



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara denounces Democrats' planned end-of-session parole reform: Charges pro-criminal mentality endangers public safety

THOMAS F. O'MARA May 27, 2021

| ISSUE: **POLICE AND PUBLIC SAFETY**



Over the past two years, this Parole Board has shown a dangerous and disturbing habit of favoring cop killers and other violent criminals over crime victims and their families and loved ones. It has been alarming to district attorneys, law enforcement officers, and criminal justice experts. Now the Democrat supermajorities in the Senate and Assembly are eyeing legislation that would make it even easier to release cop killers, child murderers, serial killers, and other violent criminals. It's disgusting and disturbing. It's a pro-criminal mentality that has gone too far and keeps going too far in New York State. We need to stand up, speak out, and work against it.

Elmira, N.Y., May 27—State Senator Tom O'Mara (R-C-I, Big Flats) is denouncing any upcoming moves by the Democrat supermajorities in the state Senate and Assembly to enact two pieces of pending legislation that would continue to radically reform New York's parole system and make it easier for more violent criminals to be released from prison.

State Assembly Speaker Carl Heastie, in an interview on *Capital Tonight* earlier this week, said that the two measures currently awaiting action in the Legislature – and strongly supported by criminal justice reform advocates in Albany – could be prioritized by the Legislature as it winds down its session over the next few weeks.

O'Mara, a member on the Senate Codes and Judiciary Committees, said, "What in the name of justice is going on? Over the past two years, this Parole Board has shown a dangerous and disturbing habit of favoring cop killers and other violent criminals over crime victims and their families and loved ones. It has been alarming to district attorneys, law enforcement officers, and criminal justice experts. Now the Democrat supermajorities in the Senate and Assembly are eyeing legislation that would make it even easier to release cop killers, child murderers, serial killers, and other violent criminals. It's disgusting and disturbing. It's a pro-criminal mentality that has gone too far and keeps going too far in New York State. We need to stand up, speak out, and work against it."

One piece of legislation under consideration, the Elder Parole Act (S.15A/A.3475) would allow 55-year-old inmates who have served 15 years of their sentences to automatically be entitled to a parole hearing for consideration of release. If enacted, incarcerated felons would not have to even serve their minimum sentences, irregardless of the conviction or type of crime that was committed. The convicted felon could be paroled if the Parole Board simply determines that there is a reasonable probability that upon release he or she will not violate the law again and that the release is not incompatible with the welfare of society.

The second measure, the Fair and Timely Parole Act (S.1415/A.4231), if enacted, would shift the current standard for discretionary parole toward a presumption of release. Under the legislation, incarcerated offenders, including those who have received indeterminate life sentences, could be granted discretionary release to parole unless the record shows a current and unreasonable risk that the person will violate the law if released that cannot be mitigated by parole supervision. Crimes committed would no longer be a factor in the Parole Board's consideration of release. In fact, the measure mandates that a criminal's rehabilitation be prioritized over the impact on crime victims or their families, the seriousness of the crimes committed the length of sentence, and prior criminal history.

The state Parole Board has come under fire over the past two years by O'Mara and other state legislators for its leniency in releasing convicted cop killers and other violent criminals.

New York Police Department (NYPD) Police Benevolent Association President Patrick J. Lynch has said of the current Board, "Under Governor Cuomo and the Albany Democrats, 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."

O'Mara and other opponents argue that actions like encouraging Parole Board leniency combined with other moves to radically redefine criminal justice in New York -- including a 2020 law eliminating cash bail and pretrial detention, ongoing prison closures, and a growing "defund the police" movement within the Legislature's far-left leaning Democratic majorities -- have helped drive a pro-criminal agenda that over the past few years has been a major contributor to making New York State less safe, putting far too many law enforcement officers in harm's way, and emboldening society's criminal element.

Violent crimes in numerous cities across New York have jumped over the past few years. The homicide rate in the city of Syracuse, for example, increased by 55% between 2019 and 2020, while aggravated assaults were up 15%. According to reports, violent crime has surged in the city of Rochester. And in New York City, according to recent statistics from the NYPD, overall index crime rose by more than 30% since April 2020, including a nearly 20% jump in murders and a 35.6% increase in felony assaults.

O'Mara criticized Cuomo for pushing the enactment of numerous pro-criminal actions over the past few years and then saying earlier this week, at a news conference in his Manhattan office, that New York City's biggest problems are "crime, crime, crime."

"New Yorkers don't feel safe," Cuomo said. "You know why they don't feel safe? Because the crime rate is up."

O'Mara added that "crime is up because of the pro-criminal actions of the Legislature that the Governor has gone along with and signed into law."