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The ‘No Bail’ Fiasco in New York

Crime is breaking out again amid a get-out-of-jail-free law.

By The Editorial Board

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New York Mayor Bill de Blasio speaks in New York, March 4.

Photo: Luiz Rampelotto/Zuma Press

You know New York has a problem when even Mayor Bill de Blasio admits it. On Thursday the New York Police Department held a press conference to report that major crime is up 22.5% this February over a year ago. Both the cops and the mayor attribute the spike to the bail reform pushed through the state Legislature in Albany last year, which is releasing people who have been arrested for one crime to go out and commit another.

“There’s a direct correlation to a change in the law, and we need to address it, and we will address it,” Mr. de Blasio said of the increase in crime. The mayor also said he was “absolutely confident” it will be addressed in Albany in the budget due April 1.

The Democratic Legislature, with the backing of both Mr. de Blasio and Gov. Andrew Cuomo, ended cash bail last year. The goal was to prevent cases such as that of Kalief Browder, a 16-year-old charged with stealing a backpack. Because his family could not afford bail he spent three years in prison on Rikers Island—much of it in solitary—without being tried or convicted of a crime. After his release, he ultimately committed suicide.

The sensible part of bail reform was aimed at preventing injustices such as this one. The non-sensible part was to deprive judges of the discretion to keep behind bars criminals who remain a menace to the community.

The law went into effect on Jan. 1, and the NYPD numbers are sobering: “In the first 58 days of 2020, 482 individuals who had already been arrested for committing a serious (felony) crime such as robbery

or burglary were rearrested for committing an additional 846 crimes. Thirty-five percent, or 299, were for arrests in the seven major crime categories—murder, rape, robbery, felony assault, burglary, grand larceny and grand larceny auto—that is nearly triple the amount of those crimes committed in the same 58 days in 2019.”

Police Commissioner Dermot Shea underscored the main point: “Each number represents a victim.”

Some on the political left, including a coalition of public defenders, claim the cops are deliberately manipulating the figures as “scare tactics.” Ditto for Assembly Speaker Carl Heastie, who is blaming the New York Post, which refuses to take dictation from the city’s progressive powers. Mayor de Blasio is having none of it. “They’re wrong,” he says.

Another crime problem that Mr. de Blasio doesn’t acknowledge is the explosion of minor offenses since the City Council decriminalized such antisocial behavior as urinating in public, smoking marijuana in public, and turnstile jumping on the subways. This creates a culture of tolerance for lawlessness that the bail reform has compounded.

Polls show support for the bail reform dropping fast, and New York’s chief judge says it is the only state in which judges do not have the ability to consider whether a defendant poses a credible risk of danger before releasing him. There is a simple fix that would take care of the biggest problem: Give judges the ability to weigh this risk before letting people out. If Albany doesn’t fix this, we hope the voters run them all out office.