

Bail reform isn't driving NYC's crime increase

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Opinion

By Ames Grawert

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Gov. Kathy Hochul with Lt. Gov. Brian Benjamin (Richard Drew/AP)

Some pundits and policymakers are still blaming New York's bail reform legislation for recent rises in violent crime. But what we know so far does not support this claim. Indeed, new data suggests that our state's enactment of bail reform did not drive the increases in violent crime. Rather than rehashing the bail reform debate, it's time for Albany to look for effective, community-led solutions to violent crime.

When bail reform went into effect in New York in 2020, it brought long-overdue justice to a system that had jailed New Yorkers charged with low-level offenses simply because they couldn't afford bail. Freedom was available, but for a price that only wealthier defendants could afford. The law ended the use of cash bail in most cases involving misdemeanors and

nonviolent felonies. In these cases, judges are now required to release people or impose certain conditions, like pretrial supervision, to ensure their return to court. Bail remains an option for most violent felonies, and in some cases involving alleged repeat offenders.

Almost immediately after bail reform went into effect, leaders in law enforcement and government began linking it to rising crime.

Crime was in fact going up. Murders in New York City rose from 319 in 2019 to more than 450 in 2020. Shooting incidents in the city roughly doubled during the same period. The state's murder rate also increased from 2.9 to 4.2 killings per 100,000 people. We should not minimize rising crime or its impact on our communities. These are serious increases, and understandably cause for concern. But it doesn't follow that bail reform caused them.

The best available information so far suggests that bail reform did not significantly contribute to 2020's increase in violence. One recent analysis, by the Times Union of Albany, identified 100,000 cases where bail reform affected how or whether someone was released. Just 2% of those releases resulted in a re-arrest for a violent felony. Another dataset, posted by the nonprofit New York Criminal Justice Agency, shows that a specific metric — the percentage of people awaiting trial in the community in a given month and rearrested that month — has changed little since 2019. City Comptroller Brad Lander cited this data in his own analysis, which also argued against revisiting bail reform. And the NYPD's own statistics revealed that, between January and late June 2020, “just one person released under the statewide bail reform laws” had been charged with a shooting.

It's also noteworthy that crime increased nationwide in 2020 — in jurisdictions that implemented bail reform policies along with those that didn't.

So what did cause crime to increase? Some contributing factors, like gun violence, are already snapping into view. Guns were sold, carried and recovered at crime scenes at much higher rates than previous years. The pandemic also thrust many communities into economic insecurity. Lockdowns disrupted important neighborhood institutions. For example, violence “interrupters,” who aim to identify and defuse situations before they become dangerous, could no longer do their important work face-to-face. Behavioral therapy programs also became difficult, or next to impossible, amidst social distancing rules.

Rolling back bail reform won't solve these problems. Thankfully, we know what could work. Community violence intervention programs, whether centered on meeting neighborhood needs or identifying and preventing potential conflicts, are one promising solution. New York City already boasts a strong network of these initiatives, and recently secured a major federal grant for gun violence prevention and research. The city should continue to support these programs, and the state should consider how to implement them, with comparable buy-in from local government, beyond the five boroughs.

Other strategies should focus on neighborhood investment. Summer youth employment can provide safe places for young people, potentially reducing opportunities for conflict. Mental health and addiction counseling can reach people in crisis and avert tragedies. Lastly, funding and support for pretrial services agencies may help bail reform work even better. These agencies supervise people who have been released pending trial, remind them of upcoming court dates, and offer services, like drug treatment. They help provide a middle ground between release and jail detention. But their work became difficult during the pandemic. Lawmakers should ask these agencies what they need to accomplish their goals, and then commit to providing it. To her credit, Gov. Hochul proposed increased funding for pretrial services outside of New York City in her executive budget.

Such services and reforms deserve our lawmakers' full attention if we are to address crime in New York. Bail reform is not the problem, and rolling it back is not the solution.

Grawert is senior counsel in the Justice Program at the Brennan Center for Justice at NYU Law and a former assistant district attorney in the Appeals Bureau of the Nassau County District Attorney's Office.
