

RESOLUTION NO. 2020

***RELATIVE TO IMPLORING 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.