directly connected to the work they do at night, you know, on the street kind of getting guns off the street. So SNUG as a team, they are a stabilizing force in the community.

SENATOR BAILEY: I think it's important to note that, again, you're talking about a whole child, whole person, whole community, and that speaks to that.

Last question I want to -- on the second round I'll get to some hate crime

questions. But Acting Commissioner Martuscello, really quick, MAT in prisons. What is your perspective? What's the overview? How is it going?

ACTING DOCCS COMMR. MARTUSCELLO: It was a long time coming. I mean, we're providing vital services to individuals with a substance use disorder. We have partnerships with 12 OTPs in the community. We provide buprenorphine, injectable buprenorphine, naltrexone as well as the methadone.

And, you know, we've had our hiccups accessing buprenorphine at increased levels. As we've ramped up, we've ran into some pharmacy issues that we've been able to work through. But with the DA changing some of the regulations around X waivers, that has really helped us.

SENATOR BAILEY: Thank you all for your time.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Assembly

Correction Chair Dilan.

ASSEMBLYMAN DILAN: Thank you, Chairman Dinowitz.

And to Commissioner Annucci {sic}, it's been a pleasure working with you in your short time as interim acting. I'll get right into the questions, and I'll go towards the biggest highlights of your budget.

In the Article VII language it appears that you are seeking authorization from the Legislature to close up to five prisons with 90-day notice, and that authority lasts for about a year. Is that correct?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, that's correct. The Article VII language would authorize the closure of up to five correctional facilities with 90 days notice to the leader and the Majority Leader.

ASSEMBLYMAN DILAN: So why this authority over the authority you already have under current law?

DOCCS ACTING CMMR. MARTUSCELLO: So right now we are in a critical staffing crisis. Right? We have 3,800 vacancies in

the system, of which 1,900 are correction officers.

ASSEMBLYMAN DILAN: So the main impetus for the closure of up to five are for staffing reasons?

ACTING DOCCS COMMR. MARTUSCELLO: That is the main impetus. But additionally we've seen a 55 percent reduction in the incarcerated population since our high. So we are in a good position with excess capacity. We have 6,000 vacant staff beds and an additional 6,000 beds which we've consolidated to try to alleviate staffing concerns. We can't consolidate anymore. So closures is a way forward so we can make sure we use our staff more efficiently as well as provide the services to the population.

ASSEMBLYMAN DILAN: Okay, also the other major highlight of your budget was the elimination of approximately 1500 FTEs. Are these going to be done through attrition, or do you anticipate current employees being laid off?

DOCCS ACTING CMMR. MARTUSCELLO: I

have 3,800 vacancies. There's going to be no layoffs through this process. We'll work cooperatively with our employees, our unions. I have jobs within the system to absorb everyone. And if they so choose to go to other agencies, they'll have priority placement through the Department of Civil Service if that's the case. I'd rather retain my employees.

ASSEMBLYMAN DILAN: Okay. Does the same criteria apply for non-correction-officer staff as well?

DOCCS ACTING CMMR. MARTUSCELLO: Correct. Nineteen hundred of the vacancies are correction officers; the rest are within our civilian ranks.

Again, I have enough vacancies to absorb anybody that's impacted through the closure process. There will be no layoffs.

ASSEMBLYMAN DILAN: Okay. So the Article VII asks for the Legislature to give you 90-day authority. How do you believe this will impact your workforce? Is 90 days, you know, enough time for folks to relocate

and --

DOCCS ACTING CMMR. MARTUSCELLO: So again, the Article VII requires that we provide 90 days to the Legislature prior to closure. It doesn't mean that we may not take longer. Right? So that's the first thing.

Secondly, you know, I've been through a lot of these closures. We've closed 27 prisons. I was the HR director, I oversaw the administration, and I've been involved. We have a good relationship with the unions. Once the decision's made to do closures, we'll go out there and meet with the impacted staff. We have a 97 percent retention rate.

I find that doing it in a shorter time period where there's certainty, we talk to and effectively communicate and people understand what their options are and opportunities, and we've been successful.

So I think that where we are now with vacancies, staff working double shifts, giving up their regular days off, not spending time with their family, it's

unsustainable. They need relief. The staff need relief. And I know that this is a very, you know, anxious time when closures -- it's probably one of the worst things that I do as commissioner, to call someone --

ASSEMBLYMAN DILAN: Sorry, I just want to stop you short because time will run out.

ACTING DOCCS COMMR. MARTUSCELLO: It's good.

ASSEMBLYMAN DILAN: But if we take this action, how do you -- how do you expect it to impact your shortage going forward? Like how much of an impact do you think this action will take?

ACTING DOCCS COMMR. MARTUSCELLO: So if we look specifically at correction officers, right now our vacancy rate is about 12.5. What's anticipated in the budget for the savings associated with the closures, we'll be able to cut that in more than half.

And then we have to still do recruitment and retention initiatives, as we've been doing over the course of the last year, and work on the collective bargaining

agreement with our correction officer union.

ASSEMBLYMAN DILAN: Okay. So in terms of individuals who are under custody, once you decide to transfer them to whatever new facility they're going to go to, how will that process be facilitated? And with these closures in general, is there a cost savings to the state?

DOCCS ACTING CMMR. MARTUSCELLO: There is a cost savings to the state in this fiscal year. It's $77 million.

When we move the incarcerated population, each one has a risk and needs assessment that's done upon intake. There's a medical level, a security level, a mental health level. So we make sure that we associate them with a prison that can provide the necessary services and then reengage them in programs to make sure we're providing the services that they need.

ASSEMBLYMAN DILAN: Okay, and I think you've answered this question in private conversations, but I want to get it for the record. At this time do you know which

facilities you intend to close?

DOCCS ACTING CMMR. MARTUSCELLO: We have not identified which facilities will be impacted. Pending the outcome of the Article VII, we will identify prisons moving forward.

ASSEMBLYMAN DILAN: Okay. And I have just one question on something that's in the current year -- current year's budget. It's about the approval for the body scanner technology that we authorized last year. Where are you in terms of the process of adding this into operation in your facilities?

DOCCS ACTING CMMR. MARTUSCELLO: Sure. So the body scanner legislation required us to promulgate regulations, as well as the State Commission on Corrections. A few weeks ago we adopted it after a public comment period. SCOC adopted theirs last week. We have a contract in place approved by the state Comptroller, and we will be taking delivery and begin training on the body scanners starting the end of this month,

going into February.

We'll start with eight pilot sites and then expand out to all the prisons across the state will be fully operational.

ASSEMBLYMAN DILAN: Okay. And then I just have one question on something that may or may not have been a part of the Clean Slate Act. It just appears that the money was not in the Clean Slate Act, and I wanted to see if it was in this budget. And if it's not in this budget, are there any plans in the works? And that's for the digitization of records of folks under custody for the purposes of the Parole Board, the standing funding.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, there was no funding associated with Clean Slate for the digitization of Parole Board records. I know it's something that Chair Towns is interested in pursuing, so we'll continue to have discussions relative to that.

There's no funding specifically tagged for that, but they have their own

appropriation. They do have funding associated with this budget in a lockbox which cannot be transitioned to the agency, it's specific to the board. And then we augment that funding.

So we'll continue to have those conversations.

ASSEMBLYMAN DILAN: Okay, and then I have one other question that I'm not sure who it would be appropriate to at this table. It may be appropriate for DCJS. If not, just tell me.

And just -- the question was around some Article VII changes for elevation of crimes for deed theft. Is that something that's in your purview. Or is that potentially at another table?

DCJS COMMISSIONER ROSADO: Deed theft?

ASSEMBLYMAN DILAN: Yes. Another table? Okay. Thank you.

Thank you, Mr. Chair.

DCJS COMMISSIONER ROSADO: We'll find out.

ASSEMBLYMAN DILAN: Say that again?

DCJS COMMISSIONER ROSADO: We'll find out for you.

ASSEMBLYMAN DILAN: Okay. It may be in another table. Just for the purposes of our briefing document, it was under this table. And that's fine.

Thank you Mr. Chair.

CHAIRWOMAN KRUEGER: Thank you.

Senator Murray.

SENATOR MURRAY: Thank you very much. And thank you all for being here. I really appreciate everything you do. It sounds like I'm losing my voice now too. Stop cheering.

For time purposes, I'm going to ask you one question -- this is to Commissioner Rosado. For time purposes, for this question could you just give me a yes or no? As far as crime statistics and data, has there been a major change from last year to this year as to how you collect and compile your data?

DCJS COMMISSIONER ROSADO: No. No.

SENATOR MURRAY: No, okay. So last year -- and I've heard it mentioned twice now about bail reform and crime being down, skies

not falling, et cetera.

So we had -- and Chairman Bailey put together last year a hearing on crime statistics right before the budget hearings. So I was in that. We spoke. And in the budget hearings we spoke. And I have the transcripts here from the budget hearings.

In your testimony: "So DATs can be issued for certain felonies and misdemeanor charges that require fingerprinting at the time of arrest."

Now, we had also talked about that the process doesn't start as far as data collection until the fingerprinting, until they're processed, not when the DAT is issued, the desk appearance ticket is issued.

So later on I asked you: "The testimony was that if someone were rearrested, released, rearrested again, released -- and this happened 16 times -- they're counted as one rearrest. Is that accurate?" Your answer: "In our data, yes."

So how do we say crime is down? That's 16 crimes, not one crime. Yet we're

counting it as one crime.

So yesterday we were thinking about how accurate are these stats. So one of my staff members, Rick and I got on the computer and we searched "How reliable are the crime statistics in New York State?" And a DCJS chatbot responded to us. We had a little chat.

One of the responses was: The reliability of these statistics is subject to the accuracy and completeness of the data provided by the reporting agencies. However, the DCJS has implemented measures to ensure the accuracy and completeness of the data."

Can you tell me what are the changes or what are the measures that you've implemented to correct this?

DCJS EX. DEP. COMMR. POPKIN: So -- thank you for your question, Senator. So there's three different data reporting things that you talked about. One is on crime reporting, which is unchanged from last year.

So New York collects crime through the reporting agencies through three different

programs. We use Uniform Crime Reporting, we use the New York-based crime reporting, and we use NIBRS, the national one that came in. So all of the state's law enforcement agencies fall under that.

The additional analysis that you've talked about is the pretrial analysis that we do and we now publish a supplement file in addition to what OCA does. When we go to generate that file -- I'm going quickly with the 9 seconds. When we go to generate that file, we overlay -- we don't touch the crime data, we're looking at who comes in in terms of fingerprintable arrests, which is where the DAT issue comes in, and then who ends up rearrested during that same period of time.

ASSEMBLYMAN DINOWITZ: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Levenberg.

ASSEMBLYWOMAN LEVENBERG: Thank you.

First I want to just thank you all so much for your testimony. And to Commissioner

Martuscello, really great news about the much lower rates of incarcerated individuals. And just concerned a little bit, with five facilities closing, if there will be overcrowding. I don't know if you can comment on that.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah. And again, it's up to five facilities. So it depends on what facilities are selected.

But no, as I previously mentioned, we currently have 6,000 vacant staff beds and an additional 6,000 we have consolidated. So we have no problem with overcrowding. We're lucky to be in this position, to be able to close prisons and to use staff more efficiently.

ASSEMBLYWOMAN LEVENBERG: Also grateful for the focus on rehabilitation, knowing that 95 percent of those are going to come out and breaking the cycle of incarceration. I'd love to see that in your testimony, sort of -- we need that.

There was a report by the New York State Comptroller that said that the

proportion of incarcerated older people continues to increase. Nearly one in four people in New York prisons are older. His key recommendation was that policymakers should continue to look for ways to further reduce the state's prison population, particularly older individuals who pose a reduced risk to society at large.

I know the Comptroller can't take positions in most pending legislation and neither can you. But do you generally agree with him that policymakers should further reduce the state's prison population, particularly of older individuals who pose a reduced risk to society at large?

DOCCS ACTING CMMR. MARTUSCELLO: So we have about 4,800 individuals that are 55 and older. If you look at -- if you go down to 50, we're a little over 9,000. In terms of policymakers, again, I know there's some legislation that's currently pending in both houses which I can't comment on, which that would absolutely have me doing. So I'm going to -- I'm going to hold off on that comment.

ASSEMBLYWOMAN LEVENBERG: Okay. So do you believe that expanding case by case release opportunities for older adults is preferable to attempting to retrofit prison facilities into nursing homes?

DOCCS ACTING CMMR. MARTUSCELLO: Listen, I believe that people come to prison as punishment, not for punishment, and that I believe in rehabilitation and I believe in transformation.

So whatever laws that are on the books, that's what we'll enforce on our side. I have limited ability now under medical parole, in working with the chair of the Board of Parole. But beyond that, if there's a law that passes, we'll certainly adhere to that.

ASSEMBLYWOMAN LEVENBERG: Thank you.

And I just wanted, with my last 30 seconds, to mention that we've had some real success with mobile crisis units in Westchester County going out with police. So I don't know who that goes with, but if there is funding and it be can directed in that way

statewide, it's been really successful for us and I'm grateful for that kind of an approach to policing. So thank you.

CHAIRWOMAN KRUEGER: Thank you. Thank you very much.

Next up we have Senator Hoylman-Sigal.

SENATOR HOYLMAN-SIGAL: Thank you, Madam Chair.

Commissioner Martuscello, I just wanted to thank for you being so responsive to our office when we asked for statistics regarding LGBTQIA data and gender-affirming surgery.

Your office told us that upon our request, that it received 148 requests for gender-affirming housing but approved only 52; that it received 21 referral requests for gender-affirming top surgery and completed 10; and that you received three referral requests for gender-affirming bottom surgery, as it were, and completed none of those referrals. Can you explain the disparity between the requests and what's been granted?

DOCCS ACTING CMMR. MARTUSCELLO: It's

a matter of the process. Right? So we have outside providers that we contract with. We fully support any transitional services that are requested by individuals, or refer them to specialists to make sure, just like in the community, they go through a -- talk to a psychologist and go through the full process of working with a clinician.

On the bottom surgery specifically, right now we don't have anybody that's currently accessible to perform them. But we have somebody that's expressed interest, and they're trying to get credentials at a hospital. So I am hopeful that here in the coming months that we're going to have somebody that does the bottom surgery so that we can make sure that we can provide services to that population.

SENATOR HOYLMAN-SIGAL: Thank you so much. I really appreciate that response.

And can you just tell me quickly how many older people are housed in the regional medical units across the state with cognitive impairments or terminal illnesses? Do you

have that number?

DOCCS ACTING CMMR. MARTUSCELLO: So I can tell you that we have -- I think it's 352 beds. And again, it varies. It's not an age thing, it's a diagnosis and what is the actual health of the individual.

We can try to drill down if you're interested in that break on age. But it would be at a point in time, right, because that changes, people transition, people go to an outside hospital for a network, or they transition in the GP. But we could pick a date and time and we could do the analysis for you.

SENATOR HOYLMAN-SIGAL: Okay, thank you.

And, Commissioner Rosado, good to see you. In 2022 we passed legislation requiring that all newly manufactured pistols be sold with microstamping technology. And part of that law was that a study by your office would be conducted within 180 days.

It's now been about two years, and I think last budget session you told us it was

because of the lack of resources. I think we've provided those resources. And could you give us any timeline on this study? Thank you so much.

DCJS COMMISSIONER ROSADO: Yes. We're still in the process of it, so I don't have a specific timeline.

I can tell you that we've been in communication with our colleagues in California and New Jersey and we're all kind of head-scratching about how to find, you know, the solution that we're looking for. But we're on it.

SENATOR HOYLMAN-SIGAL: So will you be able to report something to the Legislature in the next six months as to progress?

DCJS COMMISSIONER ROSADO: Definitely this year.

SENATOR HOYLMAN-SIGAL: Okay. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Assembly Governmental Operations Chair McDonald.

ASSEMBLYMAN McDONALD: Thank you, Chair Dinowitz. And thanks to all of you today for your testimony and your hard work. It's not easy by any stretch of the imagination. I know particularly for Corrections and State Police, recruitment is a challenge. And at the same token it's pretty clear by your reports that you're trying to find the right balance going forward to make sure everyone is treated respectfully and that individuals, particularly in Corrections, start to get ready for the next chapter of their life.

So thank you for your work.

My question is for the State Police. And Chris, I think I'll direct it at you, since the acting superintendent either was impersonating Sergeant Voight from Chicago P.D. or he's got a pretty bad cold. So we'll go with that.

So my question's on organized retail theft. It's obviously inching up, and Chairman Dinowitz was referencing some of this. You know, people say, Well, it's only

happening in New York State, it must be because of bail. And the reality is no, organized retail theft is happening throughout the country.

And I'm very pleased that the Governor has committed resources in the Executive Budget. And Commissioner, you mentioned about $15 million and where that's in your little bucket of the world over there.

But from the State Police perspective, how will the organized retail theft unit within your agency tackle retail theft? Without giving away the trade secrets.

ASST. DEPUTY SUPT. WEST: Well, I think the superintendent mentioned earlier that we're still in the process of working out how that's going to be. But we're definitely going to be working with our partners in law enforcement.

And we also have units that we have currently that we -- SIU and other units that have already done that type of work previously. So we're just hoping to boost those numbers up, so.

ASSEMBLYMAN McDONALD: Do we have a sense of what areas of retail -- have you guys been able to at this point size up any data on what areas of retail are most prone to this or not? Or is that still in the early stages?

ASST. DEPUTY SUPT. WEST: It's been large box stores and some bodegas --

ASSEMBLYMAN McDONALD: If you could move a little closer to the mic.

ASST. DEPUTY SUPT. WEST: Large box stores and some bodegas have been hit pretty heavily. But we have a plan, and there's certain areas that certainly are being impacted more than others. And we'll develop a plan. We can't let you know the whole plan, of course, but we're on top of it.

ASSEMBLYMAN McDONALD: One of the other concerns that I have -- and, you know, here in Albany County I work closely with our sheriff, Sheriff Apple. You know, they're doing their own little thing. But they could use resources as well. So I expect that there will be a close working relationship

with the local law enforcement jurisdictions that are most prone to this.

ASST. DEPUTY SUPT. WEST: Yes. As I mentioned, we are working closely with our partners. I know Craig Apple very well, and we work closely with him on other things, and this will be no different. We'll be right with him.

ASSEMBLYMAN McDONALD: I would also think that -- you know, once again, this is not just a New York State issue. This is a Florida issue, it's a Texas issue. I hope that there's some kind of work also with our federal partners in regards to this effort as well.

ASST. DEPUTY SUPT. WEST: I think there's some studies that are undergoing right now that are being done. I can't speak for the other states as to, you know, how their numbers are and different things.

But certainly we're open to working with our federal partners in finding the solution to help us out here in this state.

(Superintendent conferring.) He

mentioned that he wants to do federal prosecution if it's large enough.

ASSEMBLYMAN McDONALD: Thank you. And I hope that your cold abates itself relatively soon.

ASST. DEPUTY SUPT. WEST: Thank you. And I hope I don't catch his cold from him breathing on me.

ASSEMBLYMAN McDONALD: If you need a recommendation, I'll see you offline.

(Laughter.)

ASSEMBLYMAN McDONALD: I'm done. Yeah, we save time around here.

ASSEMBLYMAN DINOWITZ: That's the Assembly. Very efficient.

Next is Senator Stec.

SENATOR STEC: Good morning -- or good afternoon, sorry. I'm going to be as fast as I can, because three minutes to discuss the items that I'd like to discuss with the Department of Criminal Justice, DOCCS and State Police just isn't enough.

The -- I've got eight correctional facilities in my district. I used to have

10, and I've only been here three years. I've talked to a lot of inmates in my visits on the honor block, I've run into -- I've discussed in the honor block, and these inmates on the honor block say that the folks in RRU have more privileges, better access, more freedom within the facility than the general population and, frankly, even the honor block.

Have you heard this, Commissioner? And what does that say to you? To me, it suggests that we're sending the wrong message to the inmates that bad behavior is rewarded. And that makes for a dangerous facility.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, I have heard that anecdotally, as well as directly from some incarcerated individuals, and I really think what they're talking about is the phone capabilities on the tablets in the RRU.

So just a few months ago I renegotiated a contract. We'll be installing WiFi in all general population areas, which will increase access to phones for all

involved. So I think that we will be on a different footing once that happens.

SENATOR STEC: If I could interrupt, though, they've also said that they had more time outside the cell than -- the RRU people did -- than the honor block and the general population.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, I don't agree with that. I mean, seven hours out of cell in an RRU, therapeutic programming and recreation, as opposed to being in general population, between going to meals, two program modules and then recreation at some point, depending on what your program schedule is, there's certainly more opportunities. What they avail themselves of, I think that's a different discussion.

SENATOR STEC: If I could go on. After HALT and after the closures, we've seemed to concentrate the worst of our bad apples. I've seen the data -- I'm sure you have as well -- in the last six or seven years, assaults on inmate -- inmate on inmate

and inmate on staff have both doubled in the last seven years. It has took a spike in the last two years since HALT.

The COs are getting stuck more and more, and you're clearly having a hard time recruiting more of them. Why is this? Why can't we hire more COs? Is it because no one wants to come to work there because it's not safe?

DOCCS ACTING CMMR. MARTUSCELLO: No, I don't believe that's the issue. I mean, I think that we have a national shortage of correction officers and in law enforcement in general. So we're all fighting over the same candidates, just --

SENATOR STEC: If I could interrupt, Commissioner -- I'm sorry, I've got less than three minutes. So in December of 2022 a 140-page document, the Prison Redevelopment Commission Report was issued. It says absolutely nothing. It's all fluff. It's 140 pages of fluff. It does say that it does not anticipate any more prison closures, and yet 13 months later we're closing five more.

I just want to close by saying that we shouldn't close any more prisons until all the closed and abandoned prisons are repurposed, including whatever constitutional amendments are needed in the Adirondacks, a detailed plan for future closures is in place first, and assaults come down out of the stratosphere.

ASSEMBLYMAN DINOWITZ: Thank you.

Assemblymember Ra.

ASSEMBLYMAN RA: Thank you. Thank you all.

I just want to go into one of the crime areas that has certainly had an increase over the last few years. And we're very concerned with regard to auto theft. And I know that, you know, there's a big focus on the retail theft in this budget, which is certainly welcome. But I'm just wondering if there's anything going on with regard to trying to find solutions for that particular problem.

You know, a lot of the major cities show really double-digit increases with

regard to auto theft.

ACTING STATE POLICE SUPT. CHIUMENTO: Our community stabilization units that you all approved have been assisting the local PDs with grand larceny of vehicles -- as well as our aviation unit -- setting up details with Buffalo PD, Rochester PD. The CSUs have ended up being very helpful in that arena.

DCJS COMMISSIONER ROSADO: I would add with the CACs we saw a surge in the summer, but we've seen a decline since then. And so through the crime analysis centers we're looking at, you know, the ways in which we can support local -- I think in Rochester there was a catalytic converter -- you know, we had some efforts there.

We're kind of separating also what's like a teen who steals a car in Niagara to see his girlfriend in Buffalo and then leaves the car, as opposed to the kind of more organized efforts in auto theft. So we're monitoring that.

ASSEMBLYMAN RA: And I had the opportunity to talk to Commissioner Schroeder

yesterday about that. You mentioned the catalytic converter thefts, and obviously the Legislature had passed some legislation a few years ago regarding tracking to try to really cut down on that secondary market. So from the I guess law enforcement side of it, how is that going with working with the DMV and trying to curtail the market for those types of parts?

ACTING STATE POLICE SUPT. CHIUMENTO: We haven't seen as many of them, of the larcenies. We still have them, though.

ASSEMBLYMAN RA: Thank you.

On the correction side of things, you know, one of the things that I certainly hear a lot from -- I'm down on Long Island, so I don't have quite as much interaction, at least on a constituency level, with a lot of the state prisons. But I know it's a problem there as well with regard to sexual assault, both, you know, between inmates and on correction officers. And there's been some efforts for a piece of legislation to increase the penalties for that crime and to

better protect our correction officers.

Do you have any data within the department as to, you know, what that problem looks like over the last four or five years?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, we could certainly share some data.

I would say in the last year we did see two attempts on sexual assaults of staff, one in Altona, where an incarcerated person came behind a staff person, covered their mouth and tried to take them to the floor. Luckily other incarcerated individuals as well as staff responded, and that was averted. And there was a second instance.

I think what I'm seeing more of and hearing from my workforce, as we recruit more women into the ranks in what's predominantly been a male-dominated environment, some of the incarcerated are -- sexual harassment more verbally than actual physical.

And again, no one should have to come to work under those circumstances. So anything that we can do to increase penalties to protect our staff, I would absolutely be

supportive of.

ASSEMBLYMAN RA: And then in terms of when those type of incidents happen, reporting to local law enforcement, follow-through, prosecution, how is that --

ACTING DOCCS COMMR. MARTUSCELLO: We have a good relationship with the district attorneys across the state. When it comes to incarcerated prosecutions, we have a campaign where we're educating them, because under Correction Law we can actually reimburse them. So if it comes down to a dollar-and-cents thing, it doesn't have to come out of their budgets.

And we also want to, you know, express to them that's a deterrent. So even if somebody's serving 25 years to life, we still want to prosecute that individual because it sends a message to them as well as the rest of the population that that behavior is not going to be condoned. And it really supports our staff.

ASSEMBLYMAN RA: Thank you.

ACTING DOCCS COMMR. MARTUSCELLO:

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Myrie.

SENATOR MYRIE: Thank you, Madam Chair.

And I want to echo the sentiments of Chair Salazar and Chair Bailey with Acting Commissioner Martuscello. Appreciate the open line of communication, and looking forward to that continuing.

This question is for Commissioner Rosado. You mentioned both in your written testimony and your oral testimony about programming. You mentioned specifically after-school programming as one of the tools that you guys are using to bring down violence and gun crimes. And you mentioned that the focus should be on preventive measures.

Our hope and my hope, certainly, is that on the after-school programming front that we can expand that, and expand it substantially, because it has proven to be a tool to bring down crime.

So I'm hoping that you can speak to what the department's experience has been with this and speak to whether this is a worthy endeavor for us to be expanding these types of opportunities for our young people who we know, from the times of 2 to 6 p.m., are most at risk for being justice-involved.

DCJS COMMISSIONER ROSADO: Yes. Well, thank you for the opportunity to answer that. Although it's not fully in my purview, you know, we have the Office of Youth Justice. We also have the Youth Justice Institute. And we staff the J-JAG. And so we do have kind of a pulse on the youth.

I want to say that I join you in my concern. Our youth are in crisis, and this is what we found when we went out to these communities, that, you know, you could blame the pandemic, you could blame just being 15 years old, you could -- there are a lot of reasons.

But we also found, in communities like in Utica, you know, I met with all the law enforcement folks and they were complaining

about the kids. And then in the afternoon we met with the community folks, and they said, Well, you know, we used to have after-school programs, but, you know, this mayor discontinued those programs and so here we are.

And I was actually surprised. We heard this in Albany, Syracuse, across the state -- Nassau County, where you had such a rich infrastructure in the past of this keeping kids, you know, busy after school.

And so in Buffalo there are four high schools that get out at the same time, and so like the downtown is overcome with all these kids. But when we get right down to it, they're just 15-year-olds who just got out of school, and they're boisterous and they're playing music. And sometimes -- the police chief says sometimes they just run the cruisers and turn on the sirens.

And so what we heard from our SNUG team is, you know, kids want to be heard and they want to be seen, and we seem as a society not to want to hear or see them. And

so I think that's part of the crisis. And so I welcome any partners in that work.

This year, I want to say, in '24 we really have a chance beyond the crisis we were in to deal with this. In fact, I said to the police chief -- there was one in Binghamton, the police chief said, I just arrested a 9-year-old with a gun. And I said, Chief, when you arrest a 9-year-old with a gun, there are like 10 adults that should be -- that you should be investigating. That something went wrong along the way.

And so I feel -- I believe that to my core. And so my staff, you know, at DCJS, we're really looking at youth well-being as a kind of general topic and how we bring other folks in other agencies to the table on that.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Palmesano.

ASSEMBLYMAN PALMESANO: Yes, my question is for Commissioner Martuscello, on

corrections.

As we know, I believe since 2011, approximately 29 correctional facilities have been closed down. We know the damaging effects it has on employees, families and the community. Now the Governor wants to close five additional facilities with only 90 days notice. The law would require --

ASSEMBLYMAN DINOWITZ: Move the mic closer. Move the microphone closer to you, please.

ASSEMBLYMAN PALMESANO: Okay. So the law requires 90 days -- one year and one 90 days. I really believe this is an insult to the brave men and women who work a dangerous job to keep us safe. You know, 90 days to uproot your family, find new schools, find a new home. That's not enough. I know -- I knew employees who worked at Livingston, then Gowanda, then Southport.

I mean, these are people with families and lives, and we should be respecting that. One year is bad enough, but 90 days is an insult. This Legislature has the opportunity

to reject that. And I think we should reject that.

I firmly believe also, Commissioner, that the prison closures that we've had, coupled with not providing tools and resources but probably more so taking away important tools and resources, like the ability to segregate the most dangerous and violent inmates in our facilities, has created a powder-keg environment inside our correctional facilities.

Now we're looking to jam even more violent offenders into fewer facilities, including our medium facilities, which have seen a tripling of assaults since the implementation of HALT. And as you said, the prison population has decreased from 56,000 to 32,000 -- but over that time, assaults on staff have increased 197 percent; assaults on inmates have increased 217 percent, with no answers or studies of why this is happening.

But then to make matters worse, my colleagues and the Executive decided to pass what I believe is the most damaging piece of

legislation that I've seen in this body, the HALT Act. And since that time -- and I know you gave statistics from a year ago. Over that two-year period, inmate-on-staff assaults have increased 42 percent, an increase of 500 assaults on our corrections officers and staff to 1600. And maybe for my colleagues on the -- inmate-on-inmate has increased 90 percent, over a thousand in the past two years.

Commissioner, we have a powder-keg environment inside our correction facilities, a violence crisis and also a staffing crisis. I've talked to numerous COs around the state, in my district and nearby. The morale is down. Mandated overtime. Uncertainty around prison closures. HALT. Violence. They don't feel like we have their backs. They're resigning, they're retiring, they're quitting the academy.

So my question, then, you did say safety is paramount to you and the department, and I believe you. I want to know what are you -- what is the department

and the Governor specifically doing to ensure the protection of our staff and even inmates working inside these facilities from these violent assaults? Isn't it time that we should -- wouldn't you agree that we have to reassess HALT and I would say repeal HALT, allow for the segregation of the most violent inmates inside our correctional facilities, invest more resources for more staff, give them better pay, give them better benefits, give them more tools, allow for the use of body scanners and drug dogs -- not just at some facilities, but every facility around the state, because we know that keeps the drugs out and the contraband out in the facilities as well.

What are we going to do from that perspective to help address that issue, Commissioner?

ACTING DOCCS COMMR. MARTUSCELLO: Yes, so you said a lot there, Assemblymember, and I appreciate your question and your comments. I'll try to dissect it and hit on all your points.

In terms of the staff, look, I've talked with the staff myself. They are overworked, they're burned out, they're working doubles, they're giving up time with families, they're giving up their RDOs. Nineteen hundred. That keeps me awake at night. And knowing that that's the impact and they don't have that work/life balance is troubling to me.

And it's not an easy decision to close prisons. But because of the excess capacity, this will allow staff to have that balance and reduce our vacancy rate.

In terms of violence, you know, our demographics of our population have changed. Right now we are at 73 percent violent felony offenders. And if you look at past convictions, that number jumps to 82 percent. Now, it is a small number. You know, when I say small, probably about 2500 people are involved in violence within our institutions. And we have seen increases in violence. I'm not minimizing any of the assaults on staff or the assaults on incarcerated.

But when I look at it through the lens of a national organization, the American Correctional Association, they look at degree-of-injury-associated assaults: 97 percent of the injuries of staff are either no injury or minor injury. Again, I don't want to see any assaults. Same thing with incarcerated. Right?

So we have a Prison Violence Task Force. We've taken a lot of steps in drug interdiction, rolling out new programs on moderate aggression behavior, advanced aggression behavior. We're engaged with our research team about trying to use our data to do predictive analysis so our staff can intervene early before somebody engages in aggression against an incarcerated or against a staff person. And we're also talking to academia -- I am in a blackout period because of those discussions, but to study prison violence.

ASSEMBLYMAN PALMESANO: I'd love to talk to you more offline about some of those subjects.

ACTING DOCCS COMMR. MARTUSCELLO: Love to continue the conversation.

CHAIRWOMAN KRUEGER: Hello. Thank you very much. Our next is Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Chairwoman.

My first question, very briefly, is for the New York State Division of State Police. I'd just like a little bit more information on the five social media analysts that you mentioned, what their role and responsibilities are.

ACTING STATE POLICE SUPT. CHIUMENTO: So social media analysts are -- we use them for bias crime and school threats and threats to the communities.

So what they're doing is they scan social media and if they see something that somebody says "I'm going to go to the school tomorrow and take care of those people," they see something like that -- it's open source is what they're scanning. And once they see that, they let the agency know, or us, and we go look into it.

SENATOR GONZALEZ: Right. We'll definitely follow up for more information.

I think, you know, it's great to ensure that we are, you know, making our school systems safe, making people feel as safe as possible. But I think in the past we've heard some privacy concerns and also if it's surveilling social media, especially for -- we hear about young people a lot. It can be disproportionately targeted towards certain communities.

So curious just like what the distribution is. But we can definitely follow up and talk a little bit more about that.

My second question is for the DOCCS commissioner, who I see has been very popular today with questioning. So I'm also chair of Internet Technology, and a priority of mine is expanding personal data protection from government, corporate surveillance. And one thing that had been brought to my attention for the committee is a contract that DOCCS had entered into with Securus Technologies.

And so Securus Technologies is -- does, from what I understand, a large variety of things for our system, but one thing is recording. And according to the Times Union, in an article last year it stated that Securus records phone conversations between incarcerated individuals and their families, children -- but, most concerning, legal representatives, which sometimes then get passed along.

So I'm just curious, you know, are you aware of this? Does DOCCS store these recordings? And aside from the normal security practices, are you using them for any other purpose?

ACTING DOCCS COMMR. MARTUSCELLO: Yeah, thank you for your question.

So we do contract with Securus. We do record all phone calls. However, different than other systems -- and I think the Times Union article was talking mostly about New York City and the legal calls. We actually have a different process off of that platform. We run our legal calls through

legal phone booths, which are on the administrative network, and they are not recorded.

Now, obviously I can't control if an incarcerated individual adds their lawyer to their Phone Home program and they utilize the incarcerated Phone Home program. But that's not the intent. We set up legal calls off of that network because we don't want to record that.

SENATOR GONZALEZ: Got it.

ACTING DOCCS COMMR. MARTUSCELLO: We do have an overlay policy where we are listening --

SENATOR GONZALEZ: And -- sorry.

ACTING DOCCS COMMR. MARTUSCELLO: -- when we listen to -- go ahead.

SENATOR GONZALEZ: And briefly, they're also implementing new text technology like AI for the recordings between not legal representatives. I know those are digital prints, so we'd want to follow up with you to know if we're also using digital prints too.

CHAIRWOMAN KRUEGER: (Mic off;

inaudible.)

SENATOR GONZALEZ: Yeah, I heard you. Thank you.

ASSEMBLYMAN DINOWITZ: Assemblymember Walker.

ASSEMBLYWOMAN WALKER: Thank you.

So I'm -- I have a question as to the Governor's proposal under Article VII, the addition of 33 crimes ranging from misdemeanors to felonies. Can someone speak to me about the basis for this proposal? I didn't see it in anyone's testimony, and so I'm a little confused as to who'd be addressing this issue.

DCJS EX. DEP. COMMR. POPKIN: You're talking about the hate crimes proposal?

ASSEMBLYWOMAN WALKER: Yes.

DCJS EX. DEP. COMMISSIONER POPKIN: Yes, I think the Governor included an Article VII expanding penalties for 33 different types of penal offenses that would then be applicable for the hate crimes elevator if there were elements of bias indicated by that criminal behavior.

ASSEMBLYWOMAN WALKER: So were there any -- can you talk to me a little bit about the perhaps statistics that would support the addition of 33 new crimes?

DCJS EX. DEP. COMMR. POPKIN: I think the -- you know, as the commissioner talked about, the Governor has been engaging a lot of communities particularly in the last quarter of the year, when we've seen an increase. I believe NYPD statistics are that their hate crimes doubled from what they had seen in the three months prior.

We had seen, in the beginning of last year, a decrease in hate crimes. But we have seen over the last three or four months a significant increase in hate crimes reported. And that's under the current definition.

But I know that there are reports coming from, you know, the press and other media outlets about additional types of criminal behaviors that are -- that have a bias motivation behind them.

ASSEMBLYWOMAN WALKER: Well, I'm always cautious about the media sort of

informing criminal justice, you know, across the State of New York. But I'd love to continue to have that conversation with you.

And also I'd like to know about the technological infrastructure with respect to discovery or compliance with discovery requests, et cetera, for our indigent legal services organizations and other legal services groups -- Legal Aid, et cetera.

DCJS EX. DEP. COMMR. POPKIN: Yes. So I believe, as ILS testified, DCJS's budget has been expanded to include a tremendous amount of support, over $200 million for discovery implementation. So last year we did $50 million in capital funding for New York City to be able to have a data-sharing and centralized case management system. We've long supported NYPTI's DEMS system -- Digital Evidence Management System -- which serves all the other counties throughout the state. We also fund the defenders' discovery management system as well.

So really DCJS is trying to fund

solutions that tie together technology and information so that both prosecutors and defenders are able to certify readiness under the discovery obligations.

ASSEMBLYWOMAN WALKER: Awesome. And is the NYPD also included in these resources?

DCJS EX. DEP. COMMR. POPKIN: Yes. We allocated last year $1 million, $950,000 to be exact, to the NYPD to do an API, an automated push for information to those systems we talked about.

ASSEMBLYWOMAN WALKER: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Palumbo, five minutes.

SENATOR PALUMBO: Thank you, Madam Chair.

I just want to follow up on Senator Murray's question regarding the processing of DATs and fingerprinting.

So it's my understanding that -- I guess based on some testimony last year that the -- an arrest, quote, for the purposes of DCJS recording was based upon a fingerprintable offense. Is that accurate?

DCJS COMMISSIONER ROSADO: Not DCJS. But local law enforcement, yes.

DCJS EX. DEP. COMMR. POPKIN: Yes. DCJS tracks the -- once the fingerprint is taken. But we know that the DATs in New York City, 99 percent of the DATs are fingerprinted the same day. Outside of New York City, over 90 percent are done within five days.

SENATOR PALUMBO: Got it. Okay. So on those where they're -- as the example is given by Senator Murray, where they're aggregates, of course. On the NYSIIS it ultimately reads that those, because they're separate offenses on separate dates, do they read as -- they read as separate arrests. Like when you look at the face sheet, it indicates how many arrests, how many warrants, how many convictions, right? Does that -- does it account for them separately in that circumstance?

DCJS EX. DEP. COMMR. POPKIN: In a rap sheet or a criminal history, you would see all of the instances of the arrest, correct.

SENATOR PALUMBO: As separate.

DCJS EX. DEP. COMMR. POPKIN: As separate, yes.

SENATOR PALUMBO: Okay, great. Thank you.

So -- and my questions are going to -- we only have a little bit of time -- are going to ultimately circle around a lot of these statistics that we talk about. Because that becomes, you know, the political football, where we're saying that crime anecdotally is down, or you can say broad strokes, well, shootings are down but larcenies are up an outrageous number year to year. And if you go pre-pandemic to today, these numbers are pretty staggering.

And the hate crimes, I saw this in a letter from the Manhattan district attorney's office -- my alma mater many moons ago; I was there for 14 months -- that the hate crime is just soaring right now. And that citywide, crimes -- reported hate crimes from 2015 to 2022 doubled. And then in October '23 they more than doubled compared to a year before,

October 2022. And I guess that -- and I'm assuming for sure that's why a lot of this was addressed in the Governor's budget.

And again, as far as those numbers are concerned, do you have any comments on -- any other suggestions that we might consider as a legislature, as far as from any of the agencies, of course all the law enforcement -- do you have any comments on how you think we could rectify that? Maybe aggregating?

And just one more comment -- maybe you comment generally on both of these, because I'm always -- I'm getting low on time -- as far as retail theft.

Because I'm just thinking maybe aggregating the amounts, the difference between -- for example, with narcotics, if you have multiple sales on multiple dates of a controlled substance, on the state level you can't aggregate the weight but on the federal level you usually can. So if it's multiple small drug deals, you can aggregate it to increase the penalty.

Anything like that have you -- would you consider? Do you have any comments in that regard? I'd really like to hear your input.

ACTING STATE POLICE SUPT. CHIUMENTO: Anything that helps us -- you know, we enforce the laws. If the body comes up with something that helps, we definitely would look at that.

SENATOR PALUMBO: Understood. And I think, you know, obviously larceny has been an issue since the dawn of man and -- and woman. But obviously we now have these organized groups which are clearly -- and I guess the smash-and-grab task force that's being created will certainly address that more comprehensively. But, you know, people steal for a number of reasons, whatever -- you know, drug issues. A lot of them are personal issues to themselves -- poverty, whatever it may be. But when you're, you know, putting masks on, smashing into Louis Vuitton and cleaning all the shelves, that's for economic gain. That's not your

typical larceny.

So those are the things that I think we should address. And I think I'm just more -- it's more of a comment than anything, that we need to -- those are the crimes that we need to focus on. And we should really consider, if not aggregating the penalty as we increase in value -- you can add that value and get you further up the line on the larceny scale -- or ultimately, although there may not be injury, treat it almost like a robbery in that circumstance.

DCJS COMMISSIONER ROSADO: Yes. And the money coming --

SENATOR PALUMBO: I don't know if you have any further comments. We have 30 seconds.

DCJS COMMISSIONER ROSADO: The money coming to DCJS is precisely to look at that, the data, you know, on a region-by-region and to separate what is, you know, poverty and addiction from what is this organized attempt to kind of destabilize a community.

SENATOR PALUMBO: Thank you,

Commissioner. Thank you all.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember Bores.

ASSEMBLYMAN BORES: Thank you.

My first question is for the State Police. Last year there was a one-time allocation for a forensics lab, $100 million, which is not in the budget this year. It's great when one-time allocations are actually one-time allocations.

Could you just give an update on the lab? Is that already built? Is that working? Does it need future funding?

ACTING STATE POLICE SUPT. CHIUMENTO: So we've purchased the building, and now it has to be retrofitted. And that's only for a satellite lab. That's not for the -- to replace the Forensic Investigation Center. That's just to make room for the other things that are going into the Forensic Investigation Center. We're going to take units out of there and put them in the

satellite lab.

ASSEMBLYMAN BORES: So should we expect future requests in order to finish that? Or is that --

ACTING STATE POLICE SUPT. CHIUMENTO: I can't tell you that. I can tell you it takes two to three years to build that out. I think we're in a good area for the amount. But, you know, costs change.

ASSEMBLYMAN BORES: Okay. Well, we'll look forward to more on that coming online.

And then for Corrections. I apologize, I think this will be a frustrating question. But since 2011-2012 -- and I'm just choosing that date because that was what the correction officers in PBA started their chart on, and I'm rounding here -- the prison population has gone down 40 percent or so, funding has gone up 15 percent or so. Yes, less than inflation, but in raw dollars. Assaults on staff have gone up 220 percent or so. Assaults on inmates have gone up 220 percent or so.

Obviously you've only been in the top

job for half a year, but you've been with the department for quite some time. So first of all, are those numbers roughly correct? I mean, I'm rounding, but is that roughly in line with what you report?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, I mean -- the numbers all look -- we're year to year, but it doesn't sound like they're off. I mean, violence is definitely up amongst -- assaults on staff and incarcerated on incarcerated assaults. And we have decreased prisons over that time.

ASSEMBLYMAN BORES: Totally.

ACTING DOCCS COMMR. MARTUSCELLO: So in terms of funding --

ASSEMBLYMAN BORES: I guess the broader question, then, is, you know, what can you say to give us confidence that we're going to be turning the department around? I mean, those are pretty damning numbers for a decade. And we'd really just love to see the improvement there.

So the floor is yours in why should we have confidence in it.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, I mean, listen, you know, we're bringing all stakeholders to the table -- the prison violence task force and superintendents from across the state as well as union representatives, line staff. We're listening to the line staff.

As I mentioned earlier, we've also introduced new programs. Programs don't change behavior overnight. Staff have to do a good job in making people believe that they can see transformation in themselves. It's probably one of the hardest jobs we have, is changing the hearts and minds of people. Looking at predictive analysis through my research team so we can identify where somebody may be going down a bad path or may have a trigger. And early intervention I think will be key in leveraging that moving forward.

ASSEMBLYMAN BORES: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Tom O'Mara.

SENATOR O'MARA: Good afternoon.

A couple of questions for the State Police relative to the ammunition background checks.

What's taking place to increase the efficiency of that? My office is still getting a lot of complaints about delays in that. And representing a district that's along the Pennsylvania border, there's a lot of people going across the border to buy their ammunition there because they don't have the wait lags that they have in New York. And that's impacting the gun shops across the Southern Tier and in the Finger Lakes.

And second to that is I have a significant Amish and Mennonite community in the Finger Lakes, and more so the Amish community inability to get photographic identifications for a religious basis. How -- is there anything underway to be able to allow them to get through the ammunition background check without a photo identification?

ACTING STATE POLICE SUPT. CHIUMENTO:

So I'll take your second one first. I wasn't aware of that, but we'll look into that about --

SENATOR O'MARA: We've called the department several times on it.

ACTING STATE POLICE SUPT. CHIUMENTO: I don't have anything on that.

The first question then. The delays are less than 1 percent, of the people that are getting delayed. Out of 277,000 tests as of today, there's less than 300 people that are still on a delay status. And there's a lot of reasons for that.

There were also delays with the federal background check when it came to guns. Obviously there was no ammunition checks, but now we do the ammunition checks, so you would expect ammunition delays just like you would with the guns.

SENATOR O'MARA: Is there anything underway to get a better system with regards to the semiautomatic rifle purchases? It's kind of been left up to the counties to figure out what kind of permit process

they're going to have. And most of the counties I'm hearing of are just saying, Well, you've got to go through the whole pistol permit process.

Do you have anything going on to have a differentiation there for counties to be able to -- because it doesn't -- they don't need to go through that whole process of a handgun license to get the semiautomatic rifle, is my understanding.

ACTING STATE POLICE SUPT. CHIUMENTO: Well, you're asking -- talking about the semiautomatic rifle amendment, like the license can get amended to your pistol permit? Is that what you're asking? Is that what you're saying?

SENATOR O'MARA: Excuse me?

ACTING STATE POLICE SUPT. CHIUMENTO: The semiautomatic rifle license, like for a -- like a 10/22, gets amended to your pistol permit.

SENATOR O'MARA: No. If you don't have a pistol permit and you want to go in and buy that semiautomatic .22. The counties

aren't coming up with a process that's separate and distinct from --

(Overtalk.)

ACTING STATE POLICE SUPT. CHIUMENTO: No, they're doing the same process now with the pistol permits.

SENATOR O'MARA: Hmm?

ACTING STATE POLICE SUPT. CHIUMENTO: They're doing the same process they do with the pistol permit now, is that -- I'm asking, is that what they're saying to you?

SENATOR O'MARA: That's what I'm hearing from, from -- yeah, from my county clerks and from purchasers, somebody that wants to purchase a semiautomatic rifle, doesn't have a handgun permit, and they're being told by the counties that the only process they have is to go through the whole full --

ACTING STATE POLICE SUPT. CHIUMENTO: Yeah, that's up to the individual counties how they determine to do that.

SENATOR O'MARA: Okay. Well, that's a problem that we're looking at.

Okay, thank you.

For DOCCS. Commissioner Martuscello, good to see you. So you haven't identified the prisons that are going to be closed. You have identified an amount of savings that the state is going to have from closing these prisons.

Have you identified what types of prisons are going to make up these closures? And why do we need a 90-day quicker approval process if you haven't even identified what you want to close yet.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, we have not identified the prisons nor the types of prisons. We'll undergo that analysis.

In terms of the 90 days, as I previously testified, we are really at a critical shortage of staff. We need to provide staff relief. You know in your district our staff are working doubles, they're working on their regular days off, giving up sometimes both days off.

We need to make sure that we --

SENATOR O'MARA: So are we closing prisons because of the staffing issues? Or are we closing prisons because of the drop in inmate population?

DOCCS ACTING CMMR. MARTUSCELLO: The benefit of having a drop in the incarcerated population allows us to safely close prisons and deal with the staffing crisis.

SENATOR O'MARA: Well, what's driving it here? The inmate population or the lack of staff?

ACTING DOCCS COMMR. MARTUSCELLO: Well, the lack of staff is of critical concern to me. And where a benefit of decreasing crime over years and having a decreased population, that will allow us to do so.

SENATOR O'MARA: Okay. I have three seconds, I'm out of time. I'm not even going to try it. Thank you.

(Laughter.)

ACTING DOCCS COMMR. MARTUSCELLO: Thank you, sir.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYMAN DINOWITZ: Assemblymember Burdick.

ASSEMBLYMAN BURDICK: Thank you.

This is for Acting Commissioner Martuscello. In the interests of time, I have some questions that I'll submit to the chair asking that they be submitted to you.

I first want to thank you for the work that you're doing and the emphasis that you're placing on education and reentry programs -- since we I think all recognize that they certainly reduce recidivism -- and for working so well with community-based organizations and providers.

I am concerned about the upstate facilities, which seem to have a paucity of these programs, reentry programs, and particularly in connection with what might be on the list for closures. And how that might affect the reentry programs in terms of either getting them established or expanding them.

And I have a couple of specific questions regarding facilities that are in my

own district. Will you be investing capital into Taconic and renovating the Stewart House at Bedford Hills?

DOCCS ACTING CMMR. MARTUSCELLO: Yes, I appreciate your question. Obviously, you know, when I took over as acting commissioner, one of the things I did was establish a provider advisory council to bring people in to provide services, to ensure that we can expand that throughout the state. So that's critically important to me.

In terms of the capital budget, every facility has a five-year capital plan, including Taconic and Bedford Hills. Right now we don't have specific dollars set aside for that because we have other infrastructure inside that directly provide services to incarcerated people inside of the institutions, as well as staff. So that's the primary focus.

But we've had many discussions over the last year on the Stewart House. I don't think it's off the table to further those discussions. I know there were some private

investors that may be interested. But the capital budget is really focused on the internal infrastructure of the institution.

ASSEMBLYMAN BURDICK: So Taconic has its own five-year capital budget too, right?

DOCCS ACTING CMMR. MARTUSCELLO: Every facility has a five-year capital --

ASSEMBLYMAN BURDICK: And -- and expanding the programs upstate, the reentry programs?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, absolutely. I mean, we're under contract negotiations. But like organizations like Rehabilitation Through the Arts and Osborne and things like that, they're really transformative in the work that they do --

ASSEMBLYMAN BURDICK: Just one quick one, then.

I understand that some of these programs are tied specifically to a facility. Is that going to cause a problem if you have a closure and it can't really be transferred over because you don't have the personnel to administer it?

ACTING DOCCS COMMR. MARTUSCELLO: We have flexibility in our contracts to relocate programs and work with our providers to do so. So at this point we don't know which facilities we'll be closing, but anything that we can move, we will be facilitating that movement to continue to provide services to the population and certainly to our staff.

ASSEMBLYMAN BURDICK: Great, thank you. And hope to get you to one of my advisory committee meetings.

DOCCS ACTING CMMR. MARTUSCELLO: Look forward to it. Thank you.

ASSEMBLYMAN BURDICK: Thanks so much.

CHAIRWOMAN KRUEGER: Thank you very much. Senate next? Yes.

We have one last Senator, Senator Salazar, three-minute second round as a chair.

SENATOR SALAZAR: Thank you, Chair.

Mr. Martuscello, I'm back with more RRU-related questions.

Do you recall the former Merle Cooper Program that existed at Clinton Correctional

Facility? It's been a little while, but it existed there for decades and concluded in 2013 -- or at least it stopped being offered there in 2013.

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, I certainly recall it. How much specificity I could speak to it -- I could certainly get you information. But glad to try to answer any questions.

SENATOR SALAZAR: Yeah, sure. I mention it because from everything that I've heard about the Merle Cooper Program, it was really successful for people who were deemed at high risk of recidivism. And it was praised by people who worked in the program, DOCCS staff, you know, incarcerated individuals who went through it.

Do you think that it would make sense -- and of course this would rely on resources, and that's why we're here, to talk about it. Do you think it would make sense for the department to operate RRUs in a way that emulates the Merle Cooper Program or a similar program instead of how RRUs are

currently operated?

DOCCS ACTING CMMR. MARTUSCELLO: Yeah, again, that's a hard question for me to answer without knowing specifics of the program. I wasn't involved in the decision to discontinue it. And at that time when it happened, I was just made the deputy commissioner for admin, so I was the HR director, certainly focused on workforce issues.

I'm glad to further discuss that and look into it. I mean, certainly I think from an RRU perspective, we focused on cognitive behavioral therapy with also overlaying the academic need of individuals dealing with impulse control, emotions, self-growth, self-awareness and things of that nature.

I've been in almost every RRU, and I have actually run into people in general population that have then said, Hey, weren't you at this facility? And they've commented, you know, positively.

The one thing I am exploring is piloting using our incarcerated program

assistants to do peer programming inside of RRU. You know, I think we have to be careful in doing it. But I think that that's something that I've heard from the population, I've heard from providers that they're interested in seeing.

And as we talk about staffing, you know, that could potentially alleviate, you know, and give a break to somebody having to work overtime to provide a module of programming.

So it's something that we're looking into. But how it compares to Merle Cooper I can't really speak to today.

SENATOR SALAZAR: Definitely. I think it's in the same spirit of offering therapeutic programming.

One last very quick question. Are there -- unrelated. Are there procedural challenges or restrictions that you face that inhibit your ability to discipline or terminate officers who engage in -- who are found to have engaged in abusive behavior?

ACTING DOCCS COMMR. MARTUSCELLO:

Yeah, I mean, we follow the contract in this regard. I mean, you know, if there's wrongdoing, I have no tolerance for that. We proffer charges and we go before an arbiter. That decision is binding, even though -- if I request for a higher penalty. But that's a current process.

SENATOR SALAZAR: Thank you.

ACTING DOCCS COMMR. MARTUSCELLO: I don't want to get yelled at.

(Laughter.)

CHAIRWOMAN KRUEGER: (Mic off; inaudible.) We have completed our assignment, all of you. Thank you very much. Appreciated your work, your time with us. If there are follow-up questions that you need to get back to us in writing, please do so. Don't infect all of the State Police, please; we need you out there.

And thank you very much.

(Discussion off the record.)

CHAIRWOMAN KRUEGER: No, the legislators have no breaks. But we're asking everyone on the panel to move out quickly so

that we can have our next panelists come in, which are the Division of Homeland Security and Emergency Services, Jackie Bray, commissioner, and the New York State Office of Information Technology Services, Dru Rai, CIO.

(Discussion off the record.)

CHAIRWOMAN KRUEGER: Okay, good afternoon. And we're going to have you testify in the order you show up on. So Jackie Bray, commissioner, Homeland Security and Emergency Services first. Ten minutes.

Thank you very much.

ASSEMBLYMAN DINOWITZ: Up to 10.

DHSES COMMISSIONER BRAY: I won't take 10 minutes, I promise.

Thank you. Good morning, Chair Krueger and Chair Dinowitz and distinguished members of the joint committee.

My name is Jackie Bray. I am the commissioner of Homeland Security and Emergency Services.

Since I was last here, we have responded to historic floods in the

Hudson Valley and New York City, multiple cyberattacks, life-threatening blizzard conditions in Western New York for the second year in a row. We've managed a water shortage in Watertown, of all places, and responded to a rise in online and offline threats to vulnerable communities.

In addition, my team has been leading the state's multi-agency effort to support New York City as they manage the humanitarian crisis created by the arrival of tens of thousands of migrants.

Regardless of the emergency, we at the Division are the coordinators, the trainers, the facilitators. We're the ones that help support local leaders and partners to keep communities safe.

Thanks to the leadership of Governor Hochul, the Executive Budget provides the resources we need to carry out our mission. Our total agency appropriation in the Exec Budget is $9 billion. As part of that appropriation, the Executive Budget includes $10.4 million to further strengthen

the State Office of Emergency Management. It will help us increase our office's regional presence, add to the volume and availability of planning, trainings, and tabletop exercises for local partners, and build out our analytic and geospatial capabilities.

It also includes $15 million to supply our local and county partners with additional emergency response equipment like high-flow pumps, generators, and temporary flood barriers.

Additionally, the Executive Budget includes $8.6 million to investigate and address the tragic rise in fatal fires, including those caused by lithium-ion batteries. These dollars will allow us to launch Fire Action Teams, which will focus on community risk reduction and community-based trainings to prevent deadly fires, increase our investigation capability for fatal and near-fatal fires, and fund a grant program for local governments for them to invest also in fire prevention efforts.

Further, I want to draw your attention

to the Governor's proposal to outlaw the sale of uncertified lithium-ion batteries and chargers in New York State. This builds off of both of our chairs' important work on the public safety hazard that's been created by uncertified and secondhand batteries. This legislative change, along with our ongoing efforts to teach the public about how to safely charge these devices, and to teach fire departments on how to manage the fires created by these devices, will be priorities for me and the agency this year.

We must also continue to confront the diverse security threats facing us today, most prominently the rise in domestic violent extremism, including and especially racially and ethnically motivated violent extremism -- most lethally, white supremacy. We've seen, as part of that same rise, a truly horrifying increase in antisemitism, which has accelerated this fall and winter, along with a disturbing and connected rise in anti-Palestinian and anti-Arab hate.

In the immediate aftermath of May

2022's racist mass shooting in Buffalo, the Governor signed Executive Order 18. This created the Domestic Terrorism Prevention Unit within DHSES. It also required each county and New York City to develop domestic terrorism prevention plans.

The unit, since being created, has focused on three fronts. First, they've focused on the prevention of targeted violence of all kinds. Second, they've focused on understanding the threat of organized domestic extremist groups in New York State. And finally, they are focused on reducing the spread of mis-, dis-, and malinformation.

Since launching this effort, all counties have expressed their intent to create a threat assessment and management team. That's a key tool we're deploying to increase the prevention of targeted violence. Thirty-six of the 57 counties outside of New York City have already established the teams. When we launched this work, we had three county-based teams in New York State.

In 2024, we're expanding this work to colleges and universities.

Cyberattacks are also on the rise. I'm proud to say, with your support, we've rolled out best-in-class end-point protection to nearly every county, plus five cities this year. And this year -- that was last year. This year we're going to roll out this service to the two largest municipalities in every county.

Finally, I want to draw your attention to a part of our work that often gets overlooked. DHSES's Office of Disaster Recovery is responsible for administering all FEMA disaster funds. This year that also means administering the at least $14 billion worth of COVID-19 reimbursement that our hospitals, schools, cities, counties and agencies have begun to and will continue to receive.

I'm proud of the work that we do to keep New Yorkers safe. I appreciate the opportunity to appear before you. I am glad to answer any questions you have, both on our

division and on the state's response to the influx of migrants into New York City.

Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Next, good afternoon. You have to press hard, yes.

OITS CIO RAI: Thank you, Chairs Krueger and Dinowitz and honorable members of the Legislature, for the invitation. I am Dru Rai, New York's chief information officer and director of the state's Office of Information Technology Services.

Governor Hochul appointed me as CIO in October, and I'm humbled and honored to serve alongside you.

As the state's IT service provider, ITS supports nearly 5,000 mission-critical applications for 53 state agencies, and manages 37,000 mobile phones and more than 100,000 workstations for state employees.

Meanwhile, IT is at the nexus of many of the most important challenges now facing New York State. Our agency is tasked with

protecting the state's systems for cyberattacks -- and make no mistake, the threats grow every day. The FBI estimates more than 25,000 New Yorkers fell victim to cyber crimes, totaling $770 million last year, and cyber threat actors who have made New York a target are better-resourced and more organized than ever before.

The good news is we have recently created a number of distinct advantages for our state. We now have New York's first-ever comprehensive cybersecurity strategy in place and are implementing it with our state and local partners.

While we continue to need additional resources, Governor Hochul has advanced cyber funding that reflects the risks we face and the opportunities we must seize. I thank this Legislature for supporting critical funding in last year's budget and for recognizing that cyber resilience must continue to be a top state priority.

Many of you know about the Joint Security Operation Center, or JSOC,

established in 2022, a collaboration model for cyberintelligence gathering and dissemination. We are now working with New York City, the Big 5 upstate cities of Albany, Buffalo, Rochester, Syracuse and Yonkers and nearly every non-New York City county. JSOC is a true New York success story, and we continue to grow its capability every day.

Under this model, the state has provided endpoint detection technology to local governments to bolster their security, and we continue to enhance our own defenses in a number of ways -- strengthening our overall policies, enhancing password requirements, and putting multifactor authentication in front of our public-facing programs and applications. In addition, we are building statewide privacy and data programs to better protect our citizens and build public trust.

Meanwhile, our ITS team is working closely with the state's first-ever chief customer experience officer to get agencies

thinking in a new and different way -- from the customer's perspective.

As Governor Hochul has said, it shouldn't be difficult, frustrating or painful to interact with a government agency. Thanks to many of the initiatives already underway, we are improving the user experience and strengthening the bond between this government and the New Yorkers we all serve.

Following the pandemic, ITS has accelerated the digitization of state services and continues to assist a number of agencies with major modernization projects, including DOL, DMV, Tax, and others. To reduce fraud and ensure more seamless interactions with government, we have completed the initial stages of an initiative known as One ID, whose end state will result in a single login that can be used to access programs, services and benefits across all state agencies.

We are working to support the next phase of what the state is already doing with

AI so that New York, with a strong tech and start-up ecosystem, is at the forefront of this evolving technology. At the Governor's direction, ITS recently produced the first-ever comprehensive AI policy, which will serve as a roadmap to help state agencies move forward in a responsible, ethical and transparent way.

And finally, we will be seeking your support to grow our IT workforce with resources proposed as part of the Governor's budget. These new resources are a strong first step toward helping us right-size New York IT, boosting our ranks to meet the state's rapidly growing digital needs.

It will cement New York as a national leader in delivering first-class IT products and services made in New York. It will more fully secure the state network against global cyberthreats. It will help create a more seamless customer experience for New Yorkers who rely on state services and benefits. And it will populate our ITS workforce with state employees who live, work and have a stake in

New York, thereby saving taxpayer dollars.

New York can go higher and achieve more if we grow New York IT, and we look forward to working with you to make it happen. By partnering together, I have no doubt we can deliver innovative technology solutions that work for state agencies and all New Yorkers.

Technology is changing at such a rapid pace that at times it's almost too difficult to comprehend. However, it is our responsibility to leverage those changes for good, so we can smartly and confidently reimagine what is possible for New York. Thank you, and I'm happy to answer your questions.

CHAIRWOMAN KRUEGER: Thank you very much.

We're going to start with the ranker, Senator Stec.

SENATOR STEC: (Adjusting mic.) There we go. Technology.

(Laughter.)

SENATOR STEC: Thank you, Madam Chair.

Good afternoon. Thank you both for being here.

Commissioner Bray, I'm not sure if you recall last year, but I know that we corresponded a little bit, so you probably have an idea where I'm going.

DHSES COMMISSIONER BRAY: Yeah, I do. Yup.

SENATOR STEC: I'm proud of the work that you have done trying to make our state safer. We've got a lot of people in the room here today that contribute to that mission in many, many ways.

And I think the -- something came up in last year's conversation that triggered me -- triggered might be a strong word -- caught my attention and I wanted to pursue. And the point that I tried to make last year and that I've been working on a lot this year since then, is that we can have the best first responders in the world, which I think we do: The most trained, the best-equipped -- which, you know, depending on who you talk to, there's always room for improvement,

resources allowing. You could have the best radio equipment, and that's what triggered the discussion last year, is you were talking about, you were asked about and talking about those improvements.

But none of that matters if the initiating event in an emergency, which is that outreach to 911, can't happen. And so the discussion we are talking about then is cellular service. And, you know, there's some geographical issues within the Adirondack Park, much of which I represent, that are not relevant to the rest of the state. And I understand that it's an issue everywhere, even in urban areas, just, you know, the demand -- the pipeline is only so big.

So I recognize that. And I also recognize that we're still, you know, a market-driven capitalist society and these cellular companies are privately owned and they have a fiduciary responsibility to look out for their bottom line.

But I pointed out at the time that I

saw an opportunity for a public-private partnership in cellular similar to what we did with broadband. But since then, I wanted to share with you and my colleagues -- because I've been trying to ask the second floor, I had heard that there was going to be mention of it perhaps in the State of the State and perhaps in the budget, and I don't see anything in the budget that provides for any work in cellular service.

But in the Adirondacks, I did a survey in my district: 99 percent of people own a cellphone; I don't think anyone's shocked by that. What surprised me, even in the Adirondacks, is 67 percent of the people that responded to my survey said that they only own a cellphone, that they do not have a landline. I think the older you get -- my mom and dad, they still have their landline. You know, I think they're going to be the last to give that up.

But furthermore, cellular companies, the telecommunications companies, they are not investing in landline technology. So the

consumer doesn't want it, and they're not getting invested in it.

Then I -- I represent six counties. So, I mean, everyone's got their little slice of local government. I represent a lot of local government. I have six sheriffs, I have six 911 centers. So I got a nice little sample. And I've talked to them, and they all say 70, 75, 80 percent of their 911 calls come in on a mobile number.

You know, my point is this is a public safety imperative. It's important economically; of course it's important conveniently. I mean, Lord knows how we used to do it back in the days when everything was tied to the cord in the kitchen telephone. And now, you know, on the fly everyone's changing plans -- which is great, we're very efficient, we never get time off because we're so efficient. But it's a 911 imperative.

And is -- is this on your radar?

DHSES COMMISSIONER BRAY: Yeah.

SENATOR STEC: Is there anything in

the budget that's going to have it? Where are we going -- you know, in 90 seconds, can you assure me that not just my district, but the whole state -- and I know -- I imagine it's true in the rest of the country as well. But the problem's not going to go away. Just because everyone's got the problem, you know, doesn't mean that we shouldn't jump on it. Everyone's using this to make a 911 call. I've had -- we've had fatalities in the Adirondacks for lack of cell service.

Thank you.

DHSES COMMISSIONER BRAY: I agree, cell service in the Adirondacks is a public safety issue, full stop.

In this budget there are two things. There's, one, an additional $10 million on top of last year's 20 million to move us towards Next Gen 911. That will pull 911 into fiber and out of copper -- believe it or not, it's still there -- and help us have a far more interconnected 911 system across the state.

And then there's an additional

85 million of capital in this budget also to the address the transition to Next Gen, but really specifically for our counties.

So there are big investments in 911 in this budget. I think they're needed. And you and I agree that 911 in the Adirondacks is a public safety issue.

SENATOR STEC: And again, everywhere, not just -- I don't want to --

DHSES COMMISSIONER BRAY: Everywhere, but we have a particular challenge, obviously.

SENATOR STEC: Whatever you can do -- you know, I just want to make sure that this issue gets the attention it's due, because it is a public safety issue.

And I was surprised with the numbers, that 67 percent said they only have a cellphone. And when my sheriffs are saying -- when I asked them, Hey, how many of your -- what percent of your 911 calls are --

DHSES COMMISSIONER BRAY: Oh, yeah, the vast, vast majority.

SENATOR STEC: -- cellular, 75, 80,

percent. So the vast majority.

Thank you.

DHSES COMMISSIONER BRAY: Thank you.

SENATOR STEC: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYMAN DINOWITZ: Next is Chair Dilan.

(Off-the-record discussion.)

ASSEMBLYMAN DINOWITZ: Assemblymember Otis.

ASSEMBLYMAN OTIS: Thank you, Jeff.

And thank you, Commissioner, thank you, Chief. Great that you're here.

Reference was made to the very good report that was put out in August by the Governor, the cybersecurity strategy document. What was good about that document, it basically forecasted to have the goal, which is to provide more state resources to smaller governmental entities and also the private sector and beyond -- not-for-profits -- on cybersecurity protection, prevention, incident reporting.

So I'm curious from each of you to

what role -- what roles your particular agencies are playing in that rollout. And special concern, I think, to the Legislature are the smaller governmental entities -- the smaller municipalities and school districts are really in need of some technical expertise that they don't have affordable access to.

DHSES COMMISSIONER BRAY: Yeah. So three things.

One, we're covering, have covered all the counties. That rollout will be finished within the next couple of months. It will hit about 96,000 endpoints. We promised you 100,000, so we'll get there.

Two, this year we're going to cover the two largest municipalities in every county. Some of those will actually be quite small. By the time we finish that rollout, we'll cover -- 70 percent of New Yorkers will live in a location where both their local government and their county government are covered by state best-in-class endpoint protection.

Finally, there is a federal grant that we are administering this year. I don't know that we've actually announced this fully, but it is going to offer multifactor authentication at no cost to any local government, including any school board. And it's going to offer a particular level of cyber-certification and cyber-training to the IT staff -- again, any local government, including school boards.

ASSEMBLYMAN OTIS: That's great.

Chief, do you want to add anything to that or --

OITS CIO RAI: I think Commissioner Bray answered the question. We partner in this crime, so we definitely help with all the infrastructure, application, integration, development, while the commissioner and the team take the lead in the forefront working with the local governments.

ASSEMBLYMAN OTIS: That's great.

So now my next topic is one of the Governor's big initiatives in the State of the State and in the budget is Empire AI, and

the multifaceted ways that the state is going to get involved with AI.

So would be interested to know the role each of your agencies are going to play in that. And also I think there's a need for the Legislature to get more detail about what the Empire AI consortium is about.

And I think a special concern, but it was mentioned in testimony that you gave, is the Governor mentioned like responsible AI, ethical AI. And so I think those are probably some of the things that your agencies are providing some of the footprint to guide best practices and safe practices as we get into this Empire concept.

So the floor is yours.

OITS CIO RAI: I'll speak to we recently announced our AI policy, which really defines how AI should be used. So we'll be working with state agencies creating policies and taking a look at how technology should be used in an ethical and responsible way.

As far as the Empire initiative is

concerned, I think that's a great initiative from the Governor to really, on economic development, creating an AI economy and ecosystem in the state, which is emerging technology. And I think that policy will definitely be part of that.

We are still working with the Governor's office on the details of the plan, and we are ready to help in any shape or fashion.

DHSES COMMISSIONER BRAY: We're going to buy a really big and expensive computer. That's part of what we're going to do. Right?

So AI takes incredibly specialized hardware, not just software. And that hardware right now is in the hands of very few corporations. It's not yet in the hands of academia or in the hands of public-sector actors. And so what this is is really the first initiative of its kind to put that type of computing power with the capability to do AI, and therefore to spin off economic development and new apps related to AI into

the hands of the public sector. And it's a consortium across multiple academic institutions to do that, and a commitment to fund a really large portion of it from the state and then bring in private money to fund the rest.

ASSEMBLYMAN OTIS: And so do you see, for some of the technology side of that, using some of the private-sector companies to help partner with us in terms of the actual hardware and software or --

DHSES COMMISSIONER BRAY: Oh, yeah.

ASSEMBLYMAN OTIS: Yeah, okay.

DHSES COMMISSIONER BRAY: Yeah. I mean, we're going to -- you know, this type of machine's incredibly specialized. The last sort of -- you know, the only other public-sector entity that buys machines like this is the Department of Education in the fed. So we're going to have to ask for their advice and help and really get smart about how we buy this level of technology, which just isn't in the hands of public-sector actors right now.

ASSEMBLYMAN OTIS: That's great. That's great.

So another topic, maybe a briefer topic, is -- relates to, and this is maybe more for the chief -- how we are going about protecting the data privacy of individuals that deal with state agencies. And if you could briefly go through sort of the model that we have to make sure that when people engage with state agencies online that their personal data is protected.

OITS CIO RAI: Yeah, that's a great question.

Last year we hired a chief data privacy officer. And we take data privacy very seriously. We've started making plans. We have a policy, initial policy already rolled out. And that's the guidance which we'll provide to New Yorkers and all the agencies.

We are in the middle of operationalizing those policies, working with each agency, so more to come. But yeah, we are working very hard on that.

ASSEMBLYMAN OTIS: Very good. Thank you for that.

My last topic is probably a Commissioner Bray topic, which is -- relates to in the budget new money for flood resiliency and response grants, and additional money for emergency preparedness and response for local planning and kinds of metrics.

And so interested to know what the plan is on how those services are going to be rolled out to local governments. Certainly with all the natural disasters that we're experiencing, these are important tools and added help from the state. So what can you share about the game plan for rolling those out?

DHSES COMMISSIONER BRAY: There's a bunch of different pots in this budget, right? There are programs within DEC that I would encourage you to ask Commissioner Seggos about that are really about leveraging the Environmental Bond Act and leveraging some federal money to think about blue

buffers, think about reclaiming land, that type of stuff.

And then there's money to do climate resiliency plans really at a neighborhood level. You know, what neighborhood's going to see more rain, what neighborhood's going to see less rain, what do those neighborhoods therefore need now?

In our budget there's $15 million to provide generators, high-flow pumps, flood barrier -- you know, temporary flood barriers for the now, for the immediate. Because the long -- you know, resiliency planning is really good, we need a lot of that, but we're seeing historic rains, you know, every couple of months at this point.

So we're going to be purchasing that equipment this year and then distributing it based on need around the state.

ASSEMBLYMAN OTIS: That's great. And certainly I've been in contact with DEC on their part of this. Glad you're involved, since your folks are there when we have the emergencies, so might as well help prevent

them.

DHSES COMMISSIONER BRAY: Me too. I think that there's an acknowledgement in this budget that emergency managers are doing a different job than they were a decade ago because of extreme weather. Right? And that it's just -- there are no more blue sky days for many of us as emergency managers. And that's reflected in this budget with additional funding.

ASSEMBLYMAN OTIS: Thank you both for your written testimony, for your answers to my questions, and for your good work. We look forward to working with you.

I yield back, Mr. Chair.

CHAIRWOMAN KRUEGER: Thank you, Assembly.

Senator Gonzalez, our chair.

SENATOR GONZALEZ: Hi. Good afternoon. It's good to see you both again. And thank you, Chairwoman.

I really appreciate a lot of the comments that you've all said around the work that you're doing for cybersecurity, around

data privacy, around improving our state data centers and even creating, I think you mentioned, Chief, design systems. That's all really exciting.

But similar to the Assembly chair, I did want to focus in on not only how we're protecting our state's infrastructure, but how we're building it out. And of course as we build new things, with new tech comes new challenges. And in the last decade of course we've struggled with some of the technology and tools that we use that can help perpetuate things like algorithmic bias, when the state uses automated decision-making systems.

And so when we talk about implementing a new generation of tools, especially AI-powered tools, you know, we were especially concerned -- and that's why I at the end of last session introduced the LOADinG Act to also create standards for state usage of this technology.

And so we were excited to see that, as you mentioned, the Governor has also rolled

out an AI acceptable use policy, which ITS was a part of. So I'd love to get a little bit more insight into this policy to make sure that New Yorkers are getting the best possible experience.

So with that, just a few quick questions. You know, first, the policy states that systemic computational and human biases should be identified and remediated. So with, again, AI-powered tools. But if remediating bias has been a problem with automated decision-making systems in the past, how are we planning to do this? How are we planning to identify it and then address it moving forward with new rules?

OITS CIO RAI: That's a great question. I guess it's a more philosophical question. Even humans are biased themselves, so how can an AI they built be unbiased?

I think when we wrote our policy it's very clear that we need to be clear about biases, we need to be careful about the results of those algorithms. So the policy is very clear how to identify them, but what

we will see in the future is we have many use cases which we are working on, many agencies are. Some use cases are very mature; for example, a simple process automation, which people have been using it for years, the results are relatively straightforward. And then you have machine-learning-based AI, which is still imperfect.

So I think as we see those use cases, we'll work with agencies and we will probably experiment with them and find out what biases and how imperfect they are, and make them perfect as we go forward. And then scale them and apply on a larger scale. I think that's what's happening in the industry. And that's what's going to happen, I think, we working with other agencies.

SENATOR GONZALEZ: Yeah, I would definitely agree that these systems are currently imperfect. You mentioned machine learning, but of course, you know, as we look at generative AI, definitely would love to know specifically how you're working with those agencies, how you're identifying it,

and then what are the steps that, you know, we can ensure that we're taking as state government to New Yorkers that we're -- that those things are addressed, or those issues are addressed.

So just moving on to the next question, the policy also states that use of AI systems should be fair and equitable in accordance with applicable state and federal laws, rules and regulations. Of course, with new technology a lot of the definitions currently used on the federal level are up for debate. There's been a lot of tension. I can say, speaking as a state-level elected, we're also still building out a lot of our policies.

So again, you know, I'd love to know how you will be ensuring these systems are fair and equitable, how you're assessing that, and then, again, how you're --

OITS CIO RAI: Again, I think it depends on the use case, Senator, each use case. For example, MDL. The DMV is experimenting with, you know, like can we

create digital credentials. Each of those comes with a lot of benefit and a lot of risk. We can talk about chatbots. You know, there are accurate chatbots, there are not so accurate chatbots.

So I think it will be a use case by use case. And every time we have a use case, we will be working to perfect that. And it's very hard to predict which way it's going to go. From -- there's also a question of what if -- the New Yorkers who don't have access to digital technology, what happens to them?

So I think we need to be careful we don't go too far with AI, because it requires a certain amount of hardware and devices -- and folks who don't have, how do we help them? So I think it not only applies within the AI but also how do we help the people who are outside the digital divide, to help them?

SENATOR GONZALEZ: Yeah, I would certainly agree that we're still working to close the digital divide. And if we can allocate state resources there, that would be incredibly important to support especially

marginalized communities in New York State. And of course with new technologies, like you mentioned, not going too far too fast until we can ensure what we mean when we say fair and equitable or unbiased, I think would also be incredibly important.

Finally, with this policy it states that if compliance with this policy is not feasible or technically possible, or if deviation from this policy is necessary to support a business function, SEs must request an exception from ITS.

There's a concern that these exceptions to the policy could be with some of the, you know, more problematic AI use cases. So just to clarify, who in ITS will be determining what is feasible, technically possible, or necessary to support a business function? And then what is the process that you're building around those exceptions?

OITS CIO RAI: So the exceptions generally come in case of emergency or -- you know, we have a migrant crisis, we have other emergencies. Or we have to do, you know,

support an agency for a marketing or a PR campaign. Those will be the exceptions, you know, in my mind which comes that -- can you use an imperfect AI?

So I guess, again, we will be working with agencies and taking a look at the use case. And if we see the use case as safe, then we'll work with the agency to roll it out. If we find issues and problems, we'll definitely raise and we'll work towards -- to resolve those.

SENATOR GONZALEZ: I appreciate the answer.

Switching gears in the final minutes, you had also discussed Empire AI -- you know, a significant commitment from the state, $400 million. We also mentioned we have some other priorities like bridging the digital divide. But I am curious because I don't feel like I've heard enough about the actual specifics of the program that seems, based on what you said, that a lot of it's still being written, right? How this will be used, what exactly this funding will entail. And the

private sector could actually gain a lot from the proposal as it stands: New technology, more talent, new use cases, new opportunities to become a government vendor. But the benefits to the state and the people of the state are less clear.

So when Empire -- when Empire AI says that it's there to promote responsible research development, create jobs and unlock AI opportunities focused on public good, what are those public goods? What are the opportunities or benefits for New Yorkers that you all are envisioning?

DHSES COMMISSIONER BRAY: So, you know, I'm not our IT expert, but when I used to look at machines like this, they were about weather models, right? So really understanding that level of computational power and how we get better weather forecasts. Really understanding that level of computational power and how we eliminate, you know, abuse or waste within state spending. That type of stuff is stuff that our -- that the private sector isn't going to

invest in because they're public sector goods.

And I think it is a total 400 million, but a 250 million commitment from the government and then a commitment to bring in private funding to offset the total cost.

SENATOR GONZALEZ: Right. And appreciate the comments on investing in public goods and public infrastructure. That's something that both, you know, this committee but also just, you know, my office has been really committed to.

But I guess, along those lines, you know, the federal government recently created the National Artificial Intelligence Research Resource for $2.6 billion, which is a six-times investment. For example, if the intent is to create a new generative AI system, a public-sector competitor to ChatGPT, we need a network of universities that are much larger, which is why this is actually being addressed on the federal level. So I'm curious, again, just, you know, with the --

(Overtalk.)

DHSES COMMISSIONER BRAY: You know, Senator, I think with that --

SENATOR GONZALEZ: -- outcomes might be, yeah.

DHSES COMMISSIONER BRAY: You know, I think if you saw us put something forward that was just SUNY or just, you know, NYU -- we've got the major institutions in this state, and we have serious brain power across all of those institutions. And I think the point is to turn New York into a leader in this new field. And that in order to do that, we're going to need some of that hardware physically here.

SENATOR GONZALEZ: Right. Right. And I agree that New York should be a leader. But anytime that we're investing any amount of public dollars, we need to ensure what those public goods are going to be, and then of course hold ourselves accountable to actually achieving them. Which is why we would love to follow up after this to get more information on exactly what that is and

how this program is being implemented.

DHSES COMMISSIONER BRAY: Let's do that.

SENATOR GONZALEZ: Thank you.

ASSEMBLYMAN DINOWITZ: Assemblymember Bores.

ASSEMBLYMAN BORES: Commissioner Bray, great to see you.

DHSES COMMISSIONER BRAY: Good to see you.

ASSEMBLYMAN BORES: And CIO Rai, great to see you here for the first time. We usually don't bite, so you're in good hands here.

I want to thank both of you for your continued leadership in cybersecurity. New York State is really growing on that, and I appreciate the effort that both of you are putting in.

Commissioner Bray, last year in your testimony you talked about the threat of future pandemics.

DHSES COMMISSIONER BRAY: Yeah.

ASSEMBLYMAN BORES: I don't see that

mentioned in the testimony this year. Has there been a shift in budget or priorities or just a shift in what's in the testimony?

DHSES COMMISSIONER BRAY: Just a shift in what's in the testimony.

ASSEMBLYMAN BORES: Great.

CIO Rai, I love the mention of MFAs on public-facing websites. Not that I'm going to hold you to the exact number, but do you have a rough percentage of how that rollout is going, how many customer-facing websites are protected now?

OITS CIO RAI: I don't have an exact number. I have to get back to you on -- but we continue to roll out. It's really a program that every time we take a large project, and which is New York-facing, we put that as a basic requirement. And I will get back to you with the number.

ASSEMBLYMAN BORES: Wonderful. Yeah, I'd love to just know how that progress is going. It's a really great initiative.

Generally across government -- not speaking of New York -- most IT modernization

programs fail. They follow a waterfall process, they -- by the time they're done, they're out of date. There's a few modernization requests in this budget. You know, what are we doing to move more to a more iterative process and one that might guarantee more success and lower cost?

OITS CIO RAI: I think in some of the programs we are making changes. One of the key things which you are bringing is breaking the programs into pieces. We tend to make programs too large and make it monolithic. We built 40 years ago monolithic systems. We are replacing monolithic systems with another modern technology.

One of the things that we are trying to do is break the pieces into modules. That basically requires that you can do a parallel requirement, common design, a parallel development, parallel testing and parallel rollout. That paralleling reduces the time, risk and even the cost of the project. We are working on taking a look at every large program and apply agile methodology.

The second thing which we are doing is, you know, putting New Yorkers in the middle. I mean, each time we do the projects we need to put the user experience in the middle, so bringing the UI/UX from a consumer perspective. This -- that's also, you know, what the Governor -- I would commend her for --

ASSEMBLYMAN BORES: I think having the first CXO is a wonderful new initiative.

So I just want to say we're here to help, and anything you need in order to move New York in that transition, please reach out.

OITS CIO RAI: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next up is Senator Salazar.

SENATOR SALAZAR: Thank you, Chair.

Hello, Commissioner Bray.

DHSES COMMISSIONER BRAY: Hello.

SENATOR SALAZAR: Good to see you.

I wanted to follow up about -- with some questions on details on support for asylum-seekers or migrants. Of the newly

proposed assistance funding, are there any new initiatives or programs that you anticipate rolling out?

DHSES COMMISSIONER BRAY: I think that we're going to do much more in legal services and case management in this coming year with this money. So New York State, Governor Hochul, her leadership is what has funded legal services for this population. The Asylum Application Help Center is fully state-funded. That needs to ramp up. This budget would let us ramp that up and then grow case management in the actual shelters.

SENATOR SALAZAR: Excellent. And what could be done to ensure the continuation and improve coordination of services and assistance with the city, between the city and the state?

DHSES COMMISSIONER BRAY: Yeah, I think right now the coordination is actually quite strong, and it has been quite strong for a while.

We have to get our arms around data-sharing, which is always a real

challenge, particularly given the types of information in terms of immigration status. But we're working hard on that. We've got a data-sharing agreement in place now with the city on employment services, and we'll work on additional ones.

SENATOR SALAZAR: Excellent.

And what are -- are there major shortcomings that you could identify in services that are provided by the state or the city right now? What could we be doing better to serve the migrants or asylum-seekers who are arriving?

DHSES COMMISSIONER BRAY: So I think that the biggest challenge in terms of non-shelter services is that it -- because people are coming at such a fast rate and it's so hard to add shelter to keep up -- and New York City is doing a herculean effort there, but it is really hard -- that the time and attention for other services can get lost.

That's why the state has stepped in and been the one funding those services. And

I think this budget will allow us to do more on case management, more on legal services, more on employment services and more on resettlement, which is probably a place that needs more attention.

SENATOR SALAZAR: Thank you.

And to the best of your knowledge, how many migrants remain in the City of New York right now, and how many are currently residing outside of New York City and other parts of the state?

DHSES COMMISSIONER BRAY: Yeah. So from a shelter perspective, so there's about 67,000 migrants being sheltered in New York City, about 2,000 migrants being sheltered outside of New York City. About 170,000 migrants presented over the last two years in need of shelter. We don't know how many of that difference has left the state altogether or has settled in the state.

SENATOR SALAZAR: Got it. Great.

All right, I'm out of time. Thank you, Commissioner.

DHSES COMMISSIONER BRAY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Chair Dilan.

ASSEMBLYMAN DILAN: Thank you, Chair Dinowitz. And I'll be as brief as possible.

I have questions of Commissioner Bray. This question is around an event that happened last year but affects this current year's budget, and that was in and around the wildfires that happened in Canada.

To my knowledge, the Governor deployed Forest Rangers to help put out those fires, which is definitely within the state's interest because we felt the effects here in Albany and as far down as New York City, and it definitely affected air quality.

I want to know, for this event, how did it impact your budget, and if there were additional training and resources provided to Forest Rangers so that if this turns like California, you know, that they're prepared.

DHSES COMMISSIONER BRAY: Okay. So let me say, we don't have like climate risk

of that type of wildfires in New York State. And obviously what we saw in Canada was a historic set of wildfires. But even in Eastern Canada, we're not going to see what they're seeing in both Western -- you know, the Vancouver area or California in terms of climatological models.

That said, our wildfire firefighters, our Rangers, are in the DEC budget. And they have mutual aid agreements that allow them to go help fight fires, whether they're in Canada or Utah or California. And so, you know, I would ask Commissioner Seggos --

ASSEMBLYMAN DILAN: You're saying training was -- is the responsibility of DEC?

DHSES COMMISSIONER BRAY: So our DEC fire -- our Rangers are trained to fight wildfires. They fight the wildfires we have here in New York State. Every year we have a few.

ASSEMBLYMAN DILAN: But this was international, so is there --

DHSES COMMISSIONER BRAY: Right. And they have mutual aid agreements in place in

order to allow them to go fight those fires in Canada too.

ASSEMBLYMAN DILAN: Okay. And was there any impact on your budget?

DHSES COMMISSIONER BRAY: There was no impact on my budget for the air quality issues, yeah.

ASSEMBLYMAN DILAN: Okay. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator O'Mara, ranker, five minutes.

SENATOR O'MARA: Good afternoon.

Commissioner Bray, on the migrant issue, since I guess you're the designated hitter on that topic --

DHSES COMMISSIONER BRAY: Yes, sir.

SENATOR O'MARA: -- for this process, as I've been told.

Can you outline for us what New York State taxpayers have paid for already up to this point for the crisis going on, and outline what's proposed in this budget as far as taxpayer spending and on what specific, or general, areas?

DHSES COMMISSIONER BRAY: Yeah, of

course. So there's really -- in terms of what we've already spent and what is in this Executive Budget, there's really four buckets, is how I'm thinking of it.

There is a shelter bucket, it's the largest bucket. To date, we have advanced New York City about half a billion dollars in shelter money for the FY '24 enacted. And the FY '25 proposed has additional shelter money to offset New York City's shelter costs. And that's by far the largest amount.

There is money to fund and pay for health services, including the Medicaid coverage that the asylum-seekers receive in New York State -- additional vaccinations, additional health screening. And that's about 160 million in this year.

There is about 260 million this year to fund the National Guard. We have about 2,000 National Guard members deployed to New York City. They are the sole staff, at about 25 percent of the city's hotel -- migrant hotel shelters. And so there's a bucket in there to continue to fund the

National Guard mission.

And then, finally, there's money in the budget to fund the other types of services that Senator Salazar and I were speaking of -- case management, legal services, employment services.

You know, the Governor has said from day one here the answer to shrinking our shelter responsibilities is jobs and employment. In order to do that, we need the legal services to get folks work authorization and then the employment services to connect them to jobs.

SENATOR O'MARA: You had some progress with getting I think a group of Venezuelans in particular --

DHSES COMMISSIONER BRAY: Yes.

SENATOR O'MARA: -- work authorizations. What's been the success of placement into jobs of that group, how many?

DHSES COMMISSIONER BRAY: So we have, along with the city, gotten over 9,000 temporary protected-status applications filled out, and the corresponding work

authorization applications filled out. Thousands of that group have gotten jobs. I don't have that specific number because we have to call everyone back and say, Okay, you submitted it 45 days ago, did you get the card in the mail sort of thing.

But we have succeeded at getting well over 8500, almost 9,000 temporary protected-status applications filled out for Venezuelans and then a similar number of work authorizations.

SENATOR O'MARA: We've heard a lot of anecdotal stories, at least news reports of certain criminal activity either within the shelters or in the surrounding communities, and also seems to be an increasing number of complaints regarding panhandling or begging around these same areas. What is the state doing in regards to those issues, and specifically the quality of life around these shelters?

DHSES COMMISSIONER BRAY: Yeah. So a pretty significant portion of the shelter budget is security. And all of these

shelters are required to have security. They all have security on-site. I've visited many of them. I've seen that security. And so they all have security on-site.

There are a couple of shelters -- and we've spoken to the NYPD about it, we've spoken to the city about it -- that have a truly significant number of people, and when you put that many people together, you end up seeing interpersonal conflicts that spill out and spill over. That's some of what's been in the press most recently.

In terms of street conditions, or panhandling, I would go back to jobs. That what we need is the legal services to get folks work authorization to get folks working. These are able-bodied people who came here to work and want to work, and we've got jobs available.

SENATOR O'MARA: They're still impacting the quality of life in those communities.

And with the 45 seconds I have left, what is in the planning stages right now for

the migrants that are ultimately denied asylum? What will the role of the state and the activities be in deporting those individuals?

DHSES COMMISSIONER BRAY: Well, I think as you know, as I know, the state doesn't take a role in deportation or in, you know, immigration law in that way.

But that said --

SENATOR O'MARA: Is the state planning on cooperating with immigration services?

DHSES COMMISSIONER BRAY: So these asylum cases will take between seven and 10 years to adjudicate. And at the end of which, most people leave. And they leave on their own. And I think we need congressional action in order to shrink the timeline that it takes to adjudicate these cases.

You know, I am hopeful, I hope that the Senate deal and the Biden administration get to that action.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYMAN DINOWITZ: Assemblymember Burdick.

ASSEMBLYMAN BURDICK: Thank you. Oh, sorry, let me turn this on. That'll help.

For commissioner Bray, you mentioned the grant program for local governments to help them increase fire prevention efforts. And I'm wondering if you can explain how this would work, since fire departments mainly handle that function -- what the estimated amount would be and funding source.

And for CIO Rai, please advise whether you are involved in the implementation of state agencies having the requirement to make their websites accessible for people with disabilities.

So I guess about a minute each.

DHSES COMMISSIONER BRAY: All right, I'll be quick.

It's a new $3.3 million program. It's within the $8.6 million add in terms of addressing fatal fires. It would allow local fire departments or county fire coordinators to either increase their investigative capability for fatal or near-fatal fires or to engage in things like community risk

reduction, community trainings about smoke detectors and sprinklers and that type of stuff.

ASSEMBLYMAN BURDICK: And that would be on a competitive grant basis?

DHSES COMMISSIONER BRAY: It's a competitive grant, that's right.

ASSEMBLYMAN BURDICK: And when do you expect to roll that out?

DHSES COMMISSIONER BRAY: Well, assuming your support --

ASSEMBLYMAN BURDICK: If it's approved.

DHSES COMMISSIONER BRAY: -- yes, we'll roll it out as quick as we can in the first, you know --

ASSEMBLYMAN BURDICK: Super. Great. And CIO Rai?

OITS CIO RAI: We are working very hard for all new websites are going to be double A, to make sure that they are accessible for people in need. So that process is already in place.

We now are looking at the legacy, and

we have to make a plan and address that. So we are working on that too.

ASSEMBLYMAN BURDICK: And are you working with the Chief Disability Officer in that effort?

OITS CIO RAI: Yes.

ASSEMBLYMAN BURDICK: That's super. Great. Well, I encourage you in those efforts, because I think that so many of the agencies really have a long way to go on that. And I had authored a bill to require that, and I -- the chapter amendment for which I think is coming up. But I think it's a very, very important function for the agencies to do.

Thanks so much for your work.

CHAIRWOMAN KRUEGER: Thank you.

Senator Brad Hoylman-Sigal.

SENATOR HOYLMAN-SIGAL: Thank you.

Good to see you, Commissioners.

DHSES COMMISSIONER BRAY: Good to see you too.

SENATOR HOYLMAN-SIGAL: And thank you, Commissioner Bray. I wanted to thank you

publicly for being so responsive to my constituents. Even though we're on the West Side of Manhattan, many of them own property on Fire Island, as you know, and after the recent storms you sprang into action and toured the location.

And I just wanted to know if you could update us on efforts to protect the beach, particularly on the eastern side, which has borne the brunt of most of the incoming water, putting a lot of vacation rentals and permanent homes at risk.

DHSES COMMISSIONER BRAY: So I should say I didn't tour it, my staff toured it. I headed out to Buffalo for yet another blizzard. But right.

So those protective dunes basically have been washed away at this point. The beach work that was done after Sandy held for 10 years; it is not holding any more. The Governor has advocated with the Army Corps to get emergency repair of that area.

In addition, and I don't want to break any news, and so we should check with

Commissioner Seggos. But in addition, we were working at finding state funds that could help the county and the locality move the sand that they're able to move.

You know, I think that unfortunately we're going to have a lot of painful storms as sea levels rise and as the intensity of storms increase, and a lot of tough decisions. But for now, the hope is to get emergency Army Corps repair to those areas.

SENATOR HOYLMAN-SIGAL: So the hunt for additional resources is still on, or you think you may have found a pot of money?

DHSES COMMISSIONER BRAY: I've got to come back to you, because someone knows the answer to that question, but it's Commissioner Seggos.

But we'll come back to you today.

SENATOR HOYLMAN-SIGAL: Okay. Thank you very much.

DHSES COMMISSIONER BRAY: Yeah.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Assemblymember

Ra.

ASSEMBLYMAN RA: Thank you.

To Commissioner Bray, I just have some additional questions regarding the migrants spending.

DHSES COMMISSIONER BRAY: Absolutely.

ASSEMBLYMAN RA: As you know, I know we ultimately got up to 1.9 billion in the financial plan for this budget year that we're closing out. But originally the allocation in last year's budget was 1 billion, and my recollection is that there was a requirement at the time that a plan be submitted by New York City and be approved by the Office of Temporary and Disability Assistance and the Director of Budget.

I'm just wondering, you know, was that submitted, what exactly it asked for, and if any parts of it have been or can be made public in terms of what the parameters of that plan were.

DHSES COMMISSIONER BRAY: That plan was submitted. It included recording requirements, it included things like what

type of shelter, you know, would be provided. It included information about vacancy and those types of requirements. I will have to check about what can and cannot be made public or provided to you, but it was submitted last year.

ASSEMBLYMAN RA: Okay. And do you know if it included anything with regard to, you know, New York City when there -- I mean, this was a big issue back in the spring, you know, when they were resettling migrants to other parts of the state, in terms of coordination with local governments and -- you know, and following of local laws. I know that was an issue with regard to length of stays in a couple of instances.

DHSES COMMISSIONER BRAY: It did include notice requirements. And as we've been really clear, we think any time anyone is moved from New York City outside of New York City to be sheltered, there should be coordination with that local government and that local government should be brought in to what's happening.

ASSEMBLYMAN RA: Okay. And you went through some of the breakdown of the spending from the last year. In particular with regard to your agency, what spending went within your agency during this budget year for the --

DHSES COMMISSIONER BRAY: On the migrant challenges?

ASSEMBLYMAN RA: Yes.

DHSES COMMISSIONER BRAY: There is no spending in my -- inside my agency on the migrant challenge.

So we are the coordinator, we are the leader on any emergency. And so we've been coordinating on all of government response with about a dozen other agencies. But for our emergency response, that's self-funded.

ASSEMBLYMAN RA: Okay. And if you wouldn't mind going back through -- you said 500 million, shelter; 160 million, health services?

DHSES COMMISSIONER BRAY: Yeah, sure. Let me go back through.

So I just want to be clear. This

isn't -- if you look over four fiscal years, it's about 4.3 billion, right, if you start in FY '23 and go to FY '26.

There was an initial billion for sheltering in FY -- sort of spread between FY '24 and FY '25, but in the FY '24 financial plan. We've increased that by about a billion -- half a billion this year, half a billion next year -- explicitly to offset New York City's costs.

In addition, we've added money to fully fund three very large shelters, Floyd Bennett Field, Randalls Island, and Creedmoor Psychiatric Center's parking lot.

And then we've added money for the National Guard for Medicaid and health services and for ancillary services, case management and legal services.

ASSEMBLYMAN RA: Okay. Just with regard to as, you know, these contracts are coming online. Because there have been some that have been I would say alarming in the amount of money that it seemed like these contractors or -- whatever you want to call

them, these vendors, whatever you want to call them, were making off of the contracts.

So I know, you know, emergency contracting is always a challenge because, you know, you need the things yesterday. But what is going on in terms of, you know, auditing and oversight to make sure that those contracts are being given out responsibly?

DHSES COMMISSIONER BRAY: Yeah. So those are city contracts. I believe that the city comptroller has revoked the emergency contracting authority for the city at this point.

From the state perspective, we are -- we go through the right financial and procurement rules and regs. Even when we're under an emergency, those still apply.

ASSEMBLYMAN RA: But am I correct -- I know there was an issue in the city between the comptroller and the mayor, but there was basically, even despite -- I know there was one contract, even despite revoking the approval, the mayor was still able to push

forward with it.

DHSES COMMISSIONER BRAY: I think there are existing contracts in place that are actively providing shelter, which you might -- you know, might be what you're talking about.

But I can certainly follow up with additional information.

ASSEMBLYMAN RA: Thank you.

DHSES COMMISSIONER BRAY: Thank you.

CHAIRWOMAN KRUEGER: Hi. I think I'm the last Senator. I'm going to take my time.

Since we're on migrants, apparently, I don't know that it would be your agency, but has anybody in the state been evaluating research that shows that new Americans end up quickly becoming taxpayers and grow our economy? And there are examples of communities around the country of states and cities who have not only welcomed migrants and asylees but are actually now offering $15,000 per head, so to speak, to come to their cities.

So as a counter to costs -- and of

course there are costs now -- has anybody been evaluating the wins?

DHSES COMMISSIONER BRAY: I haven't been evaluating the academic research there. What I can tell you is we have hundreds of thousands of vacant jobs in New York State that are desperate for workers and for laborers. And if we can -- and I believe we can -- get folks through the work authorization process, this can be a win/win for New York State, because we really need workers right now.

CHAIRWOMAN KRUEGER: Thank you.

And for the record, my family came over, they were asylees, they didn't have papers, and I got to be the chair of the Finance Committee in the New York State Senate. Just saying.

DHSES COMMISSIONER BRAY: Mine too.

CHAIRWOMAN KRUEGER: Thank you.

Sorry, let's go on to the commissioner of ITS.

When Andrew Cuomo become the governor in 2011, one of the first questions I asked

him was when are we going to fix the OTDA WMS system, which didn't work when it was started in like 1988. I believe I brought a lawsuit at that time pointing out it didn't work -- in my previous life, not as a legislator.

Are we fixing anything that's been like waiting around for decades to finally get fixed? Even though we're busy talking about AI and the future now, can we just have systems in our agencies that work? I will add Department of Housing to that also.

OITS CIO RAI: I can definitely speak on WMS replacement, which is an ITS project which we started a couple of years ago. We have made some progress on that project, a couple of modules are being developed. We have made progress on building a data model.

We are in the process of accelerating the project by, as I said, breaking the project into modules so that we can do certain parallel development. And last year I will say we have put in knowledgeable internal ITS resources, along with OTDA and other agencies, to accelerate the work. As

you know, the contractors, they definitely don't have all the knowledge, and internal knowledge really helps.

So with these efforts, we intend to accelerate the project. The project is scheduled to go live in 2027. So I'm hoping that we can hit the original charter date.

CHAIRWOMAN KRUEGER: Did you say 2027?

OITS CIO RAI: Yes.

CHAIRWOMAN KRUEGER: Did I hear you right?

OITS CIO RAI: Yeah, that's the charter.

CHAIRWOMAN KRUEGER: I'm really hoping we don't need another governor to come in and not get this done. Just saying.

Back to Homeland Security, I know there were some questions about fires and firefighters. But a number of questions we have is how are we doing with enhanced preparedness for storms and floods and snowstorms and other natural disasters compared to previous years? Do we feel that we are more equipped to handle the unforeseen

natural and manmade disasters that just seem to be speeding up in frequency?

DHSES COMMISSIONER BRAY: They do, don't they. They are.

Yes, I think that we are -- I think we learn from literally every single storm. And I think one thing this Governor is incredibly good at is not getting defensive when we have a storm where we think we could do better, but forcing us as her team to learn from it. And so we've been doing that.

I also -- this budget is a huge investment in State Office of Emergency Management, and I think it's an incredibly important investment because it's an acknowledgment that, you know, a thousand-year storm is happening every couple of years, 500-year storms happening every couple of months. So I think both of those things are happening. We're learning every time we're going through this, and we're making a big investment this year.

CHAIRWOMAN KRUEGER: And have we improved our system for communicating with

counties and localities when we know something's happening or something does happen? Because I remember a few years ago a discussion where the state couldn't help unless they were invited in to help. But they might not even know what they were walking into. And we, in theory, were in a better position to help them prepare.

DHSES COMMISSIONER BRAY: We've made real strides and real investments in our State Watch Center. Our State Watch Center managed 21,000 incidents this year. They triaged about 230,000 different emails and pieces of information.

So we don't wait for people to call us. We're watching social media, we're watching the news, we're watching river gauges, and we're calling them. A.

And then B, when there is a predicted event, we are deploying immediately. Nine times out of 10, people invite us in. And when they don't, I smile and show up anyway.

(Laughter.)

CHAIRWOMAN KRUEGER: And the Governor

puts into her Executive Budget proposal providing you 65 more FTEs in order to bolster state disaster response. Can you tell me what these people will be doing for you?

DHSES COMMISSIONER BRAY: Yes, absolutely.

So first we're going to increase our field staff by 50 percent. That will allow us to show up -- in a multicounty event it can be hard to staff all the county EOCs 24/7, so that gives us the capacity to do that and to spend more time with our county partners.

Number two, we're going to more than double our capacity to hold trainings, to engage in planning and hold tabletop exercises with localities and counties.

Number three, we're going to add a geospatial team. Emergency management is done a lot on maps, and we're not very good at it in New York State yet, and we need to get good at it.

And number four, really inspired by

the failures, frankly, in Ida and in the Buffalo blizzard, the Christmas blizzard, we're adding a vulnerable communities outreach team -- not to do the outreach ourselves, we're the state, but to get really good at advising our localities what they need to do in vulnerable communities to warn people early.

CHAIRWOMAN KRUEGER: Thank you.

So I recently woke up to be called by people in my district saying "We just had an earthquake." Now, I never expected that sentence in Manhattan or Queens. Roosevelt Island is mine, and they definitely felt it.

So do we have a whole new division going to be working on possible earthquakes? Because I had absolutely nothing I could say to them about what might be happening next.

DHSES COMMISSIONER BRAY: Well, no, I don't have a whole new team to work on earthquakes. We do have some seismic activity in New York State, it tends to be in the northern part of the state. But we do have a team that pays a lot of attention to

earthquakes. And when that happened, I also got a call that said, "Hey, there's an earthquake," and I said, you know, in Canton? And they said, "No, in Astoria." And I said oh-kay. Yeah.

CHAIRWOMAN KRUEGER: So I started reading about earthquakes after that incident, and I learned that even though New York is still not considered a major area for seismic activity, water table rising and more flooding underground -- of course those both are happening -- triggers landslides underground where there are fault lines. I'm acting like I know what these words mean, by the way. And that that makes --

DHSES COMMISSIONER BRAY: Keep going, you're doing good.

CHAIRWOMAN KRUEGER: -- that makes earthquakes more likely. And it turns out there are many fault lines in New York State.

DHSES COMMISSIONER BRAY: There are.

CHAIRWOMAN KRUEGER: So again, I'm just still practicing learning the terminology. But I'm afraid that's one more

thing we need to start learning about and preparing for, particularly in areas with water tables rising quickly. And we know in New York City the water tables are rising much more quickly than we expected.

DHSES COMMISSIONER BRAY: I will add it to my list.

CHAIRWOMAN KRUEGER: Okay, I appreciate that. So then I will be able to say, We will call Homeland Security to learn about the earthquakes.

DHSES COMMISSIONER BRAY: Yes. When there is an earthquake, we are the right people to call.

CHAIRWOMAN KRUEGER: All right. I cede the rest of my time, thank you.

Assembly.

ASSEMBLYMAN DINOWITZ: Not only did I think about earthquakes, I'm concerned about volcanic activity.

(Laughter.)

DHSES COMMISSIONER BRAY: You know, Assemblyman, if there is a volcano in New York State, I don't know about it.

CHAIRWOMAN KRUEGER: Just wait.

ASSEMBLYMAN DINOWITZ: There's a gigantic volcano under the national park, Yellowstone --

DHSES COMMISSIONER BRAY: Yes, I am aware of --

ASSEMBLYMAN DINOWITZ: So large that it could destroy the whole continent if it erupted.

DHSES COMMISSIONER BRAY: Yes, if it were in our lifetime to go, that is true.

But, you know, we would not then have to have a hearing about it, because we would not be here.

(Laughter.)

DHSES COMMISSIONER BRAY: There would be no -- you know, I would not have to know much about it because I would -- you know.

ASSEMBLYMAN DINOWITZ: And on that note, Assemblymember Palmesano.

ASSEMBLYMAN PALMESANO: Commissioner Bray, my question is for you.

I've been a very vocal critic against the EV mandate for a number of reasons, but

today I'd like to focus on EV fires. We see the e-bike fires in New York City, the deadly results that's happened. We see electric vehicle fires. And last year even the battery storage fields -- we had three battery storage fields catch on fire.

We've had numerous discussions with fire departments, both paid and volunteer, who are very concerned about the issues of lack of equipment, training, and capacity to fight these EV battery fires. And as you know, often when a lithium-ion ignites, it will burn hot and it will burn long, many hours, and sometimes it can even reignite --

DHSES COMMISSIONER BRAY: Yup.

ASSEMBLYMAN PALMESANO: -- days after being extinguished.

So with this EV mandate fast approaching and the concerns being raised by our local departments and the problems of these vehicles growing, are you okay with or believe our state emergency services are currently equipped to meet the safety requirements necessary to deal with this

volatile technology?

And can you provide examples of the type of training and funding that will be available to help prevent these deadly lithium-ion battery fires and help prepare our local fire departments to help deal with these types of fires?

DHSES COMMISSIONER BRAY: Yes. Okay. So let me say that is a scenario in which, as a public safety professional, we have to walk and chew gum at the same time. Because lithium-ion batteries are essential for our future, but when they are uncertified, they are dangerous.

So the most important thing about lithium-ion batteries to know is that the certified batteries are by and large very safe. And that the vast majority of -- I will address the three other fires. But the vast majority of fires that we have seen, 267 in New York City this year, the highest since -- on record, 40 outside of New York City, are from uncertified batteries and reconstituted secondhand batteries.

This Executive Budget proposal bans the sale of those in the state, which I think is incredibly important. Blah, time.

Okay, we have trained 2,850 first responders and firefighters this year alone in how to put out lithium-ion battery fires. We launched that training only 12 months ago. We're going to increase the number of people -- this budget has money for us to increase the number of firefighters we can train in how to put these fires out.

In terms of the big-scale ones, those three solar farms, those -- we did investigations into those. We are updating the code to respond to those investigations and updating the requirements for how those local departments are resourced.

ASSEMBLYMAN PALMESANO: Okay, one more quick question since I have 20 seconds.

As you know, last year I talked about Montour Falls Fire Academy. Still -- you said it was a very vital part of your operation for training.

DHSES COMMISSIONER BRAY: It is.

ASSEMBLYMAN PALMESANO: Is that still the case today?

DHSES COMMISSIONER BRAY: It absolutely is, and we're building a new building thanks to money from last year's budget at that site. We're not leaving that site.

ASSEMBLYMAN PALMESANO: Great. Thank you, Commissioner.

DHSES COMMISSIONER BRAY: Thank you.

ASSEMBLYMAN DINOWITZ: It would be excellent if the Krueger-Dinowitz bills regarding lithium-ion batteries became law.

DHSES COMMISSIONER BRAY: I agree.

CHAIRWOMAN KRUEGER: (Mic off; inaudible.) Thank you for joining us today.

DHSES COMMISSIONER BRAY: Thank you.

CHAIRWOMAN KRUEGER: We will have more questions; we will follow up. Thank you.

DHSES COMMISSIONER BRAY: Okay, thank you.

CHAIRWOMAN KRUEGER: Okay, we are now shifting the day to the nongovernment panels. So for everyone in the audience and on the

daises, it becomes a three-minute day. everybody testifying gets three minutes. Everybody asking questions, even chairs, gets three minutes. Picture our lives for the next couple of hours as sort of a, I don't know -- what's that called where they do the rapid response?

ASSEMBLYMAN DINOWITZ: Oh, I don't know.

CHAIRWOMAN KRUEGER: I know how to do it. Lightning round. The rest of this hearing are just lightning rounds.

Okay, even though my colleague doesn't love our lightning round, that's how it's going to work.

So our next panel, the MACADEMY School of Science and Technology; Vera Institute of Justice; Immigrant ARC, and the New York Immigration Coalition.

(Pause.)

CHAIRWOMAN KRUEGER: Good afternoon, everyone. Nice to be here with us. Okay, why don't we start with Nile-y or Nile Anderson. And then we'll just go down the

table, if that's okay.

And you have to press the button until it turns green. Hi. You need to push your finger really hard -- there you go, you're on. How are you today?

MS. ANDERSON: Good.

CHAIRWOMAN KRUEGER: Good.

MS. ANDERSON: Greetings. My name is Nile Anderson. I am 12 years old. I'm in the eighth grade at MACADEMY School of Science and Technology.

Thank you, members of the Legislature, for giving me the opportunity to testify and support the Stop Addictive Feeds Exploitation Act and the New York Child Data Protection Act. These bills are important to show that children need to be monitored on social media to reduce the algorithmic dangers to our young developing minds.

One of the reasons the suicide rate for children is so high is children are killing themselves over the internet. Children get addicted because of the dopamine released in their brains. Dopamine makes you

feel pleasure and makes you want more of it.

The algorithms on the internet affect our brain's neocortex, amygdala and hippocampus by using optogenetics, which cause the brain to overproduce dopamine. This degenerative effect on the brain makes children's easy to steal and use.

This exposes children to people who are mendacious about their identity as they pretend to be children. This is dangerous, because bad influences and disturbing conversations result in death. Children have committed suicide, and according to the CDC over 100,000 children have killed themselves.

In our current times children get addicted to the internet and have their personal information shared online. Children are targeted because of their innocence and lack of knowledge about how their friends and families can be easily victimized.

For example, recently in the news an adult man was communicating with a child on social media. He lied to the child by telling her that he was her age, but he ended

up being a grown man. The devastating experience that happened to her after meeting him led to possible anxiety and depression.

But our Governor Kathy Hochul and our Attorney General Letitia James are passing bills to protect children like me in the State of New York to stop children from being addicted to the internet and to stop children from sharing information to the public. These bills may inspire other states and countries to adopt these policies to assist the world to become more algorithmically clear for children.

CHAIRWOMAN KRUEGER: Next?

MS. GALAZ: Good afternoon. My name is Marlene Galaz. I am the director of immigrant rights policy with the New York Immigration Coalition. We are an umbrella policy and advocacy organization of about 200 members across the state that work with immigrants and refugees, many of which are legal service providers.

Actually, this past week we had about 300 of our members walking the halls of the

LOB demanding that we expand access to legal services. We appreciate the New York State Legislature for the opportunity to continue to advocate for our communities here today.

As you know, our immigrant neighbors do not have the guarantee to legal rights for a court-appointed attorney or for representation when they are going through the U.S. immigration system. Currently 180,000 individuals in the state are facing the threats of deportation and family separation by themselves without any professional guidance.

And the statistics really show how important representation is for people detained -- they are 10.5 times more likely to secure a successful case if they have representation than if they don't.

So today I'm here to ask the Legislature to, one, pass 150 million for legal services for immigrants and, two, pass the Access to Representation Act.

And I want to be very clear: This is not a new ask. This is not a new need.

Immigrants and advocates have been asking for expansion of legal services and appropriate infrastructure for these legal services for years, as well as retention of legal professionals. In the Executive Budget the Governor proposed 44.2 million for immigration legal services. However, that is a cut of 20 million from last year's investment of 63 million. And this is in a time of growing need that doesn't really cover the short-term nor the long-term needs that we're seeing.

That is why we're asking for $150 million that would be comprised of $62 million for deportation defense services; $65 million for recruitment, retention, training and infrastructure expansion; and $23 million for programs and outreach connecting immigrants to services.

We are also urging the passage of the ~~Access to Representation Act, which would~~ guarantee that no New Yorker faces deportation alone because they cannot afford representation.

So I thank you for your time.

MS. ROSADO: Good afternoon. My name is Oriana Shulevitz Rosado, and I am the policy and advocacy strategist at Immigrant ARC.

Immigrant ARC is a coalition of over 80 member organizations that provide legal services across the State of New York. Our mission is to increase access to justice and access to legal counsel for immigrant New Yorkers by mobilizing New York's legal service providers.

Last December, more proceedings were initiated in immigration courts around the country than in the entire last fiscal year. A large number of those facing deportation will go through this process alone with no one to explain their rights, what is expected of them, and/or to help them advocate for themselves.

This lack of access to legal help has dramatic consequences. The data shows that when New Yorkers do not have access to

proceedings, they are putting their lives, families, and economic stability at risk.

Currently, Governor Hochul is only allocating $44.2 million in the Executive Budget to fund immigration services, which is a drastic $20 million cut from last year's budget. This cut is a huge divestment in critical services when immigrant New Yorkers need it most.

New York should allocate $150 million in the 2025 New York State Budget to meet the immediate and long-term legal needs of immigrant New Yorkers. This year-to-year funding battle and the possible reductions -- such as what we are facing this year -- harms the ability to get these critical services to the most vulnerable communities.

Immigration cases take years to resolve, but without the assurance of steady funding, providers are reluctant to hire or implement long-term programs. The inability to provide assurances to prospective hires, the net decrease in

contracting delays with State agencies often put organizations in precarious financial positions making them reluctant to hire. As a result, more and more experienced lawyers are leaving the field and it is becoming harder to attract new talent.

To address these structural issues, we call for the passage of the Access to Representation Act, which, if passed, would establish the right to representation for immigrants facing deportation in New York. This would secure the essential funding required by providers trying to meet the urgent demand for immigration services, since legislation would ensure that individuals who lack the means to afford representation are not left to face a trained government lawyer alone. Instead, it would guarantee the right to legal counsel, enabling them to safeguard themselves and their families from deportation.

Thank you for your work on behalf of immigrant communities and for the

to testify today.

MS. DÁVILA: Good afternoon. My name is Fabiola Dávila, and I'm a senior program associate with the Vera Institute of Justice. I'm here on behalf of Shayna Kessler, our associate director of advocacy, who could not be here today.

I'm testifying in support of two issues: Legal representation for immigrants and criminal legal system investments and legislation.

Regarding immigration, we urge the Senate and Assembly to ensure that New York invests $150 million in immigration services this year. Governor Hochul included $44.2 million in her Executive Budget for immigration legal and social services administered by the Office of New Americans, but this amounts to a cut of 20 million from the 63 million invested last year, at a time when this support is more critical than ever.

We also call for the passage of the

Assemblymember Cruz and Senator Hoylman-Sigal, which would establish a right to representation for people at risk of deportation in New York.

Specifically, in our $150 million proposal we ask for 62 million for deportation defense to help provide full representation for New Yorkers facing deportation; 23 million for education and integration to support existing services such as naturalization and english learning; and 65 million for rapid response services as well as training, recruitment and retention to support long-term legal services infrastructure.

This funding is needed now more than ever to enable more community members, newcomers, and long-term residents alike to remain with their families. It will allow people who are eager to work and settle into stable lives to enter the workforce at a time when our state is facing a labor shortage.

By passing the ARA and

increasing investments in these services, we can set our state up to welcome newcomers, protect long time residents, and promote prosperity. We call for the Assembly and Senate to invest a combined $106 million in their one-house budgets, for a total of $150 million in immigration services for fiscal year '25.

Separately, regarding the Governor's criminal justice proposals, we applaud the small but important increases to last year's record funding for essential mental health and criminal legal services. Despite these important investments, we are concerned that the Executive Budget continues to prioritize punishment over evidence-based solutions that address the root causes of crime.

We are especially concerned about the Governor's proposed punitive responses to retail crime, hate crimes, and drug offenses. I urge you to review the written testimony of my Vera colleagues which detail why these proposals are harmful and proposes

of Assemblymember Anna Kelles' pretrial services bill, A08242.

Thank you very much for your time and support with these two issues.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRMAN DINOWITZ: Assemblymember Walker.

ASSEMBLYWOMAN WALKER: Awesome.

I want to say, first of all, that I'm so very proud of you and you did a great, great job and hopefully now that you've learned so much about social media, you will go to bed on time so that you can wake up on time for school.

(Laughter.)

ASSEMBLYWOMAN WALKER: Because we don't want those algorithmic diseases affecting you.

Can you tell me a little bit about the effect of the internet on proper brain development for children?

MS. ANDERSON: Can you reask the question?

ASSEMBLYWOMAN WALKER: Can you tell me a little bit about how the disease of the internet affects proper brain development for children?

MS. ANDERSON: Well, it affects proper brain development for children because -- mainly with the dopamine. It affects like the part of your brain that you use to like think.

So once your brain is focused on one thing, it cannot focus on different other things like getting your school work done, or going to bed on time, getting to work on time, things like that. It like prevents you from moving forward with your life, because it has you stuck in that place of where you want to enjoy whatever you are doing.

ASSEMBLYWOMAN WALKER: Awesome. Thank you. Thank you so very much. We're all very proud of you. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Jaamal Bailey.

SENATOR BAILEY: Thank you.

So the first point about access to

representation -- as an attorney, a formerly practicing attorney, access to legal representation is critical. And I applaud you for making sure that you are stepping up to the plate to advocate for individuals who may have language barriers.

Language access is something that we speak often about in our chambers and something that we should definitely consider when we are thinking about access to representation, that there will be ways to make sure that we have interpreters who properly interpret. And that we should be doing a better job of recruiting interpreters, which is something I will say to OCA about making sure we have more language-based interpreters.

But, Ms. Anderson, I just want to say thank you for coming here. I want to say we are proud of you. We are proud of your growth here, and it is incredible to see an eighth-grader testifying before the State Legislature. When I was in eighth grade, I would not have been doing this. I would not

have had the courage, knowledge, or ability to do so.

So I know public service is in your blood, but you should be very proud of what you have done today and what you will do in the future. We are all excited to see it.

Thank you.

MS. ANDERSON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN DINOWITZ: In about six years you should consider running for the Assembly.

(Laughter.)

CHAIRMAN DINOWITZ: Against the incumbent even.

(Laughter.)

CHAIRMAN DINOWITZ: Next is Chair Dilan.

ASSEMBLYMAN DILAN: Yeah, she's in the city, so they tend to do those swaps.

(Laughter.)

ASSEMBLYMAN DILAN: So it'll be fine.

I just want to say to Nile, tell me about your experiences with your classmates

and what the school offices and support services -- when they see a child who has been negatively impacted on things that they see in social media, what does the school system offer?

MS. ANDERSON: Well, personally, in my school system, they address it, like, straightforward -- so they don't, like -- once they hear about it, they're able to like come to the classroom say, like, okay, like everyone -- what happened. They're able to like sit down and actually talk about it. Right?

And what happens is, like, they'll like ask you, like, tell them why. So they like are able to actually understand instead of just trying to get you in trouble.

ASSEMBLYMAN DILAN: So these are the guidance counselors?

MS. ANDERSON: No, it's mainly just like the teachers.

ASSEMBLYMAN DILAN: The teachers? So do you think there should be more support services in the budget for things like this

that impact kids? And how many of your friends at school have been negatively impacted?

MS. ANDERSON: Well, I actually do think that this should be included in like more schools.

ASSEMBLYMAN DILAN: Right.

MS. ANDERSON: And -- how my friends think?

ASSEMBLYMAN DILAN: Yeah. How have your friends been affected? What have you seen?

MS. ANDERSON: They have been affected by -- because sometimes they like -- like me, sometimes, they stay up past like what they're supposed to.

ASSEMBLYMAN DILAN: Yeah.

MS. ANDERSON: They're like -- they like to, like, do certain things that are not directly okay because of what social media has brought into their lives.

ASSEMBLYMAN DILAN: I got it.

So now I've got to cut you off because of time, but I want to say that, you know,

public service is in your blood on both sides of the family, and I know that both of your grandmas would be proud of you.

But I had the privilege to represent and serve with your grandma Joyce Anderson, who was a big-time public advocate in Brownsville and a tenant leader in the Ocean Hill houses in Brooklyn. I no longer represent that area, but I can tell you she would be very proud of you, and you are a chip off the old block.

So we're proud to see you here. Thank you.

MS. ANDERSON: Thank you.

CHAIRWOMAN KRUEGER: Senator Brad Hoylman-Sigal.

SENATOR HOYLMAN-SIGAL: Thank you.

And again, congratulations for -- and thank you for your testimony. I have an eighth-grade daughter too, as the Assemblywoman knows, and we have been talking about you and my daughter for the last, you know, decade or so. So it's really good to see you. And it's very important that you

share this information.

On the Access to Representation Act -- and thank you for your support and information about this issue -- how might it have become even more important with the number of asylum-seekers in New York State at this point? And what percentage -- do you have any idea what percentage of asylum-seekers are able to secure representation at this point of the new immigrant population?

MS. DAVILA: Hi, Senator Hoylman. Thank you for that question. I'm not able to provide that number at this point, but I did want to speak to your first question.

I think what the Access to Representation Act shows us is that New York was not very prepared to welcome new immigrants.

And this is not a new issue that we've seen. Immigrants have always been a part of New York State, have always contributed to the economy, to the culture, to everything. We wouldn't be the state that we are without

immigrants. and so I think we need to think about this issue holistically and think very long-term, because immigration is always going to be a part of our state.

So I think what is really important about the Access to Representation Act is that it would slowly build up, efficiently, over the course of six years, the infrastructure that we need to be able to actually give those people lawyers.

So I think that's -- I don't know if anybody wants to add more to that, but I think that is what I would really like to highlight, that if we had passed the Access to Representation Act years ago, we might be in a very different situation.

I mean, I know that we would be in a very different situation, because we would have built up that infrastructure. We would have had more lawyers. We could have had more clinics at law schools, trainings for paralegals, for DOJ-accredited reps.

So I hope that answers your question.

MS. GALAZ: Yeah, the only thing that

I would add is while we pass the Access to Representation Act, which is crucial that we do, we are asking this year for 65 million for exactly what my colleague was describing, for capacity-building initiatives and investments, and for legal services.

SENATOR HOYLMAN-SIGAL: Thank you.

CHAIRWOMAN KRUEGER: One more Senator, Senator Salazar.

No, it wasn't Senator Salazar. It was Senator Gonzalez. I'm just losing my mind, I apologize.

(Laughter.)

CHAIRWOMAN KRUEGER: Press hard.

SENATOR GONZALEZ: There we go. Thank you, Brad.

I just wanted to say thank you to all of the incredible folks on the panel today, and then a special shout-out to our youngest member of the panel, Ms. Anderson. It is nice to have someone participating in this who is younger than me at this point.

(Laughter.)

SENATOR GONZALEZ: But I really do

want to say that your voice is needed, and so are the voices of so many of your classmates. So definitely want to say thank you for being here. You did an incredible job, and I'm excited to look more into the bill.

With that, I do want to spend a little bit of time asking questions of our other panelists because, as you've heard today, you know, obviously there is an incredible need to support our immigrant New Yorkers and a deep gap in legal services.

But in addition to legal services, with the asylum-seeker crisis, I want to know what else you believe is the responsibility of the state in order to support folks who are going through that process and then also, you know, really rise to the growing need in this crisis.

MS. GALAZ: I can begin answering that, and then my colleagues can fill in.

As you mentioned, legal services are crucial and life-saving. However, we also see a need for social services. So part of the investments that we're talking about

today also include social workers being integrated into the infrastructure of the existing legal services so people can help -- you know, people who are trauma-informed can support asylum-seekers as they navigate the immigration system, not only through a legal way, but also supporting them in adapting to a new country, facing a lot of the trauma that they have endured.

MS. ROSADO: And I would like to add that another thing that is important to note is that while rapid response services are incredibly crucial as we see folks arriving in the State of New York, it's somewhat like a Band-Aid to a long-term problem, right?

So what often ends up happening is you have these kind of singular clinics, where folks will do one or two applications, right? So, for example, Immigrant ARC, in partnership with the New York Immigration Coalition, did a work-authorization clinic, which was great. We did several thousand applications.

But the problem is, you know, as

important as that is, they are only getting one application. And think of an asylum application. Those can take up to 10 years to go through the system. There is going to be follow-up. Inevitably, in the best-case scenario, they might go to their community-based organization to, you know, follow up on that application. And they have the cultural awareness. They have the language access.

SENATOR GONZALEZ: Thank you all so much. I appreciate the work that you're doing.

CHAIRWOMAN KRUEGER: Thank you.

I think we've covered everyone. So all of you, thank you so much for being with us here.

MS. GALAZ: Thank you.

CHAIRWOMAN KRUEGER: I will get my voice and brain back working soon -- thank you.

And I want to call up the next panel, which is the UJA-Federation of New York; the Orthodox Union Project Protect; and the

New York State Council of Churches.

(Pause.)

CHAIRWOMAN KRUEGER: Assemblymember Dinowitz will handle this.

CHAIRMAN DINOWITZ: Choose amongst yourselves. One of you should start.

MS. SAVRANSKY: My name is first.

(Laughter.)

MS. SAVRANSKY: Hi. I'm Ariel Savransky. I'm the senior advocacy and policy advisor at UJA Federation. Thank you for the opportunity to testify today. I know it's been a long day, so I will just summarize my testimony.

Since October 7th we have seen a huge rise in hate crimes throughout the country, and in this critical moment UJA has really taken steps to mobilize our community and take a very strong stance against anti-Jewish hate crimes

We have also strengthened the work of the security initiative by allocating funding to bolster security at 400 under-resourced Jewish communal institutions. We've

supplemented Hillels on college campuses to support Jewish students. We've taken the lead on implementing the White House's national strategy to counter antisemitism, specifically with education efforts, and we have also worked with DEI and HR professionals to support Jewish individuals in the workplace.

In addition to our work, we are very grateful for your partnership and we urge you to take the following actions. One, the Securing Communities Against Hate Crimes initiative. We were appreciative of the 35 million that was included in the Executive Budget, but we'd like to see that increased to 100 million -- just given the huge rise that we've seen in hate crimes.

We would also like to see that the uses of that funding be expanded and would also like to see applicants be able to be reimbursed for already-incurred expenditures. We also would like to see funding for the non-profit school safety equipment program increased from 45 million to 90 million so

that students and families can feel safe on their school campuses.

And in addition to those two programs, we also are very supportive -- thank you to Senator Hoylman-Sigal -- for the two bills that you have proposed, S7737, which expands the list of crimes eligible for prosecution as hate crimes, and S895 and A6789, also by Assemblymember Lee, which will hold social media platforms accountable for proliferation of hate speech that we see on the sites. And we've just heard from a middle-schooler who has really seen the impacts that these programs can have on individuals and young people.

Thank you for the opportunity to testify. We urge your consideration and support of these vital investments to protect communities from hate and keep New Yorkers safe.

CHAIRMAN DINOWITZ: Okay. Ms. Greenfield.

DR. GREENFIELD: Good afternoon, Chair Krueger -- who just stepped out -- the

legislative fiscal committees and other distinguished members of the Senate and Assembly, and Assemblyman Dinowitz, who represents me in the Bronx. Thank you for the opportunity today to discuss the safety and security of our communities. And I'm humbled to be sitting here next to the Christian Coalition and the UJA. These are issues that affect all of us, and I'm proud to be working together with them.

My name is Dr. Nava Greenfield. I am a community advocate for Project Protect, but more importantly I'm the mother of four small little boys, I'm a daughter, and I'm a concerned constituent.

Since the October 7th attack of Hamas on Israel, there has been a 330 percent increase in hate crimes -- that's according to the NYPD data. Just two miles from here, someone fired a shotgun outside of a Jewish temple. And my four-year-old Jonas, who goes to a little preschool in the Bronx at a Jewish temple, also receives threats.

So I'm here today with two requests.

One is to increase the Secure Communities Against Hate Crimes Grant programs to $100 million, and the second one is to include security personnel inside that grant. The grant is vital to securing our communities against hate crimes and communities that are most at risk. We're talking about daycare programs, our schools, community centers, cultural museums, places that are very meaningful for us.

We appreciate Governor Hochul for her dedication for securing our communities and her $35 million proposal in her Executive Budget. But considering that the hate crimes increased by 330 percent, we feel that that's just not enough.

I also want to pay attention to a gap in the program. Right now security personnel are not included under the grant. Project Protect recently conducted a survey and found that in the past few months since October 7th, there has been a 50 percent increase in security expenses in nonprofit organizations. Sixty-six percent of that

goes to security personnel.

Security personnel is not like buying a door or an alarm system. It's recurring expenses, months over months, years over years, and is by far the most expensive thing in security that we are spending on. It outweighs any other expense in security.

We also know that security personnel is the first line of defense against any threat. They're there to stop a threat, to deter it from happening. They're there when the threat happens, and they're the first responders. And they're vital to ensuring that our environment is safe.

So I'm asking you to please be proactive rather than reactive in this. Let's not wait for another hate crime to happen or for anyone to get hurt. Let's make sure that the infrastructure is in place.

Thank you.

CHAIRMAN DINOWITZ: Reverend Ketcham.

REVEREND KETCHAM: Yes, I'm Jim Ketcham. I serve on the board of the New York State Council of Churches.

As people of faith, we emphasize that grace and forgiveness have been shown to us and we give witness to renewal and restoration as they occur in our midst. We believe we are called to choose these qualities over mere vengeance and punishment. We support the concepts of restorative and repairative justice, rather than relying solely on retributive justice.

We oppose punishment not in proportion to the crime, such as mandatory minimum sentencing. We critique systems that impact people of a certain race unjustly. And we would submit that the fact that over 70 percent of the residents of New York State prisons are people of color is neither an accident nor a coincidence. It is indicative of systemic racism that must be addressed.

In this spirit, we support the following legislation: The Second Look Act, to relieve the injustice of extreme penalties that were imposed in the various tough-on-crime eras and the Rockefeller Drug Law era. We also support the

elimination of mandatory minimum sentences, because this often forces even innocent defendants to plead guilty to avoid longer sentences.

Something like 95 percent of the guilty verdicts are the result not of a trial or a judge's determination but of the defendant taking a guilty plea to end -- to put an end to the not knowing and the torture of not knowing.

We support Daniel's Law and urge the full funding and rapid completion of that task force's work. We support the Treatment Not Jails bill. Those struggling with addiction or mental health issues are not best served by uniformed policemen with weapons or best served by prisons.

New York State is spending literally billions of dollars to criminalize those with mental health issues and addictions. We're doing the same thing over and over and over again expecting a different result. Which, as you know, is the definition of insanity.

We support the No Slavery in New York

Act, the Fair and Timely Parole bill to increase transparency, and we do not support efforts to roll back the Raise the Age law. We would rather provide services than sentences.

CHAIRMAN DINOWITZ: Thank you very much.

Let me start. I know in the past several years there have been dramatic increases in anti-Asian hate crimes, and I like to think that we took action in terms of -- certainly in terms of funding. And there has been a rise in other types of hate crimes, including anti-Muslim, anti-Arab hate crimes. But as far as I know, the dramatic and shocking increase in anti-Jewish hate crimes is unprecedented. It is much higher than any other category. To me, it's shocking.

You know, I'm a student of history, and when I hear some of these things going on in the college campuses or even in some of the schools or on the streets, you know, you think to another era across the ocean.

But I was wondering if you know if there has ever been this magnitude of increase in anti-Jewish hate crimes and antisemitism in general.

DR. GREENFIELD: I don't know the answer to that. But just knowing that this is happening in New York and in America -- I'm only 38 years old, so I don't -- I don't know what happened before my time. But it's unimaginable. It's shocking to know that this is happening now.

It's shocking to my parents and grandparents, and we all feel the burden of it and we also -- we have a task. We have to pay more money to protect ourselves. And that's why I think we're asking that the government step in and help us with that.

CHAIRMAN DINOWITZ: Well, I just want to -- I know in my neighborhood -- in our neighborhood, I mean -- we do see an increased police presence at some of the shuls and at some of the other institutions. We have Jewish schools. All that costs money. But the fact is -- and tell me if you

disagree -- it's not enough. You know, getting cameras, getting other security presence, everything costs a lot of money.

And I think we have a model for dealing with this stuff based on things we have already done. So I for one agree with what you're saying, and I hope that we can move in the direction of trying to snuff out this hatred. I personally think the best way to stop hatred is for people to learn and be educated, but unfortunately we are in a very difficult time where the victims of the most savage terrorist attack we have seen in memory are now being, themselves, blamed for it and are the victims of antisemitism around the world.

I don't know that I have anybody who said they wanted -- Assemblymember Ra.

CHAIRWOMAN KRUEGER: (Mic off; inaudible.)

CHAIRMAN DINOWITZ: Oh. I -- well, no one said anything. And they're not usually shy.

CHAIRWOMAN KRUEGER: Senator Jamaal

Bailey.

CHAIRMAN DINOWITZ: Okay.

SENATOR BAILEY: Jeffrey, we wanted to let you -- you know, it's your constituent, and we wanted to give you the courtesy.

So I just want to say thank you for the work you're doing and for -- at this point I want to thank everybody that -- and I'll say it again, thank you for staying late to testify, because your voice and what you're saying does truly matter.

UJA, I want to thank you all for not just having conversations about the hate crimes but partnering with my office and many other offices around the holidays, partnering with other individuals of other faiths. That speaks to what Assemblymember Dinowitz was saying, is that the way that we truly combat hate is that we unlearn what has happened and we start to teach younger generations about that.

And I've been to SAR in Riverdale with Rabbi Krause, I've been there. And I think it's important for those of us of different

faiths to go to different places of things that we don't know, to truly learn more about what's happening.

So the points about Raise the Age and the last one, Reverend Ketcham, I stand with you. I think that we should have more funding for it. I did an op-ed to that effect a couple weeks ago.

And as far as the funding for the hate crime -- as the Assemblymember also said -- anti-bias, anti-Jewish, anti-Muslim, these -- there is a spike, and we have to figure out the scourge, how to -- how to result in that -- is it more money, is it going back to a baseline of $35 million -- I believe so.

For the increases, we should definitely make sure that it's proportional and that all communities that are affected are receiving their fair share of this funding. But in this time, you know, especially since October 7, as you mentioned, there has been a precipitous increase -- precipitous -- the other way -- stark increase in hate crimes and bias and I just

want to say again thank you for coming up and testifying and as the budget process continues, we will continue to heed the words that you've all said.

Thank you.

MS. SAVRANSKY: I just want to say thank you for your partnership, and we really appreciate that and are very grateful to be working with other faith communities to really fight anti-hate {sic}.

CHAIRMAN DINOWITZ: Assemblymember Ra.

ASSEMBLYMEMBER RA: Thank you. And I just want to thank all three of you for being here. I thank our faith leaders, and our faith-based organizations always have an important role to play in policy and budgeting. So we thank you for being here.

But I do want to in particular ask about -- I know your organizations have partnerships with our -- with student groups and on our campuses, and just in terms of -- I think the funding, absolutely.

We need those enhanced grants. We need to be able to provide security upgrades

and all of that. But what are you hearing from, you know, Jewish students on our college campuses about what their experiences have been these last few months? And what else should we be looking at from -- more on the policy side to provide a safe atmosphere on our campuses for those students?

You know, you mentioned we're in New York, if we can't provide it here in New York for Jewish students, then I don't know where they would be able to feel safe.

MS. SAVRANSKY: So I haven't directly had the conversations with college students. A number of my colleagues are working on those programs and I can definitely bring back more information.

But I would say that just from what I've heard, like students are fearful and a lot of them are scared to go to classes. You know, scared to like be out in the world and really experience what you're supposed to experience in college. And I think that, in terms of solutions, funding is helpful with providing like mental health support, any

legal support they might need on campus to, you know, help them get through any antisemitic incidents that they may be suffering from.

But also, just generally, we need more overarching education, and I think the colleges really need to be very firm in their condemning all acts of hate. And I think that would really go a long way toward at least making students feel like they're being protected.

DR. GREENFIELD: Yeah, I think the issues are very deep. When presidents resign, it's just a symbol of the depth of the issue. And I think just starting with defining what antisemitism is and what hate speech is and having certain rules of conduct on campus, that's definitely a way to begin to address those issues.

But again, like, the education and what they're teaching in the classroom and how they conduct, these are all things that would be addressed on all college campuses.

ASSEMBLYMAN RA: Absolutely. I'm sure

you have seen the alarming statistics about, you know, the knowledge of our youth about the Holocaust and antisemitism. It's -- I mean, it's unbelievable that children are growing up that don't know the simple facts of that. So I thank you all for your --

DR. GREENFIELD: We've all seen it.

CHAIRWOMAN KRUEGER: I want to thank all three of you for being here and for the work you're doing.

And I just do want to reemphasize this Legislature is very aware of the -- almost the poison of hatred that is growing in our state and our country and the necessity to come up with new models to help people understand the damage that can be done, even by statements, and the fear that it is generating throughout our communities, and this is of all religions and races and we need to come together and address these in effective ways.

So thank you very much for being here.

DR. GREENFIELD: Thank you.

MS. SAVRANSKY: Thank you.

REVEREND KETCHAM: Thank you.

CHAIRWOMAN KRUEGER: Our next panel is the New York County District Attorney's Office, Brian Crow; New York State Defenders Association, Susan Bryant; New York Legal Services Coalition, Tina Foster; Empire Justice Center, Kristin Brown.

So good evening. Why don't we start at my left, your right, and let's go down the table. Oh, yes, practice pushing the button. You have to push really hard when it's your turn to talk. Thank you.

MR. CROW: Thank you. Good afternoon, everyone. My name is Brian Crow. I'm the executive assistant district attorney for policy, the New York County District Attorney. It's my pleasure to be here.

And I am here today not to ask for money for our office -- we are funded largely by the city -- and I'm actually here to ask for money for our partners in the work that we do, our partners in achieving both safety and fairness every day, starting, number one, with our partners working in the

problem-solving courts and alternatives to incarceration upon which our office and our system relies so heavily every day.

Under our administration, we have increased our referrals and our placements in our problem-solving courts by roughly 200 percent. The contracts under which those courts are working and those providers are working are based on an old system, and the system as it currently stands is being strained to a breaking point. Our current wait times for a person who is incarcerated being -- just to get an evaluation for an alternative to incarceration -- is roughly two months. For someone who's not incarcerated, it's even longer. That does not achieve either justice, fairness, or public safety. Increased funding for these courts and these providers will allow us to more efficiently deliver justice and do the public safety service that we're trying to do every day.

Related to that, one of the most important mechanisms that we use to keep our

communities safe and to provide fairness for the people who are charged with crimes is to use community-based mental health services like ACT teams, Assertive Community Treatment teams. These ACT teams are essential for us to decarcerate safely, to get people from Rikers Island back into the communities but with the support systems that they need.

We are very pleased to see the $9.8 million in the Executive Budget towards those ACT teams. And we are also pleased to see, speaking of the problem-solving courts and alternatives to incarceration, the proposal I heard earlier this morning from Chief Administrative Justice Zayas that he had requested $50 million, part of which was going to go towards problem-solving courts.

We encourage that number to be as high as possible. We are -- by our projections, we project that the state needs at least 25 million just for problem-solving courts. I'm hoping that roughly half of that 50 million that he requested is for that purpose.

I will briefly say that our system is also constrained in our need for more housing, particularly justice-involved housing. The justice-involved supportive housing program in New York City has been successful, but it has been underfunded.

Briefly, I will talk about legislation. We are very supportive of the bill that is in the Executive Budget expanding the list of hate crimes -- thank you to Senator Hoylman-Sigal and Assemblymember Lee for working with our office on that -- because it's our office who identified the 31 crimes that we proposed to be added to the statute that is based on the work of our hate-crimes prosecutors every day who see these kinds of cases that are clearly, by any commonsense definition, a hate crime but simply cannot be charged as such.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next?

MS. BRYANT: Hi. Good afternoon. And

I'm thrilled to say "afternoon," because this is the first time I've been here before about 6 or 7 o'clock. So thank you all.

(Laughter.)

MS. BRYANT: And thank you to the Legislature, particularly for all you have done for public defense and for the New York State Defenders Association, my organization.

I'm Susan Bryant, the executive director. Our Public Defense Backup Center and Veterans Defense Programs are vital to quality representation of people in criminal court and parents and other adults in Family Court.

I refer you to my written testimony for details about our extensive services that we offer, as well as to the Indigent Legal Services Office testimony that speaks about our budget request.

Again, we need the Legislature to restore our backup center funding. The Executive put in $1,030,000, which is less than one-third of what we need to do the baseline work that we do every day. So that

is $2.1 million that would restore our funding.

But I'm also here to ask for an additional $1,792,000, which would expand our Discovery and Forensic Support Unit that you so wonderfully helped us create by providing funding a couple of years ago. I'm pleased to say it's a success -- we're not surprised by that, but it means that we need more staff, because we're getting calls every day for help.

So our centralized support makes fiscal sense and improves efficiency for public defense, and we ask you for your support of that additional request.

The other thing I want to talk to you about is the Veterans Defense Program. Unfortunately, despite being in its 10th year, the Governor has never provided support. It's only been the Legislature. And despite the fact that we've saved the state more than $126 million in incarceration costs by the work that we've done, we can't even get into the Executive Budget.

We need $720,000 to be flat-funded for that program. And we are asking for an additional $230,000 to focus on Central and Northern New York, which we have not gotten many requests from, and that's because we haven't had somebody with boots on the ground in that area of the state. And it makes a huge difference, the services, in making sure people know about what we do and the mitigation and peer-to-peer mentoring we provide.

I'm just going to throw in at the end, we support a lot of the things that ILS already spoke about this morning. We reject the Governor's sweep of the Indigent Legal Services Fund. Family Court funding is an absolute necessity this year. We cannot have it go on any longer without being funded at an appropriate level of $50 million.

We also support the Indigent Parolee Program and loan forgiveness expansion.

Thank you very much.

CHAIRWOMAN KRUEGER: Thank you very much.

Next.

MS. FOSTER: Thank you. Thank you very much for the opportunity to testify. Good evening. My name is Tina Monshipour Foster. I'm the executive director of JustCause and the board chair of the New York Legal Services Coalition.

Our coalition represents collectively people all over the State of New York. Our member organizations provide legal representation to low-income New Yorkers in non-criminal matters. And these are including a lot of the topics that you talked about today in areas of family law, domestic violence, immigration, housing, public benefits, consumer issues, elder law, veterans, LGBTQIA, class rights, victims of hate crimes, and other civil legal matters -- so anything non-criminal.

The coalition and our members are driven by one core mission, which is advancing access to justice. This means ensuring that all New Yorkers, particularly low-income populations and communities of

color, have legal representation when they need it.

But across the state, our organizations are struggling to hire attorneys and staff. The primary reason for this is that our attorney and staff compensation is a fraction of market rates for similar public-interest positions. For example, the starting salary of a new attorney in the New York State Attorney General's office in New York City is $90,000. The same position at one of our civil legal services organizations, according to our internal surveys, is $69,000. And that also does not include a substantial benefits package that government attorneys receive and we do not.

After 10 years that gap in New York City turns to $134,000 per year for a government attorney, and a 10-year veteran of our organization would only be making $92,000. The rest-of-state gap is even worse. The gap between an AG in rest-of-state after 10 years is 131 for the

state attorney and 74,000 for our attorneys.

Without pay equity, our available workforce will continue to dwindle, and vulnerable New Yorkers will be left without vital services. We ask you to act now to ensure that the vital funds that we need to achieve pay equity are not denied to historically underserved communities.

I now know our positions on the 2025 Executive Budget. We support modest increases for civil legal services through the Office of Court Administration budget, specifically a 6 percent increase in civil judicial legal services, a 3 percent cost-of-living adjustment -- and in addition, we are asking for a $2.5 million -- sorry, to redirect $2.5 million of the revenue from the Legal Services Assistance Fund.

MS. BROWN: Good afternoon. My name's Kristin Brown. I'm president and CEO of Empire Justice Center, and I'm co-vice president of the New York Civil Legal Services Coalition, and I serve as cochair of the coalition steering committee.

My written comments cover in detail the many items in the budget that we support, including the items that Tina just mentioned. But I want to focus my comments today on what you have already heard about, which is the proposed sweep of $100 million in IOLA funds, because it's essential that you all know about this and reject it for reasons that may or may not be obvious.

I think at this point you -- at the beginning of the day you heard a great deal about this in the discussion with Judge Zayas. I just want to be clear that there are multiple sweeps we've discussed today, and I am talking about the IOLA Fund, which funds civil legal services.

Empire Justice is deeply concerned about this action because it undermines IOLA's planning to support our vastly underresourced community's efforts to increase salaries, as Tina mentioned, and services so we are able to fulfill our promise of providing civil legal services to our client communities.

It also sets a dangerous precedent. New York's Interest on Lawyers Trust Account Fund was established in 1983 for the sole purpose of funding civil legal assistance, as the legislative intent that's included in my testimony clearly states. Using these funds for any other purpose is unconscionable, and it sets a dangerous precedent, as I noted.

We urge you to reject the proposal outright. IOLA supports essential legal services for low-income New Yorkers with civil legal problems and their most basic needs, and the top five areas of service from 2003 from IOLA grantees are housing, immigration, family law, education and health.

IOLA relies on fluctuating interest rates to generate funds for civil legal services. In the early days, this resulted in dramatic swings in funding for our community, causing uncertainty and financial crisis for providers and loss of services for client communities. I remember that very well.

To guard against this, IOLA shifted to a rainy-day approach that creates a reserve of funds to be used when rates are down and earnings are low. This has created funding stability and has been a godsend.

Now is not the time to raid IOLA. The access-to-justice gap, as you've already heard, which is the space between the civil legal needs of low-income New Yorkers and the resources available to meet those needs, has now been assessed by the Permanent Commission on Access to Justice at $1 billion over what is currently in the system.

This is an effort that I was proud to be a part of as a member of the permanent commission, and I can say that notably this analysis focuses only on those earning up to 250 percent of poverty and does not include immigration civil legal services.

CHAIRWOMAN KRUEGER: I just have one.

So down in New York City, and some of you represent that, there seems to be a shortage to even get legal-service attorneys to -- or people to apply to be legal-service

attorneys. And sometimes I notice and hear that we are almost competing against each other. So somebody will have a job doing housing law, and then they'll see an application where, for whatever reason, the contract for asylee indigent immigrant law is paying a little more, so then they -- and I understand. But they sort of jump ship and take the other job, or vice versa.

Like is there a way for us to help produce more lawyers? Because I feel very strongly that we desperately need them in all of these jobs in, you know, legal service and civil work.

I'm sorry, do you want to leave your job?

(Laughter.)

CHAIRWOMAN KRUEGER: Oh, he's volunteering to work, I think I just heard him say.

(Laughter.)

CHAIRWOMAN KRUEGER: Some people think there are too many lawyers. I actually don't. Not to do the legal-services kind of

work.

So are you all talking about that also?

MS. FOSTER: Oh, absolutely. That is one of the -- I think for everyone in this day and age, it's recruitment -- retention of talent is important in every industry, but in our industry we have a major lawyer shortage. In some parts of the state we have legal deserts where there are absolutely no lawyers in certain areas to serve people in need.

So I think our coalition is trying to get more pipeline type of education to law students and law schools to encourage public interest work and specifically in legal services for people who need the help.

We have an opportunity to make a difference there. But I think the key piece that we need is, you know, a lot of our attorneys, they're very dedicated. They want to work for people who are low-income and, you know, primarily our clients are people of color, people who are, you know -- they don't have all of the advantages. So they want to

work in public service.

But not everybody is privileged enough to be able to turn down a $50,000 pay differential to be able to do that.

CHAIRWOMAN KRUEGER: And then just a quick follow-up. So let's say healthcare -- we spent all day in a health hearing. There has been more growth in expanding scope of practice so there are people who are health professionals, but not doctors, taking on more of the responsibilities that were only for doctors at one time.

And is there a model like that for legal services where paralegals could somehow have a broader scope of practice, or you can be triaging for when absolutely a lawyer is needed and when there are others that could do the work and expand services?

MS. FOSTER: Yeah, absolutely. I think that there is a lot of thought going into what -- how much can we ethically ask people who are not attorneys to do. But frankly, the paralegals in our offices really are the front-line staff. And they're the

people that are dealing mostly with our clients.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRMAN DINOWITZ: Well, first, I want to thank the three of you for the work you do. And I want to thank you (to Mr. Crow) for the work that your office does. All very important.

But I do have some specific questions for the New York State Defenders. First, you had thrown out a number of figures, you wanted additional money for this and that. And while normally I would be adding things up, I didn't.

So can you -- you threw out three or four different figures. Do you have a grand total?

MS. BRYANT: Well, there is actually a chart in our budget testimony that outlines it. So for the Public Defense Backup Center, it's just under $5 million total and that includes the Governor's $1 million. And then for the Veterans Defense Program, it's

$950,000 total.

CHAIRMAN DINOWITZ: Okay. So let me ask you a different question.

I know that you're you and the Bronx Defenders are not you. However -- and I've always supported the New York State Defenders, I've circulated letters, and I continue to do that.

But I am very concerned, and I was wondering if you can comment -- very concerned that the Bronx Defenders has been mired in controversy for some time now involving charges of antisemitism, and more recently -- I think I'm correct in saying this -- the union that represents a very large portion of their workers voted overwhelmingly, by I think a 2-to-1 margin, to support a resolution which I believe says or takes a position that I would interpret as being very much pro-Hamas and condemning Israel.

And this is right after the -- right after the October 7th attacks. And that has caused a tremendous amount of concern. And I

know that they do a lot of good work in that organization. I know that. But some of the people there obviously, at least in my opinion, do a lot of bad work as well. And I would like to feel comfortable knowing that monies that you may get from the state don't get into their hands.

MS. BRYANT: Well, I can say this, that the money that comes to the New York State Defenders Association is for our staff of approximately 30 people. So we're certainly not getting enough money to assist other defender offices. They get funding in other ways.

CHAIRMAN DINOWITZ: Right.

MS. BRYANT: We -- it's our position that every client that walks into a courtroom gets the same level of representation no matter who they are, what they believe in, what they look like. So our position and what we train people on is client-centered representation.

And that client could be any particular religion or ethnicity, race -- and

they're taken as their individual client, and that's who they represent. And that's what's NYSDA's position is.

CHAIRMAN DINOWITZ: And I agree with that position. I'll follow up with you.

CHAIRWOMAN KRUEGER: Thank you.

Other Senators?

Jamaal Bailey.

SENATOR BAILEY: I thought my mic wasn't on.

So thank you all for your work, for your testimony. I reviewed it previously. I guess I just have one question in terms of, I guess, pipelines and access to justice -- like a conversation, right?

Are you finding it increasingly more difficult -- and I heard a snippet of it as I walked back into the room -- to attract folks into public service type of legal work? Is that something that is being -- is incredibly difficult?

MS. BROWN: I can speak for my organization, where we serve the areas outside of New York City. And it's getting

increasingly difficult, absolutely increasingly difficult to attract folks to public-interest law.

We have -- when my board of directors adopted our 2024 budget, it included 18 vacant positions for a staff of 80. Our salaries are at a level that we have hired people to come in and work for us, and they have left very quickly for positions that pay $20,000 more working for the government.

So it's very difficult, when you come out of law school with massive loans, to be in a position to be able to take a job working for an organization whose starting salary is under $60,000 when you're upstate. And that's what most of our organizations -- that's where most of our organizations outside of New York City are. It's a huge challenge.

And so, yes, there is a lot of desire. Some people are interested in our work. A lot of times people will apply for a position, they'll find out what the salary is, and they'll withdraw. And in particular,

it's particularly challenging in our Rochester office. We have had a civil rights position open for over a year and we've had, you know, three or four viable candidates, none of whom could take the position because of our pay.

So pay equity is a huge issue for our community in New York City and outside of the city, and we have a vast need for services.

SENATOR BAILEY: I'd like to brainstorm with you offline about that. I'm a graduate of a public-interest law school myself, and I think we can come up with a creative strategy for being able to do that.

And I just want to say thank you for the work, and I know how hard it is that you do work through you. And the district attorney's office, I know how hard it is to be the attorney general -- to be the attorney for the people -- so I appreciate all the work that you do on a daily basis.

Thank you for testifying.

CHAIRWOMAN KRUEGER: Thank you.

Any Assemblymembers?

Assemblymember Ra.

ASSEMBLYMEMBER RA: Thank you.

Thank you all for your patience today and being here before us.

Mr. Crow, I'm just wondering if you can give me a little bit of information on the issue of retail theft. Obviously there's been a lot of talk of retail theft, particularly in your borough. So what is the office's current approach when it comes to prosecuting retail theft and using the tools in current law at your disposal to try to alleviate this problem?

MR. CROW: Thank you for the question, Assemblymember.

This has been a major focus of District Attorney Bragg's since he took office. I can say that in Manhattan in particular we have a significantly higher rate of retail theft than any of the other four boroughs. Retail theft cases compromise roughly 15 percent -- one, five -- of our total overall docket. None of the other four boroughs exceed 5 percent.

So recognizing that, District Attorney Bragg at the beginning of his administration created the Small Business Alliance, which is a group of small business owners that meet regularly with staff at our district attorney's office to discuss the kind of issues that they're facing so that we can respond.

In response to that, and in response to a lot of the patterns and things that we're seeing in the work that we do every day, we have started a program in which we identify the most frequent recidivist retail thieves -- and I can say that we know from the data that it's a very small number of people who do a significant portion of these thefts -- and we do a kind of targeted prosecution of those individuals.

We hear a lot about precision policing. For us, it's about precision in our prosecutions as well. What we've found is that in almost all of these cases, the individuals involved are not part of a large-scale organized hyper kind of, you

know, foresightful, well-thought-out practice. They steal to support a drug habit and they sell it within, you know, minutes, hours, to somebody kind of nearby. It's not some necessarily well-organized ring.

And so for those individuals, what we've tried to do is -- it's actually the first thing I mentioned in my testimony -- is try to address the underlying needs. Because we don't believe that the individuals are likely to keep stealing if we can stabilize them with their housing, stabilize them with their drug and alcohol issues and with their mental health.

And part of the problem that we do have with that is because we have such a backlog in our problem-solving courts and in the service providers there, and particularly the -- as I mentioned earlier -- the ACT teams --

ASSEMBLYMAN RA: I apologize; I'm going to run out of time. So I do want to bring up one other thing.

One of my colleagues has a bill that

would basically allow, in a short period of time, you know, if somebody was repeatedly getting picked up for petty larceny, that -- to combine the value of those charges. Is that something that your office would be supportive of, to give the DA an additional tool?

MR. CROW: I'm happy to look at that bill and get back to you.

CHAIRWOMAN KRUEGER: Thank you.

Anyone else in the Senate?

Well, then, I want to thank you all very much for your work every day on our behalves and for your coming and testifying for us. It's still afternoon.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

Our next panel is Panel G: The Firefighters Association of New York State; the PBA of New York State; the PBA of New York City; the New York State Police Investigators Association; and the New York State Correctional Officers & PBA Association.

Good late afternoon to you all. It's still not evening -- we're not counting it as evening yet, even though it's dark outside. And why don't we start from my left, your right, and we'll just go down the table, okay? Thank you.

MR. HENDRY: Good afternoon, Senators and Assemblymembers. I'm Patrick Hendry, president of the Police Benevolent Association of the City of New York, representing 21,000 rank-and-file members of the NYPD. Our members not only do the work to protect New York's communities, we have a personal stake in the outcome. A majority of our members are New York City residents, and all of us reside in New York State.

Public safety is essential for our city's and state's success. However, none of our public-safety goals are attainable without adequate police staffing. Unfortunately, current NYPD staffing levels are grossly inadequate. The NYPD currently reports a headcount of 33,612 uniformed members. That is nearly 7,000 police

officers short of our peak headcount, and the lowest level we have seen in more than 30 years.

Our members have made progress in curbing the surge in violent crime that began in 2020. However, that progress has come at a cost of extreme workloads that have driven many police officers to seek other opportunities. We have lost more than 6,500 police officers to resignation or retirement over the past two years.

We must incentivize our current police officers to remain on the job. To further that goal, we respectfully request your support for the following initiatives during the budget process.

Among the major factors hampering the NYPD's retention and recruitment are the grossly inequitable pension benefits available to our members hired since 2009 under Tier 3. Senate Bill 7714 and Assembly Bill 7791, sponsored by Senator Chu and Assemblymember Pheffer Amato, restore the 20-year service retirement for NYPD police

officers hired since 2009, putting them on a more equal footing with their peers across the state.

Another bill, Senate Bill 2148 and Assembly Bill 5202, introduced by Senator Addabbo and Assemblymember Pheffer Amato, would incentivize our most experienced members to remain on the job by enhancing benefits for those who stay past their minimum retirement date.

We must also support our veteran cops with a pipeline of qualified new recruits. We are seeking legislation to allow police officers hired since 2009 to buy back pension credits for their time served in certain civil service titles within the NYPD, including traffic enforcement agents, school safety agents and cadets, as well as New York City Department of Corrections.

We look forward to working with you on solutions to the NYPD staffing crisis that will pay dividends for both our city and state. I thank you for your time and attention to these important issues, and I am

happy to answer any questions that you have.

CHAIRWOMAN KRUEGER: Next?

You have to press the buttons really hard.

MR. SUMMERS: Good afternoon. My name is Chris Summers, president Of NYSCOPBA.

As you know, the Governor has proposed the closures of up to five prisons, and DOCCS says that this will help infuse the staffing for short-staffed facilities.

This is not the answer to addressing staff shortages at all. We have been through this time -- this before. When the facilities close, it always results in front-line staff, COs and sergeants, leaving the department earlier than they normally would have.

This time we anticipate that more staff will choose that option and leave. Those that are eligible to retire will retire. Those that have been through the closures before have had enough, and they will seek other employment.

Who can blame them on that? Some of

them are still trying to get home from closures five years ago. Our current staffing levels are horrible. Attrition rates are at all-time highs, while recruitment is at an all-time low. Our members face unprecedented levels of mandatory overtime to fill staffing vacancies, even being ordered to work up to 16 hours on their scheduled days off.

They see the inside of the prisons more than they see their families. They're married to the job. They face -- they are faced with choosing the job over their families.

Assaults on inmates and on staff have skyrocketed since implementation of HALT, and the jobs of our front-line staff have become more dangerous.

Our membership used to be the department's best recruiters. Generations of family and friends have recommended this job for years -- that is no longer the case. Now our members tell -- now that our members get asked, they say don't bother. They tell them

this job is more dangerous, the pay isn't good. The benefits in retirement have eroded, and you are going to have to relocate. It just isn't worth it.

The bottom line is that our front-line staff feel like the budget is being balanced on their backs. And that's their opportunity to have their long career come at a cost to their health, their safety and their families.

Thank you for letting me address you today.

CHAIRWOMAN KRUEGER: Thank you.

Next?

MR. NOLAN: Good afternoon. My name is Kurt Nolan, and I'm the executive director and counsel for the Police Benevolent Association of New York State. I have the honor of representing over 1,100 police officers and the New York State University Police, the New York State Park Police, New York State Environmental Conservation Police, and the New York State Forest Rangers.

On behalf of my members, I would like to thank you for this opportunity. Today I will illustrate how the underfunding, pay disparity, and lack of pension parity impact recruitment, retention, and public safety.

Each of our core law enforcement agencies that employ my members are severely underfunded. I believe that this is a direct result of the fact that law enforcement and public safety are not the primary mission of these agencies.

Investment in public safety is often overlooked when times are tough. To address these funding issues, our law enforcement agencies need fiscal autonomy. This autonomy would ensure that our police officers receive the training and equipment that they need.

The current budget for the Department of Environmental Conservation's Division of Law Enforcement is approximately 48 million. The hard work of DLE's 23 investigators, however, generated approximately 46 million in civil penalties last year. This demonstrates the DLE is a revenue-neutral

division within DEC. The current DLE-authorized strength is 342 positions. However, only 264 of these positions have been filled.

DLE is currently recruiting for the upcoming academy class, and although there is no official start state, DLE has been authorized to hire 45 new EnCon police officers. Unfortunately, because of pension and pay disparity, we have already lost several candidates to the New York State Police and New York City Police Department.

There are currently 121 Forest Rangers, 16 lieutenants, and 11 captains in the Division of Forest Protection. They're responsible for patrolling over 4 million acres of forest and conservation easements. This equates to approximately 35,000 acres per Forest Ranger.

Unfortunately, lack of funding in the division has led to the establishment of the Forest Ranger Foundation, a not-for-profit organization dedicated to providing our rangers with training, equipment, and

support.

Our Forest Rangers are saving lives and protecting natural resources each and every day. They should not need a nonprofit organization to provide them with basic training.

As you know, SUNY is decentralized. Our police officers across the State of New York wear different uniforms, drive different cars, carry different guns, and wear different body cameras. This system is extremely inefficient and fiscally irresponsible.

As you can imagine, at a time when SUNY faces fiscal crisis it's difficult to ask a college or university to spend money on ammunition, ballistic vests, vehicles, uniforms, and training. SUNY needs a centralized budget for our law enforcement agency.

The New York State Park Police have frequent issues obtaining new vehicles for their police officers. And because of the way the funding is handled when you earmark

funding for the parks administration, this doesn't necessarily go directly to our police officers. We're down to approximately 179 police officers, and now we are currently back up to 205.

The most important issue impacting our members today is the lack of salary and pension parity. We lose members to the New York State Police and other agencies consistently. The base salary for a New York State Trooper after one year of service is 82,000. By contrast, my member, eligible for retirement, makes 86,000.

Thank you.

MR. DYMOND: Good afternoon. My name is Tim Dymond, and I'm a senior investigator for the New York State Police and the elected president of the New York State Police Investigators Association, representing roughly 1,150 senior investigators and investigators across the state in the BCI.

My members handle the most serious crimes. They handle the murders, the rapes, the robberies, the child kidnappings -- which

hit home up here in Albany -- and most recently they helped crack the Gilgo Beach serial killer case.

Our members are in highly specialized units: forensics units, computer crime units, counterterrorism units -- the units that you see on TV.

I'm here before you today to speak for NYSPIA members but also to shed light on the slow death of the law enforcement profession.

Police agencies around the state are struggling to fill the ranks. The State Police are no different. We had a record low turnout for our last exam during a time when we are mass hiring. I recognize civil service spots are open all over the state and there is a workforce shortage. These jobs are different. Police have immense power and are given the ability to take someone's freedoms away. We must maintain high standards and get the best in these spots, or the people in this great state will suffer.

Please do not believe the hype that

things are good and that a record number of applicants are coming out. The truth is things are bad. Interest in this job is dwindling, and our most experienced members are leaving. Of my 1,150 members, over 470 can retire this year. Another 200 are eligible by 2026. These numbers are staggering. Statewide, we are down 150 spots already.

It takes approximately five years to get the experience necessary to join the BCI. There are not 150 people ready as of today.

Last year the Governor and Legislature allotted millions to expand our Community Stabilization Units, units targeting guns all over New York. These units have not expanded. You allotted money to expand the CCU units across the state, Computer Crime Units. We've seen about half of those spots filled. And you allotted money to expand federal task force spots. Not filled. You allotted money for hate crime investigators. Not filled. Most recently, in this year's budget, 90 million to combat organized retail

theft. I am fairly certain these spots will also go unfilled.

This work will fall on the same 1,150 investigators that are already here, the same group that is handling the 1100 percent increase in TERPO applications statewide. The same group that's handling the lion's share of discovery forms in upstate New York. Ladies and gentlemen, these folks need help, NYSPIA members and law enforcement members statewide.

I was taught early in my career that you don't bring a problem without bringing a solution. Recruitment. We need to fix Tier 6, and we need to change the negative rhetoric around this great profession. Retention. We need to consider a deferred retirement option plan for all police members in the State of New York.

Thank you.

CHAIRWOMAN KRUEGER: And last?

MR. TASE: Good afternoon, and thank you for the opportunity to provide this testimony today. I am Ed Tase, a volunteer

firefighter with the South Lockport Fire Company and president of the Firefighters Association of the State of New York.

FASNY is the voice of New York's 80,000 volunteer firefighters and EMS providers. We are honored to add our voice to the important conversations taking place on matters affecting public safety in this year's budget.

My written testimony reviews all the measures included in the Executive Budget that the volunteer fire service is in favor of. The association supports the Governor's attention to reducing fatal fires and the dangers of lithium-ion batteries, first responders' mental health, and the recognizing of EMS as an essential service.

The most critical issue facing the volunteer fire service is recruitment and retention. Notably absent from the budget is the increase in our tax credit. The Volunteer Firefighters and Ambulance Workers Income Tax Credit was enacted 18 years ago. At the time it was $200, and was viewed as

the appropriate recognition by the state for the sacrifice that these volunteer firefighters and EMS providers provide.

We buy our own gas, we often buy our own equipment. We deserve the dignity of an increase. Volunteer firefighters save the State of New York $3.8 billion in tax savings and salaries every year. While we understand raising the income tax credit has a cost, our state, our counties and our communities cannot afford to lose more volunteers.

No matter how many missed family dinners, birthdays, weddings, or restless nights, our volunteer firefighters and EMS providers will never say no to their neighbors in need. It is my duty to make it clear, this tax credit must be increased this year.

In April, firefighters and fire departments across the state will open their doors during the Recruit New York campaign. Announcing an increase to the tax credit would be a powerful tool for recruitment and retention of volunteer firefighters.

In addition, the zero cost change to help volunteer firefighters and EMS providers would be allowing volunteers to claim the tax credit and the local real property tax exemption. We ask that you remove the prohibition to enable municipalities to reward the volunteers to stay fit. Thank you to Senator Martinez and Assemblymember Thiele for carrying this legislation and raising the income tax credit and making this a real property tax fix.

Lastly, New York is number one in the nation again for residential fire deaths. FASNY supports the addition of sales-tax exemptions on smoke alarms, carbon monoxide alarms, and fire extinguishers.

CHAIRWOMAN KRUEGER: Thank you very much, all of you.

Our first questioner, Senator Salazar.

SENATOR SALAZAR: Thank you.

And my question is for Mr. Tase, channeling Senator Michelle Hinchey. We are deeply proud that New York State in last year's budget created the first-ever

$25 million fund for -- to help volunteer fire departments with capital and equipment needs, now called V-FIRE.

DHSES is still accepting applications to this fund. However, what would you say is roughly the total anticipated financial need for infrastructure for volunteer firehouses statewide? And how would additional funding such as the V-FIRE funding -- but in this year's budget -- impact volunteer fire departments?

MR. TASE: That's a great program. FASNY totally supports it. The only caveat that we have found in that piece of legislation is that the departments have to spend the money first. It's a reimbursement program.

The volunteer fire service does not have an abundance of cash to make these programs. And that why we fought for that piece of legislation, but we did not fight for it to be a reimbursement.

I would ask you to look at that piece of legislation and maybe modify it for the

benefit of volunteer firefighters.

SENATOR SALAZAR: Thank you. And do you know roughly -- I know that it would probably be difficult to estimate, but approximately what -- and I imagine it's more than 25 million -- but what the total infrastructure needs are for firehouses statewide?

MR. TASE: I'd ask the Council of Canada. It's tough to put a dollar value on it. Every department's different, okay? But it's well over -- to build a new fire station, to fit the apparatus today is well into millions of dollars itself.

You know, because -- you look at a fire truck today and it's -- they're pretty large.

(Laughter.)

MR. TASE: And they're pretty expensive.

SENATOR SALAZAR: Thank you.

MR. TASE: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN DINOWITZ: Assemblymember Ra.

ASSEMBLYMAN RA: Thank you.

Mr. Nolan, I just have a couple quick questions for you, but I do want to note, I know that you guys announced yesterday the loss of a member due a 9/11-related illness, so I want to recognize that. And we're thinking of Lieutenant McShane and his family and all of your members and certainly his service in the aftermath of 9/11.

MR. NOLAN: Thank you.

ASSEMBLYMAN RA: So can you elaborate on the types of situations that your members -- our Forest Rangers, our Park Police, our DEC Police and SUNY Police -- find themselves in even in the last few years?

MR. NOLAN: Sure, absolutely.

Forest Rangers are constantly going out of state. I believe I heard testimony earlier about the wildfires in Quebec. They go to California, they fight fires in the state of New York, and that's in addition to their law enforcement duties.

Environmental Conservation Police are

constantly encountering hunters. They're all armed. Our EnCon police officers are consistently dealing with people who are armed almost 100 percent of the time. I believe a few years ago one of them was shot in the hip and almost died.

Park Police respond to State Police, numerous calls for service. Our parks are scattered throughout the state. They're often a supplemental agency. They've backed me up on calls before. They perform the same exact services that every other law enforcement agency does, as does the State University Police.

If you look at Cobleskill right now, my understanding is that almost their entire police department has quit, so SUNY Cobleskill police officers are responding to the calls for service in that village.

And my coworkers, when I was at the University of Albany, responded to the shooting at the Crossgates Mall, and I spent the rest of my shift patrolling Guilderland because all of the Guilderland Police

Department was actively sweeping the mall for threats.

We do the same job as everybody else; we just have specialized skills of training that make us uniquely qualified to handle each one of those agencies' additional missions, including law enforcement.

ASSEMBLYMAN RA: So it's fair to say your members put their lives on the line when they go out and do their jobs?

MR. NOLAN: Yeah, that is correct.

ASSEMBLYMAN RA: So I think that just reinforces the need for the pension-parity bill that so many of us supported which was unfortunately vetoed, and I know you're here each year talking about this.

So thank you for your continued advocacy on behalf of your members.

MR. NOLAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Jamaal Bailey.

SENATOR BAILEY: Thank you, Madam Chair.

Point of personal privilege. My kids

have returned home from school and they are watching. Hello, Giada and Carina.

(Laughter.)

SENATOR BAILEY: They turn to the Legislator channel, and we should be encouraging that.

But I really want to thank you for all of your work, all of your hard work and your willingness to sit down at the table even if we may agree on certain issues. You've always answered the call to have a conversation, and I truly appreciate that.

To Mr. Nolan, I want to ask you a question about the Park Police. There's certain portions of jurisdiction in New York City that you have. Could you talk about the parts in New York City that your officers have jurisdiction over?

MR. NOLAN: Yeah, I think a misconception is a lot of people don't recognize my members because our uniforms are so similar. In many cases the -- when I was a SUNY police officer, we wear almost the same uniform as a Trooper, same thing as

Parks Police.

I know NYPD is the dominant agency in New York City, but our Parks officers respond to calls in buildings right across the street from the parks that they patrol. They're answering domestic violence calls and they're answering gun calls.

I think one of our EnCon police officers ended up apprehending someone off duty who was later charged with the murder of a 13- or 14-year-old kid. I think this was two or three months ago.

So our Parks Police officers are active in New York City. We have a zone. They are assigned to New York City. I think they just don't have the same visibility because we don't have the numbers, because we can't recruit and retain enough people. But they're actually down there supporting NYPD and the State Police in their missions.

SENATOR BAILEY: Mr. Dymond, you mentioned there was an issue with recruitment and you were talking about, like, the money is there but the positions may remain vacant.

I understand that some of the fixes that have been asked for by each of you were pension reform and to make it more economically sustainable.

Are there other ways for recruitment? How wide is the net being cast in order to be able to recruit officers? Can you expound a little bit on that?

MR. DYMOND: The State Police have really done a push in the last year or two to recruit. They are in every part of the state. They've made easier access for military personnel and for out-of-state applicants to come on board.

We need to change the rhetoric around policing, and we need to encourage our young, successful people in our communities that these are good jobs. This is a good profession. You can make a difference.

When we make those changes, I think you're going to see the recruitment swing back to where, Hey, I want to get on. I want to help out. I want to police in my community.

SENATOR BAILEY: Okay. And again -- and I've spoken with Mr. Hendry and Mr. Summers in the last week, so we've had conversations. But I guess to specifically New York City, Mr. Hendry, your recruitment -- I would ask you the same question. What are some ways that -- is there a wider net being cast in terms of recruitment?

MR. HENDRY: So I believe the NYPD is doing a big recruitment. The issue is, you know, salary. We're still underpaid for those who work the same streets as us -- MTA, Port Authority, State Troopers -- and we have inferior pensions to everyone else, every police agency in the state.

SENATOR BAILEY: Thank you all for your time and for your service.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRMAN DINOWITZ: Assemblymember Palmesano.

ASSEMBLYMAN PALMESANO: Good afternoon, or good evening.

First, I just wanted to say thank you to all of you and your members for what they all do each and every day to keep us safe and what they sacrifice for us. I know you don't hear that enough, we don't say it enough, but I want to say it here today. So thank you.

But for the purposes of my question, this is for Mr. Summers. Mr. Summers, I wanted to follow up on a comment my Senator -- Senator Stec made to the commissioner earlier about the HALT Act and its implications.

We know about the violence it's caused. But he said that he's heard from COs that since the HALT has been implemented that the violent disruptive incarcerated individuals, those in RRU, the small percentage are really getting most of the attention, the resources in the program.

But he had mentioned honor block. I've heard from COs in my district that said the same thing as a result to the general population. Now, the commissioner seemed to disagree with that, and he mentioned

something about providing WiFi.

From your perspective, what you are hearing and seeing from your members as to how the HALT Act and its requirements has affected the incarcerated individuals in the general population?

MR. SUMMERS: Yes. I'd be more than happy to answer that, thank you.

So the general-population inmate right now feels like they have been neglected, they're being punished for the bad actors when they go into the RRU.

We have to close their programs down and take that staff and put them into the RRU programs for the HALT. They have to be out, per the law, seven hours -- where up in our RRU programs, they get to see everybody every day. They get to see the administration, the clergy, MHU staff, the nurses, they do rounds every half-hour.

So populate -- the general population suffers from that. So now they sit idle, which causes more violence on my members. And then they also feel like if they assault

staff they can go and get the WiFi, like you just said, in the RRU program.

ASSEMBLYMAN PALMESANO: The other thing I want to ask you about -- you know, I've been a very vocal critic, and many of us, about the staggering assaults that we see inside the facilities.

I know the commissioner addressed that, and one of the comments I took away with what he said is he seemed to say that very little injuries are resulting from the assaults on our corrections officers. Do you agree with that?

And what is your understanding and what are you experiencing and your members experiencing from the assaults that are going on on your members inside the correctional facilities?

MR. SUMMERS: I do not agree with that at all. My members are facing horrible injuries every day. They are getting stabbed, they're getting sliced, spit on. They are getting broken bones.

That is reality. That's what's

happening inside right now. There is no more repercussions anymore. Thank you.

CHAIRWOMAN KRUEGER: Senator Tom O'Mara.

SENATOR O'MARA: Thank you, Senator.

Good evening, gentlemen. Thank you all for being here and thank you for your service and certainly the service of all your membership throughout the state for the great work that you do.

President Summers, with regards to the prison closures, I really didn't get a straight answer from the commissioner earlier today when I asked whether the bigger driving force on the prison closures is lack of staff or lack of inmate population.

What is your perspective on the prison closures?

MR. SUMMERS: We don't agree with any prison closures. We think that they should consolidate the prison more and spread out the inmates. Don't stack them up. It just causes more violence with them closing.

We're just going to -- it's only a

short-term, Band-Aid fix. It might help for six months, but then we're going to be right back to where we are right now, if not worse.

SENATOR O'MARA: To what extent do you believe your retention and recruitment efforts are hindered as a result of the lack of discipline in the prisons resulting from the HALT Act?

MR. SUMMERS: Can you repeat it?

SENATOR O'MARA: Yeah. What's the impact on your recruitment and retention resulting from the HALT Act? The lack of discipline in the prisons, how is that affecting your recruitment and retention?

MR. SUMMERS: Our members don't want to -- why would you want to go into work where you're going to get not only stuck for 16 hours, but get in there and get beat up every day? Or get talked -- saying that they don't -- they're going to come after you, they're going to kill you.

There's no more respect for the officers by the inmates at all. So why would you want to join the Department of

Corrections?

SENATOR O'MARA: Thank you. Thank you.

President Tase, can you comment briefly, in the minute we have left here, on the readiness of our firefighters to deal with electric vehicle battery fires?

MR. TASE: That's a good question. Training every day, as Commissioner Bray spoke earlier, we've extended statewide lithium-ion battery training. We educate our firefighters about the safety of firefighters. We're training every single day for it.

And I would say the volunteer firefighters spend hours and hours on training and understanding -- the initiative of the electric batteries in these cars is amazing. It takes an awful lot to put them out. And we're learning every day the different attitudes to do that. And it's a --

SENATOR O'MARA: What type of different equipment or apparatus do you need

for dealing with these battery fires that you may not have right now?

MR. TASE: There's a new technique out there now that we're evaluating. We have got a blanket or a tarp to smother the fire. Water -- it takes a lot of water to put an electric battery fire out.

CHAIRWOMAN KRUEGER: Sorry, we have to cut you off. I think we have no more Senators or Assemblymembers.

So I will thank you gentlemen all for joining us tonight, and appreciate your sitting here perhaps all day waiting to testify.

MR. TASE: Thank you.

MR. SUMMERS: Thank you so much.

MR. HENDRY: Thank you.

MR. DYMOND: Thank you.

CHAIRWOMAN KRUEGER: Okay. And we are now on Panel H: New York State Dispute Resolution Association, the Center for Justice Innovation. And the New York Justice Peer Initiative had to be excused, so it's just two on this panel.

Okay. Good evening. So it's a quarter to six, it's still not quite -- I'm going to call 6 o'clock evening. So if we start on my left and go down the table, that would be great.

Hi.

(Inaudible exchange.)

CHAIRWOMAN KRUEGER: I don't know, because we have two organizations, but I see three people.

You're sharing three minutes? Go for it. Absolutely.

MS HOBBS: Yes. Sharing three minutes.

Hi. Good evening, Senate Finance Committee Chair Krueger and Acting Assembly Ways and Means Committee Chair Dinowitz and distinguished members of this joint committee.

My name is Theresa Hobbs, executive director of NYSDRA, the New York State Dispute Resolution Association. We are a member-based organization and a contract program administrator for dispute resolution

services.

Joining me today is Sarah Rudgers-Tysz, executive director at Mediation Matters, which is one of the 20 community dispute resolution centers, or CDRCs, that have been our members since 1985.

For over 40 years, the CDRCs have provided low- to no-cost dispute resolution services to New York's communities, ensuring access to justice for tens of thousands of people, including some of our most underserved community members. Last year alone, the network served over 50,000 of your constituents, resolving over 20,000 cases using proven processes such as mediation, arbitration, and restorative practices to manage and resolve conflict and prevent harm.

This highly effective program, however, needs your support, which is why NYSDRA calling on this legislative body to allocate $3 million in the fiscal year '24-'25 state budget by way of a legislative line item and the Aid to Localities appropriation bill section under DCJS, an

agency with whom we partner that fully supports our funding request.

Currently the CDRC program depends on a grant from the judiciary alone, a grant that partially funds CDRC programs and services. However, this program by design was never intended to be solely funded by one agency, as public protection is not just a business of the courts.

CDRCs do have strong partnerships with the courts, but also with schools, law enforcement, various state agencies, businesses and other community organizations.

This $3 million in funding would help stabilize the CDRC program and maintain this critical infrastructure for the courts and a vitally important resource for your constituents. I firmly believe that with each life that the centers touch, the potential for conflict, hate and harm decreases.

Again, we urge this esteemed body

to support the CDRC program through a legislative line item.

MS. RUDGERS-TYSZ: And I'll just share a couple of examples of those services.

We are providing services to all community members, including the young and the old. We have young people that have approached us expressing pride that they've stopped in the moment and reengaged using the skills that we've taught them to avoid escalation.

And the adults in their lives are noticing that, too. Our families are recognizing the quickness with which we can reach the point of mediation to avoid the long lag that exists in family court.

Thank you.

MS. NOLASCO: There we go. I had to press really hard.

Thank you, Chairs Krueger and Dinowitz and esteemed members of the committees for hosting today's joint

legislative hearing. My name is Hailey Nolasco, and I'm the director of government relations at the Center for Justice Innovation.

And I appreciate the opportunity to testify today. It's my first state hearing -- thank you, and happy to be here.

So New York City continues to face a pressing need for mental health resources, with more than half of our incarcerated individuals flagging for mental health concerns. And because of this, I would really like to focus on this population today.

Individuals with complex mental health challenges who come in contact with criminal legal systems can be kept out of jails and prisons, while keeping our communities safe, with adequate support and treatment plans. The center appreciates the recognition of the role of mental health detailed in the Executive Budget, especially the

continued investment of $6 million in mental health courts specifically.

However, to best match the need, we are asking that there be an investment of $15 million instead, because this would really allow for a thoughtful expansion of mental health courts with real adequate resources and services.

Many individuals who come into contact with the criminal legal system have been exposed to significant trauma and have had mental health conditions that have both been stigmatized and ignored. Mental health courts are crucial because they work with high-need individuals suffering from mental illness and charged with crimes, offering meaningful support to prevent further involvement in the justice system.

These courts play a vital role in connecting individuals to supportive services such as housing, job

opportunities, and treatment. While almost 40 mental health courts currently exist around the state, they are often underfunded. They're undertrained and underappreciated in their jurisdiction.

And these courts, however, offer such a powerful foundation to build stronger, more resilient, and game-changing responses to the crosscutting crisis of mental health and public safety.

The center itself, we operate three mental health courts in Manhattan and Brooklyn addressing both program participant needs and community public safety concerns. The courts help people with mental health issues and co-occurring disorders to engage meaningfully in social services to help clients build their relationships with family, friends, and community organizations, and relationships that help clients avoid further justice system involvement.

The truth is that traditional responses to crime such as incarceration often fail to address the underlying issues, resulting in high rates of reoffending and recidivism. Participants in our Brooklyn Mental Health Court see a 46 percent reduction in the likelihood of a rearrest and a 29 percent reduction in the likelihood of a reconviction, versus a comparison group.

Through our work in these courts and many other problem-solving courts, we know that early intervention is best. Offering help and support early builds safety, restores lives, and and saves money. We have seen this firsthand with the work that we have been doing.

And we thank you so much for your time, and we're really looking forward to working with the state together on this issue. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Any questions from the Senate?

Jamaal Bailey.

SENATOR BAILEY: Good evening. Thank you for coming, and thank you for testifying. We truly appreciate it.

One question for each group.

First question, about the Dispute Resolution Association. In the scope, do you work with other credible messengers and any violence prevention organizations that do this sort of dispute resolution specifically in schools?

MS. RUDGERS-TYSZ: Sure. Yes. In fact, we frequently are -- we see ourselves as a hub to be able to work together with the other nonprofit organizations, particularly within the schools.

Several of our colleagues across the state actually have programs, credible messenger programs within their community dispute resolution center itself.

SENATOR BAILEY: I was going to say it's a very important thing in terms of violence remediation, for lack of a better term, is to understand the genesis of it and how to stop it before it even gets to the level where the credible messengers are involved. So I thank you for that work.

And so, Ms. Nolasco, you mentioned a $15 million ask, up from the six. What would the extra funding be utilized for?

MS. NOLASCO: Thank you so much for asking, Senator.

So the budget would include misdemeanor health courts in all five boroughs, additional services to Brooklyn Mental Health Court, statewide misdemeanor health courts, technical assistance services, and expansion in the felony ATI citywide supportive services.

Also, Community First being expanded to all five boroughs plus

Syracuse.

Also, a statewide misdemeanor mental health court evaluation as well would be included.

And then there'll be a high-utilizers pilot that's also in all the five boroughs and Syracuse as well. And of course the felony ATI statewide expansion.

So that would be everything that would be involved -- covered under the $15 million ask.

SENATOR BAILEY: Okay, excellent.

Again, thank you all for your work and for your testimony, and I appreciate your time.

Thank you, Madam Chair.

MS. NOLASCO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR HOYLMAN-SIGAL: I just wanted to say congratulations.

MS. NOLASCO: Thank you.

SENATOR HOYLMAN-SIGAL: You heard the chief administrative judge.

And thank you for all your work at Midtown Community Justice Center. It is such a ray of hope for the community and for those hundreds of clients you see every week.

I saw an attorney who said to me it's the only courthouse where his client leaves better than they arrived. So thank you for that.

MS. NOLASCO: And thank you so much for your staunch advocacy. Appreciate it.

CHAIRWOMAN KRUEGER: Thank you for joining us. We appreciate it. Thank you for staying this late.

And we have a last panel, which is the Correctional Association of New York, Worth Rises, and the Center for Community Alternatives.

Apparently the Osborne Association had to get on the train, so they won't be joining us.

And this is our last panel.

It's still not quite evening, so

good late afternoon. We'll start from my left, your right. If you'd introduce yourself and please start. Thank you. You can say "good evening."

(Laughter.)

MR. GANT: Thank you. No. I got it. Thank you, ma'am.

Thank you, Senators and Assemblymembers. I'm Thomas Gant. I am a community organizer for Center for Community Alternatives, CCA, and I'm also formerly incarcerated.

While in prison I helped author a package of legislation to end racist and unjust sentences called Communities Not Cages. I came here two years ago, and my successful reintegration is evidenced by my very presence before you today.

But do not make a mistake or have me as an exception or an anomaly. I am not the only one.

Our Communities Not Cages bill is comprised of three parts: The Eliminate Mandatory Minimums Act, which would

remove mandatory minimums and empower judges to consider individual factors in each case while sentencing. Secondly, the Earned Time Act, which will strengthen and expand good-time and merit-time laws to encourage personal transformation in prison and reunite families. And lastly, the Second Look Act. This would allow judges to review and reconsider excessive sentences.

Right now, over 30,000 people like me are warehoused in New York's prisons. Three out of four of them are Black or brown. Our prisons are filled with people who are more than ready to be reunited with their families and begin working in their communities just as I do. But instead, they languish for decades with all their gifts and transformation and rehabilitation withheld from the outside world.

The trio of Communities Not Cages bills will change this. I know firsthand that Communities Not Cages

bills have the power to transform the entire culture of prison and reduce violence by giving people hope that they can earn time off of their sentence and possibly be re-sentenced. More importantly, these laws will support transformation and bring our loved ones home.

I want to make it clear that in CCA we stand strongly opposed to the Governor's budget proposals to expand criminalization, mainly because crime in New York is down. But economic inequality in New York State is amongst the worst in the nation. We have a wider racial wealth gap than in the United States as a whole. The Governor's misguided efforts to further criminalize our communities is a dangerous distraction.

We also support No Price on Justice. We need legislation like the End Predatory Court Fees, which would abolish New York's predatory court fees

and mandatory fines and the possibility of incarceration based on inability to pay. And lastly, stop the garnishment of incarcerated persons' accounts.

We need to make meaningful investments -- that's why we support the expansion of College in Prison and transitional housing for people returning from incarceration. The Governor's budget falls short of making a meaningful impact. Two million dollars for transitional housing is simply not enough. A more reasonable goal is $5 million, which would fund 400 transitional housing units upstate -- and $7 million could fund 560 units.

Lastly, last year New York State passed the Clean Slate Act, a historic step towards ending perpetual punishment. Now, lawmakers, you have a great opportunity to build on that success by advances further reforms to address unjust and archaic sentencing

laws and, more importantly, helping to foster rehabilitation and contributing to a safer and more just New York.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next?

MS. SCAIFE: Good evening. My name is Jennifer Scaife. I'm the executive director of the Correctional Association of New York, which under state law has the authority to provide oversight over the state's 44 prisons operated by DOCCS.

We are a nonprofit organization based in Brooklyn, founded in 1844, and so that makes this our 180th year of service to New York State.

I want to highlight CANY's request for a $500,000 central budget allocation, which is detailed in our testimony. This support would allow us to carry out monitoring of the state prisons, promoting transparency, lifting up examples of good practice -- many of

which were cited by the acting commissioner earlier this afternoon -- while also calling attention to harmful practices in the prisons. Thank you for considering that request.

I also want to address the proposed closing of prisons in the Governor's budget. First, as we've heard, the prisons have 12,000 empty beds, which means that they're only about 73 percent full. And there are more than 3,000 vacant staff positions, which is about a 13 percent vacancy rate, not including staff who are out on worker's comp, leave, or absent for other reasons.

The highest vacancy rates, according to our data -- the data that we've gathered from DOCCS -- are among civilian staff. But -- and so these are doctors, dentists, nurses, clerical staff. But security staff vacancies affect all operations of the prison.

And so at Green Haven, for

example, last fall we learned that the program building was closed seven days out of 10 because of security staff shortages. So if you don't have COs in the positions, then the programs that are also proposed in the Governor's budget can't operate.

I also want to address the capital needs in the Governor's proposed budget, $80 million in additional capital funding, which would bump up DOCCS capital budget to greater than $560 million. I'm not in a position to evaluate whether that's the right hundred -- hundreds of millions of dollars, but infrastructure improvements are sorely needed across the state in the correctional facilities.

Take, for example, Auburn Correctional Facility in the Finger Lakes, the oldest operating prison in North America. We were there in 2019, where housing blocks had broken windows that caused such horrendous

indoor conditions that people were describing it like sleeping outside without a campfire.

We were there this past fall. The windows have still not been replaced.

Closing, so the state has an obligation to keep people incarcerated and working in these prisons warm through the winter, and closing prisons is one way to focus limited resources.

Thank you.

MR. LAMA: Good evening. My name is Andrew Lama, and I'm the government affairs specialist from Worth Rises, the New York City-based national nonprofit focusing on ending the exploitation of the prison industry.

I am also a resident of Assembly District 73, and it's really great to see my Assemblyman Bores on the committee there.

I'm going to ask you to imagine yourself as a woman from St. Lawrence,

Franklin, or Clinton counties. If you are convicted of a felony in these three counties, you will be incarcerated 300 miles from home at the very least, given where the three women's prisons are in New York State.

Proximity to community is critical for the rehabilitation of incarcerated individuals, and the strength of community is important for that. I'm here to advocate for $10 million to be included in the budget to support free phone calls for incarcerated people in New York.

It's critically important that women of St. Lawrence, Franklin, and Clinton counties are able to continue speaking with their loved ones and able to build strong community and ensure that their children are able to speak on the phone with their parents at night without facing an economic barrier to saying "I love you."

Families in New York State

currently pay about 53 cents for 15-minute phone calls, or $21.5 million in total every single year. Eighty-five percent of this $21.5 million annual burden is imposed upon women, due to the significant amount of the incarcerated population which are men. Most of the people paying for these phone calls are the wives, girlfriends, mothers, and women in the lives of incarcerated men.

And it's important to understand that when we make phone calls expensive for incarcerated people, the real people that we are harming are the women in our communities.

New York City, thankfully, was the first jurisdiction to address this problem and make phone calls free in 2018. Since then, California, Minnesota, Colorado, and Massachusetts have adopted the same legislation. What we're asking for is that New York State follow the lead of New York City as well as the five other states which have

implemented this legislation.

Again, we ask that $10 million be included in the budget in order to support free phone calls for incarcerated people and their loved ones. This is more than the $4.1 million which we estimate is required to implement this policy.

I will also finally note that the Assembly -- last year the Assembly one-house budget did include this ask, and that we've had productive conversations with both DOCCS and the Governor's office. If this ask is in the budget, they will not oppose it.

Thank you. And again, I ask that we ensure that there is no economic barrier between reading your children a bedtime story at night, joining a parent-teacher conference on the phone, or saying "I love you."

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Yes, Senator Jamaal Bailey.

SENATOR BAILEY: I echo your sentiments. As the Senate sponsor of the bill, along with Assemblyman Harvey Epstein, I concur with your conclusion that we do in fact need to do something about that. So that is something that I'm acutely aware of, and thank you for bringing it to the forefront.

As far as CANY's ask for $500,000, have you been funded in the budget previously?

MS. SCAIFE: Not in the Executive Budget. We get an annual appropriation from the Legislature at 127,000. It's been that way for a decade, probably, and at this point represents just about 5 percent of our annual expenses.

SENATOR BAILEY: Okay, thank you.

And last but not least, Mr. Gant, I just want to thank you for your consistency in being up here advocating for Clean Slate and a number of other things. Thank you for your work and for your -- and for bringing up those bills.

And I have nothing further, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRMAN DINOWITZ: Nope.

CHAIRWOMAN KRUEGER: Then we want to thank you very much for staying with us all day, being the last panel, bringing a new perspective to this discussion.

CHAIRMAN DINOWITZ: They didn't just arrive?

CHAIRWOMAN KRUEGER: No, they didn't just arrive. They've been listening the whole time.

And for everyone else in the room who may be listening, we are now officially ending this hearing.

And we are not going to have a hearing tomorrow, Friday, for those of you who just live for every day to be here with us. Come back next Tuesday. That's when our hearings are scheduled to start up again -- Tuesday, Wednesday,

Thursday next week.

Thank you very much. Thank you to all the staff for all your help.

(Whereupon, the budget hearing concluded at 6:08 p.m.)