



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Participates in Roundtable Discussion on Bail Reform

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| ISSUE: **BAIL REFORM CRIMINAL JUSTICE**



The Repeal Bail Reform Task Force convened the first of a series of statewide hearings on the impact of the drastic criminal justice and bail reform changes that took effect on January 1. The hearing, which took place at the Mahoney Office Building in Buffalo, featured testimony from nearly 20 professionals from the Western New York law enforcement community, including police chiefs and sheriffs, district attorneys and probation officials. Representatives from legal aid and citizen advocacy organizations were also in attendance.

“Republicans warned that dangerous Democrat bail and discovery 'reforms' tipped the scales of justice in favor of criminals. Every single day we hear about the tragic consequences. Today, we heard the voices of law enforcement and prosecutors who were left out of the lawmaking process by Democrats and who must confront the public safety disaster One Party rule created. We heard their important voices then and now. We must repeal bail reform immediately because first and foremost our job is to protect the public,” **said Senate Republican Leader John Flanagan.**

Senator George Borrello, chair of the Repeal Bail Reform Task Force, noted that “the goal of these hearings is to give those on the front lines of our law enforcement and judicial systems, the forum that they should have had last year when New York Democrats set out to revamp our bail and criminal justice policies. If they had been at the table, we wouldn’t be facing the public safety crisis we are now confronting, with dangerous individuals, many with multiple felony convictions and a history of failing to show for court appearances, being arrested and then turned back out onto the streets alongside an unsuspecting public.”

“Today wasn’t about fear-mongering or sensationalizing. The sad truth is that the accounts of volatile defendants – domestic abusers, serial bank robbers, drug dealers, repeat DWI offenders, gang members, etc. -- being set free with nothing more than an appearance ticket don’t need any exaggeration to convince reasonable people that something is terribly wrong here. We’ve now seen two innocent New Yorkers lose their lives because of this horrendously flawed law. However, they won’t be the last if Democrats continue stonewalling our efforts to fix this terrible mistake,” **said Senator Borrello, 57th District.**

“The bail reforms imposed earlier this year jeopardize the safety of law-abiding citizens by prohibiting judges from using their professional discretion when deciding whether to release a potentially dangerous individual. I recognize the need for responsible criminal justice reform, but these changes go too far. We need to listen to law enforcement, prosecutors,

crime victims and others to ensure we are protecting the safety of our communities. It is time to repeal these changes and start over, ensuring public safety is the first consideration," **said Senator Patrick M. Gallivan, 59th Senate District.**

"Holding these hearings is vital in order to provide communities across New York a voice in our state's criminal justice reforms – a voice that was sadly neglected when Democrats crafted this deeply-flawed legislation last year. Those charged with protecting our communities and the everyday citizens impacted by this deserve a platform to make known their criticisms and concerns. This is not 'partisan fearmongering;' this is a serious daily threat to public safety – backed by facts and rising crime rates. I thank Sen. Borrello and his team for holding such an important event," **said Senator Robert G. Ortt, 62nd District.**

"I continue to have very serious concerns with the new cashless bail law. With many crimes no longer being eligible for bail, our public is at risk. I continue to hear from constituents on a daily basis regarding their many fears of this new law. Something must be done for the welfare of our communities. I appreciate Genesee County Manager, Jay Gsell, being here today to talk about the cost and financial impact these changes are having on our local government," **said Senator Mike Ranzenhofer, 61st Senate District.**

"As the elected District Attorney, I have the obligation to advocate on behalf of what is best for my constituents. Public Safety in Chautauqua County is my top priority and by participating in this discussion, I am attempting satisfy my obligation as the top law enforcement officer in my home county. While I believe that our old bail system could have been improved, what resulted was a law that fails to ensure victims and law abiding citizens are sufficiently protected. We need a bail statute that is a reasoned effort to find fairness in our criminal justice system but that also allows our elected judges to utilize their discretion in situations where bail is appropriate. The new law as written does not accomplish those things," **said Patrick Swanson, Chautauqua County District Attorney.**

"We fear flaws in the new bail reform give violent abusers another chance to harm their partners. If there's anything we've learned from the record breaking number of domestic violence homicides here in Erie County during the last year and a half, it's the fact perpetrators will stop at nothing, up to and including murder, to maintain power and control over their victims. Current laws enable abusers to continue the hellish treatment they unleash every day on their partners and ex-partners." **Mary Murphy, CEO of the Family Justice Center of Erie County.**

"I stand with these senators and my fellow law enforcement officials across New York to demand action in changing the current bail and discovery laws. Erie County, as with other communities, has experienced one of those situations where a subject was arrested and released within hours on the same day. The Governor eliminated the ability of law enforcement officers, prosecutors, and judges to use discretion when dealing with criminals, while, at the same time, making our communities less safe by allowing these individuals to commit mini crime sprees with no way for authorities to stop them. I support the proposed changes to the new bail rules and bring common sense and public safety back to our communities," said **Erie County Sheriff Timothy Howard.**

"The Criminal Justice Reforms that have been passed in New York State has placed our citizens in more danger. There was a need for sensible bail reform that should have been developed after discussions with criminal justice professionals and publicly debated, rather than being an item in the New York State budget. There is a need to repeal the current legislation and develop reforms that allow our judges some discretion in order to maintain public safety," **Chautauqua County Sheriff James Quattrone.**

"Allegany County has successfully leveled the financial playing field when it comes to money bail through our Pretrial Release program. I can confidently say that we have never had a defendant languish in jail because they could not afford bail. It's a system failure that this

has happened in New York City and other locations around the state. It makes more sense to build on the success of programs currently in place that are effective and promote public safety, rather than blindly enacting a law that threatens the overall safety of the entire state population. We have worked tirelessly to reduce recidivism while protecting public safety. If we can do here in Allegany County, the third poorest county in New York State, with no resources, it can be done anywhere,” **said Christine Morsman, Sr. Probation Assistant and Pretrial Release Coordinator for Allegany County Department of Probation.**

Spearheaded by the New York State Senate Republican Conference and chaired by Senator George Borrello and co-chaired by Senators Patrick Gallivan and Sue Serino, the Repeal Bail Task Force was created in response to the overwhelming public outcry against the new law, which was forced through the budget process last year by the Governor and Senate and Assembly Democrats.

The effect of the reforms was to make 90% of crimes result in mandatory release, including manslaughter, vehicular manslaughter, violent assault, and burglary. Democrats failed to hold a single public hearing before passing sweeping changes to the state’s criminal justice laws, which include major changes to bail and discovery law.

The goal of the task force is to hear the perspective of those most impacted by these radical changes – prosecutors, law enforcement officers, probation officials, victims and victims’ advocates and community residents.

Statewide, there has been a flood of news reports of dangerous defendants being released and then re-offending within days, sometimes - within hours - of leaving court. Most recently, a witness in an MS-13 case was bludgeoned to death in what is suspected to be a revenge killing after his personal information was turned over to the defendants’ legal team, as required by the new discovery rules that were part of Democrats’ sweeping changes.

Data released by the NYPD found that New York City experienced its worst January for serious crime in five years, including an unprecedented 70 increase in auto theft and 35 percent increase in robbery. The city of Jamestown, a city of less than 30,000 people, already reported 107 defendants released under bail reform, who failed to show up for their court appearances.

Additional Task Force hearings will be scheduled and announced shortly for Long Island, the Hudson Valley and Syracuse.

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