



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of August 22, 2022 -- 'Albany turns its back on commonsense criminal justice'

THOMAS F. O'MARA August 22, 2022

| ISSUE: **CRIMINAL JUSTICE**



Public safety and security, and law and order, have taken a back seat in this New York State government.

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, "Albany turns its back on commonsense criminal justice"

Public opinion poll after public opinion poll keeps sending the message loud and clear: Too many New Yorkers, in too many places throughout this state, do not feel safe where they live, work, and raise their families.

And they blame government policies out of Albany for creating a pervasive climate of lawlessness and violence.

They have emboldened society's criminal element.

You don't need another poll to help make that clear. Public safety and security, and law and order, have taken a back seat in this New York State government under one-party, all-Democrat (and mostly downstate) rule.

Just ask any officer at the Elmira Correctional Facility or any other state prison where the climate inside the prison walls has become a powder keg since the implementation earlier this year of a law known as the "Humane Alternatives to Solitary Confinement (HALT) Act."

The HALT Act took effect in April. It was approved in 2021 by the Legislature's Democrat majorities and signed into law by former Governor Andrew Cuomo. The New York State Correctional Officers & Police Benevolent Association (NYSCOPBA) has repeatedly called on current Governor Kathy Hochul to not move forward on implementing HALT. So have many legislators, including me, whose districts include a correctional facility and who could see and hear firsthand where this was heading.

Nevertheless, Governor Hochul has followed in the footsteps of her disgraced predecessor in a relentless pursuit of this so-called "progressive" approach to criminal justice.

HALT severely limits the use of special housing units in correctional facilities and restricts the ability of prison officials to discipline the state's most violent inmates, who commit criminal acts in prison, by separating them from the general population.

NYSCOPBA has warned since the law's enactment that it puts officers at even greater risk within a prison system where inmate attacks on prison staff reached record numbers in 2021 and are on pace to be even more serious this year.

In fact, according to numbers reported by the New York State Department of Corrections and Community Supervision (DOCCS), since April 1, 2022, overall violence in New York State

correctional facilities has risen over 35%. Inmate-on-staff violence has increased about 37%, while inmate-on-inmate violence has increased roughly 30%, since April 1. According to the data, the single-week high of inmate-on-staff assaults was set during the week ending May 22, 2022, as 41 staff members were assaulted. The monthly average number of staff members assaulted in 2022 prior to the implementation of the HALT Act on April 1 is 98. Post HALT, the monthly average has jumped to 129 staff assaulted. Additionally, the single-week high of inmate-on-inmate assaults was set during the week ending May 1, 2022, as 37 inmates were assaulted by other incarcerated individuals. The monthly average number of inmates assaulted by other inmates in 2022 prior to the implementation of the HALT Act on April 1 is 99. Post HALT, the monthly average rose to 131 inmates assaulted by other inmates.

The Elmira Correctional Facility is now the second-most dangerous prison for staff and inmates.

NYSCOPBA President Michael Powers has said, “What is it going to take for the Democratic Majority in both houses of the New York State Legislature to address how the HALT Act has made prisons more dangerous? A prison uprising? Someone getting killed? What about the safety of the state workforce? These are sworn officers of the law who are being targeted and are suffering from unprovoked attacks, and yet the Democrats in the New York State Legislature ignore the rising violence. For years, we warned them HALT would do nothing to improve the lives of the incarcerated community and sadly that prediction has come true, but we didn’t think they would ignore the issue once the facts backed our claims. To turn their collective back on law enforcement is a new low and they should be ashamed of themselves.”

NYSCOPBA launched a “Repeal HALT campaign” back in May to raise awareness of the dangerous working and living conditions inside New York State’s correctional facilities. Since then, NYSCOPBA representatives have stood with our Senate and Assembly Republican conferences to announce legislation that we have introduced and sponsor (S. S.S9378/A.10593) to repeal the HALT Act.

Albany Democrats have refused to act on it.

We gathered again last week outside the Elmira Correctional Facility.

In a joint statement, regional Assemblymen Chris Friend and Phil Palmesano and I said, “Governor Hochul and the Legislature’s Democratic majorities have been solely focused on coddling violent criminals by severely hampering disciplinary sanctions, finding ways to parole more and more inmates, and diminishing the ability of correctional officers to deal with violence inside prisons. Ongoing attacks inside the Elmira Correctional Facility and in prisons across this state should serve as a stark reminder that steps are needed to better protect corrections officers, prison staff, inmates

themselves, and the overall safety and security within the walls of our prisons. We can begin by repealing HALT. Our correctional officers remain extremely alarmed about rising violence inside prisons and we share their concern. Governor Hochul and New York's current legislative leadership keep moving in the completely opposite and wrong direction. It is a careless approach to criminal justice and corrections, irresponsible, and dangerous.”

According to the NYSCOPBA representatives who joined us, the spike in assaults, in conjunction with declining officer recruitment numbers and increased retirements since HALT's implementation, amounts to a crisis inside correctional facilities.

NYSCOPBA's Western Region Vice President Kenny Gold has said, “Unless the current disciplinary system that exists as a result of the HALT Act is strengthened to deter future attacks on staff, the violence will continue these historic levels. The simple fact is, this ridiculous legislation has had catastrophic effects on staff safety ... Those men and women, who are overworked and understaffed, deserve far better from those state representatives who supported the HALT Act.”

They do deserve far better -- and many of us will continue to fight on their behalf -- but so far, Governor Hochul and Albany Democrats have turned their collective back on public safety and security, law and order, and commonsense criminal justice.

The rest of us keep paying the price.

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