



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of April 19, 2021 ~ 'What in the name of justice is going on?'

THOMAS F. O'MARA April 19, 2021

| ISSUE: **CRIMINAL JUSTICE**



The relentless pursuit of a so-called progressive agenda will continue while the Legislature's Democrat supermajorities continue to exert their political leverage over a scandal-plagued Governor Andrew Cuomo.

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, "What in the name of justice is going on?"

**Coming off the approval of a new state budget that blows through a one-time windfall of \$13 billion in federal aid, increases spending by an unprecedented \$18 billion, and raises taxes by more than \$4 billion, I'm not expecting this state government under one-party control to take a breath.**

**The relentless pursuit of a so-called progressive agenda will continue while the Legislature's Democrat supermajorities continue to exert their political leverage over a scandal-plagued Governor Andrew Cuomo.**

**I fully expect, for example, that many legislators will be eager to get back to a pro-criminal agenda that over the past two years has made New York State less safe, put far too many law enforcement officers in harm's way, and emboldened society's criminal element.**

**Despite strong warnings from many state legislators, including me, local district attorneys, county sheriffs, and many others, in early 2020 a new law eliminating cash bail and pretrial detention for 90% of all crimes took effect. The law, championed by Governor Cuomo and this far-left Legislature, radically redefined criminal justice in New York. Despite some minor rollbacks, it has created a system that releases violent criminals back into the community. It has been like a statewide jail break.**

**It has been irresponsible public policy but it's exactly the kind of legislating becoming the norm under one-party control – particularly when New York's brand of one-party control is resulting in a "progressive," Democrat Socialist agenda anchoring itself within the highest levels of state government decision making. We have commenced this decade – and the recently enacted state budget is the strongest proof yet – with a stronger Socialist, far-left faction pulling the levers in the State Legislature.**

**A carefree approach to what has clearly been a misguided bail reform law is taking root in other places. Instead of a strict and sensible system of criminal justice that recognizes public safety above all, which it should, we are getting a system that willingly fails to recognize that some criminals belong behind bars.**

**It didn't stop with a failed No Bail law.**

Last June, this Legislature and Governor Cuomo repealed longstanding confidentiality protections for the personnel records of law enforcement officers. There is no denying that we need to keep standing up and taking actions against intolerable police abuse and brutality anywhere in New York State or anywhere across this nation. Period. I and other opponents argued, however, that we do not achieve this goal by taking actions that risk enflaming public mistrust and making good officers the increasing target of unsubstantiated allegations, lies, false accusations, and other bad intentions designed simply to keep attacking and undermining the overriding integrity and overriding legitimacy of our local police departments. The men and women in blue deserve the same due process of law as anyone else. We do not move forward by tearing down institutions devoted to the protection of public safety.

Most recently, Governor Cuomo signed a misguided new law limiting the use of solitary confinement in New York's correctional facilities despite noting in his own approval message that the law will need to be amended in order to protect correctional officers and prison staff from violent inmates.

If it poses a threat to correctional officers and prison employees (and, by the way, other inmates), as the officers have long noted in their opposition to this move, how does this governor in good conscience sign it into law? The answer seems clear to me: because he's concerned with saving his own political skin above all else.

Soon this Legislature will turn again to the state Parole Board, a board that has rightly come under fire over the past two years by many of us for its leniency in releasing convicted cop killers and other violent criminals.

NYPD Police Benevolent Association President Patrick J. Lynch has said of the Parole Board, "Under Governor Cuomo and the Albany Democrats, New York has become a state that puts criminals first and crime victims last...For far too long, these radical parole commissioners have hidden behind bureaucracy while they pursued their radical, pro-criminal agenda."

Many in this Legislature would like to keep going in this pro-criminal direction. One piece of legislation that could gain traction starting this week when the Legislature resumes its post-budget session would make it easier for inmates, 55 years old and older, to gain parole once they have served 15 years of their sentences. A second measure seeks to weaken the standards for Parole Board decisions by, among other steps, diminishing the Board's consideration of the seriousness or violence of an inmate's original crime and the length of time served.

I've said it many times throughout these past few years of one-party control and it bears repeating now: What in the name of justice is going on?

###