



NYS Assembly Majority Leader

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Facts Not Fears

Majority Leader Addresses New York State Bail Reform

As a public servant, I learned long ago that leadership is about more than ribbon-cutting ceremonies. It's about doing what's right even when it's hard. With that said, I want to address an important issue.

In 2019, we reformed how pretrial release works for people charged with non-violent offenses in New York State. This initiative is often called 'bail reform.' And despite a few misleading headlines, it's working.

A recent analysis by the NYC Comptroller's office confirmed that rearrest rates remained consistent before and after the reform. This report matches what media outlets, including the Buffalo News, previously reported based on data from the Buffalo Police Department, NYPD, and other agencies.

Unfortunately, some people use anecdotal stories and misleading information to imply that pretrial release is a get-out-of-jail-free card for hardened criminals. But that's not true. As a life-long resident of Buffalo's East Side, I can say with certainty that pretrial release is not about being soft on crime. Public safety is important to me. I want the streets I walk along to be just as safe as those in East Aurora and Amherst. But I also want to lead with facts, not fear.

Pretrial release only applies to non-violent charges. Judges can still set bail for serious charges, including domestic abuse, violent felonies, drug trafficking, sex crimes, and virtually all gun-related offenses. Judges also have the discretion to set bail when

defendants are rearrested or frequently skip court. Furthermore, experts agree that pretrial reform did not lead to increased violence.

The nationwide increase in violent crime in 2020 was due to the pandemic, which exacerbated the underlying causes of crime. Cities in notoriously 'tough on crime' states like Texas and Florida saw a more significant increase in violent crime than cities in NYS. These states still use cash bail for low-level offenses. While we must take any uptick in crime seriously, we will not solve the problem if we don't understand the real cause.

We must not lose sight of why changes to pretrial release were necessary. Before the reform, 70% of people in jail were there pretrial, meaning they were not convicted of a crime. And two-thirds of the pretrial population were incarcerated on misdemeanor or non-violent charges. Twenty-one thousand people were in jail because they didn't have \$500 to secure their release. In addition to being costly for taxpayers, pretrial detention tears apart families and jeopardizes employment and housing. Imagine the long-term consequence of homelessness and job loss for someone who didn't have an extra \$500 when they were accused, not convicted, of a misdemeanor.

Instead of rushing to change a successful policy based on fear-mongering and political gamesmanship, let's look at how to build upon this early success. A good starting point is making sure that police officers and judges have enough training to understand their discretion with the new law. We can also find ways to reduce the judicial backlog so cases move quickly from arrest to adjudication.



Honorable Crystal D. Peoples-Stokes
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