



NEW YORK STATE SENATOR

Thomas F. O'Mara

## Senator O'Mara's weekly column 'From the Capitol' -- for the week of October 24, 2022 -- 'New Yorkers know what Albany ignores: We're not safe'

THOMAS F. O'MARA October 24, 2022

| ISSUE: **BAIL LAW; CRIMINAL JUSTICE; DISCOVERY; LAW ENFORCEMENT; CRIME VICTIMS**



New York's citizens blame state government policies for creating a pervasive climate of lawlessness and for emboldening society's violent, out-of-control criminal element.

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, "New Yorkers know what Albany ignores: We're not safe"

**It's been an unrelenting reality for the past two years: New York is not safe.**

**Yet Albany's powers that be still don't get it.**

**Public opinion polls keep sending the message: Too many New Yorkers, in too many places throughout this state, do not feel safe where they live, work, and raise their families.**

**Albany ignores it.**

**New York's citizens blame state government policies for creating a pervasive climate of lawlessness and for emboldening society's violent, out-of-control criminal element.**

**Albany refuses to see it.**

**It's right there in front of them, day after day, in headlines from every corner of this state.**

**Another violent criminal released on bail.**

**Another cop-killer released on parole.**

**Another shocking video of a brutal attack on an innocent bystander, or another brazen robbery in broad daylight.**

**Despite the daily barrage, Governor Hochul and Albany Democrats controlling the state Legislature won't act.**

**The fact is, it doesn't take another poll to reinforce the reality for too many of New York's citizens and communities: 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) control.**

**A prime example continues to stand out.**

**Ask any correctional officer or employee at Elmira, Five Points, Auburn, or any other state correctional facility where the climate inside the prison walls is nothing short of 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.

We did so again late last week outside the Auburn Correctional Facility in Cayuga County.

Nevertheless, Governor Hochul just keeps following in the footsteps of her disgraced predecessor in a relentless pursuit of a 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 approximately 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 was 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 was 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.

Earlier this month, following the latest round of attacks inside Elmira, NYSCOPBA Western Region Vice President Kenny Gold said, "Since April 1, assaults on staff have increased by forty percent and the number of injuries to staff that are considered 'moderate to severe' has increased by ninety-eight percent. The statistics don't lie -- the HALT Act has single-handedly made state correctional

facilities more violent, and less safe. Inmate-on-staff and inmate-on-inmate violence has rapidly increased since the disastrous legislation went into effect. How much violence at Elmira alone within such a short period will it take before any legislator that supported this ridiculous legislation will acknowledge this Act was a failure?"

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 we have introduced and sponsor (S. S.S9378/A.10593) to repeal the HALT Act.

Albany's response? Silence.

And in this instance, silence equals more violence, more injuries, and a more dangerous environment within our facilities.

According to NYSCOPBA, 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.

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, unrelenting attacks inside Elmira and 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.

It starts with repealing HALT.

Governor Hochul and New York's current Democrat legislative leadership keep moving in the completely opposite and wrong direction. Our correctional officers remain extremely alarmed about rising violence inside prisons and we share their concern.

They deserve better. We all do.

It is a careless approach to criminal justice and corrections, it's irresponsible, and it's dangerous.

What can you do about it? Vote on November 8th.

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