

**TESTIMONY OF STEVEN ZALEWSKI, ESQ.
NEW YORK STATE BAIL BONDSMAN ASSOCIATION VICE CHAIRMAN**



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NYS BAIL BONDSMAN ASSOCIATION**

Esteemed panel members,

Enclosed please find a copy of the testimony of Steven Zalewski, delivered at the Joint Legislative Public Hearing on the FY2020 Executive Budget Proposal: Public Protection, on Tuesday, January 29, 2019.

Sources for statistics and estimates referenced by Mr. Zalewski are cited in the endnotes of the research documents submitted as addendums to this testimony.

Be advised that all source documents, research reports, analytical assessments, and publications prepared or used by the New York State Bail Bondsman Association are available in the following public directory:

https://drive.google.com/open?id=1GMy0-CwZwtjEY9tEdmn4En6SkOyN__Ea

Additionally, should you require any additional documentation, or wish to discuss any of our research further, please contact Mr. Zalewski at any time.

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Thank you for your time and consideration.

Very respectfully,
New York State Bail Bondsman Association

TESTIMONY OF STEVEN ZALEWSKI, ESQ. NYS BAIL BONDSMAN ASSOCIATION

Good afternoon esteemed committee members,

My name is Steven Zalewski, I am the Vice-Chair of the New York State Bail Bondsman Association.

I have been a practicing criminal defense attorney since 1986. My career started out with the legal aid society, and then I represented indigent defendants as the chairman of the 18b panel for Queens county, before entering the bond business in 2006. This experience provides me with a very real perspective on the criminal justice system.

I'd like to thank this committee for bringing the topic of criminal justice reform full circle.

The emphasis on discovery and speedy trial reform are the most important topics to any criminal justice practitioner. But obviously, I'm not here to speak about either of those matters. I am here to speak about bail.

To begin, I want to be clear about the position of the bail industry on indigent defendants. The bail industry 100% supports the premise that those who are indigent and or impoverished should not remain in jail on nominal bail, simply because they cannot afford it.

We support programs and directives including charitable bail that attempt to provide those less fortunate with the opportunity to be free to defend the charges against them.

I say this with 2 caveats. First, I call upon you as the legislature to clearly define what constitutes indigency as it relates to bail. The importance of defining indigency is that it provides these organizations with the ability to use their charitable assets for a much broader portion of the population.

Second, and equally importantly, is the necessity of monitoring and assisting those released in complying with court requirements.

I say to you today, the NYSBBA and all of its bondsman in the state stand ready, willing, and able to assist in that essential element of criminal justice reform. Of course, you will ask how, and how much?

We propose a public-private partnership. The bail agents of this state, at no cost to the defendants, their families, or the government will voluntarily monitor those indigent defendants released on all forms of charitable bail.

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The advantage of this public private partnership is that NYS bail agents are in every county in this state. So, we can provide state-wide coverage to assist the indigent defendants in complying with court requirements.

Now, from my perspective as a criminal defense lawyer, I feel it is essential I discuss briefly the pending legislation to eradicate commercial bail.

This legislation purports to use desk appearance tickets as a vehicle to prevent unwanted detention, provided the suspect can produce proof of their identity, among other discretionary requirements. So now, in order to be free, you will need to produce identification.

Further, it tramples on the defendant's constitutional rights to speedy trial, because the clock against the prosecution doesn't start running until the time of arraignment, which this legislation claims will be 20 days, but we all know will likely be pushed to weeks or months later.

Lastly and equally as important, is the fact that many of the crimes that are not exceptions to the desk appearance rule, violate public morals and the safety of our communities. I want to emphasize this point again. Non-violent, does not equal non-victim. For example, the crime of incest will still be a desk appearance ticket under this new legislation.

I'd like to close with what I think is equally important as all the other matters I've discussed, and that's the cost of the proposed legislation.

The first thing you should all note is that the cost of the legislation will now be borne directly by all 62 counties in the state.

The cost study from Towson University, submitted for your review with our testimony, assesses that this program will cost New York city more than 150 million dollars over their current probation budget, and it will be completely unfunded by the state.

Suffolk's cost would be thirteen million dollars; Erie another thirteen million, Nassau eleven million, Monroe ten million, Westchester eight million, and the list goes on.

On average this legislation will cause these counties to exceed their probation budgets by more than 66%. All completely unfunded.

In closing, I implore you, as elected officials representing the public, to closely examine this legislation, and ask the important questions to ensure that what we are doing is necessary, and not reactionary, and that we're not hurting the very people we are trying to help.

Thank you.