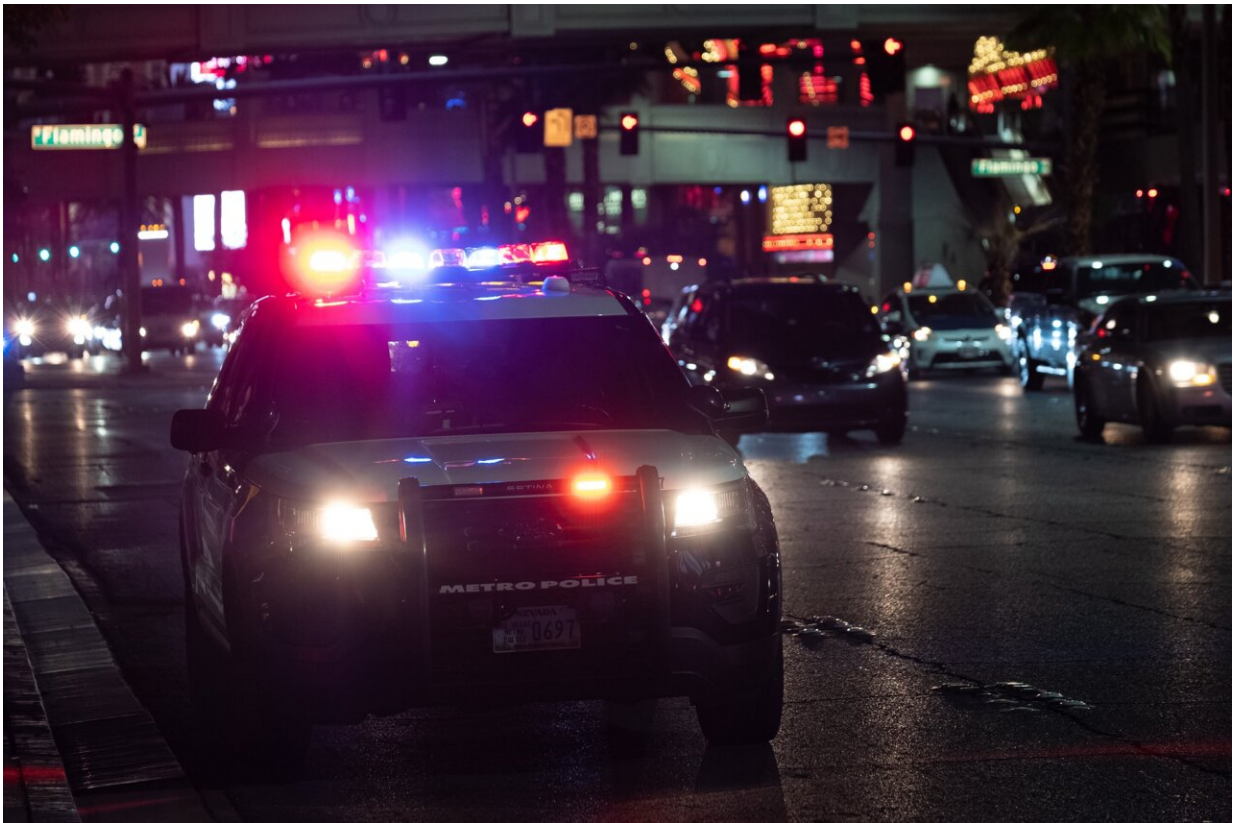


# Bail reform law in New York had negligible effect on increases in crime

May 11 2023

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Across the United States, legislators and the public have debated the issue of bail reform, which aims to reduce pretrial jail populations by eliminating cash bail. New York State passed legislation in 2019 to limit

the use of money bail and expand pretrial release. In a new study, researchers evaluated the effect of the law on state crime rates, considering the effect of the COVID-19 pandemic. Although rates of murder, larceny, and motor vehicle theft rose after the bail reform law went into effect, none of the increases were statistically significant when compared with a control group. This suggests that the effect of bail reform on crime rate increases was negligible.

The study, by researchers at the State University of New York at Albany (SUNY Albany), appears in *Justice Quarterly*, a publication of the Academy of Criminal Justice Sciences.

"This study is the first rigorous evaluation of how bail reform in New York State affects crime," according to Sishi Wu, a Ph.D. candidate in [criminal justice](#) at SUNY Albany, who led the study. "The results can inform policymakers and address concerns expressed by the public." New York State's 2019 bail reform law went into effect on January 1, 2020. The law requires courts to release defendants on their own recognizance or under non-monetary conditions unless the defendants are charged with offenses listed in the legislation. Essentially, the 2019 law adopted a presumption of release and eliminated money bail and pretrial detention for all misdemeanors with two exceptions and for all nonviolent felonies with a limited number of exceptions.

Following the law's enactment, pretrial jail populations declined in the state (as expected). Law enforcement officers and other stakeholders were concerned that suspects released as a result of the reform may reoffend; they were also concerned that the reform may have created a sense of lawlessness that would not deter criminals from being caught.

To determine whether the law affected [crime rates](#) in the state, the authors analyzed whether bail reform was significantly associated with increased crime. When a significant association was detected, they

examined whether it was causal. The study used data from the New York State index crime, which includes monthly counts for seven crimes (murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft) from January 2017 to September 2021. It also compared New York State's crime data with data from other states by examining monthly crime counts for 49 states and the District of Columbia from the FBI Uniform Crime Reporting program from January 2017 to December 2020.

The study found that rates of murder, larceny, and motor vehicle theft rose after the bail reform, but the increase may have been due to the pandemic instead of bail reform. The authors controlled for the impact of the pandemic by constructing a comparison group of other states also affected by the pandemic but without bail reform in the same period. After comparing New York State with the comparison group, the study found that the rate of increase in crimes in New York State was insignificant.

Among the study's limitations, the authors note that they did not consider different levels of the pandemic's impact in different states (New York State was affected early and was an epicenter of the virus's outbreak in the United States). Also, the study did not consider the effect of an amendment to the bail reform law that increased the number of eligible offenses.

"Despite multiple statements from the media and stakeholders that individuals released under bail reform are no more likely to reoffend, the public continues to believe that bail reform leads to more [crime](#)," says David McDowall, professor of criminal justice at SUNY Albany, who coauthored the article. "Using findings such as ours, lawmakers and stakeholders can better address concerns about public safety."

**More information:** Sishi Wu et al, Does Bail Reform Increase Crime

in New York State: Evidence from Interrupted Time-Series Analyses and Synthetic Control Methods, *Justice Quarterly* (2023). DOI: [10.1080/07418825.2023.2209145](https://doi.org/10.1080/07418825.2023.2209145)

Provided by Crime and Justice Research Alliance

Citation: Bail reform law in New York had negligible effect on increases in crime (2023, May 11) retrieved 6 May 2024 from <https://phys.org/news/2023-05-bail-reform-law-york-negligible.html>

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