

Congress of the United States
Washington, DC 20515

March 30, 2022

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

Dear Governor Hochul,

We write today to express serious concern that your 10-point plan to make changes to the bail laws in New York State falls dangerously short of what is needed to keep New Yorkers safe. Any proposal that does not completely reverse the bail reform policies that took effect in January 2020 would be a serious failure on the part of your administration.

New York State is facing a historic crime wave as a result of the state's disastrous bail reform policies. New York City's crime rate has increased nearly 60% over last year, including historic numbers of murder, rape, robbery, and assault.¹ Specifically, there has been a 54% increase in robberies, a 56% increase in grand larceny incidents, a 22% increase in rapes, a 10% increase in murders, and a 1.3% increase in shooting incidents as compared to 2021.²

Most recently, the nation mourned the lives of Jason Rivera and Wilbert Mora, brave New York police officers who were fatally shot in the line of duty by an individual with several prior arrests, including assaulting a police officer.³ Days after these tragedies, you said, "I will absolutely stand behind the fundamental premise on why we needed bail reform in the first place."⁴ We sincerely hope this is no longer the case.

Among the most reckless parts of the bail reform law were the elimination of cash bail for most misdemeanor and nonviolent felony charges and expanded options for pretrial release conditions. This has resulted in a dramatic increase in rearrests of individuals who would have previously been in custody pending bail, but instead were allowed to commit crimes and other violent felonies. Whereas only 9% of offenders released on non-monetary release were rearrested for felony crimes in New York City in 2018, approximately 43% of offenders were rearrested for

¹ Emma Tucker & Mark Morales, *New York City crime wave continues into 2022 as city rolls out safety plan*, CNN (Mar. 5, 2022), <https://www.cnn.com/2022/03/05/us/new-york-city-crime-wave-2022/index.html>

² *Id.*

³ Tina Moore, Joe Marino & Patrick Reilly, *Alleged NYPD cop killer has lengthy rap sheet, was out on probation*, NY POST (Jan. 22, 2022), <https://nypost.com/2022/01/22/alleged-nypd-cop-killer-lashawn-mcneil-has-lengthy-rap-sheet-was-out-on-probation/>

⁴ Danielle Wallace, *New York GOP slams Gov. Hochul for defending bail reform after NYC shootings, police deaths*, FOX NEWS (Jan. 27, 2022), <https://www.foxnews.com/politics/new-york-gop-slams-gov-hochul-for-defending-bail-reform-after-nyc-shootings-police-deaths>

felony crimes between July 2020 and June 2021.⁵⁶ This doesn't include the *additional* offenders rearrested for misdemeanor charges due to the disastrous changes in bail reform.

The state's bail reform also refused to address the danger an individual poses to the community before releasing them. Therefore, New York remains the only state not to consider dangerousness in bail decisions. It is critical you reverse these reforms and fully address the disaster you have allowed to continue.

Any proposal that fails to repeal the entire bail reform and enact a "dangerousness standard" that allows judges to thoroughly consider public safety when making bail or pretrial release decisions is unacceptable. You must address the lawlessness and disorder created by New York State's failed bail reform law, including putting in place commonsense reforms that support our local law enforcement and keep our community members safe. Thank you for your prompt attention to this serious matter.

Sincerely,



Elise M. Stefanik
Member of Congress



Tom Reed
Member of Congress



Claudia Tenney
Member of Congress



Chris Jacobs
Member of Congress



Nicole Malliotakis
Member of Congress



Lee Zeldin
Member of Congress

⁵ Stephanie Pagonis, *NYC bail reform beneficiaries rearrested for felonies at higher rate than city projections*, FOX NEWS (Jan. 13, 2022), <https://www.foxnews.com/us/nyc-bail-reform-felonies-higher-rate-city-estimates>

⁶ Jim Quinn, *The truth: 43% of people let go with no bail on a serious charge in NYC were rearrested — the 'reform' is a disaster*, NY POST (Feb. 14, 2022), <https://nypost.com/2022/02/14/43-of-people-let-go-with-no-bail-on-a-serious-charge-in-nyc-were-rearrested/>



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