

Three Parks Independent Democrats

Some Facts on NYS Bail Reform: How Zeldin and the Republicans are Misleading Voters*

NY Republican gubernatorial candidate Lee Zeldin is putting crime front and center in his campaign. In his ads and speeches, he claims that crime in New York is “out of control,” and that a big reason is Democratic-backed bail reform efforts, which vastly reduced the number of crimes for which a person could be held on bail.

But what are the facts?

- **In NYC, crime is at decades-long lows.** The homicide rate is similar to what it was in 2009, when the city recovering from the 2008 financial crisis. There certainly has been a rash of high-profile incidents, which may have affected the perceptions of younger New Yorkers, who have grown up at a time of historically low crime rates. For NYS up-to-date crime statistics, see [NYS's Open Crime Data Portal](#).
- **Bail reform is not causing higher crime rates.** Bail reform came at a time when Democratic officials and voters wanted to change what they considered to be a broken criminal justice system that criminalized poverty. Judges in NYS can now consider only flight risk when determining whether to set bail. For misdemeanors and some non-violent crimes, judges are not allowed to consider a defendant's threat to public safety. That is because “dangerousness” is a very subjective criteria that has led to imprisoning lots of people for low-level crimes for long periods, before they are even put on trial. Bail reform has led to a substantial reduction in jail incarceration, driven mainly by a decline in pretrial admissions for low-level and non-violent charges. That allows people who would have been held pre-trial to return to their families and jobs while they await trial, keeping families whole and communities safer. Zeldin and some NY law enforcement officials are citing examples of people committing violent crimes after being released without bail, but these are outright lies

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and misleading. Look carefully at the facts when you see these examples.

- Many of the effects of bail reform have yet to be studied, but new data released by the state Department of Criminal Justice shows that generally, so far, people who are accused of crimes affected by bail reform (misdemeanors and non-violent crimes) are appearing in court when they are required to and are not being re-arrested while their cases are pending at the same levels as before bail reform. The rate of failure to appear in court has dropped in NYC and has been flat outside of NYC.
- **Governor Hochul's position.** In April, Hochul and the state legislature agreed to rrevise some bail reform efforts. The governor supports bail reform but also calls for changes that would allow judges to use a defendant's criminal history and history of firearm possession when determining bail. Hochul also proposes strengthening judges' discretion when assessing different types of felonies and misdemeanors and giving prosecutors and police officers greater flexibility in presenting their evidence before courts. In June, after the US Supreme Court threw out New York State's 109-year-old gun laws, Hochul called the NYS legislature back into session to establish a concealed carry law. NYS's new red flag gun laws to take guns out of hands of people that law enforcement has determined are dangerous. This year's state budget tripled new investments in law enforcement. In NYC, for example, the NYPD has relaunched teams of police officers sent into neighborhoods to target gun crimes.
- *Footnote & Sources: The information in this article is a compilation of recent articles from newspapers, as well as government and think-tank websites. For more, see the original sources:

NYS Department of Criminal Justice [Criminal Justice Statistics - NY DCJS](https://criminaljustice.ny.gov/crimnet/ojsa/stats.htm)
<https://criminaljustice.ny.gov/crimnet/ojsa/stats.htm>

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[The Effects of Bail Reform | The Highlands Current](#)

10/21/22 by Leonard Sparks

[Bail Reform Remains at Center of New York Political Debate But State Legislature has Never Held a Hearing On It \(gothamgazette.com\)](#) The Gotham Gazette

10/19/22 by Samar Khushid

[Kathy Hochul takes on bail reform against Democrats in Albany | Crain's New York Business](#)

[\(crainsnewyork.com\)](#) 3/22/22 and an update on 4/7/22 on the new amendments to the 2019 Bail Reform Law, both by Brian Pascus Vera Institute of Justice – <https://www.vera.org/solutions-research>

[‘Tough-on-Crime’ Rep. Lee Zeldin Didn’t Vote on Police Bills \(thedailybeast.com\)](#) The Daily Beast 10/21/22 by

Michael Daly