

RESOLUTION NO. 2020

RELATIVE TO IMPLOING THE STATE OF NEW YORK TO AMEND THE CRIMINAL PROCEDURE LAW, IN RELATION TO ENSURING PRIVACY PROTECTIONS FOR ALL EMERGENCY PERSONNEL PRESENT AT A CRIME SCENE

BY:

Council Chairman Christopher Voccio
Council Member William Kennedy II
Council Member John Spanbauer
Council Member Kenny Tompkins
Council Member Andrew Touma
Mayor Robert M. Restaino

WHEREAS, in the final stages of adopting its Fiscal Year 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, while our City government recognizes the need for well-reasoned statewide bail and discovery reform, the Niagara Falls City Council unanimously supported the total repeal of these recently enacted bail and discovery reforms at its February 13, 2020 meeting, as these laws in their current form represent a clear and present danger to society by tilting the scales of justice in favor of suspected criminals and away from innocent crime victims; and

WHEREAS, one particular reform overhauled the discovery process to require an expedited timeline to provide police reports, radio transmissions and other crime scene data related to the prosecution of a crime to defendants within 15 days of arraignment; and

WHEREAS, this discovery reform will also result in an opportunity for defendants to gain access to crime scene information that may include a witness' name and address, thereby

Kennedy_____Spanbauer_____Tompkins_____Touma_____Voccio_____

providing defendants accused of burglaries, assaults, rapes and other crimes with valuable personal information that could be used to victimize or intimidate these innocent individuals; and

WHEREAS, while New York State Criminal Procedure Law Section 245.20 protects Law Enforcement personnel from the disclosure of name and contact information in this process to safeguard them and their families from threats and intimidation, the same protection is not extended to emergency first responders such as firefighters and EMS workers, who are often the first ones to provide life-saving services at emergency crime scenes and, due to the very nature of their professions, become crime scene witnesses whose name and addresses have to be released under the current reforms; and

WHEREAS, our emergency first responders are always there to treat anyone in need of care, no matter whether they have committed a crime or not; these first responders are prepared to put their own lives on the line, but they never bargained for the possibility that their families could become targets for violence, threats and intimidation; and

WHEREAS, first responders, who are already challenged in their ability to recruit new members, will now find it even more difficult to replenish their ranks due to their vulnerability to opportunistic predators who will take advantage of this new discovery reform law to threaten their lives and their family's well-being; and

WHEREAS, to address this matter, the New York State Senate is considering legislation (Senate Bill 7280) that would protect the privacy of all emergency first responders from having their personal information shared during discovery; and

WHEREAS, while the City Council supports a complete repeal of the State's rushed and ill-conceived bail and discovery reform laws, all of our City's elected officials view this proposed legislation as reasonable first step toward safeguarding the privacy and well-being of our City's

firefighters, EMS workers and other emergency response personnel until a complete reconsideration of the recent reform laws can be accomplished.

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls hereby implore the State of New York to immediately enact the aforementioned proposed changes to the Criminal Procedure Law and that the protections intended for First Responders therein be implemented as soon as possible; and be it further

RESOLVED, that both the Niagara Falls City Council and Mayor Robert M. Restaino ask all cities, counties and towns across New York State to urge their State representatives to take immediate action on the foregoing issues; and be it further

RESOLVED, that copies of this resolution be provided to: Governor Andrew Cuomo, Lt. Governor Kathy Hochul, Attorney General Letitia James, each and every member of the New York State Legislature, Congresswomen Brian Higgins, Senator Kirsten Gillibrand, Senator Charles Schumer, the New York State Association of Counties and the New York State Conference of Mayors and Municipal Officials.