



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of October 21, 2024 -- 'Bail reform failure keeps all of NY in danger'

THOMAS F. O'MARA October 21, 2024

| ISSUE: **CONTROVERSIAL BAIL REFORM**



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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, **"Bail reform failure keeps all of NY in danger"**

It was just over a year ago, shortly after the enactment of a state budget that paid Albany Democrat lip service to the need to end New York's failed and dangerous bail reform experiment, when Governor Hochul declared, "We are done with bail. We accomplished what we needed to do."

Since then, it sure has looked like the governor meant what she said. She and the Legislature's Democrat majorities have done nothing to fix a continually failing and exceedingly dangerous law that they put in place and that has turned the criminal justice system in this state upside down.

The latest exhibit of their failure comes out of western New York in Allegany County, where I represent a portion of the eastern half of the county. Recently, following a year-long investigation and surveillance operation of an illegal drug operation in a former factory in the small town of Cuba, local and state law enforcement executed a drug bust valued at over \$4 million.

According to a former member of the Southern Tier Regional Drug Task Force who was involved, it stands as the largest drug bust ever in Allegany County and one of the top three in Southern Tier history.

Police made two arrests. According to news reports, the two individuals were both charged with felony first-degree possession of cannabis, criminal possession of a weapon, and criminal possession of a controlled substance. One of those arrested was an illegal immigrant and was turned over to federal authorities. The second perpetrator, who in addition to the drug and weapons offenses was also charged with resisting arrest, was arraigned in Allegany County court and "released with tickets."

That's right, under Albany Democrat bail reform, he could not be kept behind bars. Once again we're reminded that an outrageous and dangerous public policy currently defines criminal justice in New York State.

Law enforcement in Allegany County did not hide their frustration at the current system and they shouldn't. Their testimony from the front lines speaks volumes.

Cuba Police Chief Dustin Burch said, "We worked on this case for 12 months. I don't like to play politics, but there is a lot of manpower in this here, a lot of overtime and now, there is a lot of frustration. There is a resisting arrest charge here. We have 50 percent or more of people resisting us when we make arrests. We do all this work, we potentially get hurt, and since bail reform happened, they get out. We were here from 3 a.m. until well into the night. We were subjected to the conditions inside these buildings, the resisting (incident) and then (the suspect) gets released."

Allegany County District Attorney Ian Jones added, "It's important to note we have a lot of charges here and high-level charges but not high enough to fall into our new bail laws. It has to be an A1 felony, which operates as a major drug trafficker and it's very hard to prove. You have to prove the drugs are moving and the money coming in and out for 12 years. I think this highlights yet another failure of our bail reform. Here we have arguably the largest drug bust in the history of this county, yet it's still not good enough to meet our new bail rules, so unfortunately, no bail rules were set."

The Allegany County case is a stark reminder that Albany Democrats remain more than satisfied with the status quo that keeps giving away streets and neighborhoods in every region of New York to the chaos and violence of their "no consequences" approach to law and order. Contrary to their belief, we are not "done with bail." We're not. We can't be. It continues to put local law enforcement and local communities at risk.

Once again, Chief Burch stated what was at stake in the Allegany County operation, "It's important because (the drugs seized) is what is being funneled into our school systems and a lot of younger kids are getting their hands on it."

Albany Democrat bail reform remains a failed public policy that just keeps waiting for the next victim. Failed bail reform remains the law of the land. The criminals in this society know it. The criminals know that Albany Democrats have their back. An overriding policy of no consequences for far too many bad actors remains in place.

A climate of chaos over security reigns supreme in far too many places.

"We have accomplished what we needed to do," Governor Hochul said back in May of 2023.

No, we have not. Innocent, hard-working, law-abiding, responsible New Yorkers remain at risk.

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