

## Facts First

### Fact-checking claims bail reform is driving increase in violent crime

By [Holmes Lybrand](#) and [Tara Subramaniam](#), CNN

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Baltimore Police Commissioner Michael Harrison: we need more boots on the ground to fight the worsening crime wave

**(CNN)**— Violent crime in the United States shot up last year as the pandemic raged. Major cities across the country saw a more than 30% jump in homicides as well as increases in aggravated assaults, according to a January report from the National Commission on Covid-19 and Criminal Justice.

Experts, politicians and pundits have provided different theories as to why, after decades of a downward trend in overall crime, certain violent crimes are on the rise in cities across the country. While many point to the pandemic and the economic collapse that followed, some have focused on more specific aspects of the criminal justice system, and in particular some recent efforts to reform it.

Bail reforms – which generally focus on removing or limiting the use of cash bail against defendants who are accused of misdemeanors or nonviolent offenses – aim at making sure most defendants are not held in jail while awaiting trial solely because they cannot afford cash bail.

During a congressional hearing in late June, Sen. Lindsey Graham, a South Carolina Republican, suggested reforms eliminating cash bail could partially be to blame for the recent spike in crime. Graham asked FBI Director Christopher Wray if he believed “one of the reasons crime is on the rise is that certain jurisdictions have basically eliminated bail?”

“You catch them on Monday morning and they’re out on the streets Monday afternoon,” Graham said.

While Wray did not directly answer Graham’s question, he suggested that “one of the causes of the violent crime spike are certain kinds of prosecution practices,” adding that “there’s nothing more disheartening to a law enforcement officer to see somebody that you worked hard to arrest promptly back out committing a crime again.”

**Facts First:** *There’s no clear evidence linking bail reforms – which have been in place for years in some cities – to the recent rise in violent crimes. In fact, the majority of cities that have seen increases in crime have not eliminated cash bail. Many variables have contributed to the increases Graham is referencing but CNN has seen no evidence to suggest that bail reform is a major factor.*

Several states and jurisdictions have passed bail reform to varying degrees for misdemeanor offenses. Washington, DC, removed cash bail in most cases in 1992. New Mexico largely eliminated it in 2016. In 2017, Cook County, Illinois, passed significant bail reform. The state of Illinois eliminated the practice in February but the change won’t go into effect until 2023. New Jersey largely removed cash bail in 2017 and Alaska largely ended its cash bail system in 2018.

New York state passed legislation in 2019 on bail reform, making “release before trial automatic for most people accused of misdemeanors and nonviolent felonies,” according to the Vera Institute of Justice. Three months after the law went into effect it was amended to allow judges more situations to institute cash bail. In March, the California Supreme Court ruled that defendants could not be jailed before their trials simply because they cannot afford their set bail.

However, the increase in crime has occurred in cities across the country, not just those with bail reform measures. According to a report from the Major Cities Chiefs Association, out of the 66 largest police jurisdictions, 63 saw an increase in at least one category of violent crimes in 2020, CNN reported.

The vast majority of these cities have not passed reforms eliminating bail.

Experts have noted that the increases in crime during the pandemic are not due to a single factor but rather to a “perfect storm” of events and changes including the subsequent economic collapse, changes in policing and more.

## **Studies on bail reform**

There have been very few studies analyzing the effects of bail reform on crime rates during the pandemic era and studies done prior to the pandemic have come to different conclusions as to the effects these reforms have had.

In a November 2020 report, the left-leaning Prison Policy Initiative, a criminal justice reform think tank, reviewed 13 jurisdictions that have instituted pretrial reforms – including Washington, DC, New Jersey and Kentucky – and found that “All but one of these jurisdictions saw decreases or negligible increases in crime after implementing reforms.”

“The one exception is New York State,” the report says, “where the reform law existed for just a few months before it was largely rolled back.”

was largely turned back.

In July of last year, the New York Post investigated NYPD Commissioner Dermot Shea's claim that bail reform played a role in the rise in shootings. The Post reported that, according to data from the NYPD, bail reform did not play a role in the increase in shootings. Out of the 528 shootings from January 2020 through June 2020, only one person charged with a shooting had been released under the state's bail reform, according to the Post.

One study, conducted prior to the pandemic contradicts the implication that bail reforms lead to a significant increase in violent crime. An October 2019 report from the University of New Mexico indicated that after the state's bail reforms were implemented, a majority of individuals released pretrial did not commit other crimes.

According to the report, "While approximately one-quarter of the defendants released were arrested for a new offense during the pretrial period, very few defendants released pretrial were arrested for a new violent crime."

Studies on certain jurisdictions, such as Cook County, disagree on whether cash bail can be linked to any increase in crime. Two studies from the University of Utah and Loyola University, Chicago came to opposite conclusions on whether the bail reform in Cook County led to an increase in crime in the county.

These studies of Cook County are a clear example of how researchers disagree on methodology in studying the effects of bail reform and increases in crime. Despite these disagreements, CNN has seen no clear evidence to support Graham's insinuation that the small number of bail reforms in the US have played a role in the increase in violent crimes throughout major cities in the country.

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*CNN's Christina Carrega contributed to this report.*

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