

Introduction

The 2019 NYS Bail Reform went into effect on January 1, 2020, and limited cash bail and pretrial detention to guarantee fairness for the criminally accused persons. New York judges started releasing without bail, almost all defendants arrested for misdemeanors.

The 2019 NYS Bail Reform became a controversial and highly debated legislation. The prevalent beliefs were that bail reform endangers communities, allows for more misdemeanor crimes, and that released without bail, offenders will commit additional crimes.

Research Question

RQ1: What is the difference in the total number of quality of life misdemeanor complaints after the passage of the 2019 NYS Bail Reform in New York City?

RQ2: Is there any change in individual frequency among the nine quality of life misdemeanor complaints subject to the 2019 NYS Bail Reform?

RQ3: Is there any change in frequency among the total number of quality of life misdemeanor complaints by NYC Boroughs after the 2019 NYS Bail Reform?

Background

The Broken Windows Theory (Kelling & Wilson, 1982)

- Anti-social behavior and civil disorder create an environment that encourages quality of life (QOL) offenses, including serious crimes

The Bail Reform Act of 1966

- Provided statutory right for the non-capital defendant to a pretrial release and release on your own recognizance (ROR)

The Bail Reform Act of 1984

- Allowed temporary or entirely pretrial detention of a defendant before trial on the grounds of dangerousness to the public

Materials & Methods

Materials

- Databases used
- Primary Source Data
- NYS Penal Law
- Secondary Source Data
- NYPD Complaint Data Historic (2019)
 - NYPD Complaint Data Year to Date (2020)

Methods

- Systematic literature review
- Databases searched: PsycINFO, Google Scholar
- Searched terms used: (bail* OR bail reform* OR *cash bail* OR misdemeanor* OR public safety) in any field (e.g., text, title)
- DV: Nine variables were operationally defined as meeting the legal definition of misdemeanor offenses established by the NYS Penal Law
- IV: Data was analyzed before and after the 2019 NYS Bail Reform passage

Findings

Findings 1

- Overall **18.6 %** decrease in nine QOL misdemeanor complaints after the implementation of the 2019 NYS Bail Reform

Findings 2

After the implementation of the 2019 NYS Bail Reform

- 49.6% decrease in complaints of criminal possession of a controlled substance
- 33.7% decrease in complaints of criminal trespasses in the second degree
- 30.9% decrease in sexual abuse in the second degree
- 8.1% increase in criminal mischief in the fourth degree

Findings 3

Misdemeanor complaints by NYC Borough

- Manhattan - 21.77% overall decrease in nine categories (26.80% increase in reported complaints on criminal mischief)
- Brooklyn - 19.33% overall decrease in complaints
- Bronx - 18.84% overall decrease in complaints
- Queens - 14.28% overall decrease in complaints
- Staten Island - 14.52% overall decrease in complaints

Figure 1
Total Number of QOL Misdemeanor Complaints Before and After the 2019 NYS Bail Reform (2019-2020)

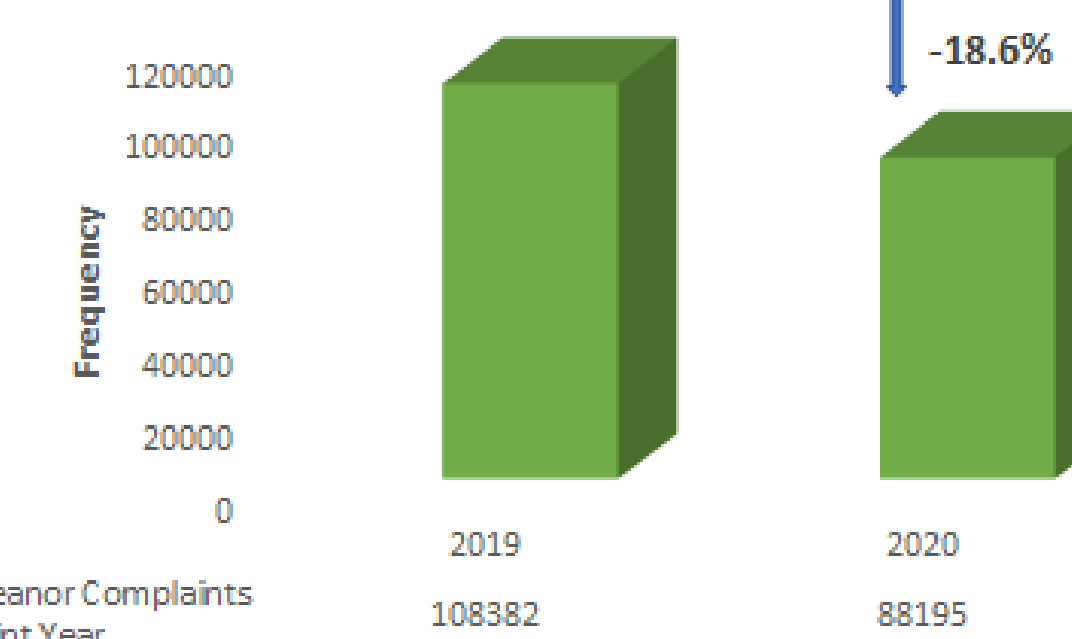


Figure 2
The difference in Individual Frequency in QOL Misdemeanor Complaints Before and After the 2019 NYS Bail Reform (2019-2020)

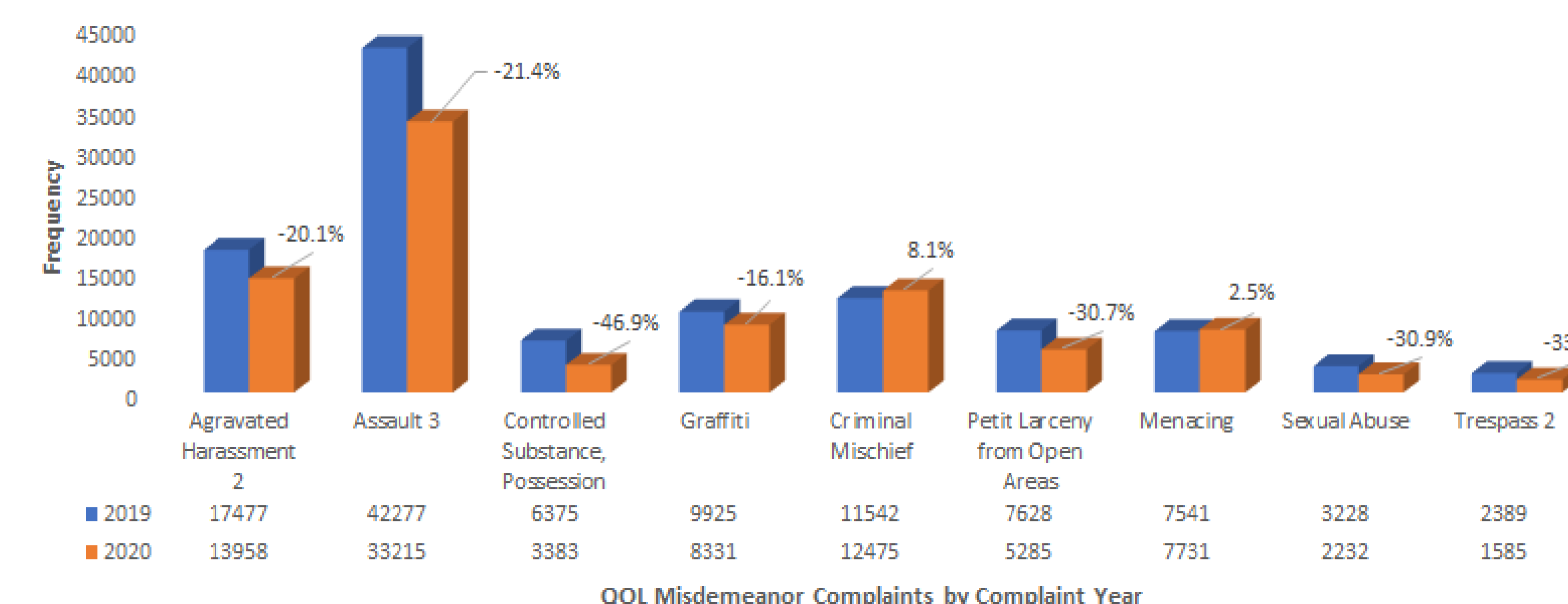
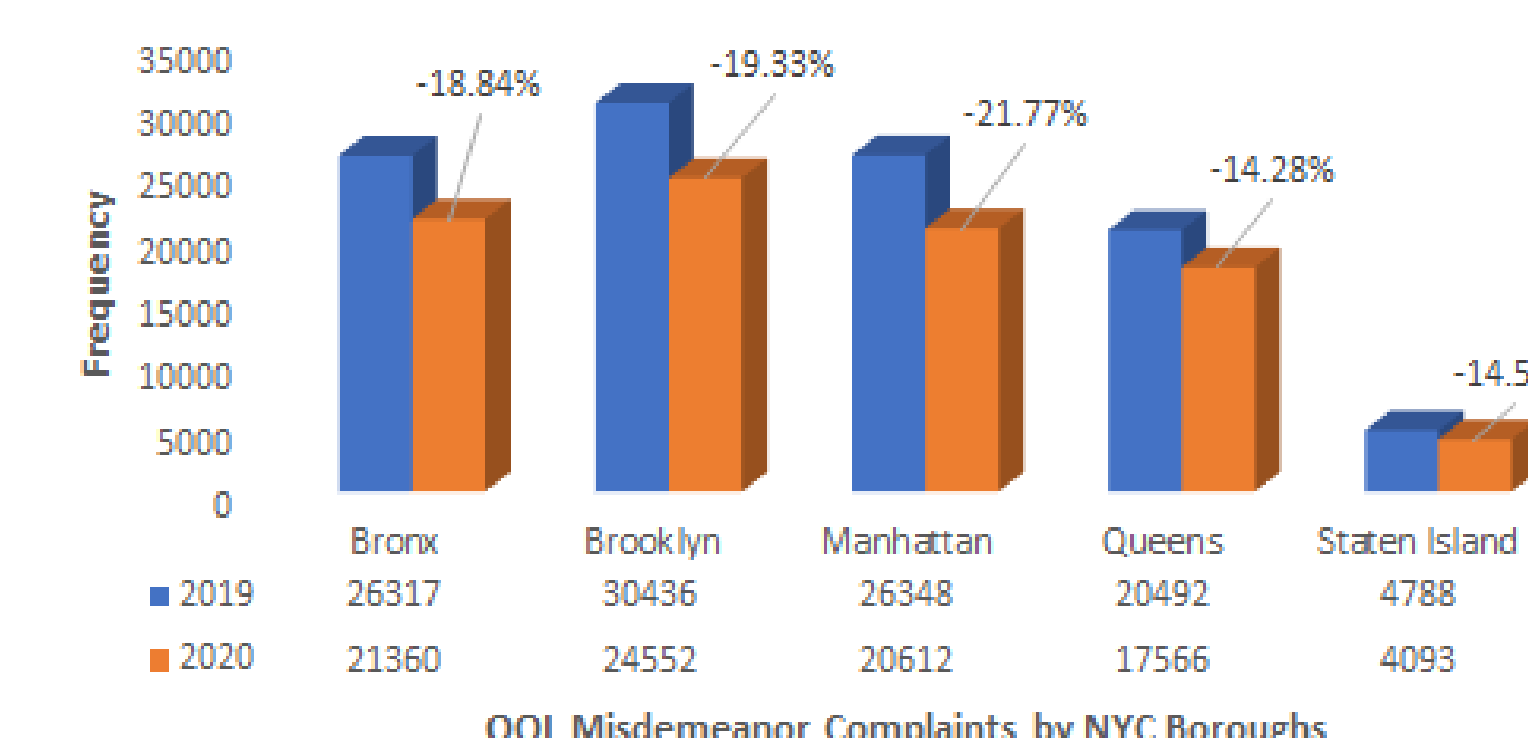


Figure 3
The difference in Total Frequency in QOL Misdemeanor Complaints by NYC Boroughs after the 2019 NYS Bail Reform (2019-2020)



Preliminary Conclusions

This study is the first to empirically evaluate the 2019 NYS Bail Reform on QOL Offenses in NYC. The 2019 Bail Reform appears to decrease the number of misdemeanor offenses. However, in 2020, the COVID-19 disease profoundly changed law enforcement, jurisprudence, and corrections operations as they were shifting resources and adjusting priorities to maintain public safety while doing their best to prevent infection among officers and suspects.

Limitations

The main disadvantage of this study is that there is no external comparison or control group. Without a control or comparison group, it is difficult to establish the cause and effect relationship between the 2019 Bail Reform and the number of reported misdemeanor offenses.

Policy Implication

The 2019 NYS Bail Reform is the continuation of a decades-long effort of New York to increase pretrial release safely. While we still need to analyze detailed post-implementation release rates, this study provides some insight into the policymakers' projected impact of bail reform.

Directions for Future Research

Future research should examine the implication of the 2019 Bail Reform over a longer period of time and over the course of different NYC and NYPD administrations.

References

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