

Agenda

Public Safety Committee

March 18, 2020, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (2/19/20)
- C. Privilege of the Floor
 - 1. Proposed Motion - In Support of Reexamining the 2019 Bail Reform Law
 - 2. Discussion - Safety Coordinator Position – County Executive Wendel
 - 3. Other

CHAUTAUQUA COUNTY
MOTION NO. ___-20

TITLE: In Support of Reexamining the 2019 Bail Reform Law

AT THE REQUEST OF: Legislators Mark Odell, Lisa Vanstrom, Elisabeth Rankin, John Davis, John Hemmer, Bob Scudder, Dan Pavlock, Bob Bankoski, and William Ward:

WHEREAS, the 2019 New York State Budget included significant changes to the state's laws on cash bail, criminal discovery, and access to a speedy trial; and

WHEREAS, effective January 1, 2020, criminal justice laws were implemented eliminating pretrial detention and cash bail as an option for an estimated 90 percent of arrests, including most misdemeanors and nonviolent felonies, accounting for more than 400 offenses; and

WHEREAS, pursuant to the new law judges must release individuals charged with most misdemeanors and nonviolent felonies without imposing cash bail, simply releasing them on their own recognizance or with conditions to ensure they return to court; and

WHEREAS, a defendant's criminal history, or the fact that they may pose a clear physical threat to another person, cannot be considered by the judge with regard to bail under the current bail reform provisions; and

WHEREAS, due to the elimination of cash bail, according to the USA Today, courts "are in the process of releasing at least 3,800 inmates in county prisons"; and

WHEREAS, the 2019 laws were intended to prevent penalizing a suspect for being unable to afford bail; however, this new process has led to numerous examples of dangerous suspects being immediately released back into the community; and

WHEREAS, across the state, individuals who are arrested and charged with misdemeanors following a potentially violent encounter or after a pattern of disturbing behavior are being released, without bail, pre-trial pursuant to the new law. In too many of these instances, the defendant has proceeded to return to their initial victim or another victim to perpetrate more harm; and

WHEREAS, there is an overwhelming need to revisit numerous aspects of the 2019 criminal justice reforms, especially the severe limitations placed on a judge's discretion when setting bail; now therefore be it

KNOWN, That the Chautauqua County Legislature is in support of the New York State Legislature immediately revisiting the criminal justice reforms that became effective January 1, 2020 as they pertain to restricting the use of cash bail; and be it further

KNOWN, That the Chautauqua County Legislature is in support of judicial discretion when it comes to setting bail for a suspect in police custody if a victim dies as a result of a crime; and be it further

KNOWN, That the Chautauqua County Legislature is in support of judicial discretion in setting bail for a suspect in police custody who is charged under the aggravated family offence statute, which include domestic violence and sex crimes; and be it further

KNOWN, That the Chautauqua County Legislature is in support of judicial discretion in setting bail for a suspect in police custody who is charged with a hate crime; and be it further

KNOWN, That the Chautauqua County Legislature is in support of a judge having the ability to consider a suspect's dangerousness and previous criminal history when considering bail; and be it further

MOVED, That the Clerk of the Legislature is hereby directed to forward copies of this Motion to the New York State Assembly Leader Carl Heastie, NYS Senate President and Majority Leader Andrea Stewart Cousins, Minority Leader John Flanagan, Governor Andrew M. Cuomo, Senator George Borrello, Assemblyman Andrew Goodell and all others deemed necessary and proper.