

# The Voters Have Spoken:

HOW CRIMINAL JUSTICE REFORM WON IN NEW YORK



## Background

New York Republicans promised to retake the State Senate in 2020 by attacking bail reform, spending millions of dollars along the way, but in the end their tactics failed.

Over the course of the election cycle, a group of Super PACs supported candidates challenging incumbent Democratic Senators who voted in favor of the bail reforms passed by the state legislature in 2019. These PACs ran TV ads, sent direct mail, and called voters to spread fear, falsehoods, and misinformation about bail reform.

These reforms, which mandated that most people charged with misdemeanors and non-violent felonies be released to await trial at home, [reduced New York State's jail population by more than 40%](#), ensuring that fewer people were crowded in unsanitary jails during the COVID-19 pandemic. Like many pretrial reforms before them, New York's recent bail reforms [have not](#) led to an uptick in crime, and [early data](#) from the pre-COVID months of 2020 show that people are still returning to court at very high rates.

Despite these facts, many law enforcement officials and conservative groups adamantly oppose the reforms. Before the new laws even took effect, District Attorneys, police officials and unions, and other elected leaders took aim at the reforms, falsely claiming that the people set to be released were dangerous and would wreak havoc on their communities, often using [racist dog whistles](#) and [outright lies](#). Their fearmongering reached a fever pitch during the 2020 legislative session, leading to a reactionary partial rollback of the reforms driving an indefensible and tragic [increase in the pretrial jail population](#) in the midst of the deadly COVID-19 pandemic.

Even after these rollbacks, opposition to bail reform remained a major focus of law enforcement and other groups during the election cycle. Millions of dollars were spent on anti-bail reform messaging in State Senate races, but ultimately these efforts were in vain. The vast majority of candidates who voted in favor of bail reform won their races and Democrats, who originally championed bail reform efforts as a caucus, won a historic majority. The message to incoming legislators from voters was clear: criminal justice reform is a winner at the ballot box.

Below, we highlight some key data points related to anti-bail reform tactics employed by PACs and candidates during the 2020 State Senate elections.

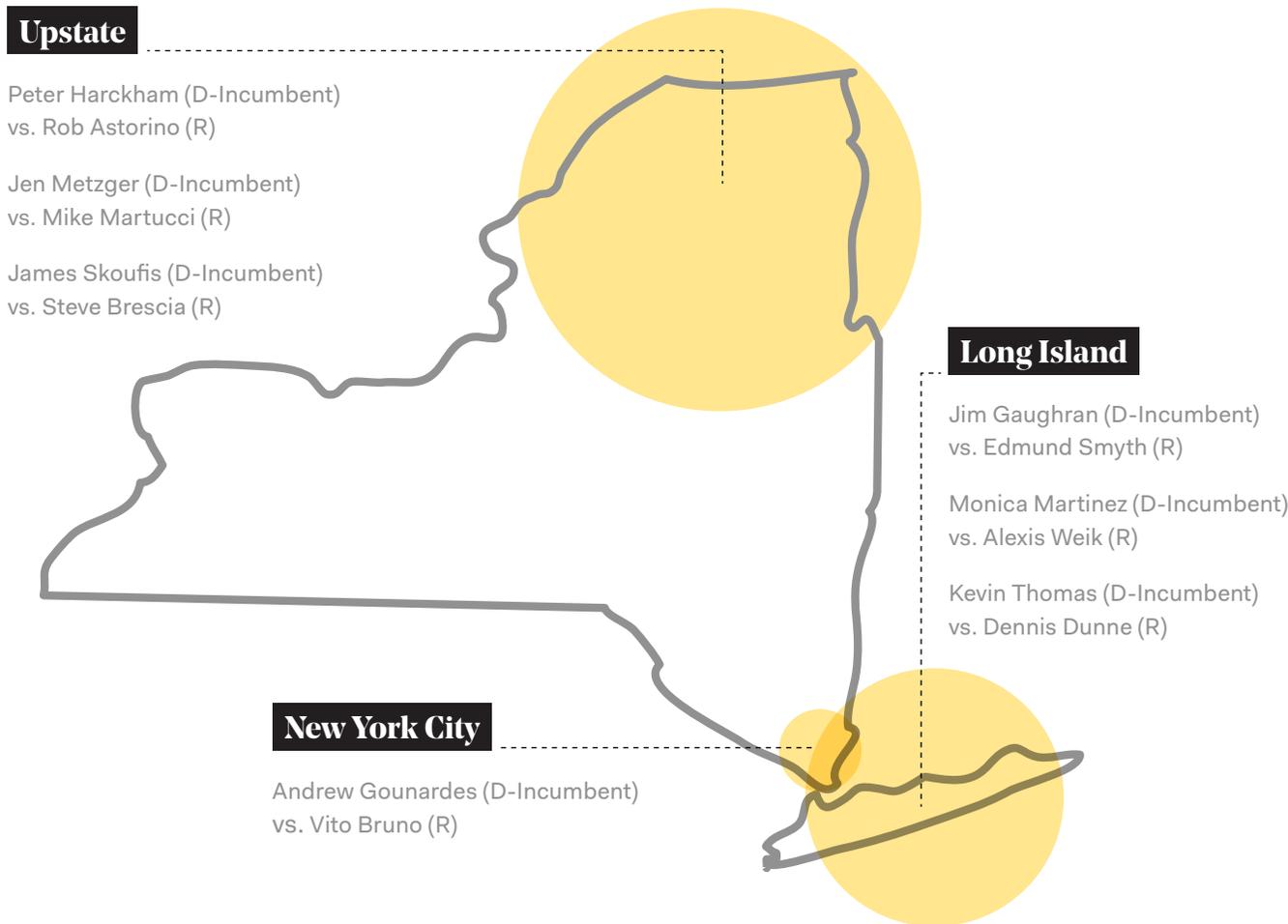


## Number of Super PACs: 4

Four major Super PACs spent money on anti-bail reform tactics during the 2020 election cycle. These PACs include Safe Together New York and Balance New York, the Long Island Law Enforcement Foundation, and the Police Benevolent Association Independent Expenditure Committee.

## Number of Races Targeted: 7

These four Super PACs targeted seven key State Senate races. In each of these races, the incumbent Senator voted in favor of bail reform legislation. These incumbent Democrats were seen as particularly vulnerable because they came from districts that, until recently, had reliably elected Republican candidates.



# Total Super PAC spending: \$6.2 million<sup>1</sup>

These four Super PACs spent over \$6 million on anti-bail reform tactics, including over \$3.5 million in TV ad spending, across these seven races. Other tactics included digital ads, direct mail, phone and text banking, and billboards. The Police Benevolent Association Independent Expenditure Committee spent nearly \$600,000 on Kevin Thomas' race alone.

## Messages Used:

These advertising campaigns used scare tactics and misinformation. Borrowing from the playbook of Willie Horton-style advertisements, the ads painted incumbent senators as supporters of crime. They also used [unconfirmed data](#) from police officials to claim that bail reform leads to an increase in crime, an argument that has been debunked by [academics](#) and even by [reporting from outlets like the New York Post](#), a publication that has historically been [no friend to criminal justice reform efforts](#).



## Number of Races Won: 2



Despite millions of dollars in spending on anti-bail reform ads and other tactics, 95% (37 out of 39) of State Senate candidates who voted in favor of bail reform in 2019 and ran for reelection in 2020 won their races, including five of the seven candidates targeted by anti-bail reform Super PACs. In all three major regions of the state, the majority of candidates supported by these Super PACs came up short on election day. Because absentee ballots were counted after in-person votes in New York, many of these elections looked much closer than they actually were, [leading law enforcement groups and anti-reform organizations](#) to [declare victory prematurely](#). But when the final votes were tallied, the message from voters was clear: fearmongering doesn't work, and bail reform is here to stay.

<sup>1</sup> All PAC and expenditure data was sourced from the New York State Board of Elections.