



NEW YORK STATE SENATOR

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## Local Leaders Seek Changes to Bail Reform Legislation, Discovery Rules to Protect County Residents

SUSAN SERINO February 25, 2022

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**Poughkeepsie ...** Citing an increase in crime over the past year and the need to protect Dutchess County residents, County Executive Marc Molinaro and Acting Sheriff Kirk Imperati were joined Wednesday by New York State Senator Sue Serino, County Legislature Chairman Gregg Pulver, County Legislator Mike Polasek and law enforcement officials at the Dutchess County Law Enforcement Center in Poughkeepsie to implore Gov. Kathy Hochul and members of the New York State Legislature to reform the State's cashless bail system and rules of discovery, adopted in 2019 and implemented in 2020, which eliminated cash bail for suspects facing most misdemeanor and non-violent felony charges.

County Executive Molinaro said, "The past year-plus has shown the incomprehensible decision to eliminate cash bail throughout New York has made Dutchess County, and our state as a whole, a more dangerous place in which to live, work and raise a family. Under the current law, instead of receiving the innovative services and programs Dutchess County offers which discourage their recidivism, those apprehended due to criminal activity are free to re-offend, as they are back out on the streets hours after arrest, if not immediately. While touted as 'progressive,' New York State's bail reform is downright dangerous and has cost too many New Yorkers their lives, and we will not allow Dutchess County residents to be targets for criminals."

Over many years, Dutchess County has built a criminal justice system designed to help offenders get connected with services, while ensuring public safety. Through initiatives such as pre-trial diversion practices focused on prevention, intervention, diversion and transition, as well as Crisis Intervention Training for law enforcement officers and its Stabilization Center, among others, Dutchess County reduced its jail population 40 percent since 2014 and saw a dramatic decrease in violent crimes countywide for an eight-year period prior to the implementation of bail reform.

However, with the 2020 implementation of the State's bail reform law, Dutchess County has seen an increase in violent crime, including an increase in repeat offenders who commit crime while awaiting adjudication of their original case.

County Executive Molinaro reviewed some key statistics since the implementation of bail reform. In 2020 and 2021, approximately 5,000 arrests were made in Dutchess County each year. Approximately 20 percent were felonies that resulted in incarceration. The balance (approximately 4,000 each year) would have been arraigned, received pre-trial intervention and services and been assigned to probation/alternatives-to-incarceration programs prior to bail reform. However, under the bail reform changes, none of that occurred and those individuals were released back into the community. Data prepared from the Criminal Justice Council showed that between 2017 and 2018, approximately 50 percent of incarcerated individuals recidivated within an 18-month timeframe. Applying that data to the 2020 and 2021 arrests, it is estimated that each year, approximately 2,000 of those offenders who were released likely recidivated or will, and many of their crimes went unreported or were not responded to.

Sheriff Imperati discussed the unintended consequences and the issues that have arisen as a result of bail reform and discovery rule changes. Sheriff Imperati highlighted the recent arrest of an individual dealing heroin in Dutchess County – a felony – who then was released back into the community, undermining the efforts of the Dutchess County Task Force and their work to stop illegal drugs and prevent rising overdose deaths. The Acting Sheriff noted that judges need to have discretion for those who are flight risks or potentially dangerous to the community. Current State law precludes judges from considering the dangerousness of a defendant and detaining those who pose a danger to the community or themselves; New York is the only state in America that does not afford judges such discretion.

Sheriff Imperati said, "We must return to judges the ability to remand a defendant based on their criminal history and potential threat to the community – a vital part of the criminal justice system that Albany stripped from judges when the current law was passed. Simply releasing defendants after they appear before a judge and await a

