



NEW YORK STATE SENATOR

George M. Borrello

## Sen. Borrello Calls for Repeal of Bail ‘Reforms’ and Restoration of Judicial Discretion

GEORGE M. BORRELLO February 11, 2022

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MAYVILLE – Senator George Borrello and Assemblyman Andrew Goodell, joined by prosecutors and police from across the 57<sup>th</sup> Senate District, called for the restoration of judicial discretion and the repeal of the disastrous 2019 bail “reforms” which led to an increase in violent crime across New York State.

“In their quest to prove they are the most ‘woke,’ far-left radicals in the Assembly and Senate have given criminals a free pass. These criminal-coddling, catch and release ‘reforms’ have made our streets less safe,” Sen. Borrello said. “When these changes passed in 2019, the goal of Democratic leadership wasn’t to listen to all stakeholders and craft responsible reforms to address inequities in our bail laws.

“The goal was to appease radical special interests. In an effort to prove they are the most ‘progressive,’ the advocates of bail reform in the Legislature created death and hardship for the citizens they are sworn to protect. New Yorkers are fed up. They are sick and tired of Albany politicians who value the rights of criminals over the rights of citizens. It’s time to restore judicial discretion and common sense to New York’s criminal justice system.”

To protect the public, Sen. Borrello has sponsored legislation to repeal the reforms (S1802), add to the list of crimes that are eligible for bail (S3842) and make additional domestic violence offenses bail eligible to protect witnesses and victims of domestic violence (S2027).

Assemblyman Goodell introduced legislation in the Assembly to restore judicial discretion in setting bail, companion legislation to Sen. Borrello’s bill in the Senate.

“One of the most important functions of government is to protect innocent people from being victimized by dangerous and violent criminals,” said Assemblyman Goodell. “Everyone has a fundamental right to be safe in their own home and in their community, without having their safety and security threatened by criminals who are intent on stealing property or willing to assault, rob, or kill others.”

The reforms, which took effect January 1, 2020, eliminated bail for most misdemeanor offenses allowing the release of around 90 percent of those charged with a crime. The reforms stripped judges of their ability to determine which defendants pose a threat to public safety and to set bail to ensure defendants appear for court appearances.

“Our law enforcement officers are on the front lines in this battle,” Sen. Borrello said. “They are the ones who put themselves at risk when they are dispatched to an emergency or dangerous situation. They are the ones who arrest, transport and book suspects.

“And they are ones who watch as these suspects – many charged with very serious crimes – arson, domestic violence, illegal gun possession, assault, and burglary – are released back into the community, often within hours of their arrest. The result shouldn’t be a surprise to any clear-thinking person. Crime has risen dramatically.”

According to the Division of Criminal Justice Services (DCJS) between 2018 and 2020:

- Murder increased by 47 percent
- Aggravated assault increased by 5 percent
- Burglary increased by 17 percent
- Car thefts increased by 54 percent

In the first year, after the reforms took effect 2,051 of the nearly 100,000 defendants who could have been held on bail were rearrested for violent felonies including assault, rape and attempted murder. More than 400 were rearrested for a violent felony with a firearm. Around 20,000 of the defendants went on to

allegedly commit non-violent crimes.

“These aren’t just numbers. These are victims. These are frightened children. These are terrorized domestic violence survivors. These are New Yorkers who deserve safety,” Sen. Borrello said. “Cities and rural communities across New York have suffered huge increases in violent crime. This isn’t a Republican versus Democrat issue. This is a criminal versus citizen issue. At hearings this week, both Buffalo Mayor Byron Brown and New York City Mayor Eric Adams, both staunch Democrats, called for bail reform roll backs because their cities are experiencing run-away crime.

“No matter how Gov. Hochul and the far-left advocates of these pro-criminal ‘reforms’ spin it, cashless bail has created more victims. This is the result of one-party rule in Albany. It’s time to end cashless bail, restore judicial discretion and Take Back New York.”

District attorneys and law enforcement officials from across the 57<sup>th</sup> Senate District said the ‘reforms’ have made their communities less safe.

“New York State needs to be smarter on crime,” Chautauqua County Sheriff James Quattrone said. “We need to allow our local magistrates to make an assessment of dangerousness and of a defendant’s threat to public safety when determining whether to incarcerate pre-trial.”

Cattaraugus County District Attorney Lori Rieman said the changes make it difficult to protect victims and witnesses.

“The criminal justice ‘reform’ legislation, which took effect on January 1, 2020, has disastrously limited our ability to protect victims and witnesses and hold offenders accountable,” Ms. Rieman said.

Chautauqua County District Attorney Jason Schmidt urged the governor and legislators who support the bail reforms to listen to crime victims who have had to watch as their alleged assailants are released back into the community.

“These experiences are not few and far between; they now occur every single day across New York State,” he said. “We can fix this. All it takes are a few common sense changes to the existing laws to achieve a proper balance between ensuring the safety of our communities and fairness to the accused.”

Cuba Police Chief Dustin Burch said the Legislature needs to let judges, prosecutors and members of law enforcement do their jobs while protecting defendants’ rights.

“Enough time has passed now for law enforcement to have an adequate grasp on what reform changes aren’t working and the current legislative changes definitely are not working. We need our legislative body at the state level to modify the 2019 bail reform laws so that we can effectively keep our communities safe and do the job we were all hired to do,” Chief Burch said.

Allegany County Sheriff Rick Whitney said judicial discretion needs to be restored.

“Our whole legal system is based on Judges having the authority to appraise a defendant’s criminal history and the circumstances of their alleged crime to detain those individuals who pose a threat to the safety of

our communities. Taking that authority away makes no sense,” Sheriff Whitney said.

Cattaraugus County Sheriff Tim Whitcomb said Cattaraugus County has always and will always be mindful and respectful of the due process that the constituents are guaranteed by the Constitution of the United States.

“In my view, the bail reforms that were implemented were essentially a statewide mandate as the result of a local problem in New York City,” Sheriff Whitcomb said. “The unintended direct impact on Cattaraugus County is that on several occasions occurring after the implementation of bail reform, defendants that represent a clear danger to our community have been released back into the public and allowed to re-victimize innocent people who at one time used to be protected from such events. In short order the judges who at one time held the opportunity to apply their discretion have essentially had their hands tied and this needs to be re-visited as it is not in the best interest of public safety.”

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