



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of April 8, 2024 -- 'The plague of lawlessness keeps spreading statewide'

THOMAS F. O'MARA April 8, 2024

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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature.

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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, **"The plague of lawlessness keeps spreading statewide"**

On the evening of Friday, March 30, Chemung County Sheriff's Investigator Mike Theetge, in pursuit of a suspect in a retail theft operation at a Target store in Big Flats, just two miles from my home, was struck and thrown by the getaway vehicle being used in the crime.

Investigator Theetge, 35 years old, suffered a skull fracture and brain bleeding. As of this writing, he remains hospitalized in critical condition. First and foremost, please keep Mike and his family in your prayers. The outpouring of community support has been incredible. According to the Chemung County Sheriff's Office, individuals or businesses wishing to make a direct donation to the Theetge family should contact the Sheriff's office at 607-737-2950 (Road Patrol) or 607-737-2987 (Administration) for assistance in doing so.

The prevalence of ever-rising retail theft across this state and nation reaches home here in the Southern Tier in a shocking and tragic way. This is not just a big city issue, it's right here in our own backyard in rural, upstate New York. We are all being impacted by the consequences of no consequences resulting from the Albany Democrats' soft on crime and punishment policies.

It's estimated that retail theft is costing New York State businesses upwards of \$4 billion annually. Polls have shown that retail workers are fearful of being attacked at their workplaces. One recent survey conducted by the Retail, Wholesale and Department Store Union, for example, revealed more than 80 percent of retail workers say that they are worried about an active shooter coming into their workplace.

Yet, raise the prospect of increasing criminal penalties to crack down on retail thieves -- for example, legislation to make it a felony offense to assault a retail worker -- and the response from leading Albany Democrats demonstrates the mindset destroying law and order in New York State.

Assembly Speaker Carl Heastie recently said, "I just don't believe raising penalties is ever a deterrent."

Senate Majority Leader Andrea Stewart-Cousins joined her Assembly counterpart in expressing the same sentiment, saying: "Both houses find that merely raising penalties does not necessarily get at,

you know, diminishing the amount of crime."

Another leading Senate Democrat, Brooklyn Senator Kevin Parker added, "I don't see any increase in penalties coming out of the state Legislature."

It's preposterous. If retail thieves, if criminals in general, don't fear the consequences of their actions -- and they don't in New York State today -- there's no stopping this explosion of crime and violence. You might just as well wave a white flag of surrender.

"It's better off to commit a crime than get a job in New York," says the President of New York's Bodega and Small Business Association.

"How do you deter crime except by penalty?" asks Nelson Eusebio, who heads the National Supermarket Association and Coalition to Save our Supermarkets. He's right.

For her part, Governor Kathy Hochul has acknowledged the growing retail theft crisis and put forth a \$45 million plan to establish a new state-level task force to coordinate statewide responses. The governor also wants to:

--set up a New York State Police Smash and Grab Enforcement Unit dedicated to building cases against organized retail theft rings;

--increase funding for local district attorneys to prosecute property crime cases and to bolster the ability of local law enforcement to combat retail theft; and

--establish a Commercial Security Tax Credit to help business owners offset the expense of store security measures.

That's all well and good, but can any of the above be truly effective without being accompanied by tougher penalties for criminals? Yes, the governor has expressed her own support for increased penalties as part of the broader deterrent and enforcement strategy, but she failed to put it in her proposed executive budget, which is where she has the most power with the Legislature's Democratic supermajorities. Consequently, it's clearly going nowhere in the Democrat-controlled Legislature, and the governor appears in no position to be able to sway their opinion.

Writing in the *New York Post*, longtime New York City newspaper columnist Michael Goodwin reacted to Assembly Speaker Heastie's "penalties are not a deterrent" way of thinking this way: "Because (Heastie) has a life-or-death grip on every piece of legislation that moves or doesn't move in Albany, his admission illustrates why lawmakers have allowed and even encouraged the waves of

crime and public disorder that are destroying New York. The lenient bail laws, the handcuffs on judges, the raising of the age from 16 to 18 for young offenders to be treated as adults -- they all play a role in the coddling of criminals and the victimization of the innocent. The murder of (New York City) Police Officer Jonathan Diller by a career criminal who along with his partner had racked up at least 35 combined arrests underscores the devastating impact Heastie and his Democratic collaborators are having.”

Goodwin hits the bull’s eye here. New York State under one-party control has spent the past several years coddling criminals and victimizing law-abiding, innocent citizens.

The plague of retail theft goes on ravaging New York and other cities and, as I started this column, the prevalence of lawlessness is seeping into every corner of the state, including the horrific encounter that left Chemung County Sheriff’s Investigator Mike Theetge fighting for his life.

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