

Congress of the United States
Washington, DC 20515

January 24, 2022

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul,

We write to express significant concerns regarding the prospect of our constituents being forced to endure another year of the lawlessness and disorder created by New York State's failed bail reform law. In the face of incriminating data and growing calls on both sides of the aisle to address these dangerous standards, it is past time for your Administration to take the lead and call on the state legislature to make commonsense reforms to ensure public safety. We recognize the tragic toll this law has taken on countless families across New York, as well as on our law enforcement community, and we stand ready to support reform efforts that prioritize public safety at the federal level.

Data released late last year by the NYS Office of Court Administration and Division of Criminal Justice Services validates the many concerns that have surrounded New York's bail reform law since its enactment. According to an analysis conducted by the Albany Times Union, individuals who would have previously been held in custody pending bail were rearrested at a rate of nearly 20% in New York State. With nearly 100,000 instances of individuals being released under these standards, these rearrests translate to thousands of avoidable crimes, and tragically, hundreds of violent felonies.

Considering that rearrest rates are even worse in New York City, it is unsurprising that newly-elected Mayor Eric Adams and Police Commissioner Keechant L. Sewell have both identified reforms to New York's bail laws as a key component to making the city safe. They are not alone, with a growing, bipartisan chorus of lawmakers from across New York calling for the state legislature to prioritize public safety over irresponsible policies put forward by the far left. Specifically, many have identified the necessity of providing judges with enhanced discretion to determine whether an individual poses a risk to public safety when making bail or pretrial release determinations.

As sponsors of the Stop Enabling Repeat Violence and Endangering (SERVE) Our Communities Act, we have been proud to put forward substantive legislation in Congress to address the absence of a "dangerousness standard" in New York State. Our legislation would provide \$10 million annually in anti-recidivism funding for states that have a law on the books that allows a judge to consider the danger an individual poses to the community when determining bail or pretrial release conditions. Our legislation also promotes strong investments in law enforcement and combatting

anti-police sentiment, two issues that have unfortunately seen a significant backslide in our state as a direct result of the “Defund the Police” movement and efforts by the far left to demonize law enforcement. With this in mind, the SERVE Our Communities Act should serve as the basis for comprehensive reforms at the state-level to prioritize the rule of law and ensure New York remains a safe place to raise a family or start a business.

As New Yorkers look to the year ahead, it is imperative that your Administration prioritize public safety. We respectfully request that you immediately begin working with the state legislature to advance a standard for New York State that provides judges with the necessary discretion to limit the release of individuals who pose a danger to our community. Additionally, we request that you take a strong and public stance against measures to “Defund the Police” or undercut law enforcement, including absurd efforts to limit the prosecution of serious offenses. We believe these steps will give New York residents the necessary assurance that their elected representatives are committed to responding to the public safety crisis that currently faces our state.

Thank you in advance for your time and attention to this matter. We look forward to your response.

Sincerely,



John Katko
Member of Congress



Elise M. Stefanik
Member of Congress



Chris Jacobs
Member of Congress



Claudia Tenney
Member of Congress



Nicole Malliotakis
Member of Congress



Andrew R. Garbarino
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