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Comptroller Lander claims bail reform hasn't caused more crime — but ignores all evidence it has

Jim Quinn



Comptroller Brad Lander applauds the city for releasing criminals, with concurrent rises in crime. Stephen Yang

[New York City Comptroller Brad Lander](#) just issued an analysis of the state's 2019 bail law. And the crisis, according to Lander, is not that crime has skyrocketed — it's that too many people are still being held in jail. Buckle your seatbelts.

The most glaring problem with [Lander's](#) report is that it claims bail reform hasn't affected city crime rates — but nowhere does it cite city crime statistics. For the

record, Mr. Comptroller, there were 319 murders in 2019, before bail reform took effect; there were 468 in 2020 and 485 in 2021, the highest numbers since 2011.

Overall crime to date this year is up 45% over last year, fueled primarily by a 60% rise in grand larceny and an 85% rise in car theft — coincidentally, two charges for which judges are not allowed to set bail under the 2019 law.

Nowhere in the report is the word “recidivism.” Nowhere is there an analysis of the more than 2,000 career criminals released under the 2019 law and their criminal activity since then.

And nowhere does the comptroller cite statistics published by the Office of Court Administration, which show that felony defendants with prior convictions or pending cases sprung on supervised release or non-monetary release — thanks to [bail reform](#) — are rearrested at a 43% rate while their cases are pending.

Defendants charged with residential burglary released on NMR are rearrested at a 57% rate.

And these numbers just show the *rearrest* rate, not the *reoffending* rate. Defendants don't get arrested for every crime they commit. In fact, most of them beat the raps for most of their crimes. Just look at the numbers: There were almost 13,000 Gotham burglaries in 2021; just 300 people charged with burglary are being held on Rikers Island.



Lander visits the 32nd street Precinct after the death of NYPD officer Jason Rivera. REUTERS

Somehow this OCA data, readily available on its Web site, never made it into the comptroller's report. Either the office saw the stats and ignored them or it didn't know they existed. Either way, it is shoddy work.

Instead, Lander cites a single statistic from the Criminal Justice Agency showing that in December 2021, there were 41,000 people with a case pending in New York City courts. This number includes people arrested for the first time and for minor offenses who would never have had bail set under the old law. He notes 4% of that 41,000 got rearrested that month, essentially the same as before bail reform.

It's a terribly misleading stat. A defendant arrested three times, for example, is only counted once. But more important: Crime is up and arrests are down from 2019. So far more people are getting away with crime than before.



The police made almost 180,000 arrests in 2019. William Farrington

Still, even that 4% might mean that about 1,640 people with cases pending in December 2021 got rearrested that month. And the report approvingly states that only 1% of them get rearrested *each month* for a violent felony.

That comes to about 5,000 violent felonies a year committed by people awaiting trial. I guess these numbers don't mean much if you aren't one of the victims.

Nobody is saying we should jail everybody for every crime. But we can identify the recidivists among us. We can allow judges to remand defendants who are a danger or at risk of reoffending. Yet instead Lander applauds the city for releasing them, with concurrent rises in crime, and even recommends the release of 2,000 more.



NYPD officers arrest a suspect at Moncler, 99 Prince Street. William Farrington

Bail reform was designed to release more people from jail. And it did. Those being held on bail had extensive criminal records or were charged with very serious crimes.

The police made almost 180,000 arrests in 2019. When bail reform was passed on April 1, 2019, 7,822 of New York City's 8.6 million people were in custody. Hardly "mass incarceration."

The people who will pay the price of the travesty of bail reform are poor people of color, who are overwhelmingly the victims of crime in this city, especially violent crime.

Albany lawmakers who passed this [legislation](#) must admit they were wrong or acknowledge that the rise in crime and the thousands of additional crime victims are an acceptable cost of their progressive ideology. They'll never do that. But merely saying, "Move along, nothing to see here," is not an acceptable response.

Jim Quinn was executive district attorney in the Queens DA's office, where he served for 42 years.