WHAT’S (REALLY) DRIVING CRIME IN NEW YORK

August 2021
ABOUT NYUJ

New Yorkers United for Justice (NYUJ) is a bipartisan coalition of 14 criminal law reform, civil rights, and legal advocacy organizations that advances commonsense criminal legal reforms to make our state safer, fairer, and more just.

By Hanna Liebman Dershowitz, NYUJ Director of Policy and Advocacy

Special thanks to the NYUJ Coalition, Executive Committee, and Member organizations for their contributions to this report.

Edited by and very special thanks to Norman L. Reimer, Chair of NYUJ and Policy Advisor at the National Association of Criminal Defense Lawyers; and Ames Grawert, Senior Counsel and John L. Neu Justice Counsel at the Brennan Center for Justice.

New Yorkers United for Justice is a fiscal project of Dream Corps.
INTRODUCTION

A rise in certain categories of violent crime, most notably gun-related homicides and shootings, in New York State has created public concern and widespread speculation about its causes. This publication examines possible causes for this uptick and debunks the assertions that New York’s criminal legal reforms—including the bail reform of 2018—caused increases in these categories of crimes in our state.1

The exceptional increase in homicides coupled with the decreases in other crime categories suggests that novel factors, rather than well-studied criminal justice reforms, are at work. A careful look at the data, set in the context of national and world events, reveals that a complex blend of factors is likely at play—including the pandemic and its significant economic impacts, a drastic increase in gun sales,2 and the racial reckoning and discourse on policing that have contributed to a deterioration of police and community relations.

Furthermore, the increases in certain categories of crime in 2020 actually came on the heels of decades of steady downward trends in crime, both in New York and across the nation. And the recent increases in homicides bring New York nowhere near the levels of homicides experienced in the early 1990s, when numbers peaked. In fact, New York City’s 2020 homicide rates are lower than those of Houston, Philadelphia, and Los Angeles.3

Some local opponents of criminal justice reform are pouncing on the increase in some crimes to stoke fear, slow progress, and double down on failed, outmoded policies.4 And yet the increase in homicides—particularly those using guns—is national in scope, affecting communities big and small, and those that have instituted criminal justice reforms as well as those that have not.

NYUJ is committed to promoting safety in New York through thoughtful examination of the data that emerge from this multifaceted moment; supporting policies that help restore and foster the health and economic stability of all New Yorkers; and crafting and advancing commonsense, effective, and robust solutions.

---

1 It should be noted that New York’s 2021 parole reform legislation, also known as the “Less Is More” Act, passed both houses of the New York State legislature in June of 2021, but had not as of press time been signed into law; accordingly, the parole reforms clearly could not have been responsible for any increases in crime that took place in 2020 or early 2021.

2 Figures for 2020 sales were up 65 percent over 2019. See Americans bought guns in record numbers in 2020 during a year of unrest—and the surge is continuing. CNN, March 14, 2021, https://www.cnn.com/2021/03/14/us/us-gun-sales-record/index.html


4 Writing in The New Republic under the headline “Can Criminal Justice Reform Survive a Wave of Violent Crime?”, criminal data expert John Pfaff described the way leaders in New York are spinning the story: “The New York Police Department was quick to blame the outbreak of violence on reform efforts that it has opposed for years. Patrick Lynch, the vitriolic head of the Police Benevolent Association, the union for rank-and-file police officers, called reformers ‘pro-criminal advocates’ who have ‘hijacked our city and state.’ Dermot Shea, the NYPD commissioner, complained that civilian leaders were ‘literally cowards who won’t stand up for what is right.’ Later, he insisted that the state’s recent bail reforms were driving up shootings and homicides—despite clear evidence to the contrary.”
WHAT DO WE KNOW?

While experts do not yet know the duration of the current rise in homicides, or the precise blend of the causes, there are some important observations that can be gleaned from the data that is available.

— The increase in violent, particularly gun-related, homicides and hate crimes is national in scope—obviating the possibility that recently implemented local policy changes such as New York state’s bail reform or parole reform could be significant contributors.

— Cities of all sizes—and all political complexions—have seen similar changes.⁵

— Pretrial reform is unlikely to play a role in violent crime rate fluctuations: A November 2020 report from the Prison Policy Initiative looked at crime rates in 13 jurisdictions before and after they adopted and implemented pretrial reforms, and concluded that “whether the jurisdictions eliminated money bail for some or all charges, began using a validated risk assessment tool, introduced services to remind people of upcoming court dates, or implemented some combination of these policies, the results were the same: Releasing people pretrial did not negatively impact public safety.”⁶

— The Coronavirus pandemic—along with the concomitant economic and social devastation it spawned—likely played a significant role in crime rates by, for example, limiting personal interactions, decreasing access to essential services, and prompting widespread economic dislocation and unemployment.

— Gun purchases, particularly flowing from states with lenient gun control regulations, are a significant factor in the increases in certain violent crimes in New York State in 2020.⁷

— A decrease in spending on police did not cause these increases in some crimes. Indeed, leaders and experts have discussed various options for spending and deployment of police resources, but no long-term or large changes were made leading into the period of increased homicides that would explain that uptick.

---


⁷ As part of his declaration of a gun violence disaster emergency in New York State in July, Governor Cuomo cited the problematic flow of guns from states with lax regulatory schemes and created an interdiction unit. See Governor Cuomo Declares First-In-The-Nation Gun Violence Disaster Emergency as Part of Comprehensive Strategy to Build a Safer New York (July 6, 2021), https://www.governor.ny.gov/news/governor-cuomo-declares-first-nation-gun-violence-disaster-emergency-part-comprehensive
WHAT DO WE KNOW? continued

Nationally, it didn’t seem to make a difference. According to *The New York Times*, “Most of the cities increased their police budgets last year, with the budgets decreasing in just 37 of the 105. Places that reduced their police budgets were about as likely to see a rise in murder as places that increased it.”

> With respect to New York, there were some cuts to the New York City Police Department budget for 2021, but the final cuts were less than 7 percent and the largest category of reduction was overtime, a cost that is notoriously hard to control. Indeed, on June 20, 2021, an Independent Budget Office report was released concluding that the NYPD is likely to exceed its overtime budget by at least $162 million this year.

— Effective urban violence interruption programs were hampered or discontinued due to the pandemic, likely contributing to an increase in violent incidents and an inability for communities to deescalate conflicts that turned violent.

The above hypotheses can be derived from available data, yet it is still premature to state with any certainty what the main causes are driving the current increase in homicides. Not even the duration of this increase can be accurately forecasted at this juncture.

However, given the magnitude of the increase, and the number of jurisdictions affected, we can rule out simplistic single-cause explanations. Other purported causes of the uptick can also be ruled out; and when the magnitude of the increase is contextualized historically, that context reveals important long-term trends that are often ignored in public discussions about crime rates.

Large cities everywhere experienced upticks in homicides, regardless of whether they passed criminal justice reforms.

---

8 Toni Monkovic and Jeff Asher, “Why People Misperceive Crime Trends (Chicago Is Not the Murder Capital),” *The New York Times* (June 16, 2021), https://www.nytimes.com/2021/06/16/upshot/murder-crime-trends-chicago.html; see also David Klepper and Gary Fields, “Killings spiked in the US and Republicans blame calls to ‘defund the police’. But they are also rising in cities that increased spending on cops,” *Chicago Tribune* (June 10, 2021), https://www.chicagotribune.com/nation-world/ct-aud-nw-crime-spike-police-funding-20210610-graevsr24zabkvpshvflflakm-story.html; “The increases are real, and several big cities did make cuts to police spending. But the reductions were mostly modest, and the same big increases in homicides are being seen nationwide— even in cities that increased police spending. At the same time, the rates for burglaries, drug offenses and many other types of crime are down in many cities across the country.”


11 Former Gov. Cuomo also cites community youth activities and summer job programs, noting: “Research has shown that summer job programs decrease the likelihood of involvement in violence by 45 percent.” The former Governor’s gun emergency declaration includes $76 million for youth programs and more than doubling existing violence intervention programs. https://www.governor.ny.gov/news/governor-cuomo-declares-first-nation-gun-violence-disaster-emergency-part-comprehensive
WHAT NEW YORK STATE’S 2020 CRIME DATA ACTUALLY SHOWS

Despite some claims of sharp rises in crime across the spectrum, according to statewide crime data for 2020 released in June 2021 by the New York State Division of Criminal Justice Services, overall crime across New York state increased by just 1.5% compared with 2019.

Violent crime specifically increased by less than 1% in New York State. In New York City, annually tracked crimes were up 4.2% overall, while all violent crimes increased by just 0.3%. Examining solely violent crime categories, homicides were indeed up by 45.8% across the state; while rape and robbery were sharply down.

Importantly, even with these increases, there has been a long-term downward trajectory in crime in New York, with overall crime down by nearly a quarter (23.8%) since 2011 across the state. The number of homicides experienced just in New York City in 2020 (462) pales in comparison with numbers seen in earlier decades, when there were in excess of 2,000 murders a year.

According to a recent article in The Trace:

"Though higher than recent years, shootings and homicides in New York City are still nowhere near those historic highs... [they] remain far below the levels seen in the 1990s, ’80s and ’70s."

Over time, it will be feasible for experts to assess the impact of the pandemic and associated economic dislocation, the national reckoning on race and police violence, and other novel factors on the 2020 crime numbers.

Such an analysis will need to account for the full effects of the pandemic beyond the obvious public health consequences, such as intense and prolonged social isolation and its unique impact on poor communities; the disruption of violence intervention programs that have proven effective in addressing community conflict; devastating unemployment levels; and the loss of local businesses.

When the root causes of the increase in homicides are determinable, the full picture will likely emerge in slow motion: The FBI recently released initial crime figures covering the first quarter of 2021 that were inconclusive about whether overall crime was trending up or down. What is conclusive is that the increase in violent homicides is a nationwide rather than a local phenomenon.

---

CRIME NATIONWIDE

Homicides and gun-related offenses are up in many of America’s big cities and rural jurisdictions alike, even as overall crime continues to decline.

A report from the Council on Criminal Justice found that “homicides [nationwide] rose sharply in 2020, and rates of aggravated assaults and gun assaults increased as well. Homicide rates were 30% higher than in 2019, an historic increase representing 1,268 more deaths in the sample of 34 cities than the year before.” An analysis of cities with populations of more than 250,000 concluded that, on average, homicide is up 23 percent, while overall crime is down 7.2 percent in those localities.

These data suggest that the rise in some violent crimes in New York State is connected to larger, national trends rather than to local or state legal reforms.

This hypothesis is borne out by the fact that homicide increases were experienced in jurisdictions that had not adopted criminal justice reform measures as much as in those that had.

In fact, according to analysis of the period from 2013-2019 by FiveThirtyEight, “cities that reduced low-level arrests did not experience an uptick in violent crime—or murder, specifically—compared to other cities during this period. Moreover, cities that made fewer arrests for low-level offenses did not see a substantial reduction in violent crime arrests, suggesting a more lenient approach to low-level offenses has not resulted in police being less responsive to serious public safety threats.”

Again, experts return to the growing body of evidence suggesting that the current data are shaped by a confluence of recent and unexpected events. Thomas Abt, director of the National Commission on COVID-19 and Criminal Justice, recently ascribed the uptick to a “combination of the murder of George Floyd by a Minneapolis police officer, an increase in gun sales, and the pandemic creating a perfect storm. Everything we know about violence reduction says you need to reach out to the most at-risk people, and that outreach stopped with the physical distancing requirements of fighting COVID.”

Despite an increase in homicides, there was a 7.2% reduction in crime in large cities with a population of over 250,000

---


GLOBAL PANDEMIC

The COVID-19 pandemic and the social and economic devastation it caused is among the most likely contributors to increases in homicides during this timeframe.

Given its coincident timing with the rise in homicides and compounding unprecedented (and therefore unanticipated and unstudied) effects across all dimensions of civic life, the pandemic almost certainly had some impact on crime trends, and likely a substantial one at that.

According to Troy Closson, writing on May 14, 2021 in The New York Times, “Experts say the economic and physical strain of the virus, which disproportionately took lives and jobs from neighborhoods that were already struggling with high levels of gun violence, most likely drove the rise in shootings.”

A Vox analysis went further: “Experts have some theories [on the rise of homicides]: the Covid-19 pandemic’s disruptions to everyday life, a breakdown of police-community relations, an increase in the number of guns purchased. One or all of these factors could have played a role, but there could also be other reasons we don’t know about yet.”

The economic, social, and civic supports that have helped drive violent crime down consistently over the past decades were, in effect, temporarily but swiftly dismantled by the pandemic. At the same time, confusion about health dangers, social isolation, and economic uncertainty made it much harder to maintain stability, especially in poor communities and communities of color that already were disproportionately impacted by both the pandemic and by the absence of such supports. Indeed, it is among those communities where homicides increased most sharply during this period.

PROLIFERATION OF GUNS

Experts in law enforcement have identified a sharp increase in gun sales and weapons trafficking as a critical factor in recent upticks in homicides. CNN reported on June 22, 2021 that “guns have flooded [urban] communities, often traveling a so-called ‘iron pipeline’ of trafficked weapons from southern states with more lax gun laws.”

The New York Post quoted New York State Attorney General Letitia James in a recent press conference as saying:

90 percent of the guns recovered in the state of New York come from states with lax gun laws. If you look at the data, and I follow the data, there has been a significant—and let me underscore the word significant—increase in the purchasing of guns during the pandemic.

James’s remarks came a day after President Biden called for more gun control laws, including background checks for private firearm sales and a ban on “assault weapons and high-capacity magazines.”

POLICE-COMMUNITY RELATIONS

Alongside the pandemic, 2020 also saw heightened public attention to police violence and systemic racial injustice. People all over the United States and the world expressed outrage in mass protests, and demand grew for a less forceful model of policing and a more holistic concept of community safety. Relationships between poor communities and communities of color and the police remain badly damaged.

There is precedent for an increase in violent crime, and particularly homicides, following high-profile incidents of police violence. Some have argued that there is a tight link between protests, officers pulling back from proactive duty (i.e., making fewer arrests—so-called "de-policing"), and a subsequent rise in crime.\textsuperscript{16}

However, this relationship is not at all clear, and research examining the effects of highly publicized police violence has produced mixed results.

To be sure, in the aftermath of protests in 2015 and 2016, many communities grappling with police force issues did see a reduction in discretionary arrests following the events.\textsuperscript{17} But those changes in policing trends have not been linked to rising crime.\textsuperscript{18} Where there were sustained or measurable effects on crime rates or arrests, these appeared in low-level misdemeanor arrest rates, not violent crimes.\textsuperscript{19}

Furthermore, law enforcement officials recognize that to successfully reduce violence, police cannot be the only tool. For example, Brooklyn District Attorney Eric Gonzalez noted in recent remarks that:

\begin{quote}
[v]iolence is rising even though we are putting more and more money into law enforcement.
\end{quote}

\textsuperscript{17} See Morgan, S. L., and J. A. Pally, "Ferguson, Gray, and Davis: an Analysis of Recorded Crime Incidents and Arrests in Baltimore City, March 2010 through December 2015," http://socweb.soc.jhu.edu/faculty/morgan/papers/MorganPally2016.pdf
DISCONTINUATION OF VIOLENCE INTERRUPTION PROGRAMS

Along with the suspension of so many activities, important violence interruption programs that had proven successful at reducing crime were also halted during the pandemic.

These programs can play a greater role in addressing violence reduction in the future if they are restored and fully funded. According to former Governor Andrew Cuomo, “Violence intervention programs, which work with impacted communities to break the cycle of gun violence and retaliations, have been shown to reduce violence by as much as 60 percent.”

In addition, an expansion of other evidence-based programs that reduce crime and recidivism should be undertaken. These kinds of services, when accessible in communities, can be the most effective ways to prevent crime, and deliver cost savings that can be used to expand their availability. And providing services in the community avoids unnecessary use of congregate settings, particularly during public health emergencies.

As of press time, data show that after violence interruption programs were enhanced in the summer of 2021, violent crime fell compared to the same period in 2020. According to the NYPD, in June of 2021, “the number of murders and shooting incidents in New York City declined compared with June 2020. Murder decreased by 23.3% (33 v. 43) while shooting incidents decreased by 19.5% (165 v. 205).”

CONCLUSION

NYUJ's review of the available crime data for New York State reveals the wholesale lack of a connection between recent upticks in certain categories of crime and recently adopted criminal legal reforms, such as pretrial reform. Rather, similar upticks have been experienced across communities with varied criminal justice strategies, not just ones that have adopted reforms.

As discussed above, the most likely explanation for the crime data fluctuations is not a single explanation at all, but a confluence of conditions—from a once-in-a-century global pandemic and its attendant economic disruptions to a profusion of guns entering communities already on edge to strained relations between communities and law enforcement. This toxic stew of factors has produced an environment of fear and mistrust.

Unfortunately, the complexity of this data is not readily apparent in many media reports. As a result, there is a danger that policy decisions will be made based on unsupportable conclusions that defy consistent, longstanding evidence about what works to reduce crime and recidivism. In presenting this information, NYUJ hopes to engage in a productive dialogue about what is driving the concerning crime numbers, what the existing data show, and the most effective policies indicated by the evidence.

20 For example, in New York, a study by the John Jay College of Criminal Justice found that violence interrupters helped reduce crime in the East New York and South Bronx neighborhoods. Efforts of this kind would be bolstered by President Biden’s infrastructure plan, which includes $5 billion over eight years for evidence-based violence-prevention programs.

