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Evaluating the 2019 New York State Bail Reform on Quality of Life Offenses in New York City

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Abstract

Using the NYPD Complaint Data, this study compares the frequency of nine quality of life

(QOL) misdemeanor complaints ($n = 196{,}577$) in New York City (NYC) before ($n = 108{,}382$)

and after the 2019 NYS Bail Reform Act ($n = 88{,}195$), which eliminated cash bail for most

misdemeanor crimes. The results show an overall decrease (18.6%) in nine QOL misdemeanor

complaints in NYC after bail reform with a large effect (d = 1.317). The main limitation of this

study is that it did not control for the impact of COVID-19 in 2020 on the criminal justice

system's shifting priorities. Another limitation is that it did not control for NYC residents

spending more time at home during the COVID-19 pandemic in 2020. Future research should

examine repeat offenders who are released before trial and the nexus between misdemeanors and

violent crime.

Keywords: bail reform, cash bail, broken windows, misdemeanors, NYPD, quality of life

offenses

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Introduction

In 2018, concerned with pretrial detention and overcrowded jails, New York State (NYS) Governor Andrew M. Cuomo proposed a progressive set of reforms to repair NYS's criminal justice system. Part of the proposed reforms was reducing the use of cash bail and pretrial detention to reshape NYS's "antiquated bail system" by eliminating cash bail for misdemeanor crimes (NYS Government, 2018, para. 2). The 2019 NYS Bail Reform Act was passed as part of the New York State Fiscal Year (SFY) Budget for 2019–2020 and became effective on January 1, 2020.

While some New York City (NYC) residents favored the bail reform, others resented it. The prevalent beliefs were that proposed bail reform endangers communities, allows for more quality of life (QOL) misdemeanor crimes, and accepts that alleged offenders would be released back to the neighborhoods during their court processing and subsequently commit additional crimes. Even NYC Mayor Bill De Blasio (2014-present) was stating that "there's a direct correlation to the change in the law" while presenting NYC statistics on the number of "suspects freed under new bail reform …. going to commit major crimes" (Parascandola & Greene, 2020, para. 4). New York Police Department (NYPD) started releasing figures that showed a spike in crime, and they correlated that spike to the elimination of cash bail for misdemeanor offenses (Shea, 2020, para.3). Furthermore, the anti-bail reform advocates were ostracized in the media by progressives and criticized by criminal law experts from various universities and colleges in New York for misleading and alarmist coverage (Bader et al., 2020, para. 2).

Despite this topic's relevance in contemporary society, anti-reform views and public safety concerns are hardly new. In 1966, there was an outcry over the first Bail Reform Act of 1966 that, along with other provisions, provided a statutory right for non-capital defendants to

pretrial release and a release on recognizance (ROR) (Fair Treatment for Indigent, 2011, p. 12).

However, public concerns regarding increased crime and violence forced the United States

(U.S.) Congress to enact a second Bail Reform Act of 1984 allowing judges to fully or

temporarily detain defendants before trials on the grounds of dangerousness to the public.

Back in 1970, President Richard Nixon urged the U.S. Congress to pass the

Comprehensive Drug Abuse and Control Act[1] that funded almost US$100 million of federal

money into federal, state, and local law enforcement to invigorate the criminal justice system

(Thompson, 2014, p. 64). By the 1990s, the NYPD started placing a "successful emphasis on

suppressing public open-air drug markets" and adopted new policing tactics (Latzer, 2016, para.

28). Along with the introduction of new anti-drug tactics, the NYPD implemented the Broken

Windows Theory (BWT) to combat crime. BWT suggests that anti-social behavior and civil

disorder form an environment that fosters QOL offenses, including violent crimes (Kelling &

Wilson, 1982, para. 11). Proposed as a form of community-oriented policing, the BWT offered

an attentive approach to combat QOL crimes, which aimed to decrease violence (Bratton, 2015,

p.1).

The implementation of new law enforcement tactics had collateral consequences, such as

high incarceration rates and taxpayers' burdens to build and maintain prisons. While some

support using BWT for policing, others argue against it. Opponents of BWT see it as an

aggressive "quota-driven practice" that "[h]urts and severely compromises the lives and well-

being of people and communities" (Police Reforms Organizing Project, 2012, p. 1) as it focuses

on a variety of misdemeanor offenses. For example, in New York State (NYS), QOL offenses

include petit larceny (stealing the property of another person) and making graffiti (intentionally

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[1] The Comprehensive Drug Abuse and Control Act of 1970, Pub. L. No. 91-513, §4 Stat 1236 (1971)

damaging property of another person) and are both considered Class A misdemeanors (NYS Penal Law, 2020, S 155.25; S 146.60). Notably, in 2017, misdemeanor arrest rates were 1,345 per 100,000 residents aged 16-65 in New York City (NYC); however, in NYS, the rates were 2,290 per 100,000 residents aged 16-65 (Patten et al., 2018, p.23). Thus, in cases of low-level offenses, judges determine whether to detain or release the defendant on a surety bond. This bail bond is a sum of money that guarantees the defendant's court appearance on the day of trial.

The purpose of this study is to objectively determine whether the total number of QOL misdemeanor complaints in New York City increased after the 2019 NYS Bail Reform Act promulgation. Specifically, this study will compare the frequency of nine QOL misdemeanor complaints before and after the 2019 NYS Bail Reform. The misdemeanors of this study include but are not limited to aggravated harassment in the second degree, assault in the third degree, criminal possession of a controlled substance in the seventh degree, making graffiti, criminal mischief in the fourth degree, petit larceny (from the open area), menacing in the second degree, sexual abuse in the second degree, and criminal trespass in the second degree (New York State Penal Law, 2020; see Table 1). Due to the limitations of existing incident-level research following the 2019 NYS Bail Reform, this study seeks to contribute to the body of knowledge on the 2019 NYS Bail Reform and provide implications for quality-of-life offenses in New York City.

The study will address three research questions and three hypotheses:

RQ$_1$: Is there any change in individual frequency among the nine quality of life misdemeanor complaints subject to the 2019 NYS Bail Reform?

H$_1$: Each of the nine quality of life misdemeanor offenses subject to the 2019 NYS Bail Reform will increase in New York City.

RQ2: 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?

H2: The total number of quality-of-life misdemeanor complaints in Brooklyn and Manhattan, compared to other NYC Boroughs, will increase after the passage of the 2019 NYS Bail Reform.

RQ3: 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?

H3: The total number of quality of life misdemeanor complaints after the passage of the 2019 NYS Bail Reform will increase in New York City.

To understand the current discussion, one should understand the implementation of the bail reform in the mid-20th century in the U.S. Much literature discusses the evolution of bail reform acts from 1966 to the present and the impact of BWT on policing strategies. However, there is a limitation of existing research on the effect of bail reform on QOL misdemeanor offenses complaints that this study is looking to address.

Literature Review

The Broken Windows Theory

According to Kelling and Wilson (1982), neighborhoods that fail to fix their broken windows or address other disorder manifestations demonstrate a lack of informal social control, increased residents' fear, and encouragement for violent crimes. BWT indicates that the connection between disorder and violent crime associates with a developmental sequence (Kelling & Wilson, 1982, para. 11). In the late 1970s, Kelling and Wilson (1982) developed BWT during the New Jersey State-funded "Safe and Clean Neighborhoods Program." The analysis of that program, a "carefully controlled experiment carried out in Newark" in

predominantly black communities, revealed that the "foot patrol project" had not decreased crime rates (Kelling & Wilson, 1982, para. 1).

Even though foot patrol did not decrease crime rates, Kelling and Wilson (1982) felt enough evidence was on the surface to look closely into public order maintenance. According to Kelling and Wilson (1982), on the neighborhood level, disorder and crime are "inextricably linked" into the developmental sequence (para. 11). The authors suggest that the attitude of "no one cares" and "do not get involved" among people in a community leads to problems: unruly teenagers, people partaking in street fights, drunks roaming the streets, and panhandlers bothering pedestrians (Kelling & Wilson, 1982, para. 14). Additionally, following Kelling and Wilson (1982), abandoned properties lead to informal community controls' breakdown. Therefore, the neighborhood is perceived not as a "home" but only as a place where people live, and residents will start avoiding and fearing each other (Kelling & Wilson, 1982, para. 14). As a result, the neighborhood will become vulnerable to crime and violence, and residents will call the police to solve their problems. Nevertheless, arrests will not decrease the disorder, and thus, the cycle will continue.

However, the residents of foot-patrolled neighborhoods favored police presence. They perceived police presence as a fact that made their communities safer and, more importantly, satisfied neighborhoods' need for public order (Kelling & Wilson, 1982). It is necessary to point out that, in the 1980s, Kelling and Wilson (1982) stressed the positive effect of foot patrol or community policing on the perception of public safety. Moreover, they pointed out that "police-citizen encounters are powerfully altered by the automobile" as the car's door is considered a barrier to approaching a police officer (Kelling and Wilson, 1982, para. 26). An officer on foot is approachable and provides residents with a sense of importance. It is a sense that authorities

representing the community care about it and are willing to listen to community members'
grievances or suggestions. Eventually, community policing developed into the quality of life
policing, which required the police to focus on social and physical disorders and minor crimes.

Quality of life policing

Whereas it is not possible to identify the exact time at which QOL policing became one
of the official community policing strategies, previous research indicates widespread
implementation began around the 1990s (Johnson, Golub, & McCabe, 2010, p. 18). In 1990,
NYC "accounted for 2.9 percent of the U.S. population and 9.6 percent of the country's
homicides" (Bratton, 2015, p. 1). Combating the rising crime, NYC Mayor David Dinkins (1990-
1993) proposed legislation called "Safe Streets, Safe City," which "dedicated a portion of taxes
and surcharges to hire 5,000 NYPD officers" to ensure citizen's safety on NYC streets (Johnson,
Golub, & McCabe, 2010, p. 18).

Simultaneously, the NYC Metropolitan Transportation Authority (MTA) subway system
was in a state of despair than were the streets: the trains, tunnels, and stations were covered with
graffiti and became infested with crime and disorder. The newly-hired New York City Transit
Police Chief Bratton (1990-1992) began to apply BWT and the QOL policing in the subway
system by vigorously focusing on underground crimes such as graffiti and fare evasion.
According to Bratton (2015), "low-level disorder signaled lawlessness" and "subway criminal
arrested for a misdemeanor…would not be victimizing anyone for a while" (p. 2). The subway
crime rate was down by 35.9 percent from 1990 through 1993. However, QOL policing was less
rigorous above ground on NYC streets during the same period, and street crime fell only 17.9
percent between 1990 and 1993 (Bratton, 2015, p. 2).

Therefore, the next NYC Mayor Giuliani (1994-2001) argued that increasing the police force up to 38,310 officers was not a factor for a crime drop in NYC but a result of implementing QOL policing (Firestone, 1996, para. 3). The QOL policing, supported by NYC Mayor Giuliani, included refurbishing subway cars, preventing fare evasion, ejection of loitering youth, the expulsion of homeless persons from MTA properties, and painting over graffiti, which provided riders with a sense of safety (Katz, Webb, & Schaefer, 2001, p. 833).

Eventually, from QOL-transit-authority policing, the strategy started addressing and resolving everyday problems reported by the community. A proponent of QOL policing, William Bratton, was promoted to the NYPD Commissioner's rank and combined QOL policing with the Compare Statistics program (COMPSTAT) (NYPD, 2020). In 1994, COMPSTAT was implemented as "part of the standardized set of law enforcement tools" and NYPD Strategy Number 5 in the "Reclaiming the Streets of New York City" initiative (Johnson, Golub, & McCabe, 2010, p. 20). NYPD Commissioner Bratton regarded community policing as an essential tool in maintaining contact with the public and offering a sense of security; however, he believed that such policing would not work fully without focusing on crime (Bratton & Knobler, 1998, p. 198).

Nevertheless, the QOL policing strategy started to target the minority communities and be weak in deterrence (McArdle & Erzen, 2001, p. 3; Golub et al., 2003, p. 703). The NYPD initiated the pilot QOL policing in 1994 at the NYPD 6th Precinct, located in the West Village, a historically gay community and a tourist destination with extravagant bars and restaurants (McArdle & Erzen, 2001, p. 26). Three years later, the 6th Precinct "issued 7,400 summonses," a number that was higher than the whole number of Borough of Manhattan summonses combined (McArdle & Erzen, 2001, p. 26). Equally importantly, "in 2000, Black adults were nearly six

times more likely to be arrested," than were Whites, while Latino adults "were more than three times likely to be arrested" than were Whites based on their ratio to the residential population, for offenses such as "smoking marijuana in public view" (Johnson et al., 2008, p. 232).

Interestingly, in the first systematic research of QOL policing, Golub et al. (2003) investigated whether and how QOL policing was effective. Arrestee Drug Abuse Monitoring (ADAM) Policing Study by Golub et al. (2003) assessed 539 NYC arrestees (65 percent Blacks, 24 percent Latino, and 11 percent Whites) on their "awareness of" and "response to" QOL policing (Golub et al., 2003, p. 691). Their findings showed that as of 1999, NYC arrestees, while "engaged in disorderly- behaviors, were significantly more likely to be aware of the QOL policing initiatives" and that the NYPD did not endure disorderly behaviors (Golub et al., 2003, p.702). However, the significant awareness of the QOL policing did not change their disorderly behaviors, and QOL policing served only as a general deterrent; thus, "this deterrent effect is short-lived" (Golub et al., 2003, p. 703).

Furthermore, the recent New York Civil Liberties Union (NYCLU) assessment of the NYC Mayor Bloomberg's administration (2002-2013) revealed that "Black and Latino residents were more likely to be subjected" to QOL policing (Kamalu & Onyeozili, 2018, p. 82). Also, Black and Latino youth aged 14-24 years in NYC were more likely to be subjected to street interrogations (Kamalu & Onyeozili, 2018, p. 82). Moreover, this study found that "9 out of 10" (90 percent) occurrences "have been innocent stops," with the higher frequency of total innocent stops "among Blacks (about 1 in 2) accompanied by Latino (about 1 in 3)" (Kamalu & Onyeozili, 2018, p. 83). In contrast, "innocent stops" of Whites happened about 1 in 10 occurrences (Kamalu & Onyeozili, 2018, p. 83). Also, residents saw the QOL policing as a continuation of demonizing Blacks that unreasonably criminalizes and infringes the rights and

liberties of a "generation of Black and Hispanic boys living and growing" up in NYC (Brown, 2013, p. 1).

However, police unions argue that NYC Mayors are using NYPD as their "backdoor tax-collectors" by having police officers increase policing in certain neighborhoods and "make up for tax shortfalls using ticket and citation revenue" (Taibbi, 2014, para. 12). To demonstrate the rationale for their argument, police unions called for a virtual work stoppage in 2014 after requiring an increase in police officers' safety following two NYPD officers' assassination on Christmas Day (Celona, Cohen, & Golding, 2014, para. 4). Also, the NYPD report on QOL offenses arrests and arrests in victim-driven misdemeanor crimes, with break down along percentages, showed correlations: QOL offenses arrests of Blacks constituted 46.8 percent, Latino 34.6, and Whites 12.9 percent, while those arrested in victim-driven misdemeanor crimes were 47.7 percent Black, 35.6 percent Latino, and 13.5 percent White (Bratton, 2015, p. 6). While the NYC police unions' requests were eventually granted, a national discussion about the role of police and bail reforms for QOL offenses became a top debating issue.

Pretrial Detention in the United States

In the U.S., the decision to detain, release or release on bail a criminally accused person before trial is one of the American criminal justice system's fundamental decisions. The Eighth Amendment of the U.S. Constitution prohibits the U.S. "government from imposing cruel and unusual punishments." excessive fines, and "excessive bail" (U.S. Const. amend. VIII). In *Stack v. Boyle* (1951), the Supreme Court of the United States (SCOTUS) recognized the "traditional right to freedom before conviction" and "that bail is excessive if" the amount is "higher than is reasonably calculated."[2]

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[2] Stack v. Boyle, 342 U.S. 1,3 (1951).

Under this legal notion of the U.S. criminal justice system, if a person is accused of a crime and arrested, that person is considered innocent until proven guilty and can post bail to ensure appearance at trial. Simultaneously, SCOTUS has never recognized a criminally accused person's right to bail as an absolute right. In the *United States v. Salerno* (1987), SCOTUS asserted that the Eighth Amendment of the U.S. Constitution "says nothing about whether bail should be available at all" and held that the government could limit the availability of bail.[3] Consequently, this legal principle implies that the criminally accused person has a right to appear in front of the judicial officer or judge. According to the procedures, the judge makes a pretrial release decision with two goals: to ensure the defendant's court appearance and ensure community safety (American Bar Association [ABA], Standards for Criminal Justice, 2007, p. 36).

This balance of the judicial process is essential to guarantee due process's integrity that embraces criminal defendants' constitutional rights and protects victims, witnesses, and communities from dangerous interferences. In NYS, a misdemeanor is an offense, other than a "traffic infraction," for which a court may impose a sentence to a term of imprisonment more than fifteen days; however, for which a sentence to a "term of imprisonment in excess of one year cannot be imposed" (NYS Penal Law, 2020). Judges would categorize offenses as class A for the more serious misdemeanors, class B misdemeanors for less serious misdemeanors, and unclassified (other than traffic infractions) misdemeanors with different terms of imprisonment, fine, or both. Therefore, during the pretrial release decision, the judge determines whether to detain the accused defendant or release the defendant or bail bond back to the community until the trial.

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[3] United States v. Salerno, 481 U.S. 739, 752 (1987).

The common types of bail bonds are releases on recognizance (ROR), an actual cash bond of the bail amount, posts of a tangible property bond, and bond posts by the bonding company on behalf of the defendant. Consequently, those defendants who cannot afford the bail bond price remain in jail, and those who can afford the bond's cost are released back to the community.

The History of U.S. Bail Reforms

Assessing and evaluating bail reforms has been a challenge since the 1960s as there is little scholarly consensus on whether bail reforms effectively reduce the number of offenses. The Manhattan Bail Project led to the passing of the Bail Reform Act of 1966; however, what seemed a victory for social justice was the increased role of pretrial services agencies and ROR, leading to the disproportional pretrial detention of the indigent due to the lack of determining release factors. Lately, in 1984, the "War on Drugs" was at its climax combating crime, and the increase of public fear of crime forced the legislature to examine bail practices and address the problem of dangerousness and public safety (Chepesiuk, 1999, p. 198). The 2019 NYS Bail Reform was intended to provide fairness for the criminally accused and eliminated cash bail for many misdemeanor crimes but is seen as a revolving door for offenders by the bail reform opponents.

The Bail Reform Act of 1966

Back in 1961, NYC private citizen and philanthropist Louis Schweitzer, concerned with the unfair treatment of the indigent person of NYC and the number of impoverished people on pretrial sentencing, founded the Vera Foundation in conjunction with the School of Law at New York University and the Ford Foundation. The partnership initiated a three-year-long experiment called The Manhattan Bail Project (Fair Treatment for Indigent, 2011, p. 10; Center for Strategic Philanthropy and Civil Society [CSPCS], 2007).

The Manhattan Bail Project findings showed that judges could grant pretrial parole and ROR without imposed bail and doubts on the accused person's court appearance with the objective inquiries into defendants' background, identified ties to the community, and employment. With bail recommendation from the pretrial services for the judge, the findings showed that out of the 3,505 defendants released on ROR, only 56 defendants, or "1.6 percent of the total, failed to appear at their trials" (Van Brunt & Bowman, 2018, p. 724).

The pervasiveness of the number of impoverished people in pretrial sentencing and conditions on confinement in jails in the 1960s was of great concern for civil liberties and rights advocates and progressives. The Manhattan Bail Project findings were supported by then SCOTUS Chief Justice Earl Warren, U.S. Attorney General Robert Kennedy, and the NYS Appellate Division of the Supreme Court Justice Bernard Botein. Support for the policy that started in NYC and NYS's criminal courts provided an impetus for the country's first bail reform movement. Henceforth, in 1966, the U.S. Congress enacted the Bail Reform Act (1966), signed by President Lyndon B. Johnson. That bill, along with other provisions, provided a statutory right for the non-capital defendant to a pretrial release and ROR (Fair Treatment for Indigent, 2011, p. 12).

The Manhattan Bail Project preceded the signing of the Bail Reform of 1966; however, seen as a victory for social justice in 1966, it increased pretrial services agencies' role. Their crucial functions were gathering and presenting defendants' backgrounds, identifying ties to the community, and employment. The lack of these determining release factors for ROR led to disproportional pretrial detention of the indigent and people of color. Moreover, the significant problem arising from the Bail Reform of 1966 was public fear of the pretrial release of defendants who were either narcotic addicts or drug users going back to the communities.

The Bail Reform Act of 1984

The initiation of the War on Drugs in the 1970s, the U.S. economic upheavals, and the rise of public fear of crime forced the legislature to re-examine bail practices and address the problem of dangerousness. In the Post-Vietnam era in the US, most indigent people lacked determining stable employment, ties to the community, and reputation for risk assessment validation. Thus, the practice of a surety bond in the bail system began to rise. Consequently, those defendants who were denied ROR and could not afford bail bond services remained in jail. On the other hand, defendants who were able to afford the bail bond agencies' services were released back to the communities, which in turn perceived them as a risk to public safety (Walker, 2016, p. 14). Big cities and minority communities were living in "fear and dread," facing the "negative impact" from the "crack craze" on their economies and property losses due to the crimes and outbreaks of violence (Latzer, 2016, para. 35).

In 1983, members of the U.S. Congress initiated the second bail reform movement to address public safety. The U.S. Senate summarized and addressed the variety of revisions on the existence of "a small but identifiable group of particularly dangerous defendants" whose pretrial release undermines "the safety of the community or other persons" (Goldkamp, 1985, p. 1-2). As a result of this assessment, in 1984, the U.S. Congress passed the Bail Reform Act (1984) that repealed the Bail Reform of 1966 and allowed judges to temporarily or entirely detain a defendant before trial on the grounds of dangerousness to the public. Later, in 1988, the U. S. Department of Justice (USDOJ) released a Special Report that evaluated data concerning the implementation of the Bail Reform Act of 1984 (USDOJ Bureau of Statistics [BOS], 1988). Among other significant findings, the report indicated "that the likelihood of pretrial detention was 63 percent higher" for those defendants who caused injury during their offenses and 17

percent higher for those classified as dangerous during the pretrial hearing (USDOJ Bureau of Statistics [BOS], 1988, p. 1). The War on Drugs, at its peak, was combating crime with new policing strategies. In conjunction with the new Bail Reform of 1984, in five NYPD precincts that covered Harlem and Brooklyn's Bedford-Stuyvesant with "populations that were over 80 percent black and suffered from high poverty," the murder rate dropped 78 percent in the 1990s with NYC citywide decline of 73 percent (Latzer, 2016, para. 23).

After the 1980s, New York State would not revisit bail procedures for the next thirty years. In 2012, NYS Governor Andrew M. Cuomo signed a law that required "judges to consider risk factors" when setting bail requirements for offenders charged with "offense against a family or household member" in domestic violence (Blain, 2012, para.6). This preventive measure did not create public scrutiny, as it was evident with the first two bail reforms, and it received limited press coverage. However, the 2019 NYS Bail Reform split New Yorkers on the issue as there were both supporters and opponents of preventive detention arguing on the law's public safety component.

2019 New York State Bail Reform

The high rates of pretrial detention in NYS concerned Governor Cuomo, and in 2018 he proposed a progressive set of five reforms to repair NYS's criminal justice system (NYS Government, 2018). One of the reforms included eliminating cash bail and pretrial detention for most misdemeanor offenses (NYS Government, 2018, para. 2). The 2019 NYS Bail Reform was adopted on April 1, 2019, and perceived as a precursor for a third national movement for bail reform.

Even though NYC pioneered bail reforms in previous decades, the 2019 NYS Bail Reform became a controversial and highly debated legislation amongst its supporters and

opponents. On the one hand, advocates for civil rights and liberties demanded the criminal justice system's fairness and elimination of the cash bail system (Merkl, 2019, para. 3). On the other hand, the District Attorneys (DA) of Brooklyn, the Bronx, and Manhattan supported the elimination of cash bail "so that people are not detained simply because they are poor" (Gonzalez et al., 2019, para. 8). However, DAs raised their concerns that it is a "dangerous mistake" not to "allow the court to detain, before trial, a defendant who poses a credible and identifiable threat to the public" (Gonzalez et al., 2019, para. 8).

Innocent until proven guilty standard: Protecting indigent persons

In the criminal justice system, the preventive detention strategy implies detaining someone before their trial "because they pose a risk to public safety" (CACL, 2017, p. 1). NYS found itself in the midst of the controversy over the 2019 Bail Reform by abandoning preventive detention in most misdemeanor cases. Under the American criminal justice system's legal principle, a person accused of a crime is considered innocent until proven guilty in the court of law and can post bail before the trial. The presumption of innocence aims to limit any suffering by the innocent through instituting due process. Due process protects a defendant's right to a strong defense and guarantees that a penalty occurs after conviction.

However, the presumption of innocence is responsible for the "presumption of release" under the Bail Reform Act of 1966. The Bail Reform Act of 1966 mandates ROR in misdemeanor cases unless the judge decides that the defendant's appearance at trial is a low probability. In NYS, for the last 50 years, the setting of the bail considered "only the defendant's likelihood of coming to their appointed court date" (Asgarian, 2020, para. 6). Nevertheless, criminal justice advocates argue that just because "potential dangerousness has not been legally allowed does not mean it has not been the de facto use of bail by judges and prosecutors for

decades" (Asgarian, 2020, para. 6). In addition, criminal justice advocates argue that the commercial side of the bail bond has directed bail "into a policy with its own lobby, adding friction to any reform efforts" (Lartey, 2020, para. 11). The 2019 Bail Reform was intended as fairness for the criminally accused and a step to reshaping NYS's outdated bail system by eliminating cash bail for many misdemeanor crimes (NYS Government, 2018). However, the 2019 Bail Reform was seen as a revolving door by opponents of the bail reform.

The revolving door of 2019 Bail Reform

Criminal justice researchers apply the phrase "revolving door" when discussing the rate of released ex-offenders returning to prison (Riley, 2017, para. 2). Recidivism is the act of repeated criminal activity of the offender despite being trusted to be released back to the communities. Moreover, states' are practicing to cut the "public safety return on corrections spending" when facing fiscal crises (Pew Center on States, 2011, p.7). However, NYC communities were less supportive of these budget cuts. They perceived that offenders would use the bail reform as the revolving door to commit new crimes in NYC without proper reprimand for previous offenses.

The conservative media, concerned with public safety and the fact that NYC judges are powerless to consider the offender's dangerousness during pretrial hearings, began addressing and supporting the anti-reform voices. The practice of a revolving door of the criminal justice system with people moving in and out of the system was disappointing to the bail reform opponents. However, they were immediately ostracized by progressives and criticized by criminal law experts at universities and colleges in New York for ambiguous and exaggerated coverage (Bader et al., 2020, para. 1). Nevertheless, two pretrial release cases sparked outrage in NYC: (1) Tiffany Harris, who assaulted a Jewish woman in Brooklyn, and (2) Charles Barry,

who scammed a foreign tourist in the MTA system (Jasper, 2020, p. 21). In addition to scamming a foreign tourist in the MTA system, Charles Barry had "more than 142 arrests spanning three decades," and 21 skipped court hearings (Goldberg & Annese, 2020, para. 2; Jasper, 2020, p. 21).

NYC residents started to resent the 2019 Bail Reform, with "the percentage of New Yorkers saying the changes would be good for the state" falling from 55%in 2019 to 37% in January 2020 (Lartey, 2020, para. 5). NYC residents highly criticized the Bail Reform, arguing that it endangers their communities and allows for more QOL misdemeanor crimes because the alleged offenders are released during their court processing and subsequently commit additional crimes.

In collaboration with NYC communities, Manhattan District Attorney Cy Vance requested the NYS Governor Andrew Cuomo to apply his emergency powers "to give judges the authority to set bail for those posing danger to society" (Jasper, 2020, p. 19). Moderate Democratic legislators, NYPD Commissioner Dermot Shea (2019-present), and NYC Mayor Bill de Blasio supported the call to fix the 2019 Bail Reform Act due to the spike in crimes (Coltin, 2020, para. 3). Consequently, in March 2020, the deadly coronavirus pandemic (COVID-19) has reached the U.S. shores, and President Donald Trump declared a National Emergency that prompted the closure of federal and state agencies (Jacobs et al., 2020, para. 1). By March 14, 2020, the first NYC resident was claimed by a coronavirus, and NYC Mayor De Blasio was dealing with closures of all agencies, institutions, and venues in NYC and the rise of infections (Croft, 2020, para. 1).

Nevertheless, the backlash from law enforcement, prosecution, Democrats in swing districts, and Republicans that the 2019 Bail reform and budget agreements are not enough to

address public safety concerns lead to a heated debate in the NYS Assembly Chamber on April 2, 2020 (Harris & Bragg, 2020, para. 21). Only a day before voting on the 2020 NYS Fiscal Year Budget, NYS legislators agreed to pass into the budget several bail-eligible crimes that included offenses of criminal possession of a weapon on school grounds and sex trafficking.

However, the 2020 bail reform's changes disappointed the 2019 Bail Reform supporters. They were disappointed that NYS Assembly added controversial, from their point of view, changes to the bail reform that placed people back into pretrial detention while "governments are literally releasing people from jail because of COVID-19" pandemic (Nanos, 2020, para. 1). The amendment went into effect on July 1, 2020, and provided judges more situations to impose cash bail (Merkl, 2020, para. 12). However, the original bail reform's basic framework remained intact, prohibiting imposing cash bail for most misdemeanors and requiring less restrictive conditions to ensure the defendant's court appearance.

Methodology

Data

The current data comes from a publicly available secondary source from Open Data of the New York City Government as two data sets that include all reported to the NYPD violation, misdemeanors, and felony crimes: NYPD Complaint Data Historic that includes reported complaints from 2006 to 2019[4] and NYPD Complaint Data (Year to Date)[5] that reports complaints in 2020 (NYC Open Data, 2016; NYC Open Data, 2020). The data includes thirty-six variables, including but not limited to the date of the incident, the NYPD precinct in which the incident was reported, the NYC Borough in which the incident was reported, level of offense, suspects demographics, and victims demographics. The overall number of complaints in the

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[4] Retrieved October 06, 2020.
[5] Retrieved January 31, 2021

NYPD Complaint Data Historic dataset includes 6.98 million incidents that resulted from violations, misdemeanors, and felony offenses. For this study, the overall number of complaints in the NYPD Complaint Data Historic dataset for 2019 includes 450,976 incidents resulting from violations, misdemeanors, and felony offenses, from which 241,775 of all misdemeanor offenses were selected. The overall number of complaints in the 2020 NYPD Complaint Data Year to Date dataset includes 413,412 incidents resulting from violations, misdemeanors, felony offenses, from which 211,170 of all misdemeanors offenses in 2020 were selected (NYC Open Data, 2016; NYC Open Data, 2020).

The unit of analysis is reported misdemeanor complaints ($n = 196,577$). For this study, only nine QOL misdemeanor complaint incidents were analyzed for the 2019-2020 period. The total number of nine QOL misdemeanor complaints ($n = 108,382$) was retrieved from the NYPD Complaint Historic data misdemeanor offenses for the period from January 1, 2019, to December 31, 2019 (NYC Open Data, 2016). In addition, the total number of nine QOL misdemeanor complaints ($n = 88,195$) was retrieved from the NYPD Complaint Data for the period from January 1, 2020, to December 31, 2020 (NYC Open Data, 2020). The study compares the frequency of the nine QOL misdemeanor complaints to the 2019 NYS Bail Reform and demographics, and all variables are presented in Table 1.

Variables

A set of nine categorical variables were operationally defined as meeting the legal definition of misdemeanor offenses established by the NYS Penal Law (2020) (see Appendix A). The nine categorical variables of this study were coded as (=1) aggravated harassment 2, (=2) assault 3, (=3) controlled substance, possession, (=4) graffiti, (=5) criminal mischief,

unclassified, (=6) larceny, petit from open areas, (=7) menacing, (=8) sexual abuse, and (=9) trespass 2.

The 2019 NYS Bail Reform is dichotomous. The categorical variable was coded as (=0) before the 2019 NYS Bail Reform Act passage and (=1) after the 2019 NYS Bail Reform passage. Considering the data were analyzed to test several hypotheses, data were tested at the incident level by each year (2019 and 2020), and in other instances, it was aggregated to the NYC Borough level.

A set of variables reflect demographics such as age, race, and sex. The age category is scale variable, and it was coded for both victims and suspects categories as (=1) for less than 18 years old, (=2) from 18-24 years, (=3) from 25-44 years, (=4) from 45-64 years, and (=5) from 65+ years. The race categorical variables for both victims and suspects were broken down into (=1) American Indian/Alaskan Native, (=2) Asian/Pacific Islander, (=3) Black, (=4) Black Hispanic, (=5) White, and (=6) White Hispanic. The sex categorical variables for victims and suspects were dichotomous and coded as (=0) female and (=1) male.

The categorical variables NYS boroughs, where offenses took place, were coded as (=1) Bronx, (=2) Brooklyn, (=3) Manhattan, (=4) Queens, and (=5) Staten Island. In 1898, NYC was consolidated, and boroughs allocated the precinct numbers. The allocation of precincts numbers was 1 to 39 for Manhattan, 40 to 59 for the Bronx, 60 to 99 for Brooklyn, 100 to 119 for Queens, and 120 and up for Staten Island (La Gorce, 2017). For the purpose of this study, seventy-seven NYPD precincts were aggregated according to their locations across NYC boroughs into five groups: twelve in Bronx (=1), twenty-three in Brooklyn (=2), sixteen in Queens (=3), twenty-two in Manhattan (=4), and four in Staten Island (=5) (see Appendix B) (Precincts, n.d).

Procedure

The BWT implies that anti-social conduct and civil disturbance foster an inner-city "environment that encourages further lawlessness and disorder" (Kelling & Wilson, 1982). NYC residents highly criticized the 2019 NYS Bail Reform, arguing that it endangers their communities and allows for more QOL misdemeanor crimes because the alleged offenders are released during their court processing and subsequently commit additional crimes.

Several statistical tests will be used to address three research questions:

(1) RQ_1: Is there any change in individual frequency among the nine quality of life misdemeanor complaints subject to the 2019 NYS Bail Reform?

(2) RQ_2: Is there any change in frequency among the total number of nine quality of life misdemeanor complaints by NYC Boroughs after the 2019 NYS Bail Reform?

(3) RQ_3: 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?

SPSS v.27 was used to analyze these data. Following the coding scheme of the variables, several statistical analyses were conducted. Basic descriptive statistics were used to describe the frequencies of the data and any change in individual frequency among the nine QOL misdemeanor complaints subject to the 2019 NYS Bail Reform. Crosstabs analysis was used to explore the frequency distribution of nine QOL misdemeanor complaints and their year of occurrence. Also, crosstab analysis was run to explore the frequency of distribution of nine QOL misdemeanor complaints by NYC Boroughs before and after the 2019 NYS Bail Reform. Lastly, a paired sample t-test was used to test the difference in the total number of QOL misdemeanor

complaints after the passage of the 2019 NYS Bail Reform in NYC using the conventional .05 alpha level.

Results

Descriptive Statistics

Table 1 presents the descriptive statistics. From 2019 to 2020, there were $N = 196{,}577$ reported QOL misdemeanor complaints of our interest in the NYPD datasets (NYC Open Data, 2016; NYC Open Data, 2020). In terms of individual frequency among the nine QOL misdemeanor complaints subject to the 2019 NYS Bail Reform, there were n = 108,382 reported complaints in 2019, and n = 88,195 complaints were reported in 2020. The majority of misdemeanor complaints were assaults in third degree (38.4%), followed by misdemeanor complaints of aggravated harassment in the second degree (16.0%), of criminal mischiefs (12.2%), graffiti making (9.3%), menacing (7.8%), petit larceny (6.6%), controlled substance possession (5.0%), sexual abuse (2.8%), and trespass in the second degree (2.0%).

In terms of suspects' age during the offense, most suspects were between 25 and 44 years (56.5%), followed by those who were between 45 and 64 years (18.2%) and suspects between 18 and 24 years old (8.1%). The majority of the reported suspects were Blacks (49.4%), followed by White Hispanics (25.1%), Whites (11.9%), Black Hispanics (7.9), Asian / Pacific Islanders (5.3%), and American Indian / Alaskan Native (0.4%). Most offenses were done by male suspects (75.0%) compared to females (25.2%). In terms of victims' age, most victims were between 25 and 44 years (50.7%), followed by those who were between 45 and 64 years (24.2%) and those between 18 and 24 years (15.3%). The majority of the victims were Blacks (39.0%), followed by White Hispanics (27.5%), Whites (17.4%), Asian / Pacific Islanders (9.0%), Black

Hispanics (6.5%), and American Indian / Alaskan Native (0.6%). While there were male victims

(43.8%), more females were victims of the misdemeanor offenses (56.2%).

In terms of the administrative jurisdiction by NYC boroughs, most of the incidents

occurred in Brooklyn (28.0%), followed by Bronx (24.3%), Manhattan (23.9%), Queens

(19.4%), and Staten Island (4.5%).

Table 1
Descriptive Statistics in the Study

Variables and Metrics	*n*	%
Misdemeanor Quality of Life Offenses		
(1) Aggravated Harassment in the Second Degree (=1),	31,435	16.0
(2) Assault in the third degree (=2),	75,492	38.4
(3) Criminal possession of a controlled substance in the seventh degree (=3),	9,758	5.0
(4) Making graffiti (=4),	18,256	9.3
(5) Criminal Mischief (=5),	24,017	12.2
(6) Petit larceny from the open area (=6),	12,913	6.6
(7) Menacing in the second degree (=7),	15,272	7.8
(8) Sexual abuse in the second degree (=8),	5,460	2.8
(9) Criminal trespass in the second degree (=9).	3,974	2.0
Total	**196,577**	**100.0**
The 2019 NYS Bail Reform Act (See New York State Government, 2018)		
Year 2019: Before the 2019 Bail Reform (=0),	108,382	55.1
Year 2020: After the 2019 Bail Reform (=1).	88,195	44.9
Total	**196,577**	**100.0**
Suspects' Age Group		
Less than 18 years old (=1),	5,883	5.6
18-24 years (=2),	19,202	18.1
25-44 years (=3),	59,836	56.5
45-64 years (=4),	19,265	18.2
65+ years (=5).	1,650	1.6
Total	**105,836**	**100.0**
Suspect's Race		
American Indian / Alaskan Native (=1),	460	0.4
Asian / Pacific Islander (=2),	6,781	5.3
Black (=3),	62,577	49.4
Black Hispanic (=4),	10,026	7.9
White (=5),	15,049	11.9
White Hispanic (=5).	31,874	25.1
Total	**126,767**	**100.0**
Suspect's Sex		
Female (=0),	33,702	25.2
Male (=1).	100,286	75.0
Total	**133,988**	**100.0**
Victim's Age Group		
Less than 18 years old (=1),	10,132	6.6
18-24 (=2),	23,652	15.3

25-44 (=3),	78,154	50.7
45-64 (=4),	37,369	24.2
65+ years (=5).	4,886	3.2
Total	**154,193**	**100.0**
Victim's Race		
American Indian / Alaskan Native (=1),	874	0.6
Asian / Pacific Islander (=2),	13,539	9.0
Black (=3),	58,631	39.0
Black Hispanic (=4),	9,727	6.5
White (=5),	26,176	17.4
White Hispanic (=6).	41,376	27.5
Total	**150,323**	**100.0**
Victim's Sex		
Female (=0),	88,723	56.2
Male (=1).	69,281	43.8
Total	**158,004**	**100.0**
NYC Borough		
Bronx (=1),	47,677	24.3
Brooklyn (=2),	54,988	28.0
Manhattan (=3),	46,960	23.9
Queens (=4),	38,058	19.4
Staten Island (=5).	8,881	4.5
Total	**196,564**	**100.0**

Crosstab Analysis

A crosstab analysis was run to explore the frequency distribution of nine QOL

misdemeanor complaints and their year of occurrence. Table 2 is a Crosstabs analysis of the total

QOL (N = 196,577) misdemeanor complaints for 2019 (n = 108,382) and 2020 (n = 88,195),

with the total individual frequency of each QOL misdemeanor offense as follows: aggravated

harassment in the second degree (n =31,435), assault in the third degree (n = 75,492), criminal

possession of a controlled substance in the seventh degree (n= 9,758), making graffiti (n=

18,256), criminal mischief in the fourth degree (n= 24,017), petit larceny from the open area (n=

12,913), menacing in the second degree (n= 15,272), sexual abuse in the second degree (n=

5,460), and criminal trespass in the second degree (n= 3,974).

Table 2

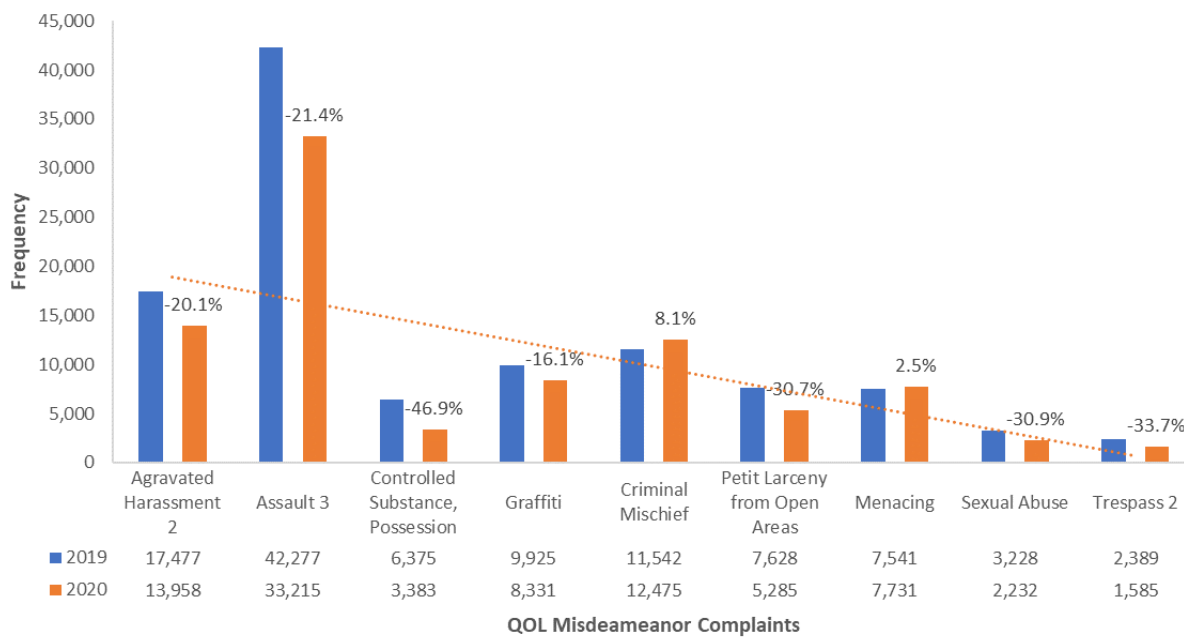*QOL Misdemeanor Complaints Individual Frequency by Complaint Year (N = 196,577)*

		Quality of Life Misdemeanor Complaints									
Complaint Year	Statistics	Agg. Harassment 2	Assault 3	CDS Possession	Graffiti	Criminal Mischief	Petit Larceny from Open Areas	Menacing	Sexual Abuse	Trespass 2	Total
2019	n	17,477	42,277	6,375	9,925	11,542	7,628	7,541	3,228	2,389	108,382
	%	8.9	21.5	3.2	5.0	5.9	3.9	3.8	1.6	1.2	55.1
2020	n	13,958	33,215	3,383	8331	12,475	5,285	7,731	2,232	1,585	88,195
	%	7.1	16.9	1.7	4.2	6.3	2.7	3.9	1.1	0.8	44.9
Total	n	31,435	75,492	9,758	18,256	24,017	12,913	15,272	5,460	3,974	196,577
	%	16.0	38.4	5.0	9.3	12.2	6.6	7.8	2.8	2.0	100.0

The crosstab analysis did not support Hypothesis 1 since not all of the nine QOL misdemeanor complaints saw an increase in individual frequency after the 2019 NYS Bail Reform (see Figure 1). Among the nine QOL misdemeanor complaints, criminal possession of a controlled substance in the seventh degree had the highest decrease in reported complaints after the 2019 NYS Bail Reform (46.9%). Also, there were considerable decreases in the reported criminal trespasses in the second degree (33%), sexual abuse in the second degree (30.9%), and petit larceny from the open year (30.7%), respectively (See Figure 1).

Nevertheless, our Research Question 1 on whether there was any change in individual frequency among the nine quality of life misdemeanor complaints subject to the 2019 NYS Bail Reform was supported by a crosstab analysis. There was an increase in individual frequency after the 2019 NYS Bail Reform in two categories: criminal mischief in the fourth degree (*n*= 24,017) and menacing in the second degree (*n* = 15,272) (See Figure 1). In 2020, after the 2019 NYS Bail Reform, criminal mischief in the fourth degree (*n* = 12,475) saw an overall increase of 8.1% compared to 2019 (*n* = 11,542). Furthermore, in 2020, after the 2019 NYS Bail Reform, there was a 2.5% increase in menacing complaints (*n* = 7,731) compared to menacing complaints before the bail reform in 2019 (*n* = 7,541) (see Figure 1).

Figure 1

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

	Agravated Harassment 2	Assault 3	Controlled Substance, Possession	Graffiti	Criminal Mischief	Petit Larceny from Open Areas	Menacing	Sexual Abuse	Trespass 2
2019	17,477	42,277	6,375	9,925	11,542	7,628	7,541	3,228	2,389
2020	13,958	33,215	3,383	8,331	12,475	5,285	7,731	2,232	1,585

QOL Misdeameanor Complaints

Note. Data from the NYPD Complaint Data Historic. Retrieved on November 16, 2020,
from https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Historic/qgea-i56i
Data from the NYPD Complaint Data Current: Year to Date. Retrieved on January 31, 2021,
from https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Current-Year-To-Date-/5uac-w243

Table 3 is a Crosstabs analysis of the QOL misdemeanor complaints ($n = 126,767$), by

offender's race: American Indian/Alaskan Native ($n = 460$), Asian / Pacific Islander ($n= 6,781$),

Black ($n = 62,577$), Black Hispanic ($n = 10,026$), White ($n = 15,049$), and White Hispanic ($n =$

$31,874$). In 2020, there was a decrease in reported complaints of criminal possession of a

controlled substance in the seventh degree among offenders identified as Blacks (49.23%), White

Hispanics (46.47%), and Whites (45.8%). Similarly, reported complaints of sexual abuse in the

second degree saw a considerable decrease across the groups, Whites (51.26%), White Hispanics

(29.37%), and Blacks (24.83%). Interestingly, there was a decrease in reported complaints on

making graffiti among offenders identified as Whites (45.8%), though there was an increase in

reported complaints on offenders identified as White Hispanics (14.2%) and Blacks (6.12%) (See

Table 3).

Table 3
QOL Misdemeanor Complaints Individual Frequency by Offender's Race and Complaint Year (n=126,767)

Complaint Year	Race	Statistics	Agg. Harassment2	Assault 3	CDS Posses.	Graffiti	Criminal Mischief	Petit Larceny from Open Areas	Menacing	Sexual Abuse	Trespass2	Total
2019	American Indian/ Alaskan Native	n	75	124	9	2	20	6	25	16	4	281
		%	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4
	Asian / Pacific Islander	n	673	1,980	111	27	249	77	345	213	129	3,804
		%	1.0	2.8	0.2	0.0	0.4	0.1	0.5	0.3	0.2	5.4
	Black	n	5,740	16,807	2,068	147	3,324	1,027	3,508	894	888	34,403
		%	8.1	23.8	2.9	0.2	4.7	1.5	5.0	1.3	1.3	48.7
	Black Hispanic	n	988	2,678	556	47	465	112	524	183	111	5,664
		%	1.4	3.8	0.8	0.1	0.7	0.2	0.7	0.3	0.2	8.0
	White	n	2,020	3,580	786	278	656	249	520	357	257	8,703
		%	2.9	5.1	1.1	0.4	0.9	0.4	0.7	0.5	0.4	12.3
Total	White Hispanic	n	2,867	8,804	1,773	176	1304	425	1,505	521	408	17,783
		%	4.1	12.5	2.5	0.2	1.8	0.6	2.1	0.7	0.6	25.2
		n	12,363	33,973	5,303	677	6,018	1,896	6,427	2,184	1,797	70,638
		%	17.5	48.1	7.5	1.0	8.5	2.7	9.1	3.1	2.5	100.0
2020	American Indian/ Alaskan Native	n	44	85	6	0	17	4	18	4	1	179
		%	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3
	Asian / Pacific Islander	n	525	1,601	69	13	214	44	342	123	46	2,977
		%	0.9	2.9	0.1	0.0	0.4	0.1	0.6	0.2	0.1	5.3
	Black	n	4,720	13,365	1,050	156	3,306	763	3,562	672	580	28,174
		%	8.4	23.8	1.9	0.3	5.9	1.4	6.3	1.2	1.0	50.2
	Black Hispanic	n	748	2,001	295	35	421	123	548	110	81	4,362
		%	1.3	3.6	0.5	0.1	0.8	0.2	1.0	0.2	0.1	7.8
	White	n	1,362	2,623	426	195	669	187	529	174	181	6,346
		%	2.4	4.7	0.8	0.3	1.2	0.3	0.9	0.3	0.3	11.3
Total	White Hispanic	n	2,278	6,951	949	201	1,265	291	1,549	368	239	14,091
		%	4.1	12.4	1.7	0.4	2.3	0.5	2.8	0.7	0.4	25.1
		n	9,677	26,626	2,795	600	5,892	1,412	6,548	1,451	1,128	56,129
		%	17.2	47.4	5.0	1.1	10.5	2.5	11.7	2.6	2.0	100.0
	American Indian/ Alaskan Native	n	119	209	15	2	37	10	43	20	5	460
		%	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4
	Asian / Pacific Islander	n	1,198	3,581	180	40	463	121	687	336	175	6,781
		%	0.9	2.8	0.1	0.0	0.4	0.1	0.5	0.3	0.1	5.3
	Black	n	10,460	30,172	3,118	303	6,630	1,790	7,070	1,566	1,468	62,577
		%	8.3	23.8	2.5	0.2	5.2	1.4	5.6	1.2	1.2	49.4
	Black Hispanic	n	1,736	4,679	851	82	886	235	1,072	293	192	10,026
		%	1.4	3.7	0.7	0.1	0.7	0.2	0.8	0.2	0.2	7.9
	White	n	3,382	6,203	1,212	473	1,325	436	1,049	531	438	15,049
		%	2.7	4.9	1.0	0.4	1.0	0.3	0.8	0.4	0.3	11.9
Total	White Hispanic	n	5,145	15,755	2,722	377	2,569	716	3,054	889	647	31,874
		%	4.1	12.4	2.1	0.3	2.0	0.6	2.4	0.7	0.5	25.1
		n	22,040	60,599	8,098	1,277	11,910	3,308	12,975	3,635	2,925	126,767
		%	17.4	47.8	6.4	1.0	9.4	2.6	10.2	2.9	2.3	100.0

Crosstab Analysis

Additional crosstab analysis was run to explore the frequency of distribution of nine QOL misdemeanor complaints by NYC Boroughs before and after the 2019 NYS Bail Reform. Table 4 is a crosstabs analysis of the QOL misdemeanor complaints (n= 196,564), broken down by years of 2019 (n = 108,381) and 2020 (n = 88,183) and by NYC Boroughs (Bronx, Brooklyn, Manhattan, Queens, and Staten Island). In 2020, the total number of the nine QOL misdemeanor complaints in Bronx jurisdiction saw a decrease of 18.84 % (n = 4,957) after the 2019 NYS Bail Reform compared to 2019. Correspondingly, Queens saw a decline of the QOL misdemeanor complaints in 2020 after the 2019 NYS Bail Reform (n = 2,926, 14.28%) as well as Staten Island (n = 695, 14.52%) (See Figure 2).
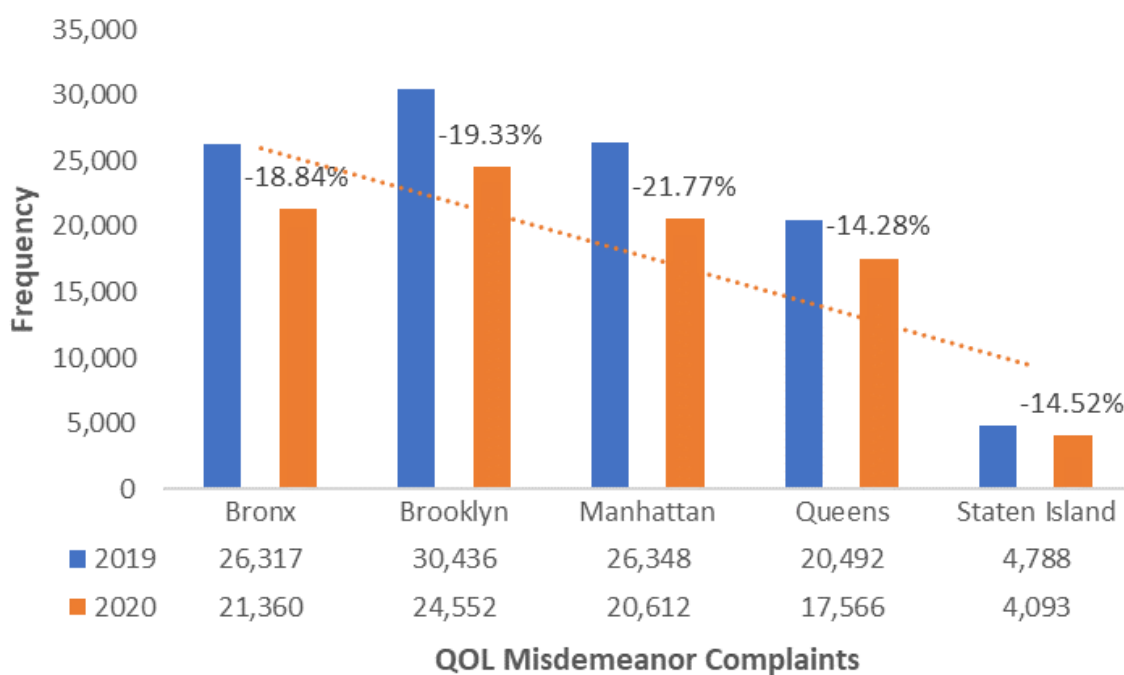
Table 4
QOL Misdemeanor Complaints Individual Frequency by NYC Borough and Complaint Year (n=196.564)

Complaint Year	NYC Borough	Statistics	Agg. Harassment 2	Assault 3	CDS Possession	Graffiti	Criminal Mischief	Petit Larceny from Open Areas	Menacing	Sexual Abuse	Trespass 2	Total
2019	Bronx	n	3,983	10,903	2,358	1,389	3,226	1,288	2,268	538	364	26,317
		%	3.7	10.1	2.2	1.3	3.0	1.2	2.1	0.5	0.3	24.3
	Brooklyn	n	5,512	11,534	1,024	3,088	3,256	2,313	2,160	852	697	30,436
		%	5.1	10.6	0.9	2.8	3.0	2.1	2.0	0.8	0.6	28.1
	Manhattan	n	3,897	9,439	2,433	2,957	2,235	2,281	1,366	1,118	622	26,348
		%	3.6	8.7	2.2	2.7	2.1	2.1	1.3	1.0	0.6	24.3
	Queens	n	3,119	8,841	334	1,795	2,233	1,427	1,518	638	587	20,492
		%	2.9	8.2	0.3	1.7	2.1	1.3	1.4	0.6	0.5	18.9
	Staten Island	n	966	1,559	226	696	592	319	229	82	119	4,788
		%	0.9	1.4	0.2	0.6	0.5	0.3	0.2	0.1	0.1	4.4
Total		n	17,477	42,276	6,375	9,925	11,542	7,628	7,541	3,228	2,389	108,381
		%	16.1	39.0	5.9	9.2	10.6	7.0	7.0	3.0	2.2	100.0
2020	Bronx	n	3,318	8,890	925	866	3,392	1,019	2,331	428	191	21,360
		%	3.8	10.1	1.0	1.0	3.8	1.2	2.6	0.5	0.2	24.2
	Brooklyn	n	4,442	8,945	544	2,341	3,417	1,473	2,213	641	536	24,552
		%	5.0	10.1	0.6	2.7	3.9	1.7	2.5	0.7	0.6	27.8
	Manhattan	n	2,874	6905	1,397	2,430	2,834	1,675	1,387	659	451	2,0612
		%	3.3	7.8	1.6	2.8	3.2	1.9	1.6	0.7	0.5	23.4
	Queens	n	2,459	7,236	358	2,014	2,222	938	1,568	435	336	17,566
		%	2.8	8.2	0.4	2.3	2.5	1.1	1.8	0.5	0.4	19.9
	Staten Island	n	865	1,235	158	678	609	180	231	66	71	4,093
		%	1.0	1.4	0.2	0.8	0.7	0.2	0.3	0.1	0.1	4.6
Total		n	13,958	33,211	3,382	8,329	12,474	5,285	7,730	2,229	1,585	88,183
		%	15.8	37.7	3.8	9.4	14.1	6.0	8.8	2.5	1.8	100.0
	Bronx	n	7,301	19,793	3,283	2,255	6,618	2,307	4,599	966	555	47,677
		%	3.7	10.1	1.7	1.1	3.4	1.2	2.3	0.5	0.3	24.3
	Brooklyn	n	9,954	20,479	1,568	5,429	6,673	3,786	4,373	1,493	1,233	54,988
		%	5.1	10.4	0.8	2.8	3.4	1.9	2.2	0.8	0.6	28.0

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Manhattan	n	6,771	16,344	3,830	5,387	5,069	3,956	2,753	1,777	1,073	46,960
	%	3.4	8.3	1.9	2.7	2.6	2.0	1.4	0.9	0.5	23.9
Queens	n	5,578	16,077	692	3,809	4,455	2,365	3,086	1,073	923	38,058
	%	2.8	8.2	0.4	1.9	2.3	1.2	1.6	0.5	0.5	19.4
Staten Island	n	1,831	2,794	384	1,374	1,201	499	460	148	190	8,881
	%	0.9	1.4	0.2	0.7	0.6	0.3	0.2	0.1	0.1	4.5
Total	**n**	31,435	75,487	9,757	18,254	24,016	12,913	15,271	5,457	3,974	196,564
	%	16.0	38.4	5.0	9.3	12.2	6.6	7.8	2.8	2.0	100.0

Figure 2

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

Note. Data from the NYPD Complaint Data Historic. Retrieved on November 16, 2020,
from https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Historic/qgea-i56i
Data from the NYPD Complaint Data Current: Year to Date. Retrieved on January 31, 2021,
from https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Current-Year-To-Date-/5uac-w243

Figure 3

The difference in Individual Frequency in Reported Criminal Mischief Complaints by NYC
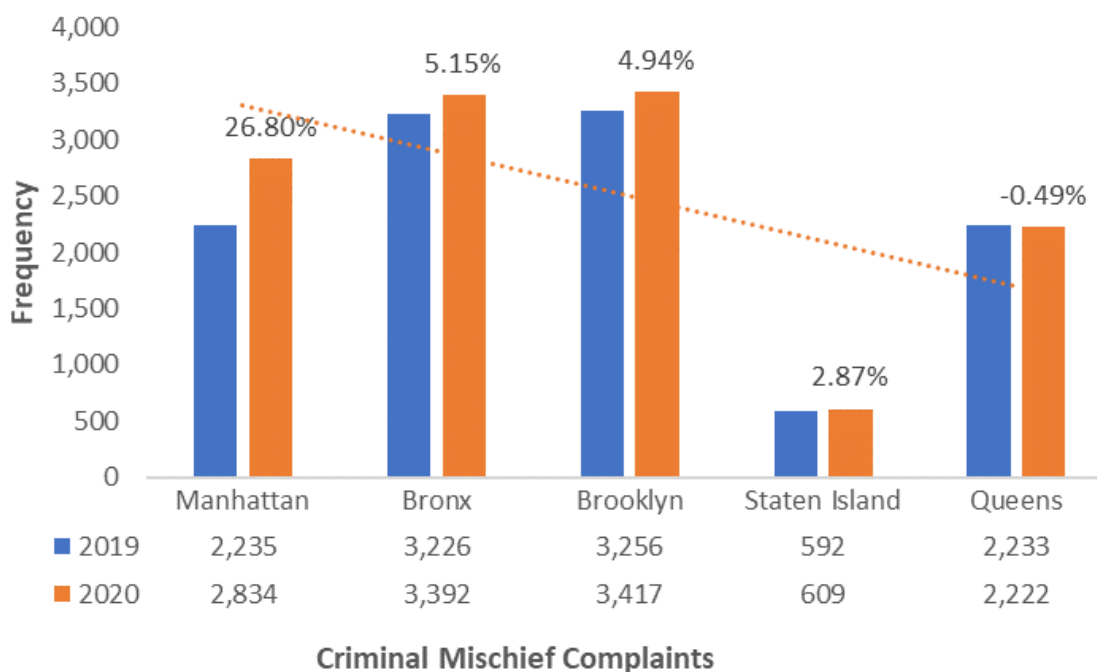
Boroughs after the 2019 NYS Bail Reform

Note. Data from the NYPD Complaint Data Historic. Retrieved on November 16, 2020,
 from https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Historic/qgea-i56i
Data from the NYPD Complaint Data Current: Year to Date. Retrieved on January 31, 2021,
from https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Current-Year-To-Date-/5uac-w243

The crosstab analysis did not support Hypothesis 2, as the total number of the nine QOL misdemeanors after the 2019 NYS Bail Reform decreased in Brooklyn ($n = 5,884$, 19.33%) and Manhattan ($n = 5,736$, 21.77%) (See Figure 3). However, the crosstab analysis revealed that there was a 26.80 % increase in reported complaints on criminal mischief after the 2019 NYS Bail Reform in Manhattan ($n = 2834$), compared to Bronx ($n = 3,392$, 5.15%), Brooklyn ($n = 3,417$, 4.94%), and Staten Island ($n = 609$, 2.87%) (See Figure 3).

Paired-Sample *t*-test Analysis

To test the hypothesis that the means of QOL misdemeanor complaints before ($M = 2044.94$, $SD = 332.196$) and after ($M = 1664.06$, $SD = 287.770$) the passage of the 2019 NYS

Bail Reform in NYC are equal, a dependent samples *t*-test was performed, 95% CI [301.179, 460.594]. The 2019 and 2020 daily data was aggregated to a weekly level ($n = 53$). Prior to conducting the analysis, the assumption of normally distributed difference scores was explored. Visual inspection of the histogram reasonably met the approximately symmetric shape of a normal curve. The assumption was considered satisfied, as the skew and kurtosis levels were estimated at .012 and -.496, respectively, which is less than the maximum allowable values for a t-test (i.e., skew < 2.0 and kurtosis < 9.0. The Pearson Correlation coefficient measures the strength and direction of linear correlation between two sets of data. The correlation between the two terms was estimated at $r = .57$, $p = .000$, suggesting that the dependent samples *t*-test is appropriate in this case. The null hypothesis of equal means of the number of QOL misdemeanor complaints before and after the passage of the 2019 NYS Bail Reform in New York City was rejected, $t(52) = 9.589$, $p = .000$.

Thus, after the passage of the 2019 NYS Bail Reform in NYC, the QOL misdemeanor complaints mean was statistically significantly lower than the mean of NYC QOL misdemeanor complaints before the passage of the 2019 NYS Bail Reform. Cohen's *d* is the appropriate effect size measure for the comparison, suggesting that ($d = 0.2$) be considered a small effect size to ($d = 0.8$) be considered a large effect size between two means. Cohen's d effect size measured the differences between the means of QOL misdemeanor complaints before and after the passage of the 2019 NYS Bail Reform and was estimated at ($d = 1.317$), which is a large effect. Since the sample size before and after the 2019 Bail Reform was different, Hedhes' *g* correction was estimated at ($g = 1.308$), which is a large effect. These results indicate that the passage of the 2019 NYS Bail Reform had a large impact on misdemeanor complaints.

Discussion

  This study is based on NYPD data on misdemeanor offenses in NYC. The purpose of this research was to objectively determine whether the total number of QOL misdemeanor complaints in New York City increased after the 2019 NYS Bail Reform Act promulgation. While there were supporters of the Bail Reform, the prevalent public beliefs were that reform exposes communities, victims, and witnesses to dangerous interferences, allows for more QOL misdemeanor crimes and that offenders released back to the neighborhoods would commit additional "major crimes" (Parascandola & Greene, 2020).

  The New York State's drive to reduce pretrial detention and reshape the cash bail system was achieved by passing progressive reforms as part of the NYS Fiscal Year (SFY) Budget for 2019–2020. The 2019 NYS Bail Reform Act, which limited cash bail and pretrial detention, intended to provide fundamental fairness for criminally accused but innocent until proven guilty individuals. New York judges were required to ensure almost all misdemeanor offenders' appearance at their trial and release them before the trial back into communities without bail.

  This study is important given the polarized views on bail reform and public safety concerns, as well as the scarce of literature specific to the 2019 NYS Bail Reform, let alone QOL offenses and QOL policing in NYC. Recent high profile pretrial releases in NYC of (1) Tiffany Harris, who assaulted a Jewish woman in Brooklyn, and (2) Charles Barry, who scammed a foreign tourist in the MTA system, sparked outrage, plunging the NYS policymakers' efforts for pushing the NYS Bail Reform Act as a precursor for a third national movement for bail reform (Goldberg & Annese, 2020, para. 2; Jasper, 2020, p. 21). In April 2020, after a public outcry over safety concerns, certain misdemeanor offenses were added as bail-eligible charges,

excluding the misdemeanors of the present study (Gonzalez et al., 2019, para. 8; Lartey, 2020, para. 5; Rempel & Rodriguez, 2020, p.2).

A series of comparative statistical tests were conducted to examine whether the 2019 NYS Bail Reform Act increased the number of misdemeanor offenses in NYC and also examined race. The results are largely contrary to the public's expectations and Hypothesis 1. Firstly, after the implementation of the 2019 NYS Bail Reform, complaints of criminal possession of a controlled substance decreased by half, and complaints of criminal trespasses, sexual abuse, and petit larceny decreased by one-third compared to the year before the implementation. After the 2019 NYS Bail Reform, there was a 49.23% decrease in reported complaints of criminal possession of a controlled substance in the seventh degree among offenders identified as Blacks, 46.47% among White Hispanics, 45.8% among Whites, respectively. Correspondingly, reported complaints of sexual abuse in the second degree saw a considerable decrease across Whites (51.26%), White Hispanics (29.37%), and Blacks (24.83%). Interestingly, there was a decrease in reported complaints on making graffiti among offenders identified as Whites (45.8%). However, there was an increase in reported complaints on offenders identified as White Hispanics (14.2%) and Blacks (6.12%). However, our analysis showed the overall 8.1% after the 2019 NYS Bail Reform in reported criminal mischief complaints in the fourth degree.

A decrease in reported complaints of criminal possession of a controlled substance in the seventh degree may be attributed to the reasons such as the NYPD de-prioritizing low-level drug offenses, as numbers are approximately comparable among offenders' races (Daly, 2021, para.4). However, it is possible that the impact of COVID-19 created a shortage in the supply chain of illegal controlled substances in NYC, or the financial ability of users to buy decreased due to the

employment loss. In addition, the results of the study supported "well-established findings that sexual abuse is linked to drug abuse," and Whites are more likely to be sexually abused (Clark et al., 2021, p.1847; El-Bassel et al., 2003, p.1398). The decrease in reported complaints on making graffiti may be attributed to the indefinite suspension of a graffiti-eradication program by NYC in 2020 due to the budget cuts or, it is also possible, building owners not reporting incidents (Mac Donald, 2020, para. 1).

Secondly, contrary to Hypothesis 2, the overall number of the nine QOL misdemeanors by NYC boroughs decreased in Brooklyn (19.33%) and Manhattan (21.77%) after the 2019 NYS Bail Reform (See Figure 3). However, the analysis of our data revealed that after the 2019 NYS Bail Reform, there was a 26.80% increase in Manhattan in reported complaints on criminal mischief, which is defined as an "intentional damage of a property of another person," and only 4.94% increase in Brooklyn (see Appendix A). The increase of reported complaints on criminal mischief in Manhattan might be attributed to the NYC protests in 2020. While the summer 2020 protests in NYC of the killing of George Floyd in Minneapolis, Minnesota on May 25, 2020, while in police custody were largely peaceful, there were instances when the marches in Manhattan turned dynamic and thus resulted in damage to commercial and private properties as well vehicles (Corona et al., 2020, para. 4; King, 2020, para. 1; AP, 2020, para. 1).

According to the data analysis that relied on Microsoft Excel retrieved from the Armed Conflict and Event Data Project (ACLED) (2021), in total, 585 crowd conflicts were registered in all five NYC Boroughs from May 27, 2020, to December 31, 2020, including 446 peaceful protests, 58 protests with intervention, and 49 violent demonstrations. During this period, Manhattan had the highest number of crowd conflicts – 253, followed by Brooklyn – 153, Queens – 70, The Bronx – 43, and Staten Island – 26 (ACLED, 2021). Overall, in all 253 crowd

conflicts in Manhattan, there were 178 peaceful protests and 24 violent demonstrations. In 178

peaceful protests, the biggest associated actors were the Black Lives Matter (BLM) movement

(59), Labor groups (21), the Government of the U.S. (10), and Teachers (6) (ACLED, 2021). In

contrast, in 24 violent demonstration protests, the two main actors were the BLM movement

groups (10) and the Police Forces of the U.S. (10) (ACLED, 2021). The ACLED (2021) data

supports the findings of this study of a 26.80% increase in reported complaints on criminal

mischief in Manhattan; however, further research is needed to look into additional records.

Thirdly, the data analysis suggested the overall decrease of the total number of nine QOL

misdemeanor complaints in New York City after the 2019 NYS Bail Reform Act promulgation

(18.6%). Contrary to Hypothesis 3, a significant decrease was found in the total number of the

nine QOL misdemeanor complaints in NYC after the passage of the 2019 NYS Bail Reform.

However, even though that this study shows misdemeanor complaints decline, it is unclear at this

point to understand whether the decline is attributable to the 2019 NYS Bail Reform Act. A

decrease in complaints appears to coincide with the bail reform, but the cause of this decrease

cannot be established with this research. Nevertheless, public safety and reoffending concerns

are important, and whether eliminating imposing cash bail for most misdemeanors is an effective

law should be explored further.

Limitations

The data has a number of limitations. Firstly, not all offenses come to the attention of the

NYPD, and not all offenses are reported to the NYPD by citizens. Common factors for citizens

not reporting crimes include fear of not being believed, insecurity, and the possibility of getting

into trouble. Other factors that might contribute to withholding information are personal attitudes

towards police in handling reports or possible implications for victims involving re-victimization.

The second limitation is that a significant point that originates in every before and after study is whether the study observes the impact of the intervention or changes that would have taken place with our without the intervention. Without a control or comparison group, it is difficult to establish the cause-and-effect relationship between the 2019 NYS Bail Reform Act and the number of reported misdemeanor offenses in NYC after its implementation in 2020. Also, the limitations of before and after studies are that they do not consider temporal changes that are taking place independent of the intervention, such as COVID-19 disease in 2020. During the COVID-19, many people started spending more time at home and less outside, either due to the transitioning to work-at-home or study-at-home modalities. Also, more people were staying at home due to loss of employment since businesses were closing completely. In addition, the COVID-19 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 offenders.

NYPD saw the loss of staffing, "with one in five officers" have being "sick at the peak of the outbreak" in NYC and new responsibilities to enforce social distancing rules (Chapman &Li, 2020, para. 3). The NYC Court system, both criminal and civil, was open only for essential functions, with many appearances adjourned or handled by virtual court appearances (Adelstein, 2020). Loss of manpower among correctional officers and staff in NYC jails prompted an early release of over 1,500 people after the number of correction officers being infected or being on medically restricted duty for various health reasons increased (Rosenberg, 2020). Additional

analysis to strengthen this study would be identifying and measuring time trends of the COVID-19 related adjusted practices and operations priorities which are likely distorted the results.

Policy Implications

The 2019 NYS Bail Reform is the continuation of a decades-long effort of New York to increase pretrial release safely. When discussing criminal justice policies, it is essential to differentiate between policies that reduce the actual level of crime and policies that maintain the level of crime. An increase in property damage inflicts direct costs to the owner-victim and indirect costs to society at large. Preventing the increase of criminal mischief complaints or intentional damaging and destruction of property will assist NYC policies in regulating homeowner's insurance inflation as crime rates directly affect how much owners might have to pay each month for insurance. Also, secondary impacts of crime have more significant economic effects that can manifest after a crime. Residents might avoid dangerous neighborhoods, spend less time in recreational zones and streets of the community, or relocate elsewhere. Surveillance systems have been shown to reduce crime opportunities. For example, the findings of this study of the increase of the reported criminal mischiefs can assist NYC Boroughs in implementing a city network of additional monitoring tools and increase foot patrol. NYPD should continue using computer programs to predict crime hotspots and identify individuals who are likely to reoffend; however, the ethics of the data use should be of high consideration.

Directions for Future Research

Future research should examine the 2019 Bail Reform over a longer period of time and throughout different NYC and NYPD administrations. Since this study looked into the number of misdemeanor complaints in NYC after the 2019 NYS Bail Reform Act, it will be interesting to

see if the conclusions of this study are supported by the number of misdemeanor offenses in other towns and counties across New York State. This will provide better insight into whether eliminating cash bail for most misdemeanors is a viable criminal justice solution to pretrial detention. One of the important future research considerations is whether eliminating cash bail for misdemeanor offenses is correlated with violent crime. Any finding that an increase in misdemeanor offenses is linked to increased violent crimes lends support for the BWT.

Future research should examine the numbers of repeat offenders on pretrial release after the Bail Reform implementation that commits new offenses. This analysis will provide more insights into whether releasing people without bail is related to a higher incidence of repeat offending and whether more prolonged pretrial release correlates with committing new crimes, and whether bail reform relates to failure to appear in court.

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Appendix A

New York State Penal Law: Class A Misdemeanors[6]

Offense	Section	NYPD Code	Definitions
Aggravated harassment in the second degree	240.30	639	A person is guilty of aggravated harassment in the second degree when:
			1. With intent to harass another person, the actor communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person's same family or household; or
			(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, a member of such person's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or
			2. With intent to harass or threaten another person, he or she makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or
			3. With the intent to harass, annoy, threaten, or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national

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[6] New York State Penal Law. (2020). *Consolidated Laws of New York's Penal Code: Class A Misdemeanors.* http://ypdcrime.com/penal.law/a_misdemeanor.htm?zoom_highlight=misdemeanor

origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, thereby causing physical injury to such person or to a family or household member of such person as defined in section 530.11 of the criminal procedure law; or

5. He or she commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

Assault in the third degree	120.00	101	A person is guilty of assault in the third degree when: 1. With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or 2. He recklessly causes physical injury to another person; or 3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.
Criminal possession of a controlled substance in the seventh degree	220.03	511	A person is guilty of criminal possession of a controlled substance in the seventh degree when he or she knowingly and unlawfully possesses a controlled substance; provided, however, that it shall not be a violation of this section when a person possesses a residual amount of a controlled substance and that residual amount is in or on a hypodermic syringe or hypodermic needle obtained and possessed pursuant to section thirty-three hundred eighty-one of the public health law, which includes the state's syringe exchange and pharmacy and medical provider-based expanded syringe access programs; nor

shall it be a violation of this section when a person's unlawful possession of a controlled substance is discovered as a result of seeking immediate health care as defined in paragraph (b) of subdivision three of section 220.78 of the penal law, for either another person or him or herself because such person is experiencing a drug or alcohol overdose or other life-threatening medical emergency as defined in paragraph (a) of subdivision three of section 220.78 of the penal law.

Criminal trespass in the second degree	140.15	205	A person is guilty of criminal trespass in the second degree when:

1. he or she knowingly enters or remains unlawfully in a dwelling; or

2. being a person required to maintain registration under article six-C of the correction law and designated a level two or level three offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law, he or she enters or remains in a public or private elementary, parochial, intermediate, junior high, vocational or high school knowing that the victim of the offense for which such registration is required attends or formerly attended such school. It shall not be an offense subject to prosecution under this subdivision if: the person is a lawfully registered student at such school; the person is a lawful student participant in a school-sponsored event; the person is a parent or a legal guardian of a lawfully registered student at such school and enters the school for the purpose of attending their child's or dependent's event or activity; such school is the person's designated polling place, and he or she enters such school building for the limited purpose of voting; or if the person enters such school building for the limited purposes authorized by the superintendent or chief administrator of such school.

Making graffiti	146.60	258	1. For purposes of this section, the term "graffiti" shall mean the etching, painting, covering,

drawing upon, or otherwise placing of a mark upon public or private property with intent to damage such property.

2. No person shall make graffiti of any type on any building, public or private, or any other property real or personal owned by any person, firm or corporation, or any public agency or instrumentality, without the express permission of the owner or operator of said property.

Menacing in the second degree	120.14	113	A person is guilty of menacing in the second degree when:

1. He or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury, or death by displaying a deadly weapon, dangerous instrument, or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or

2. He or she repeatedly follows a person or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place another person in reasonable fear of physical injury, serious physical injury or death; or

3. He or she commits the crime of menacing in the third degree in violation of that part of a duly served order of protection or such order which the defendant has actual knowledge of because he or she was present in court when such order was issued, pursuant to article eight of the family court act, section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which directed the respondent or defendant to stay away from the person or persons on whose behalf the order was issued.

Criminal mischief in the fourth degree	145.00	259	A person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. Intentionally damages property of another person; or

2. Intentionally participates in the destruction of an abandoned building as defined in section one thousand nine hundred seventy-one-a of the real property actions and proceedings law; or

3. Recklessly damages property of another person in an amount exceeding two hundred fifty dollars; or

4. With intent to prevent a person from communicating a request for emergency assistance, intentionally disables or removes telephonic, TTY, or similar communication sending equipment while that person: (a) is attempting to seek or is engaged in the process of seeking emergency assistance from police, law enforcement, fire or emergency medical services personnel; or (b) is attempting to seek or is engaged in the process of seeking emergency assistance from another person or entity in order to protect himself, herself or a third person from imminent physical injury. The fact that the defendant has an ownership interest in such equipment shall not be a defense to a charge pursuant to this subdivision.

Petit larceny (from open area)	155.25	339	A person is guilty of petit larceny when he steals property.
Sexual abuse in the second degree	130.60	175	A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is: 1. Incapable of consent by reason of some factor other than being less than seventeen years old; or 2. Less than fourteen years old.

Appendix B

NYPD Precincts by NYC Boroughs[7].

NYC Borough	NYPD Precincts
Bronx Borough (=1)	40th Precinct, 41st Precinct, 42nd Precinct, 43rd Precinct, 44th Precinct, 45th Precinct, 46th Precinct, 47th Precinct, 48th Precinct, 49th Precinct, 50th Precinct, 52nd Precinct.
Brooklyn Borough (=2)	60th Precinct, 61st Precinct, 62nd Precinct, 63rd Precinct, 66th Precinct, 67th Precinct, 68th Precinct, 69th Precinct, 70th Precinct, 71st Precinct, 72nd Precinct, 76th Precinct, 78th Precinct, 73rd Precinct, 75th Precinct, 77th Precinct, 79th Precinct, 81st Precinct, 83rd Precinct, 84th Precinct, 88th Precinct, 90th Precinct, 94th Precinct.
Manhattan Borough (=3)	1st Precinct, 5th Precinct, 6th Precinct, 7th Precinct, 9th Precinct, 10th Precinct, 13th Precinct, Midtown South (14th) Precinct, 17th Precinct, Midtown North (18th) Precinct, 19th Precinct, 20th Precinct, Central Park (22nd) Precinct, 23rd Precinct, 24th Precinct, 25th Precinct, 26th Precinct, 28th Precinct, 30th Precinct, 32nd Precinct, 33rd Precinct, 34th Precinct.
Queens Borough (=4)	100th Precinct, 101st Precinct, 102nd Precinct, 103rd Precinct, 105th Precinct, 106th Precinct, 107th Precinct, 113th Precinct, 104th Precinct, 108th Precinct, 109th Precinct, 110th Precinct, 111th Precinct, 112th Precinct, 114th Precinct, 115th Precinct.
Staten Island Borough (=5)	120th Precinct, 121st Precinct, 122nd Precinct, and 123rd Precinct.

[7] Precincts. (n.d.). Precincts: NYPD. https://www1.nyc.gov/site/nypd/bureaus/patrol/precincts-landing.page