

Public Safety

Homeland Security Funding

In the *9/11 Commission Report*, the National Commission on Terrorist Attacks upon the United States (known as the 9/11 Commission) charged the President and Congress to allocate available Homeland Security funds pursuant to criteria that are “based on an assessment of threats and vulnerabilities” rather than treating these funds as “general revenue sharing.” Flying in the face of this recommendation—and for the third consecutive year—New York State’s per-capita share of Homeland Security Grant funding ranks *second to last* among the 50 States. The current allocation scheme of Homeland Security funds perpetuates a scenario where each resident of the State of Wyoming receives seven times more funding than residents of New York, excluding funding earmarked exclusively for New York City and the City of Buffalo through the Urban Area Security Initiative.

While monetary enhancements to the Federal Urban Area Security Initiative enacted in the Federal Year 2004 budget were much needed, these enhancements have come with a commensurate decrease in funding for the Homeland Security funding streams mentioned above. The Assembly urges the Governor to approach the President and Congress aggressively to restore these cuts and halt any further year-to-year reductions in Homeland Security funding.

The Assembly also urges the Governor to turn his words in this year’s *State of the State* address into action: call directly upon the President to advocate on behalf of the citizens of our State—the epicenter of the 9/11 attacks—to adopt a more equitable formula for the distribution of all Homeland Security funding.

Protecting New Yorkers

The terrorist attacks of September 11, 2001 have brought a renewed sense of commitment to safety and security throughout the Nation. This commitment has been made visible in New York through numerous pieces of legislation enacted since 9/11 which bolster our first responders’ ability to meet the challenges of emergency response. New Yorkers expect to live in an environment where safety is ensured and paramount, and this is an end that the Assembly seeks to meet.

In the preceding legislative session the Assembly participated in a cooperative effort with the Senate and Executive to enact a second anti-terrorism statute that criminalized the use of chemical and biological weapons and enhanced penalties for money laundering activities in support of terrorism. The legislation also established forward-looking tools to increase our State’s readiness for future attack. Through Chapter 1 of the Laws of 2004, the Legislature and the Governor codified the State Office of Homeland Security and charged that Office with the task of a chemical security assessment. This law also creates universal standards that seek to increase security at the State’s general aviation facilities. Making

good on our promise to consider the interests of first responders in all homeland security deliberations, the Assembly insisted on the inclusion of enhanced hazardous materials (HAZMAT) training in the statute as well as a seat and a voice for first responders at the table of a newly created Statewide Wireless Network (SWN) Advisory Board.

In his State of the State message, the Governor noted his intention to introduce a third terrorism statute. His proposal would criminalize newly emerging crimes of “cyber-terrorism” and “agri-terrorism”.

Enhanced Wireless 911 Funding

In SFY 2002-03, at the urging of the Legislature, a Local Enhanced Wireless 911 Program was enacted to provide local reimbursement for eligible costs associated with the provision of enhanced emergency wireless 911 service. To date, the New York State 911 Board has successfully awarded \$40 million to localities who are in various stages of implementing this life-saving technology. The Legislature’s intent has come to fruition: these funds are being utilized to encourage an accelerated roll-out of enhanced wireless 911 service throughout the State.

Unfortunately, under the SFY 2005-06 Executive budget proposal, the funds supporting this vital program are in jeopardy. The Executive proposes a provision that would, in effect, put a stop payment on funding for this program beyond SFY 2007-08 after only \$70 million has been awarded. What’s troubling is that in the same bill, the Executive proposes to spend \$59 million in cellular surcharge revenue *in this fiscal year alone* on other costs completely unrelated to enhanced wireless 911 service.

When the cellular surcharge was initially created, few could envision the prominent role wireless communications devices would play in our daily lives or the prominent position these devices would fulfill in the spectrum of public safety. The Governor’s proposal to cease funding for this initiative is indicative of a lack of vision by ignoring the prospect of future technological innovations whose price tag will be borne by localities. This action continues the Executive’s long-standing tradition of attempting to allow blind faith to guide New York’s public safety communication strategy.

Statewide Wireless Network

The Assembly remains committed to the full implementation of a Statewide Wireless Network (SWN), which will provide a seamless communications network for emergency service providers throughout the State. With cost projections far in excess of \$1 billion, however, the Assembly is gravely concerned about the Executive’s reticence to disclose the details with regard to the SWN bid and contract process, the actual cost of SWN, an implementation/build-out timetable and the Network’s ability to interface with first responders. On behalf of taxpayers across the State, the Assembly refuses to allow the Executive and unelected agency officials to keep SWN under a cloak of secrecy. The

Executive is urged to become more forthcoming with the Legislature about all aspects of SWN during the present legislative session.

Complete Reform of Rockefeller Drug Laws

For more than three decades, the Rockefeller Drug Laws served to warehouse non-violent felons in our prisons, thus draining State resources while failing to provide the services or opportunities that are necessary to end the cycle of drug addiction and crime. In 2004, protracted negotiations between the Assembly, Senate and the Executive yielded a sweeping first step in reforming the unduly harsh sentencing structure that supported New York's drug laws. The enacted reforms reduce sentences for non-violent drug offenders and allow for expanded access to prison based drug programming.

These reforms may prove to pay large dividends. In SFY 2005-06, The Executive proposes an All-Funds appropriation for the Department of Correctional Services (DOCS) in the amount of \$2,240,913,000 to accommodate 63,699 inmates (as of January 1, 2005)—making per-capita spending on prisoners \$35,179 per year. At a time where a full 24 percent of the under-custody population is serving time for a drug offense, affording non-violent offenders with an opportunity to participate in treatment would be a more economically efficient.

While these reforms bring equity to New York's sentencing laws, the Assembly remains committed to finishing the task of effecting true and comprehensive sentencing reform by providing judges full discretion in the disposition of drug felonies and authorizing treatment as a viable and cost-effective alternative to incarceration.