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PUBLIC PROTECTION

Public Protection Proposed Disbursements - All Funds (Thousands of Dollars)				
Agency	Estimated FY 2021	Proposed FY 2022	Change Amount	Percent
Department of Corrections and Community Supervision	3,856,337	2,953,366	-902,971	-23.42%
Division of Criminal Justice Services	256,324	276,817	20,493	7.99%
Division of State Police	1,114,625	897,468	-217,157	-19.48%
Office of Victim Services	131,728	132,526	798	0.61%
Commission of Correction	2,505	2,467	-38	-1.52%
Judicial Commissions	6,334	6,512	178	2.81%
Division of Military and Naval Affairs	192,956	229,572	36,616	18.98%
Division of Homeland Security and Emergency Services	1,678,189	1,239,891	-438,298	-26.12%
Office of Indigent Legal Services	213,432	226,463	13,031	6.11%
Office for the Prevention of Domestic Violence	3,075	8,022	4,947	160.88%
Totals:	**7,455,505**	**5,973,104**	**(1,482,401)**	**-19.88%**
Judiciary	3,003,378	3,172,817	169,439	5.64%
Department of Law	248,978	236,838	(12,140)	-4.88%

The FY 2022 Executive Budget recommends All Funds cash disbursements of $5.9 billion, a decrease of $1.48 billion or 20 percent from FY 2021 for all public protection agencies. This decrease is primarily driven by substantial reductions in General State Charges for the Department of Corrections and Community Supervision and the Division of State Police.

Department of Corrections and Community Supervision (DOCCS)

The FY 2022 Executive Budget recommends $3.38 billion in All Funds appropriations for the Department, a decrease of $8.3 million from FY 2021 levels. This decrease is primarily the result of eliminating 1,300 to 1,800 beds and decreasing 800 FTEs. Reductions are offset by an increase of $12 million in Capital spending and $10 million in COVID-19 related costs.

The Executive recommends a Capital Budget of $435 million, an increase of $12 million from FY 2021 levels.

The Executive recommends State Operations appropriations of $2.91 billion, a decrease of $25 million from FY 2021 levels. An increase of Facility Commissary spending of $5 million offsets a decrease of $30 million from the elimination of 1,300 to 1,800 beds and 800 FTEs.

A workforce level of 570 FTEs remains unchanged from FY 2021.

Division of Military and Naval Affairs

The FY 2022 Executive Budget recommends $146.1 million in All Funds appropriations, a decrease of $160 million from FY 2021. This decrease is due to the elimination of non-recurring one-time FY 2021 capital project appropriations for the Jamaica Armory in Queens ($150 million) and Military Museum ($10 million).

The Executive recommends no changes to State Operations ($79.9 million), Aid to Localities ($1 million) or FTEs (374) from their FY 2021 levels.

Office of Indigent Legal Services

The FY 2022 Executive Budget recommends $311 million in All Funds appropriations, an increase of $50 million over FY 2021. The $50 million increase is directly attributable to statewide implementation of the Hurrell – Harring Settlement terms.

In November 2007 five counties – Onondaga, Ontario, Schuyler, Suffolk, and Washington – filed suit against the State, alleging a deprivation of the right to counsel for indigent defendants (defined as a criminal defendant eligible for publicly funded legal representation). The State settled with five of the plaintiffs in October 2014 after agreeing to undertake actions to increase indigent criminal counsel services through the State Office of Indigent Legal Services (ILS).

The FY 2018 Enacted Budget contained Article VII language that created a statewide indigent legal defense plan to apply to all public defenders, legal aid society, assigned counsel programs and conflict defender offices. Statewide implementation, which will take counties from their current level of service to the Settlement terms, is an estimated $250 million cost when fully annualized in 2023. The Executive proposes increasing the appropriation authority evenly until fully annualized.

The Executive Budget recommends a State Operations budget of $6.46 million, unchanged from FY 2021.

Judiciary

The FY 2022 Executive Budget recommends All Funds spending of $3.2 billion, an increase of $169.4 million, or 5.6 percent.

Spending for personal service and nonpersonal service/indirect costs for Court and Agency Operations would decrease $26 million, or 1.2 percent. Spending for employee benefit costs would increase $106.1 million, or 13.6 percent. Just over $100 million of this increase is due to the deferment for two years of approximately $68 million of social security payroll taxes, pursuant to authority provided by the CARES Act. Aid to Localities spending would increase $87 million, or 97.7 percent. Capital projects spending would increase $2.2 million, or 9 percent, to $26.8 million.

The $26 million decrease to Court and Agency Operations reflects a personal service decrease of $64 million, or 3.6 percent. This decrease primarily due to the denial of the recertification of 46 judges which is expected to account for approximately $27 million in reduced spending, as well OCA's implementation of a hiring freeze which is reducing OCA's workforce through attrition. Non-personal service/indirect costs increase of $38.1 million, or 11 percent. It should be noted that OCA, in response to the pandemic, reduced non-personal service/indirect costs spending during FY 2021 by nearly $90 million from what they initially planned.

Approximately $62 million of the increase in Aid to Localities spending is due to the suballocation of $15 million to the Interest on Lawyers Account and $47 million to the Office of Indigent Legal Services in the FY 2021 Judiciary budget. There is no change in these suballocations in the FY 2022 Executive Budget. The remaining portion of the increase is primarily due to the deferral of court incentive aid fund expenses. Spending for the Justice Court Assistance program is reduced by $1.5 million, or 33.3 percent.

The $26.8 million of capital projects spending would be used for new and continued investments in technology and equipment associated with facility renovations, records management projects, and enhanced health and safety in courthouses.

Department of Law

The FY 2022 Executive Budget recommends All Funds spending of $236.8 million, a decrease of $12.1 million, or 4.9 percent, from FY 2021 levels.

State Operations spending would decrease $6.2 million, or 3 percent. Personal service spending would decrease $5.5 million, or 3.7 percent. Non-personal service spending would decrease $736,000, or 1.3 percent. Fringe benefit spending would decrease $2.2 million, or 6.2 percent.

Capital spending on the IT Initiative program would decrease $3.7 million, or 65.1 percent. Capital spending would be used to acquire and develop various equipment, software, and technology services.

The Executive proposes no change in Full Time Equivalent (FTE) positions.

Office of Victim Services

The FY 2022 Executive Budget recommends $222 million in All Funds appropriations, unchanged from FY 2021.

Office to End Domestic and Gender-Based Violence

The FY 2022 Executive Budget transforms the Office for the Prevention of Domestic Violence to the Office to End Domestic and Gender-Based Violence (See Section 3\S.2505 Part B for details).

The FY 2022 Executive Budget recommends $10.5 in All Funds appropriations, an increase of $4.7 million over FY 2021. The Budget provides $4.2 million and $6.3 million for State Operations and Aid to Localities, respectively. The increase of $4.7 million is due to the transfer of the "Enough is Enough" program from the Department of Health. The Executive maintains $170,000 in funding for the Women's Rights Clinic at SUNY Buffalo Law School and the Capital District Domestic Violence Law Clinic.

State Commission of Corrections

The FY 2022 Executive Budget recommends $2.95 million in All Funds appropriations, unchanged from FY 2021 levels.

Judicial Commissions

The FY 2022 Executive Budget recommends the same level of funding as in FY 2021 for the Commission on Judicial Conduct ($6 million), the Commission on Judicial Nomination ($30,000) and the Judicial Screening Committees ($38,000).