



NEW YORK STATE SENATOR

Susan Serino

SERINO: CRIMINAL JUSTICE 'REFORM' CANNOT PUT PERPS OVER VICTIMS

SUSAN SERINO March 7, 2019



Albany, NY —Senator Sue Serino recently joined her Senate colleagues and a bipartisan group of district attorneys and county sheriffs at a press conference to call attention to the various ways proposed changes to state law would favor criminals over vulnerable victims. Victims' families and advocates united with the group to share their personal experiences with the current system and to send a message to Albany's new leadership that comprehensive criminal justice reform must not come at the expense of law-abiding citizens, victims, or law enforcement officials.

“Our criminal justice system isn’t perfect, but we cannot afford to favor criminals over victims in the name of ‘progressive reform,’” said Senator Serino. “I am proud to join with a bipartisan coalition of law enforcement officials and advocates, who understand that our duty is to provide equal justice under the law, do right by victims, and enhance public safety. When it comes to criminal justice reform, I urge the new leaders in Albany to take an objective and holistic approach, to hold public hearings, to listen carefully to all sides, and to be guided by the voices of those who work to protect our communities and those who have been victimized.”

Senate Democrat-sponsored criminal justice “reform” proposals include:

“Cashless Bail,” a measure that ignores the genuine concerns of law enforcement and victims and has the potential to allow violent offenders to be released into our communities, leaving victims vulnerable and ignoring the possibility of potential ‘flight-risks’; and “Criminal Discovery Reform,” a measure that requires all evidence to be turned over to defendants within 15 days. This could include identifying information of witnesses, as well as their place of residence. This proposal could endanger law enforcement officials and could lead to intimidation of witnesses or tampering efforts. In addition, it represents yet another unfunded mandate on local governments.

Press conference attendees made it a point to note that they were open to changes that would ensure the accused are not jailed simply because they cannot afford to post bail if they pose no threat to society. However, they noted that the legislation being considered today is far too expansive and could actually allow for the release of dangerous offenders while they await trial.

Speaking at the press event, Schenectady District Attorney Bob Carney made it a point to note that, “District attorneys are not opposed to reform of the criminal justice system.”

He went on to say that, “No district attorney I know believes that anyone should sit in jail awaiting trial solely because they lack the financial resources to post bail. That is a situation that has to be eliminated whether it occurs in Rikers Island, or it occurs in Hamilton County or more rural parts of the state, but district attorneys believe that bail reform must be sensible, and not tie judges' hands in ways that jeopardize public safety and confidence in the criminal justice system.”

Carney also noted that while other states have eliminated cash bail, those states have then enhanced their laws to provide certain risk assessment tools so judges have an objective way to measure the threat posed by the perpetrator, or they make a massive commitment of resources for pretrial services to monitor and track perpetrators. The legislative proposals put forth here in New York do not do either.

Further, he noted that under the Governor's reform proposal everyone would be released without bail with only the exception of five categories of offenders. Carney went on to list disturbing and specific examples of those who would be immediately released under the Governor's plan. They include:

- child pornographers;
- sex traffickers;
- out of state drug traffickers;
- drug kingpins who are not expressly charged with a Class A felony;
- massive white color crime offenders;
- someone caught with 1,000 bags of deadly fentanyl laced heroin;
- someone who engaged in lewd conduct on a school playground;
- those who routinely burglarize homes, and more.

Shortly thereafter, the event's attendees stood in reverence when Mike and Regina Stewart spoke alongside small urns containing the ashes of their son Christopher, a high school football star who in 2012 was killed by a drunk driver with a long history of low-level prior offenses.

Mike Stewart addressed the room saying, "For those of you who argue it's unfair for some individuals, or some offenders or a financial burden for them, let's just remember those people chose their actions and those actions led them in front of those judges. So there's no reason we want to make this easy on those people that made those extremely poor choices."

These reform proposals are currently being considered as part of the State Budget negotiations. While the Governor's spokesman recently signaled publicly that 'criminal justice reform' will be a part of the final State Budget, Serino and press conference attendees are urging Albany's leadership to slow down, seek public input and take a more cautious approach to reform that could have such a dramatic, dangerous and widespread impact.

Serino continued, "From restoring the voting rights of felons who have yet to complete their sentences, to setting cop killers free, and fighting to increase the minimum wage for inmates while hardworking, law-abiding citizens are struggling to make ends meet, time and again, the Governor and Albany's new leaders continue to prioritize the rights of criminals. In contrast, I will continue to be a strong voice for law-abiding New Yorkers, victims, and members of law enforcement who put their lives on the line to protect the public and I urge my colleagues on the other side of the aisle to join us in improving our system instead of jeopardizing public safety to dismantle it."

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