



## Opening Argument



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### **Child Abuse: Tough New Laws Needed**

The emotional issue of child abuse has dominated the news for weeks now - highlighting the need to update our criminal laws to give law enforcement the ability to effectively prosecute crimes against children who suffer neglect, mistreatment or abuse.

Tragedies like the death of Sierra Roberts in Queens and Nixzmary Brown in Brooklyn occur too often. It is clear that tough new laws are necessary to respond to such tragedies. But beyond that, strong measures must also be taken to protect children at the very first indication that they are being mistreated.

Unfortunately, the law now makes it difficult for prosecutors to take action to protect children before they suffer serious injury or death.

Prosecutors often see cases in which minor injuries are inflicted upon a child, sometimes over and over again for months or years with horrible cruelty. Existing law, however, has a very narrow definition of "serious physical injury": If prosecutors can't prove that a child's injuries meet that standard, those who inflict such torment may only face misdemeanor charges.

New York needs to do more to provide these children with the chance to grow into adulthood - and not become grim statistics. We need felony sanctions for such patterns of abuse and cruel maltreatment to punish and deter such conduct.

#### **Need Felony Child-Endangerment Statute**

Prosecutors across the state have long called for a felony child-endangerment statute; in the wake of the latest horrors, it's clear the Legislature

needs to enact one, without delay. Our children deserve nothing less.

We also need laws to address the reckless killing of a child. While a small percentage of abusers intentionally kill children, the vast majority of child deaths resulting from abuse are caused by reckless acts of caregivers, such as sudden violent beatings and shakings visited upon children in fits of frustration and anger.

Yet existing law doesn't allow prosecutors to bring sufficiently serious felony charges for purely reckless child homicides, no matter how horrific the death. Indeed, those who kill children in acts that the courts find to be reckless, as opposed to intentional, are eligible for probation.

That law should be changed: Someone who beats a child to death should go to prison even if the killer was "merely" being reckless.

#### **Combating Child Abuse**

Combating child abuse is a battle to be fought on multiple fronts. Changing the law and increasing penalties is part of the solution; but without adequate resources, these changes will be ineffective.

The mayor has allocated millions in new funding to the Administration for Children's Services. But New York's prosecutors, who are also charged with the critically important responsibility of detecting patterns of abuse in the thousands of child abuse reports that we receive each year, have an equally urgent need for additional resources to fulfill our mandate to protect the city's children.