



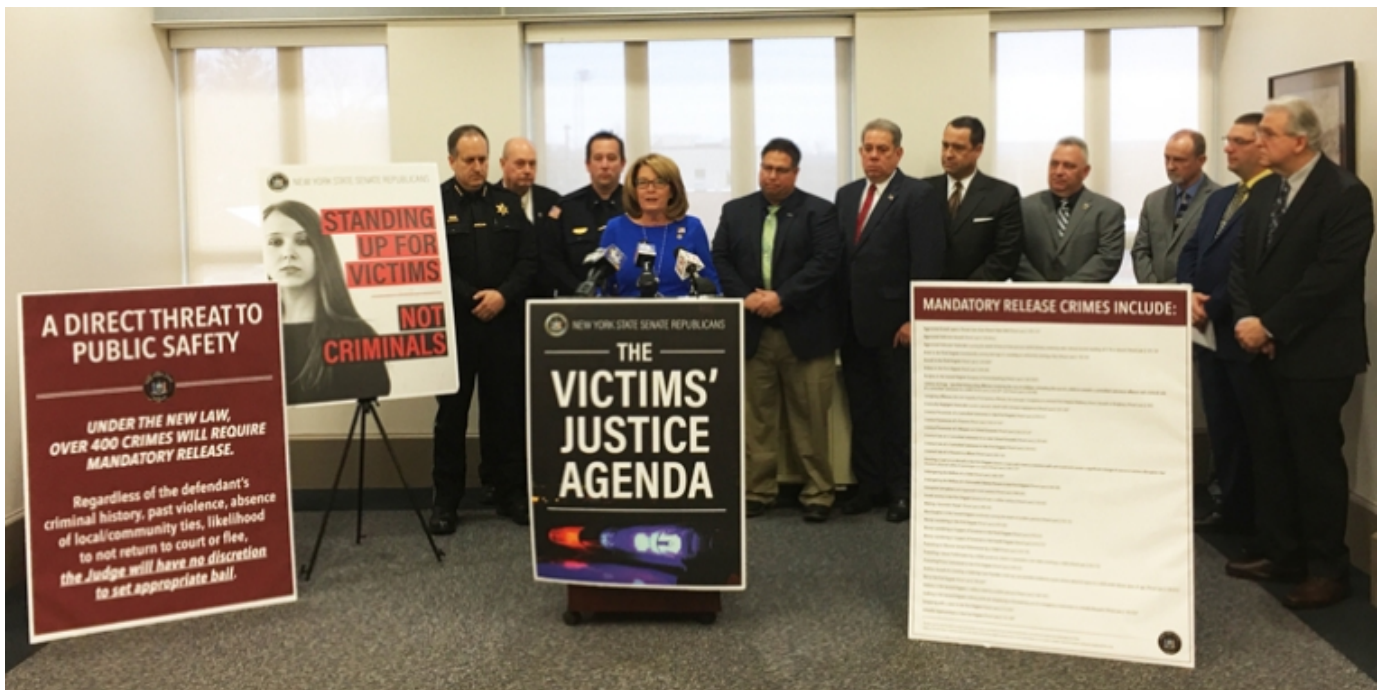
NEW YORK STATE SENATOR

Pamela Helming

Helming and Local Enforcement: Stop the Madness and Halt New 'Criminal Justice Reforms'

SENATOR PAM HELMING November 15, 2019

| ISSUE: **CRIMINAL JUSTICE REFORMS**



Senator Pam Helming stood shoulder to shoulder with local law enforcement leaders today to call for the halt of dramatic changes to the state's current criminal justice system that are set to go into effect on January 1, 2020. Cash bail and pre-trial detention will now be eliminated for nearly all misdemeanor and non-violent felony offenses. These catch and release laws will put violent offenders back on our streets and a vast majority of offenders will no longer qualify for bail.

“These ‘reforms’ were rushed by New York State with virtually no input from law enforcement agencies or crime victims advocates. Already, there are numerous examples across the state of suspects who would be detained under current law, but by January 1, 2020, will be free to go. This creates serious safety concerns for our law abiding citizens and simply put, is a public safety nightmare. It is now more important than ever that we speak out and work together to halt the implementation of these so-called reforms. We must push for real measures that protect crime victims and hold criminals responsible for their actions,” Senator Pam Helming said.

“It would appear in all respects that this legislation was pushed through the budget process with virtually no consideration given to the smaller counties. The majority of the counties outside of New York City do not have large staff – some as few as one full-time Assistant. At no point was the position of prosecutors considered in establishing these so called reforms. As January 1, 2020 looms, a defendant charged with a home invasion burglary will be arraigned, can tell the Court he has absolutely no intention of returning to Court where he faces fifteen years in prison, indicates he will absolutely not abide by an Order of Protection and the Court has to release this person. When he does not appear as he promised he would not, the court has to wait 48 hours to issue a warrant, what is considered a 48 hour head start, and when he is arrested and brought back to Court – because he only missed one Court date – he gets released AGAIN without bail. There needs to be a step back so that those of us West of the Hudson River can be heard about the impact this legislation will have on our communities and victims,” said Jim Ritts, Ontario County District Attorney.

“With the new criminal justice reform law fast approaching us, I as Sheriff of Ontario County do have concerns on the impact that this legislation will have on public safety and the way we police. Come January, cash bail or bond will be eliminated for nearly all misdemeanors and many felony cases, meaning a suspect either gets an appearance ticket or will be

released on their own recognizance. I support that the determination of release should be left to the Judges and Magistrates in the State of New York. Public safety dictates that we must allow courts to determine whether someone will pose a threat to our communities,” Sheriff Kevin Henderson, Ontario County Sheriff said.

“To call this legislation reform is inaccurate. I don’t think I have ever seen legislation this unbalanced masquerading as reform. There is nothing in this legislation for victims or public safety. What this legislation will do is: empower criminal behavior, create a slew of unfunded mandates, take away consequences for ignoring our legal system, stifle victims and restrict the ability of police and prosecutors to maintain public safety,” said Sheriff Luce, Seneca County Sheriff.

“The implementation of the new bail reform bill and the discovery law has created an uneven playing field for prosecution and law enforcement. The forgotten voices that have not been heard are the victims of crimes who have to fear for their protection. Imagine being the victim of a violent crime and running in to the person who violated you out in public. There is little doubt that some criminal cases may end up being dismissed, which is a very bad message to send to victims and their families. The legislature should have sought input from those of us who work within the system every day. If change was required, it should have been done gradually and with all the stakeholders at the table. In the two years that I have been in office, I have not seen the level of stress and anxiety in my staff as I have over the last few months,” Mike Calarco, Wayne County District Attorney said.

"The Criminal Justice Reform that takes effect on January 1, 2020 will, without a doubt, protect the defendant and perpetrator of a crime. This reform will empower criminal behavior, allow dangerous criminals to be released from jail, and essentially allow criminals to have the option of not appearing for their court proceedings. Unfortunately, the new reform will leave victims of crimes with undue physical, emotion, and financial stress. I

cannot imagine that if my home, where my wife and children sleep at night, is broken into that the perpetrator, after being arrested, is allowed to walk freely after being arraigned. This could mean that after a home is burglarized, a perpetrator could be back on the street after only a couple of hours. This is only one example of the many changes to come. This reform is going to place an extreme burden on our agency, and every other law enforcement agency and district attorney's office in the State of New York. Our workload is going to increase drastically, which will unfortunately cost tax payers more money. The State of New York has not, and will not fund local municipalities for the upcoming changes. I am dissatisfied with the changes, and truly wish that no one in our community or the State of New York is a victim of a crime. Being a victim on or after January 1, 2020 will now be that much more difficult than ever before." Michael J. Passalacqua, Geneva Police Chief said.

"January 1, 2020 the New York State Criminal Justice System will undergo a seismic change that will dangerously risk the safety of our local communities. It appears that the new bail reform legislation, which was written without the input of any law enforcement leadership, was drafted to give more rights to the criminals and less rights and protections for our citizens and victims. Our local governments are not staffed to meet the new required mandates set forth by this reform creating unfunded burdens that will be unfairly thrust upon the taxpayers of New York. This legislation gives more rights to the criminals, re-victimizes victims, creates unfunded mandates at the expense of the taxpayers, and decreases the abilities of law enforcement, prosecutors, and judges to maintain public safety for our communities." Jason Godley, Village of Waterloo Police Chief said.

"Seneca Falls Police Officers, along with the law enforcement community as a whole, are disgusted and disturbed by the recently approved legislation with regards to the Bail Reform Act. This act will take effect on January 1, 2020. This legislation eliminates money bail and

pretrial detention for nearly all misdemeanor and non-violent felony cases. The new legislation weakens public safety by mandating certain violent criminals be issued appearance tickets while completely disregarding the ripple effect crimes have on victims and their families. The criminal justice system, as we know it is going to be changed entirely, but not for the safety of our community or the protection of victims. This law gives MORE freedom to criminals. There was no doubt a need for some changes in the current system, but these changes are irresponsible. This act is going to make it nearly impossible to deter crime. We must ask ourselves if this is what bail reform was intended to achieve: more rights for criminals and fewer rights and protections for honest citizens and victims of crime?" Chief Stuart Peenstra, Seneca Falls Police Department said.

"The Criminal Justice Reforms carelessly pushed through the state budget without regard to the debate process on the floor of the Senate and Assembly, bypassing all input from the courts, law enforcement and the citizens of our communities will now put us all in harm's way of those that commit crimes across our state. Effectively, In January 2020 we'll see the release of thousands of criminals from jails and penitentiaries into our communities, some of which are habitual career criminals that prey upon those that follow the norms of society. It's our belief that many law enforcement agencies will now be forced to apprehend criminals that disregard the courts order to appear, instead of being able to utilize their officers on the streets for investigations and apprehension of criminals, including those that deal deadly drugs to our loved ones across the state that overdose day in and day out. Bail Reform will only embolden criminals that already disregard the Law," Tad Levac of Council 82 said.

"Hastiness often leads to recklessness and the new Bail Reform is a perfect example. There was little or no consideration given to the impact this will have on public safety and even less consideration given to the victims of the crimes committed. We have lost sight of who

the victim actually is and how these new reforms effect them and the public. Limiting the ability for law enforcement and those in the judicial system to do their job only increases the threat to public safety. If a drug dealer is selling drugs near the playground of a school that does not qualify them as a drug trafficker so he would be given a Desk Appearance Ticket and sent on his way. That is just one simple example of how these changes will affect our communities, and I'm not sure how that helps protect our Children or our communities. It is frustrating to see our laws being ignored and now when someone violates the law there will be little or no way to hold them accountable. If we are going to discourage people from violating the law there must be a deterrent and must be consequences that can be enforced otherwise we are simply chasing our tail. If we are going to error on public safety we should error on the side of caution and avoid being reckless.” Joe Miano of NYSCOBA said.

“We all want and deserve safe communities. This is not a Democrat or Republican issue. It is a matter of public safety and our children’s future. No one should have to worry that violent criminals, murderers and rapists are roaming the streets because of poorly planned, badly executed and shortsighted policies. Out here in the real world, we know that in order to keep our communities safe, our law enforcement and our courts must have the ability to make decisions based upon the circumstances and not some misguided legislation,” said Senator Pam Helming.