



NEW YORK STATE SENATOR

Joseph A. Griffo

## Griffo calls for bail reform repeal

JOSEPH A. GRIFFO January 10, 2020

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New York State Senate Deputy Minority Leader Joseph Griffo, R-I-C-Rome, joined with his Republican colleagues in the Senate to call for the repeal of the bail reform law that went into effect at the beginning of the year. The reform, which was included in the State Budget and supported by the Democrat Majority in the Senate, has faced harsh criticism from Republican legislators, law enforcement, district attorneys, crime victims and other stakeholders since it was first proposed last year.

During this week's Legislative Session, Deputy Minority Leader Griffo and the Senate Republican Conference introduced an amendment on the floor that would repeal the new bail reform. However, the amendment was defeated along party lines.

"Bail reform was enacted last year without a single Republican vote and has resulted in criminals and potentially dangerous individuals being released back into communities throughout the state," Deputy Minority Leader Griffo said. "I acknowledge that there is a need for criminal justice reform. However, as a result of this flawed reform and no input from important stakeholders such as district attorneys and law enforcement, the safety of New Yorkers is at risk. Fixing this disastrous new law remains a priority of mine. It's time for the Majority to listen and take this issue seriously."

In addition to efforts to repeal the new bail reform law, Deputy Minority Leader Griffo continues to support Senate Bill (S6861), which allows courts to make an appropriate risk assessment based upon an individual's previous criminal history. Judges do not have such discretion under the law that went into effect at the beginning of the year.

While bail reform has gotten much attention since it was first introduced, Deputy Minority Leader Griffo also stressed a need to also revisit and revise changes made to the criminal discovery process. Discovery reform, which was passed as part of the State Budget, requires all evidence be turned over to defendants within 15 days, including who witnesses are and where they live. However, issues with the changes include:

- The possibility that the identity of witnesses could be exposed, which could result in an increase in harassment, intimidation and violence. Witnesses may refuse to cooperate if they know their personal information will be given to the defendant prior to trial.

- Discovery within 15 days after arraignment is a very narrow timeframe especially in cases where prosecutors are dealing with multiple police agencies. Some police agencies take up to 30 days to provide a police report.
- Defendants will have access to crime scenes.

“District attorneys and other stakeholders have expressed legitimate concerns with the discovery process with which they must now comply,” Deputy Minority Leader Griffo said. “However, like what happened with the bail reform, the Majority didn’t deem it necessary to consult with and involve those who will be directly responsible for implementing this reform. As a result, these changes will potentially weaken prosecutorial authority, jeopardize the safety and identities of witnesses and create another unfunded mandate on local governments.”

To address some of these concerns, Deputy Minority Leader Griffo has introduced legislation (S7133) that would provide for a witness to state to law enforcement that they are either comfortable with the release of their personal information or whether they are concerned that such disclosure would jeopardize their safety or the safety of those around them. A justification must be provided to law enforcement at that time and is subject to review by a judge.

District attorneys have also suggested more reasonable changes to the discovery reform law. These include changing automatic discovery to 45 days after arraignment or 30 days before trial date, exempting traffic tickets from discovery, not being required to turn over home addresses and contact information of witnesses, prohibiting the visitation of crime scenes if it is a victim’s home or business and making witnesses available to be interviewed by public defenders at a neutral site if doing so is agreed upon by the witness.

“I applaud Deputy Minority Leader Griffo for addressing the public safety issues that have arisen under the new discovery law,” Oneida County District Attorney Scott McNamara said. “While legislative efforts are taken to improve the criminal justice system, we must continue to balance the rights and needs of our victims and witnesses with these statutorily created discovery obligations. Deputy Minority Leader Griffo is doing just that and the victims and witnesses in Oneida County are fortunate to have him as an advocate.”