



# Office of the Sheriff

MONROE COUNTY  
"ONE TEAM"



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FOR IMMEDIATE RELEASE  
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## **MCSO JOINS SHERIFFS' OFFICES ACROSS NYS CALLING FOR DELAY AND MODIFICATION OF CRIMINAL JUSTICE LAWS** *New Laws Set to Take Effect January 1, 2020*

**November 21, 2019 (Rochester, NY)** – On today's date, Thursday, November 21, 2019, the Monroe County Sheriff's Office joined Sheriffs' offices across New York State, the NYS Sheriffs' Association, NYS Association of Chiefs of Police, NYS Association of PBAs, District Attorneys Association of the State of New York, New York State Office of Probation, and victims assistance advocates, calling for a delay and for the Governor and NYS Legislature to address the serious concerns of the Criminal Justice Laws set to take effect January 1, 2020.

As part of the New York State budget process, the NYS Legislature passed, and NYS Governor Andrew Cuomo promptly signed into law, sweeping criminal justice legislation, strictly curtailing the use of cash bail and pretrial detention, overhauling rules governing the sharing of evidence, and strengthening measures intended to ensure a defendant's right to a speedy trial; essentially, severely limiting the ability of judges to set bail as a condition of release for individuals charged with certain crimes in New York State. The method of which this legislation was proposed and signed into law failed to include input from the entire law enforcement community about the serious concerns and negative implications this legislation will have on public safety. The Monroe County Sheriff's Office and the aforementioned organizations agree that bail reform is necessary, however, we predict with the legislation that was introduced, there will be unintended consequences from this law that will compromise the safety of our communities and the citizens they serve.

Furthermore, the unfunded mandate makes it nearly impossible to meet the expanded elements of the discovery rules to effectively be prepared for trial in the timeline set forth by this new law, to include police reports, radio transmissions, body-worn and dash-cam video, laboratory test results, and volumes of other materials and data related to prosecution. The result being the potential for several cases to be dismissed, unless prosecutors and law enforcement agencies receive additional resources.



If the Bail Reform Law is allowed to take effect as planned, some of the following scenarios will undoubtedly play out:

1. You awake in the middle of the night to the sound of someone rummaging through your personal belongings. You turn on the lights and discover a burglar in the midst of pilfering your possessions. You are frightened for your life, but fortunately the thief flees and is promptly apprehended. The prowler is charged with Burglary in the 2<sup>nd</sup> Degree, a Class C-Felony, arraigned shortly afterwards and released on his own recognizance. Though he keeps his distance afterwards, you continue to see the individual around town and are admittedly afraid.
2. Your son is arrested for Criminal Possession of a Controlled Substance 7<sup>th</sup> for his possession of heroin. He is obviously under the influence and has had multiple overdoses in the past. Instead of being arrested and sent to treatment court, he refuses treatment court and is released on an appearance ticket. The individual receives no help and continues in his addiction. With multiple attempts by family members encouraging him to seek treatment, loved ones feel helpless. Had this individual been remanded to the Monroe County Jail, there are treatment programs available to him, including the Medication Assisted Treatment (MAT) Unit, which can help lead and steer individuals to recovery.

*“We anticipate that at least 200 current inmates in the Monroe County Jail will need to be released by January 1, 2020 in order to comply with the new law,” said Monroe County Sheriff Todd K. Baxter. “The Monroe County Sheriff’s Office currently has systems in place to help those inmates suffering from addiction, mental health or homelessness. My fear is that as many as 50-percent of the inmates released will be homeless after they are discharged from the jail. We are all supportive of reforms that will actually improve the criminal justice system, however, we cannot support these measures, which we are certain will be harmful to the criminal justice system and to the citizens we serve.”*

Bail is an important tool for the criminal justice system. Its purpose is to assure that a defendant returns to court when required, to answer the charges lodged against him/her. Current law sets forth several criteria for the court to use in determining whether a defendant should be released with or without bail. Under the new law, the court will not be able to consider any of those factors.

*“Criminal justice professionals all across the state are concerned about the negative impact the new discovery rules and the so-called ‘bail reform’ law will have on the safety of our citizens,” said Peter R. Kehoe, New York State Sheriffs’ Association Executive Director. “These are the people who work in the criminal justice system every day, and New York State Legislators should pay attention to their concerns.”*

We ask that individuals make their voices heard in the effort to delay and modify the Criminal Justice Reform Laws, in an attempt to avoid the detrimental effects law enforcement agencies and others predict they will have on the safety of the public.

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