

January 10, 2017

The Honorable Andrew M. Cuomo
Governor of the State of New York
New York State Capitol Building Room 211
Albany, New York 12224

Re: Judith Clark Commutation

Dear Governor Cuomo,

On behalf of the members of law enforcement from across New York State, we are writing to express how dismayed we are of your December 30, 2016 press release titled "Governor Cuomo Grants First-Ever Conditional Pardons to More Than 100 New Yorkers Convicted of Crimes at Ages 16 and 17." In that press release you grant Judith Clark the ability to appear before the Board of Parole within the first quarter of 2017. This executive commutation is where we strongly disagree with you.

On October 14, 1983, Clark was convicted of Murder in the Second Degree and Robbery in the First Degree. This case was not simply a murder/robbery case, it was a triple execution. Guard Peter Paige was killed at the Nanuet Mall, and within the same hour, the Nyack Police Department had two officers killed in the line of duty. Sergeant Edward O'Grady and Officer Waverly "Chipper" Brown were executed. Brinks Guard Joseph Trombino suffered serious injuries but survived. We characterize these events as heinous acts of terrorism; a hate crime against law enforcement. On November 20, 2016, you addressed the Abyssinian Baptist Church. During this address, you said, "New York is, and will always be, a place of acceptance, inclusion and a bastion of hope for all people. We will never allow fear and intolerance to tear at the fabric of who we are – New Yorkers are stronger than that, and we are better than that. With these decisive actions, we say to people of all backgrounds and beliefs: New York is your home and refuge, and we will do whatever it takes to keep you safe." Sergeant O'Grady, Officer Brown and Guard Paige did whatever it took on October 14, 1983 to keep us safe - yet while their voices have been silenced, Clark is receiving accolades for hers. Your own press release touts Clark for making "exceptional strides in self-development." The world will never know the exceptional strides of Sergeant O'Grady, Officer Brown and Guard Paige.

During your October 22, 2015 clemency press release you state, "The Governor engages a careful, holistic review of clemency applications with officials from the Executive Chamber, Department of Corrections and Community Supervision, the Board of Parole, and the Office of Victims Services. Qualified candidates for commutations may include those who do not have a significant criminal history, have served at least half of their minimum sentences, and have demonstrated evidence of good conduct in prison as well as significant rehabilitation." We wonder if you engaged a careful, holistic review with your group and determined that Clark has served less than half of her sentence. We wonder if you noted that she has only served 35 of a 75 years to life sentence.

In 2015, 41 police officers were shot to death, 8 in ambush style attacks. When San Antonio Detective Benjamin Marconi was gunned down on November 20th while issuing a traffic citation, he

became the 60th officer shot and killed in 2016 and the 20th ambushed (Webber, 2016). Following the murder of Detective Marconi, Attorney General Loretta Lynch stated the Department of Justice was working to improve officer safety: "I regard this increase with the utmost seriousness," she said. "In the days ahead, the Department of Justice will continue to assist state and local law enforcement officers in any way that we can to reduce the frequency and deadliness of these tragic incidents" (Bailey, Siemaszko, & Stelloh, 2016). The Attorney General is ready to stand and assist state and local law enforcement. Are you as our Governor ready to stand and assist?

"Governor Andrew M. Cuomo today honored 26 police officers who made the ultimate sacrifice in service to communities across New York State." "Every day, police officers across New York selflessly put their lives at risk to protect the citizens of our state," you said on May 10, 2016 for the Annual Police Officers' Memorial Remembrance Ceremony press release. "Today we honor those who made the ultimate sacrifice to keep our communities safe. I join with all New Yorkers in remembering their legacy and thanking their families for their service and bravery." You joined New Yorkers?

We lead by example and request that you do the same and attend the Annual Police Officer' Memorial Remembrance Ceremony recognizing all fallen officers. We demand no less. Your yearly absence at this solemn ceremony is noted not only by law enforcement executives but by the members of law enforcement as a whole.

We implore you to stand up for all citizens of this great State, including all law enforcement, current members, retired members, and especially for those who made the ultimate sacrifice. We took an oath, as men and women, to support the Constitution of the State of New York and to faithfully discharge the duties of the office and to serve and protect the freedoms of our citizens and we are seeking for you to stand up for law enforcement in New York State.



Chief David Zack
President
New York State Association of Chiefs of Police



District Attorney Thomas P. Zugibe
President
District Attorney Association State of New York



Sheriff Christopher Farber
President
New York State Sheriff's Association



Richard Wells
President
Police Conference of New York