



NEW YORK STATE SENATOR

Pamela Helming

## Senator Helming: State Budget Provides a Criminal's Bill of Rights

SENATOR PAM HELMING April 26, 2019

| ISSUE: **CRIMINAL JUSTICE REFORM**

GENEVA – Senator Pam Helming today joined local law enforcement and criminal justice leaders to raise concerns with several so-called criminal justice reforms in the recently adopted New York State budget that benefit criminals rather than their victims. The new measures will tie the hands of the prosecutors and law enforcement officials who work tirelessly to pursue justice for victims and keep our communities safe.

“Rather than working for our crime victims and their families whose lives have been disrupted and devastated by violent criminals, this year’s state budget is truly and sadly a Criminal’s Bill of Rights. Those who become victims of crime and their loved ones should expect a sense of peace and security when the perpetrator is arrested and locked up before going to trial. Instead, Governor Cuomo and Senate Democrats will allow the vast majority of criminals to go free and possibly commit more crimes before they are tried for the original crime they were arrested for. At the same time, these so-called reforms serve only to impede the ability of our law enforcement officials and prosecutors to quickly and efficiently bring justice for our crime victims and their families. The new rules now in effect will benefit criminals instead of supporting their victims. However, my Senate Republican colleagues and I have not given up the fight, and we will continue advocating for all of our crime victims and their families,” Senator Helming said.

This misguided plan passed in the budget by Governor Cuomo and the Democratic Majorities in the Senate and the Assembly includes:

- Changes that will let up to 95 percent of individuals arrested for a crime receive an appearance ticket, making victims more vulnerable and our communities less safe. Offenses for which individuals will be issued an appearance ticket but will not be detained include, but are not limited to, second-degree burglary, second-degree robbery, fourth-degree arson, first- or second-degree unlawful imprisonment, seventh-degree criminal possession of a controlled substance, resisting arrest, and witness tampering and intimidation.
- An end to all bail, not just cash, for everything except for the most severe violent felonies.
- The reduction of sentences for illegal immigrants who commit crimes for the sole purpose of helping them evade deportation.
- The closure of up to three prisons.
- Discovery rules that will weaken prosecutors' authority and have the potential to jeopardize witnesses and their safety. The new laws are premised on the false idea that defendants were sitting for extended periods of time due to either a delay in discovery or lack of a speedy trial. However, now that only 3 to 5 percent of all criminal defendants will see the inside of a cell before they have been convicted, there is no longer even the false reason for these laws.
- A measure limiting the public release of mugshots, a clear threat to public safety and a blow to openness, transparency and the public's right to know.

Cayuga County District Attorney Jon Budelmann said, "The bills passed by this Legislature literally constitute a Christmas for Criminals and a nightmare for victims, witnesses, and

taxpayers, who will be the ones who suffer from these new and unnecessary laws. These provisions were passed without input from anyone who is actually involved in the criminal justice system. The Bail Elimination Act, which prohibits bail in 95 percent of all criminal cases (numerically), means that police will have to engage in catch and release with criminals. They have to fight with an individual in order to effect an arrest then cut them loose. When those unsecured defendants fail to appear in court as directed, the police will have to repeat the process. This will consume untold police resources and probably end up injuring more officers. It means victims and witnesses will have little or no protection from defendants trying to get them to drop their charges or refuse to cooperate. The new discovery rules require immediate, within two weeks of arrest, discovery in every criminal case, not just when they ask for it or it goes to trial someone proceeds to trial. We will need additional clerical staff member to prepare all of this immediate discovery, and the police will also need to increase staff to meet their production obligations. The new statute requires we turn over victim and witness identifying information immediately, and now the defendants are going to be on the streets, far more able to intimidate or cajole witnesses and victims to stop cooperating. The state did not enact any laws to protect victims or witnesses nor did they enact any funding for these new unfunded mandates.”

Monroe County District Attorney Sandra Doorley said, “As the Monroe County District Attorney, I have always been in support of smart, thoughtful criminal justice reform in New York State. However, after many attempts to be a part of the conversation, the Governor’s Office and the New York State Legislature have continued to ignore input from the District Attorney’s Association of the State of New York and law enforcement throughout the state. Unfortunately, many of the changes in the bail and discovery statutes are going to hinder our ability to protect victims and witnesses. I am disappointed that these changes do not put victims first in our criminal justice system.”

Ontario County District Attorney Jim Ritts said, “The purported reforms place a virtually impossible responsibility on the Counties with what appears to be no consideration to the realities of Western New York. How can prosecutors provide DNA results within 15 days when it is not uncommon to take 12 months because of an absolute lack of resources? These ‘reforms’ set victims’ rights back decades and will negatively affect public safety.”

Cayuga County Sheriff Brian Schenck said, “The recent passing in our state budget of what is being called criminal justice reform could not be more concerning. Victims of crime deserve better than this. It is my belief that these reforms will not promote public safety, as they will keep criminals on our streets that would not have been otherwise.”

Seneca County Sheriff Tim Luce said, “I agree with Senator Helming 100 percent. I approve and appreciate the efforts made by her and others to enhance and protect public safety. The recent flurry of legislation supporting criminals is rapidly eclipsing the rights of crime victims.”

These measures represent the latest efforts by the Governor and the Democrats to protect the rights of criminals rather than those of law-abiding citizens and suppress the work of law enforcement and criminal justice leaders. Other examples include:

- Restoring voting rights for 36,000 felons, including rapists and murderers who haven’t yet completed their sentences.
- Setting free multiple cop killers due to a tainted parole board and inaction on the part of Democrats.
- Legislation advanced to increase the minimum wage for inmates currently serving time in prison for their crimes while law-abiding middle-class New York families are fleeing the state in droves.

- Legislation advanced to allow convicted felons to serve on juries, which potentially means that a violent offender could decide the fate of another violent offender.

Meanwhile, Senator Helming has put forth several initiatives aimed at enhancing protections for crime victims, including funding for a domestic violence shelter in Seneca County, Brittany's Law to establish a violent felony offender registry, Clara's Law to prevent health care workers from sexually abusing their patients, and reforming the parole board process to support crime victims and their families. Also, Senator Helming and Assemblyman Brian Manktelow have introduced legislation making it a specific crime to assault or murder a pregnant woman and cause her to lose her child. Senator Helming and her Republican colleagues have also passed multiple measures in recent years to reform the criminal justice system, such as tougher penalties for repeat violent criminal offenders, more resources for communities where crime is a serious and growing problem, and tougher enforcement tools to use on major drug dealers and traffickers who are targeting children and other vulnerable citizens with heroin and other illegal substances.