



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column ~ for the week of October 26, 2020 ~ "'Bail Fail' and other dangers of one-party control"

THOMAS F. O'MARA October 26, 2020

| ISSUE: **BAIL REFORM CRIMINAL JUSTICE**



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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 Fail' and other dangers of one-party control"**

Plenty of disasters can be highlighted as reasons why one-party control of government is rarely a good thing.

Take Albany, for example, where since the beginning of 2018 the governor's office, and the state Assembly and Senate have been controlled by one party guided, for all intents and purposes, by downstate, New York City-area legislative leaders.

It has had plenty of consequences for Upstate regions, including ours. One of the most alarming has been a philosophy of criminal justice that has turned decidedly lenient, to say the least.

It has been alarming to district attorneys, law enforcement officers, and criminal justice experts alike.

It has made New York State less safe.

The obvious example is the disastrous bail reform that was pushed and enacted into law last year by Governor Andrew Cuomo and the downstate Democrat majorities in the Senate and Assembly. Many local law enforcement leaders and legislators, including me, strongly opposed this move. From the start, we warned that it was unreasonable and unworkable for local prosecutors and police agencies, and that it would be dangerous.

The bail reform law took effect in January. It's been dangerous ever day since. Thousands of inmates are being released from jails. Criminals are arrested for crimes that most reasonable people would consider violent, only to be set free on the street hours later because this law prevents local police from locking them up.

Just days ago in Steuben County, an arrest was executed on multiple narcotics charges involving the sale of fentanyl, one of the most dangerous and addictive drugs on the street today, responsible for destroying countless lives, especially young lives. One local headline said it all: "BAIL FAIL: Painted Post man arrested on multiple narcotics charges, later released."

Many of these criminals are released only to repeat their crimes, sometimes hours later.

Bottom line, this brand of bail reform is not working. It makes communities throughout this state less safe.

Or take a state Parole Board that, in the view of many, including me, is simply out of control.

The board has come under fire over the past two years, rightly so, for its leniency in releasing convicted cop killers and other violent criminals.

In fact, this Parole Board continues to show, to this moment, a dangerous and disturbing habit of favoring these criminals over crime victims and their families and loved ones.

In early September, Samuel Ayala was inexplicably paroled and released after being convicted in 1977 of raping and murdering two Westchester mothers while their children were present.

Two years ago the board released Herman Bell, who was convicted with two others in 1971 of assassinating two New York Police Department officers. Anthony Bottom, who was convicted along with Bell for the 1971 cop killings, was recently granted parole and, we just learned, is now residing near Rochester.

These releases are an affront to police officers everywhere. They are an affront, especially, to the families and loved ones of those officers who were murdered in cold blood.

NYPD Police Benevolent Association President Patrick J. Lynch recently said, “New York has become a state that puts criminals first and crime victims last. Nowhere is that more evident than in the parole board’s reckless release of murderers, rapists and cop-killers. For far too long, these radical parole commissioners have hidden behind bureaucracy while they pursued their radical, pro-criminal agenda.”

There are plenty of reactions that are warranted. One would be: What in the name of justice is going on?

But it also highlights the fact that this is a byproduct of one-party control that, more often than not, results in a dangerous lack of checks and balances.

Another reaction is the legislation currently being introduced in both houses of the Legislature, which I will help sponsor, that would strengthen legislative oversight of the 19-member Parole Board by steps including:

- > Allowing members of the state Board of Parole to be removed by a majority vote of the Senate and Assembly, in addition to removal by the governor;
- > Requiring a minimum of three (currently two) members of the 19-member parole board to interview inmates seeking parole; and

> Requiring a unanimous vote of the three members for each determination on parole (currently only a majority is required).

At the very least, this Legislature needs to stand up, speak out and work against a pro-criminal mentality that keeps going too far in New York State with leniency and insensitivity at the Parole Board, disastrous bail reform that threatens public safety, and a building movement in the current Legislature to “defund the police.”

It has to be stopped.