



Preliminary Analysis of Proposed 2011/2012 Executive Budget On Criminal Justice, Drug and Alcohol and HIV/AIDS

February 2, 2011

Governor Andrew Cuomo introduced his first executive budget, which covers the 2011-2012 fiscal year. The state faces budget gaps of \$10 billion in 2011-12, \$15.3 billion in 2012-13, \$17.9 billion in 2013-14, and \$21.4 billion in 2014-15. The proposed overall state budget for FY 2012 is \$132.9 billion and contains a reduction of \$3.7 billion, or 2.7%.

The following analysis provides detail on Governor Cuomo's budget proposals in the areas of Criminal Justice, Drug and Alcohol and HIV/AIDS, including charts and commentary from the governor's budget.

A few highlights:

- Cuts in state spending to the two biggest state budget items, education and Medicaid;
- Mergers and consolidations of state agencies (notably in criminal justice);
- Reform of state spending on education;
- Reform of the Medicaid program;
- Review of state mandates that impose costs on local governments and other entities; and
- Overall cuts of 10% to state operations (agencies will be expected to reduce operations by this amount, with layoffs a possibility).

The Legal Action Center will continue to gather details on the budget from our meetings and conversations with state policymakers and legislative staff.

Criminal Justice

The main highlights of Governor Cuomo's criminal justice proposal are on the reduction of unneeded capacity in prisons. He proposes:

- Removing at least 3,500 excess beds in medium- and minimum- security facilities;
- Creating a new Department of Corrections and Community Supervision, which combines the Department of Correctional Services and Parole; and
- Expanding the Division of Criminal Justice Services (DCJS) through the incorporation of the Office for the Prevention of Domestic Violence, the Office of Victim Services and the State Commission of Corrections.

<http://publications.budget.state.ny.us/eBudget1112/fy1112littlebook/PublicSafety.pdf>

Division of Criminal Justice Services

<http://publications.budget.state.ny.us/eBudget1112/agencyPresentations/pdf/dcjs.pdf>

The Executive Budget recommends \$347 million in All Funds support for the Division. This reflects a decrease of \$6.4 million, or 10%, decrease in the General Fund from 2010-11.

All Funds/local assistance funding is reduced by \$46 million, primarily reflecting the discontinuation of Federal American Recovery and Reinvestment Act (ARRA) funding. Local programs in the General Fund are reduced by \$9.7 million, or 8%. Allocations for these programs will be made pursuant to a plan developed by the commissioner, taking into consideration performance measures and program outcomes.

- The Division is overseeing the allocation of \$67 million in federal funds through the American Reinvestment and Recovery Act to support drug law reform through investments in drug

treatment, drug courts, alternatives to incarceration, probation, probation violation centers, and computer training and transitional employment for former offenders.

**Division of Criminal Justice Services
ALL FUNDS APPROPRIATIONS
(dollars)**

Category	Available 2010-11	Appropriations Recommended 2011-12	Change	Reappropriations Recommended 2011-12
State Operations	136,878,000	114,350,000	(22,528,000)	139,400,000
Aid To Localities	278,547,000	232,565,000	(45,982,000)	309,047,986
Capital Projects	0	0	0	0
Total	415,425,000	346,915,000	(68,510,000)	448,447,986

Department of Corrections and Community Supervision

(<http://publications.budget.state.ny.us/eBudget1112/agencyPresentations/pdf/docs.pdf>)

The Executive Budget recommends \$2.9 billion All Funds (\$2.4 billion General Fund; \$39 million Federal Funds; \$30 million Other Funds; \$74 million Internal Service Funds; \$43 million Enterprise Funds; \$320 million in Capital Projects Funds) for the Department of Corrections and Community Supervision. There is a decrease of \$271 million, or 10%, in General Fund State Operations appropriations from the combined 2010-11 totals of the Department of Correctional Services and the Division of Parole.

**Department of Corrections and Community Supervision
ALL FUNDS APPROPRIATIONS
(dollars)**

Category	Available 2010-11	Appropriations Recommended 2011-12	Change	Reappropriations Recommended 2011-12
State Operations	2,875,707,000	2,605,074,000	(270,633,000)	39,422,000
Aid To Localities	22,171,000	17,171,000	(5,000,000)	15,153,000
Capital Projects	320,000,000	320,000,000	0	655,345,000
Total	3,217,878,000	2,942,245,000	(275,633,000)	709,920,000

Additional budget proposals include:

- Creation of a task force by executive order to identify prisons to be closed. If it does not recommend rightsizing, the Correctional Services commissioner would be empowered to close prisons;
- Communities affected by the closures would receive assistance from the governor's new regional economic development councils, with up to \$100 million available to help communities end their reliance on incarceration as a major source of employment and economic sustainability;
- The Parole Board would continue as an independent body, but housed within and receiving administrative support from the new agency;
- The Parole Board would be reduced, from 19 to 13 people; and
- Eliminate the 12-month prison closure notification requirement and modify the type of plan to be developed in the event of a prison closure.

(<http://publications.budget.state.ny.us/eBudget1112/fy1112littlebook/LegislationRequired.pdf>)

Juvenile Justice (in the Office of Children and Family Services Budget)

<http://publications.budget.state.ny.us/eBudget1112/fy1112littlebook/HumanServices.pdf>

Governor Cuomo’s budget also includes a number of proposals juvenile justice reform, including:

- Reduce Youth Facility Capacity: This proposal would reduce capacity from 1,209 beds to 833 beds and eliminate the 12-month statutory notification requirement that OCFS must fulfill before closing a facility. (2011-12 value: \$22 million; 2012-13 value: \$22 million)
- Enhance Youth Facility Services: This investment would support improvements in mental health, education, counseling, direct care and other services at OCFS facilities throughout the state. (2011-12 value: \$14 million; 2012-13 value: \$24 million)
- Restructure State Funding for Local Secure and Non-Secure Detention: This proposal eliminates the automatic 49 % state reimbursement of local secure and non-secure detention costs effective July 1, 2011. Local detention costs for high-risk youth will be supported through a new Capped Detention Program that will support 50 percent of detention costs for those who pose a threat to public safety. This financing reform will provide stronger incentives for local officials to focus on effective programs that serve youth in the community. (2011-12 value: \$23 million; 2012-13 value: \$51 million)
- Invest in Performance-Based Supervision and Treatment Services for Juveniles Program: A significant increase in funding will be available for local governments to support performance-focused, community-based alternatives to placing lower-risk youth in costly state youth facilities and local detention centers. This funding will replace and enhance existing alternatives to detention and residential placement program funding. (2011-12 value: \$29 million; 2012-13 value: \$46 million)

Office of Indigent Legal Defense

<http://publications.budget.state.ny.us/eBudget1112/agencyPresentations/pdf/oils.pdf>

The office has responsibility for developing policies regarding indigent defense services and working collaboratively with the counties to facilitate improvements in the public defense system. It will examine and monitor the services provided to indigent defendants in the counties; collect information in order to study and recommend measures to enhance the quality of representation; establish criteria to guide the provision of conflict defender services; and target grants to counties in support of innovative and cost-effective proposals to enhance the quality of indigent legal services. It will also make recommendations on ways to improve the delivery of services statewide. The board acts in an approval and advisory role to the office. It will evaluate existing indigent defense programs and determine the types of services that should be provided; approve, modify, or reject the recommendations of the office concerning grants; and report to the governor, Legislature and judiciary annually.

**Office of Indigent Legal Defense
ALL FUNDS APPROPRIATIONS
(dollars)**

Category	Available 2010-11	Appropriations Recommended 2011-12	Change	Reappropriations Recommended 2011-12
State Operations	1,500,000	3,000,000	1,500,000	0
Aid To Localities	77,000,000	77,000,000	0	77,000,000
Capital Projects	0	0	0	0
Total	78,500,000	80,000,000	1,500,000	77,000,000

Medicaid Redesign

The executive budget reflects that the Medicaid Redesign Team will identify initiatives to reduce State Funds Medicaid spending by \$2.85 billion for 2011-12 and by \$4.6 billion in 2012-13 by modifying

program requirements and limiting spending growth to the 10-year rolling average of the medical care component of the Consumer Price Index. This reflects a year-to-year All Funds spending reduction of \$982 million, or 2%. This has implications for the State Department of Health, the AIDS Institute, and the Office of Alcoholism and Substance Abuse Services (OASAS).

Office of Alcoholism and Substance Abuse Services

(<http://publications.budget.state.ny.us/eBudget1112/fy1112littlebook/MentalHygiene.pdf>)

(<http://publications.budget.state.ny.us/eBudget1112/agencyPresentations/pdf/oasas.pdf>)

The 2011-12 Executive Budget recommends nearly \$671 million All Funds (\$432 million State Operating Funds; \$239 million Other Funds) for OASAS, which represents a decrease of \$46 million, or 6.4%.

Other highlights include:

- Deferring Cost-of-Living Adjustment (COLA): Defer the planned 1.2 percent human services COLA for one year. However, to continue the state’s long-term commitment, a three-year human services COLA would commence April 1, 2012 and continue through the 2014-15 fiscal year.
- The 1.1% reduction to local payments implemented in 2010-11 is also continued.
- Providing Services under Drug Law Reform: Continue the current year levels of funding for OASAS costs related to recent drug law reforms, including maintaining 250 residential beds added in 2010-11. As a result, services for this population will be supported within existing OASAS capacity by enhanced performance and the prioritization of services.
- Reduce funding for OASAS programs that fail to meet established performance indicators.
- Delay the development of (five gambling prevention programs and) three Recovery Community Centers.
- Eliminate planned new funding for additional re-entry services.

**Office of Alcoholism and Substance Abuse Services
ALL FUNDS APPROPRIATIONS
(dollars)**

Category	Available 2010-11	Appropriations Recommended 2011-12	Change	Reappropriations Recommended 2011-12
State Operations	130,710,000	119,013,400	(11,696,600)	4,288,000
Aid To Localities	477,234,000	454,121,000	(23,113,000)	191,600,000
Capital Projects	108,934,000	97,606,000	(11,328,000)	456,406,000
Total	716,878,000	670,740,400	(46,137,600)	652,294,000

HIV/AIDS

(<http://publications.budget.state.ny.us/eBudget1112/fy1112littlebook/Healthcare.pdf>)

As part of broader plans to consolidate state operations, the separate budget line for the AIDS Institute appears to be consolidated in overall State Department of Health Administration. The budget documents eliminate distinct funding for FTEs and state operations for the AIDS Institute and move them, along with several other departments, to overall DOH administration. The AIDS Institute will also be subject to the same 10% cut in state operation as all other agencies. This will make monitoring changes in staffing and funding for specific agencies almost impossible in future budgets if these distinct budget lines are eliminated. State funding for ADAP remains unchanged at \$42.3 million. The following link shows the effect of the consolidation on program and staff budgets.

(<http://publications.budget.state.ny.us/eBudget1112/agencyPresentations/pdf/doh.pdf>)