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ASSESSING AMERICA'S CRIME CRISIS:

Trends, Causes, and Consequences

April 2024

INTRODUCTION

American communities are less safe than they were a decade ago. That fact is undeniable. Similarly, the evidence is clear that over the last decade, serious – especially violent – crime rose in 2015 and 2016, then briefly fell before rising again since 2020. Early indications suggest that the steep rise in homicides in 2020-2021 has slowed, if not reversed, but not returned to levels recorded five or ten years ago.

In other words, to say crime is down is like descending from a tall peak and standing on a high bluff, saying you are closer to the ground – a true but misleading statement. The truth is that violent crime is substantially elevated in major cities (and nationally) compared to pre-2020 levels.

For other crimes, the data is often inconsistent, unreliable, or unavailable making trends difficult – but not impossible – to discern. The evidence we do have suggests some serious offenses (i.e., carjacking and auto theft) have continued to rise dramatically. Other aggregate data suggests some offenses have continued their decades-long decline.

Meanwhile, Americans support for greater law enforcement and stiffer criminal penalties has increased as polls show that the public believes crime has risen, and they feel less safe.

This paper seeks to answer two important questions about public safety in America:

- What do we know about recent crime trends and how; and
- What is contributing to this trend and why?

To answer those questions, this study will first examine the available data on crime over the past decade, analyze its value and limitations, and assess its meaning for public safety policymakers. Second, the study will analyze what policies and phenomena are driving these crime trends.

FACT #1: America faces a public safety crisis beset by high crime and an increasingly dysfunctional justice system.

FACT #2: Crime has risen dramatically over the past few years and may be worse than some official statistics claim.

FACT #3: Although preliminary 2023 data shows a decline in many offenses, violent and serious crime remains at highly elevated levels compared to 2019.

FIGURE 1

Rise in Serious Crimes, 2019 vs. 2022; 2019 vs 2023			
Category	Increase		Source
	2019 vs 2022	2019 vs 2023	
Homicide	+25%	+8.3%*	FBI Nationwide
	+30%	+19.9%^	CDC Nationwide
	+31%	+18%	CCJ 32 Large Cities
	+37%	+23%	MCCA-70 large agencies
Aggravated Assault	+10%	-3%*	FBI Nationwide
	+11%	+8%	CCJ- 25 Large Cities
	+29%	+26%	MCCA-70 large agencies
Auto Theft	+30%	+44%*	FBI Nationwide
	+45%	N/A	BJS Victims' Survey
	+26%	N/A	NICB
Carjackings	+106%	+93%	CCJ 10 Cities
	+173%	+173%	Chicago

*Projected Based on FBI Q4 Estimate; ^ Provisional/Projected based on data through July 2023

Crime levels may in fact be significantly higher than official FBI statistics suggest, owing to methodological and reporting problems: Other official government data sources conflict with and diverge from FBI crime statistics.

Example: In 2022, the FBI reported 21,156 “murders and non-negligent homicides” compared to the CDC reporting 24,867 “homicides” – a difference of 3,711 violent deaths, a reporting gap that has widened since the FBI switched to a new system (NIBRS).

FACT #4: Less than 42% of violent crime victims and 33% of property crime victims reported the crime to law enforcement.

The Department of Justice’s victim survey reported a 30% increase in robbery victimizations between 2019 and 2022, while the FBI measured an 18% decline. The FBI counted a slight increase in aggravated assaults over the period, but victims’ data suggests a 50% increase.

- Fundamental changes to how (and whether) offenses are reported to and collected by the FBI undermine the reliability of its data to measure crime trends.

The FBI’s new data collection system proved so onerous for law enforcement that only 63% of police departments (covering 65% of the population) submitted data in 2021, compared to 97% population coverage in 2019. In 2022, the FBI allowed agencies to use the legacy system received data submissions from 83% of departments (93.5% population) but a large share was partial or incomplete.

The FBI’s new system uses an estimation model to infer missing crime data, rendering statistics into an “informed guess” – susceptible to errors in aggregation.

FACT #5: The American people feel less safe than they did prior to 2020.

A record high number of Americans (77%) believe crime is worsening nationally, and 55% believe it has worsened in their area. Similarly, 63% of the public rates the crime situation in the country as “very or extremely serious” – the highest in over two decades.

CRIME CRISIS AND ITS CAUSES

Four (4) major interrelated factors have contributed to America's growing public safety crisis and the public's declining confidence in the justice system:

CAUSE #1: De-policing – the systemic ‘pull-back’ by law enforcement due to policy changes, political hostility, staffing shortages, and plummeting morale

Nationwide arrests fell 27% between 2019 and 2022 including a 21% decline in arrests for murder, 44% drop in auto theft arrests, 65% drop in robbery arrests, and 48% decline in illegal weapons arrests.

Police clearance rates have plummeted by a third nationwide with the steepest decline in large cities where only 27% of violent crimes are solved and less than half of murders, 18% of robberies, and 6.7% of property crimes.

Police retirements and resignations have surged as police recruitment has fallen, with demoralized cops quitting as cities slash budget. Philadelphia is short 1300 officers and Chicago adds only one new officer for every two who depart.

CAUSE #2: Decarceration – the reduction in incarceration of offenders through policy changes, prosecutorial preferences, and the pandemic

The state and federal prison population declined precipitously (-14%) from 2019 to 2022, as more offenders are released and fewer admitted. Similarly, the number of admitted jail inmates dropped from 10.3 million in 2019 to 7.3 million in 2022 – a 29% decrease.

Over 200,000 jail and prison inmates were freed due to COVID concerns between 2020 and 2021, while localities and states adopted ‘cite and release’ policies to avoid incarcerating offenders – who often re-offended.

No bail policies unrelated to COVID have contributed to high re-offense rates in New York and Chicago by releasees.

CAUSE #3: De-prosecution – the decision by prosecutors to limit the number and type of charges, adjudication, and sentences of criminal defendants for ideological purposes:

To reduce COVID-related backlogs, prosecutors have increasingly dropped or reduced criminal filings, resulting in fewer consequences for offenders as crime has risen.

Prior to the pandemic, progressive prosecutors' effort to reduce criminal consequences has resulted in marked decline in criminal prosecutions, reduced convictions, and lessened penalties for many offenders.

In Philadelphia, the number of gun cases brought by police more doubled between 2017 and 2020 while city prosecutor Larry Krasner dropped twice as many (49%) as his predecessor (25%). Meanwhile, shootings rose by 45% and homicides increased 94% from 2017 to 2020.

CAUSE #4: Politicization – the use of the criminal justice system to pursue political ends by prioritizing prosecutions of individuals or groups that are adversarial to the prosecutors' views or goals.

Prosecutors with anti-police records have increasingly targeted police officers for prosecutions with manslaughter and homicide prosecutions rising 65% in 2020-2023 compared to 2016-2019, although the number of fatal police involved shootings actually declined.

Other politically motivated prosecutions have come at the expense of prosecutors addressing serious and violent crime.

In Washington, D.C., where violent crime has surged, the US Attorney in charge of adult felonies has devoted significant resources to political cases – declining to charge 52% of felony cases in 2022.

PART I: Crime Trends Conundrum: Known Unknowns

Despite an apparent recent decline in some offenses, serious and violent crime is significantly higher today than it was in 2019. In fact, crime may be even higher than officials statistics suggest due to reporting and collection problems.

Various measures exist to assess the state of public safety in the United States including police agency criminal offense data, crime victimization surveys, public opinion surveys, and other proxy data. Reported criminal offense data or crime statistics are typically considered the standard metric for crime trends analysis since they are reported by a government agency and usually entail some substantiated proof that a crime occurred.

Reporting Problems Mar Official Crime Statistics

For decades, the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program has been the "gold standard" dataset for crime analysis, drawing on direct reports submitted by local law enforcement agencies. UCR's standardized offense reporting requirements allowed for aggregated and cross-sectional analysis of crime trends by offense, offender type, geography, and other categories. As a result, local law enforcement agencies collected data to conform with the UCR standards – using the same definitions and standards – creating comparability across jurisdiction-specific crime reporting in near real-time.

The FBI's crime categories are subdivided into Part I crime (serious, usually felony offenses reported to the police) and Part II crime (sometimes less serious crimes, reported only based on arrests). Part I crime – the standard measure of crime trends – is further broken down into violent (murder, rape, aggravated assault, and robbery) and property (burglary, larceny-theft, motor vehicle-theft, and arson) crime.ⁱ

The total volume of each of those two subcategories (violent and property) are typically referred to as "crime" as part of a "crime index" measure for overall crime levels. And violent and property crime totals are split apart to distinguish between the two distinct types of offenses, since shoplifting is less serious than homicide or rape.

Further, the frequency and volume of the eight (8) specific offenses are not distributed equally overall or within the violent and property crime subcategories. For example, the FBI UCR reports that in 2014, there were approximately 9.4 million Part I offenses and of those 6.9 million (73%) were property crimes and larceny-theft alone comprised 62% of all reported offenses.ⁱⁱ This distribution effect, if not accounted for, can distort crime trend analysis, since a small shift in a large category can, by sheer volume, offset a larger change in another, often more serious category.

Over the past two decades, the largest categories of violent crime (robbery and aggravated assault) accounted for an annual average 25% and 65% of total violent crime respectively, with rape and murder representing only 10%. The same effect is visible in property crime as auto theft has risen dramatically over the past decade (+34%) while larceny has dropped (-22%), yet the total combined number of reported property crime offenses

across those two categories fell in raw numbers, percentage change, and rate per 100,000 population. Thus, overall crime indexes and even violent or property crime indexes can mislead about trends more than illuminate.

Complicating data analysis further, the data collected by local law enforcement agencies prior to 2021 was done under the UCR Summary Reporting System (SRS). Over decades, the FBI implemented a new more detailed crime data collection system called National Incident Based- Reporting System (NIBRS) which fully replaced SRS in 2021. NIBRS data is much more granular and collects significantly more offense type and circumstance data but is more onerous to collect and has proven difficult to comply with for departments who use outdated systems, are undermanned, or suffer from overstretched budgets. When NIBRS fully replaced SRS, agency participation plummeted from 85% of agencies covering 95% (314 million of the resident population) in 2020 to 63% of agencies covering 65% of the US population in 2021.

FIGURE 2

Year	Actively Enrolled in the Uniform Crime Reporting Program		Submitted Data to the UCR Program						Population Covered (%)	Agencies Covered (%)
			Total Participants Submitting Data		Submitted Data via National Incident-Based Reporting System		Submitted Data via Summary Reporting System			
	Agencies	Population Covered	Agencies	Population Covered	Agencies	Population Covered	Agencies	Population Covered		
2017	18,547	325,719,178	16,655	318,873,991	6,998	105,672,974	9,672	213,322,696	97.9%	89.8%
2018	18,586	327,167,434	16,659	320,040,056	7,283	117,181,606	9,376	202,858,450	97.8%	89.6%
2019	18,667	328,239,523	16,551	318,245,527	8,497	146,562,042	8,054	171,683,485	97.0%	88.7%
2020	18,619	329,484,123	15,901	313,609,388	9,880	177,522,400	6,021	136,086,988	95.2%	85.4%
2021	18,806	331,895,048	11,794	215,058,917	N/A	N/A	N/A	N/A	64.8%	62.7%
2022	18,884	333,287,557	15,724	311,628,976	13,293	256,187,698	2,431	55,441,278	93.5%	83.3%

For 2022, the FBI again allowed SRS reporting after so many agencies including large departments (i.e., NYPD, LAPD, Chicago PD) failed to submit data in 2021. Many agencies that did submit NIBRS data did not submit full year or complete incident-level data, creating data gaps larger than the participation data alone suggests.ⁱⁱⁱ In 2022, the City of St. Louis reported the wrong numbers to the FBI and the FBI compounded the error by treating the already incorrect figures as full year tallies.^{iv}

To adjust for the absence of NIBRS data, the FBI uses estimates to calculate the total number of offenses that would likely have been reported to law enforcement in aggregate. These estimates are based on statistical sampling methods and generate a median figure as well as a lower and upper bound estimate, based on confidence intervals.^v Figure 3 is a visual example of exactly how the FBI displays this data.

FIGURE 3

Table 1: National Violent Crime – Year-over-year trend

Volume per 100,000 Inhabitants		2021						2020		
Level	Offense	Estimate	Estimate Lower Bound	Estimate Upper Bound	2021 vs 2020 Percent Change	Statistical Significance (pairwise test)	Statistical Significance (overlapping CI)	Estimate	Estimate Lower Bound	Estimate Upper Bound
National	Violent Crime	1,313,200	1,223,400	1,402,900	-1.0			1,326,600	1,259,600	1,393,500
	Murder and Non-negligent Manslaughter	22,900	21,300	24,600	4.3			22,000	21,000	23,000
	Revised Rape	144,300	140,400	148,200	3.4			139,500	132,000	147,000
	Rape	107,500	94,800	120,100	3.9			103,500	91,800	115,100
	Sodomy	26,100	23,400	28,800	1.7			25,700	22,200	29,100
	Sexual Assault with an Object	10,700	9,300	12,100	3.2			10,400	8,900	11,900
	Aggravated Assault	943,800	865,800	1,021,800	-0.1			944,800	900,100	989,600
	Robbery	202,200	140,200	264,100	-8.2			220,200	130,900	309,500

Note: The volume table indicating the totals are rounded to the nearest 100 due to uncertainty in the estimates.

The Bureau of Justice Statistics explained the process in 2022:^{vi} *Estimation enables the conversion of statistical sample data into estimates of population characteristics. It is **the statistical process which allows inferences to be made about an outcome of interest in a population (e.g., the number of murders in the United States)**, even if information about the outcome is only known for part of the population... inferences are made about crimes known to law enforcement in the United States. Not all law enforcement agencies submit all their crime data; some provide only partial data, or no data at all, on crimes and arrests... Estimation is a statistical process based on data from a subset of the population, which means that **any estimated statistic has some amount of uncertainty associated with it.** [Bold Author's]*

In plain English, the FBI figures are a guess – albeit an informed guess – built on assumptions to fill in data that is often otherwise known (i.e., the number of homicides in Los Angeles in 2021 – 402). Since the Los Angeles Police Department did not submit to NIBRS, the FBI infers based on population statistics what the number of murders should likely have been, despite the figure being publicly available.^{vii}

Since local factors or random events often shift such totals, these estimates are vulnerable to being wildly wrong. If the FBI were to use estimate Baltimore’s homicide totals for 2015 inputs based on cities of similar size, demographic and economic characteristics, and prior crime trends (e.g., Detroit, Cleveland, Memphis), the figures would be off significantly. Murders rose by 62% between 2014 and 2015 in Baltimore but rose by 15% in Cleveland while falling in Detroit (-1%) and Memphis (-4%). Baltimore’s raw increase in homicides (+131) followed civil unrest, de-policing, and new prosecutorial policies that a statistical estimation model likely could not account for. Baltimore’s sustained high levels of homicide over the next eight (8) years – tallying over 300 murders per year would equally distort inferred counts for other cities with missing data since its tallies did not track trends elsewhere. This methodological problem of inferring reported offenses plagues the FBI’s estimated aggregate crime totals to the point that the data misleads instead of informing policymakers, the media, and analysts on crime trends.

Although the FBI did allow non-NIBRS compliant agencies to report via the legacy SRS format in 2022, the data still relies heavily on estimations especially where large agencies fail to report fully or at all. This information gap and resulting uncertainty around the accuracy of the FBI's data suggests the need for alternative and proxy datasets to measure crime and ascertain trends and patterns.

As noted, some of the agencies that have failed to report data in full or at all to the FBI do collect and publish their offense figures individually or through other entities. In addition to agency websites and open data systems, many states compile statewide data by agency, offense, and circumstance on an annual basis as do independent research organizations (i.e., Major City Chiefs Association and the Council on Criminal Justice).

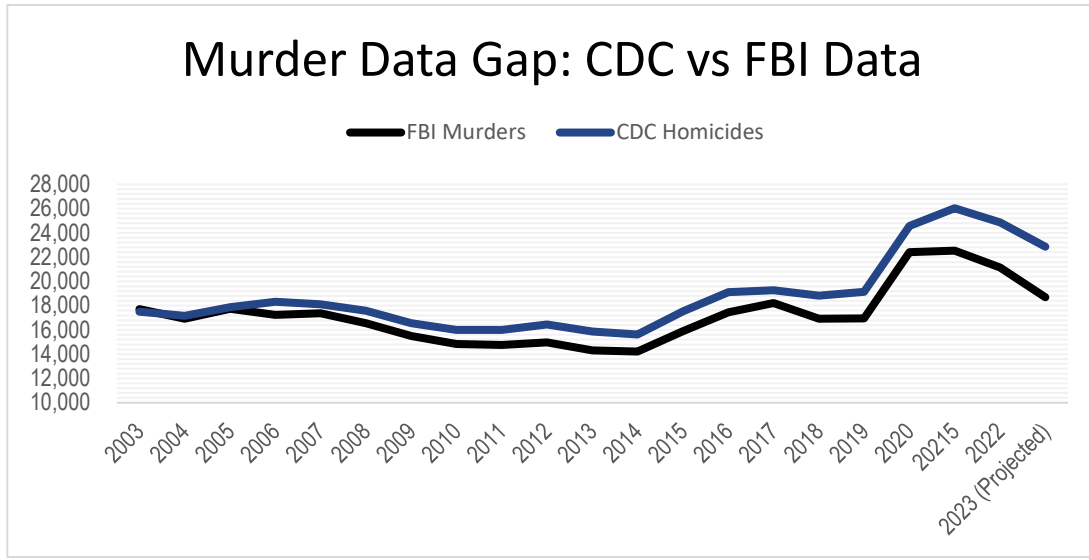
Non-FBI Data Shows Steeper Rise in Crime since 2019, Especially Murders

A different and useful measure from the Major Cities Chiefs Association (MCCA) collects quarterly violent data from approximately 70 of the largest law enforcement agencies in the United States. Since that data reflects large urban areas where the majority of violent offenses occur, it can overstate crime shifts nationally, but largely tracks with overall trends. That data shows that over the five years from 2018 to 2022, total violent crime rose by 20% -peaking in 2021 and declining over the past two years. But this decline is not as pronounced as the FBI NIBRS estimated data suggests. While homicides and aggravated assaults both spiked more than 40% across big cities between 2019 and 2021, rape and robbery fell slightly. In 2022, robbery, which had been declining overall for a decade, rose while aggravated assaults stayed largely flat. Then, overall violent crime rose by 20% from 2019 to 2021 and its volume remained largely unchanged in 2022.

Year-end data (through December 2023) from the MCCA's 70 agencies suggests a further 2.2% drop in violent crime across large cities in 2023 with a notable 10.5% decrease in homicides. But this decline is relative to the prior calendar year (2022) which was nearly as violent as the 2021 peak. Relative to the five-year low (2019), violent crime is up 12.5% in 2023 compared to 2019. Similarly, homicide is up 23% and aggravated assaults are up 26% from 2019.

The Centers for Disease Control and Prevention (CDC) also tracks "homicides" which are defined as deaths resulting from "injuries inflicted by another person with intent to injure or kill, by any means."^{viii} It excludes justifiable homicides, police killings, and war deaths. Thus, the data serves as a reliable measure of violent deaths over time.

FIGURE 4



Until 2020, total homicides over the past twenty-five years fluctuated from a low of 15,625 in 2015 or a rate of 4.9 per 100,000 population to a high of 19,269 killings in 2019 or a rate of 5.9.^{ix}

But in 2020, CDC data shows that homicides spiked 28% to more than 24,500, reflecting a similar increase seen in the FBI data prior to the NIBRS changeover.^x But CDC data diverges in 2021, showing an increase of 4.4% or 966 more murders and nonnegligent homicides than 2020. The CDC data counts 26,113 homicides in 2021 – 1,352 more than the prior year and a 5.7% increase. The divergence between the FBI and the CDC’s data widens further in 2022 when the CDC notes a drop of 4% from 2021 levels but the FBI estimates a 6% decline. The result of that discrepancy is that CDC reports homicides to be 30% higher in 2022 compared to 2019 as the FBI only identified a 25% increase over the period. If the FBI totals increased at the CDC’s rate, the FBI would count 865 more murders – the equivalent of removing more than New York City and Baltimore’s combined homicide tallies from the total.

The CDC’s overall homicide rate reflects this trendline divergence with the FBI’s data with the CDC homicide rate rising from 5.8 per 100,000 in 2019 to 7.9 in 2021 and 7.6 in 2022. But the FBI rate changes from 5.1 in 2019 to 6.8 in 2021 and 6.3 murders per 100,000 in 2022.

Since the CDC’s methodology for calculating total homicides did not change over the period while the FBI’s did (due to the NIBRS transition), historical crime data comparisons using FBI data are unreliable. The FBI acknowledges this and cautions against using 2021 NIBRS data in trend analysis.^{xi} Unfortunately, the news media, analysts, and policymakers do not heed this boldface warning.^{xii}

And critically, homicides are a tangible (yet tragic) measurement – less susceptible to crime reporting gaps by both victims and law enforcement.

Victims Report Higher Levels of Crime Than Police Data Shows

It is difficult to measure how much crime is underreported, often “downcharged,” by law enforcement since the number of reported crimes reflects the categorizations of police agencies themselves. But there have been a number of high-profile past incidents uncovered that, if ongoing, could impact official crime statistics. In 2014, a Los Angeles Times investigation discovered that the Los Angeles Police Department had systematically downgraded serious offenses (usually the serious “violent crime” of aggravated assault) as minor offenses between 2005 and 2014. In fact, city wide violent crime would have been 7% higher with 16% more aggravated assaults than reported between 2005 and 2012. In 2014 alone, a city audit adjusted aggravated assaults upward by 23%.^{xiii} Over the past decades, a number of other police departments (e.g., NYPD, Dallas) have been accused of engaging in similar practices on a widespread basis due, in part, to immense internal bureaucratic and external political pressures to deliver crime-fighting results.^{xiv}

There is no evidence that police agencies or reporting authorities consistently or persistently engage in such misreporting or manipulation, but it represents an unknowable data gap between actual crime levels and official statistics.

Aside from agency reporting gaps, crime victims themselves often do not report offenses to the police. According to the U.S. Department of Justice’s National Crime Victimization Survey (NCVS), less than 42% of violent crime victimizations were reported to the police in 2022. Further, less than one-third of 2022 property crimes were reported by victims. Excluding auto theft (which has risen dramatically, and victims must report to claim insurance benefits) the overall share of victims who report their victimization has declined significantly since 2019.

Yet the number of both violent and property crime victims has risen even as FBI statistics show declines in reported offenses. According to the NCVS, violent victimizations – excluding homicides and simple assault – have increased from just over 2 million in 2019 to nearly 2.8 million in 2022. The annual number of aggravated assaults increased by over half a million offenses from 1,019,498 in 2019 to 1,540,112 in 2022 according to the victims survey. At the same time, the FBI estimates that aggravated assault offenses rose from 822,017 in 2019 to 921,505 in 2020 before falling to 893,980 in 2022. The differential between the FBI’s reported offense counts and victims’ self-attested offenses in aggravated assaults is not new but it is more acute when the official statistics suggest a downward trend and the victim-reported data suggests an upward one.

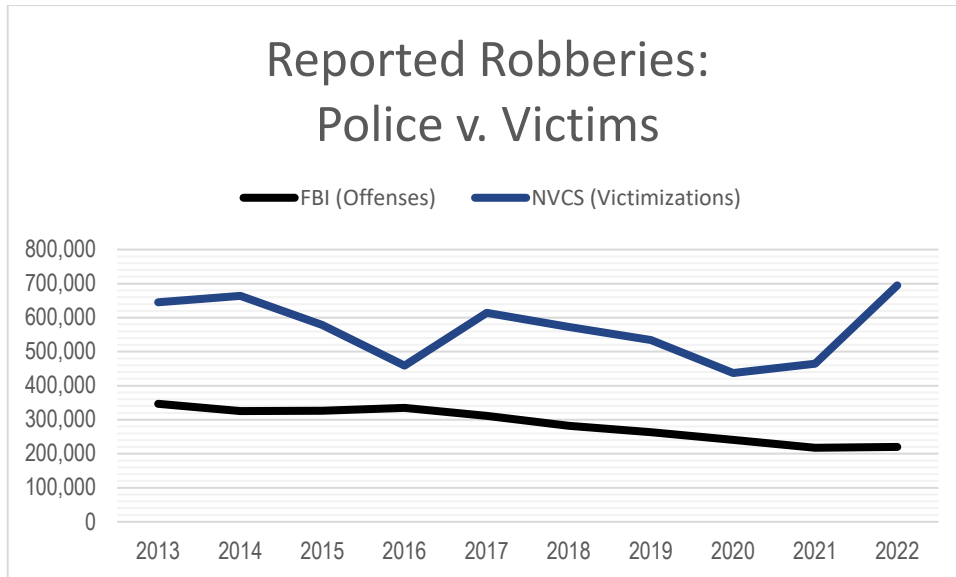
While some analysts have cast doubt on the 2022 NCVS data as a single-year outlier that overstates victimizations due to methodological flaws, prior year trends confirm the divergence between officially reported offenses and self-reported victimizations.^{xv}

Other offense categories (robbery, other theft, and motor vehicle theft) illustrate how crime data is skewed by skewed by reporting mechanisms.

For example, robbery (often a crime of opportunity) declined in 2020 in both the NCVS and FBI data amidst pandemic lockdowns, survey respondents reported a 6% increase in robbery victimizations while the FBI tallied

11% fewer robbery offenses between 2020 and 2021. The victims' survey also shows a consistent upward trend in the number and share of robbery victimizations reported to police since 2019 yet the FBI data shows a continued decline in offenses. Robbery rose 30% from 2019 to 2022 according to the victims' survey but fell by 18% per FBI data.

FIGURE 5



The reporting rate to police for other property crime victimizations is significantly lower. Only 45% of burglary and 26% of 'other theft' victimizations are reported to police. This lower reporting level creates a widening gap between the number of offenses that officially occurred and those that actually occurred.

This is particularly apparent when comparing the largest NVCS crime category ("other theft") to its FBI equivalent (larceny-theft). In 2019, the FBI tallied 5.16 million larceny-theft offenses compared to 10.1 million "other thefts" reported to the victim's survey, representing 51% of the victim attested crimes. By 2022, the FBI reported larceny fell to 4.67 million offenses, but victims reported 10.7 million "other thefts." Thus, the victims' survey reports a 6% increase in these crimes from 2019 to 2022, yet the FBI data suggests a 9.5% decline over the period.

Other data suggests that shoplifting, a former of petty theft, is rising. The CCJ's analysis of 24 large cities found shoplifting up 16% from 2019.^{xvi} But if New York City is excluded from the sample, shoplifting fell 7% by volume. The answer to this data riddle lies in the victims' incentives and expectations for reporting. The large city (population over 250,000) clearance rate for theft fell from an already low 11.7% rate in 2019 to a dismal 6.1% of 2022 thefts being solved – and not necessarily resulting in arrest or resulting in recovered property. These rates also fell by a third in rural and suburban areas.^{xvii} If there is little likelihood that reporting the crime will yield results, many victims are discouraged to do so.

And since many of shoplifting's victims are businesses (often risk averse, heavily insured large corporations), theft is factored into their business model. According to the National Retail Federation, retail sales losses have

doubled since 2019 from \$61.7 billion to a theft-related value loss of \$122 billion, which is projected to rise to \$143 billion by 2025. Yet these retailers actively discourage their employees from stopping thieves and even reporting the crime to police.^{xviii}

The reason for non-reporting, according to the Loss Prevention Research Council's survey of retailers, is because they believe the police won't respond or investigate (let alone solve) the crime and prosecutors won't pursue charges against the thieves. The latter owes to both the ideological shift among progressive district attorneys and state-level policy changes that increased the threshold for a theft to constitute a felony, reducing the consequences for low-dollar theft.^{xix}

Auto Theft and Carjackings Continue to Climb

Meanwhile the FBI's UCR data estimates auto theft rose from 704,266 reported offenses in 2013 to 942,173 in 2022 – a 34% increase and 30% just since 2019. The victims survey based on self-reporting estimates significantly fewer auto theft victimizations overall (2019 – 495,672; and 2022- 716, 647) but reflected the same upward trend (+ 45%). Another analysis was conducted by the National Insurance Crime Bureau (NICB) based on government data from the National Crime Information Center database (also produced by the FBI). NICB showed a 26% increase in auto thefts nationwide between 2019 and 2022.^{xx} Preliminary analysis for the first half of 2023 shows the continued rising trend in auto theft.

Carjackings, too, are skyrocketing across major cities. Using 10 major cities where carjacking data was available (agencies are not required to report the separate offense of carjacking), the CCJ found that carjackings rose by 93% from 2019 to 2023, down slightly (-5%) from their 2022 peak. In Chicago, which CCJ did not include in their sample, carjackings more than doubled from 603 in 2019 to 1,305 in 2023 (up 116%). Only 6% of Chicago's carjackings resulted in an arrest in 2023. Of the more than 29,000 auto thefts in Chicago in 2023, the police made arrests in 2.6% - the lowest share in decades.^{xxi}

And critically, auto theft is a “keystone” crime because, according to nonprofit Council on Criminal Justice (CCJ), “stolen vehicles are often used in the commission of a robbery, drive-by shooting, or other violent offense.” Thus, it is a form of property crime that can abet violence.

Newer city-level analysis done by the CCJ shows auto theft rose 59% across 34 major cities between 2019 and 2022 and surged a further 29% in 2023 over 2022 levels for a 105% increase over the past five years.^{xxii}

Despite the discrepancies in totals across sources – the rising trend line is consistent that auto thefts have spiked dramatically. And the agreement between self-attested victimizations and offenses reported to police owes to the nature of auto theft – that victims are normally only compensated by insurance if their claim is supported by an official police report, which is then logged and included in national tallies. In 2022, 81% of victims said they reported the crime to law enforcement – a figure consistent with the average for prior years.^{xxiii}

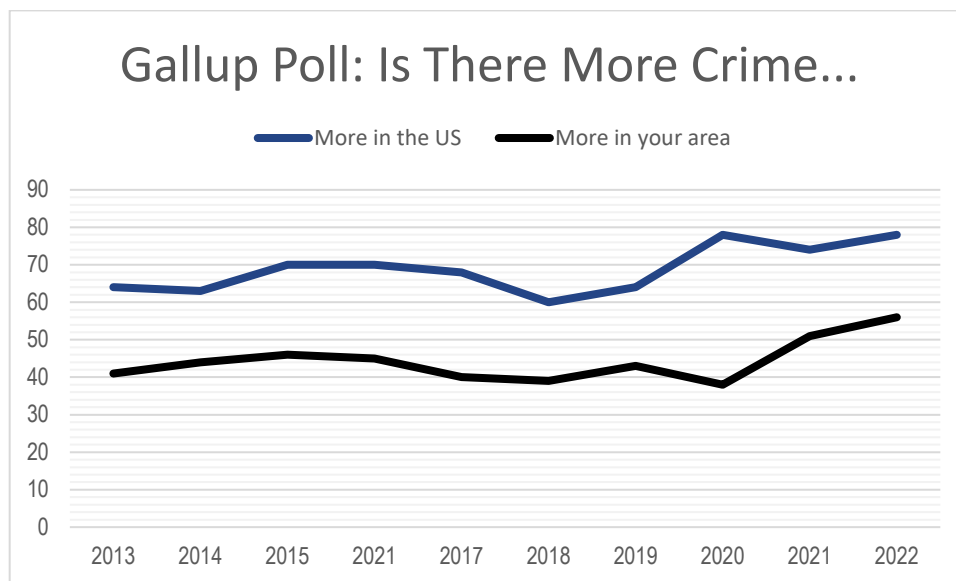
Americans' Distrust in Justice System Obscures Crime Level

These glaring discrepancies suggest official crime data likely significantly underreports crime levels, and most concerningly that recent NIBRS data is even more susceptible to this phenomenon making misreported crime data into misleading crime trends.

This troubling information deficit is further compounded by the growing dysfunction in the justice system leading victims to fail to report offenses. In 2022, 28% of violent crime victims said they failed to report the crime because “police could not or would not do anything to help” and another 9% responded that they “did not want to get offender in trouble with law or was advised not to report.” For property crime victims, 40% failed to report due to the police’s inability or refusal to help. Thus, official crime statistics not only do not capture actual offense levels they fail to include the public’s (and especially victims’) declining faith in the justice system.

And the public believes that crime is rising according to recent Gallup surveys of American adults. In October 2019, 43% of Americans felt crime was worsening in their area and 64% believed it to have increased nationally, but those figures skyrocketed to 55% (a record high) and 77% in 2023.^{xxiv} From 2019 to 2023, the percentage of Americans who rated the crime situation nationally as “very or extremely serious” rose from 52% to 63%.^{xxv}

FIGURE 6



A December 2023 NBC News report dismissed these concerns as “wrong” since they conflict with official statistics.^{xxvi} Yet, the official statistics from the FBI for the third quarter of 2023 that NBC and other analysts rely on are both preliminary and riddled with errors.

Police Statistics Contradict FBI Data Showing Massive 2023 Decline in Violent Crime

Comparing the 40 largest cities represented in both the FBI’s 2023 Q4 report and the MCCA’s year-end report reveals significant discrepancies in violent crime totals. While the MCCA’s city-level offense tallies closely match agencies’ own publicly reported figures, the FBI ‘s 2023 numbers often undercount the number of offenses reported by the agency elsewhere, thus overstating the decline in crime levels.

For example, the FBI reports 225 murders in Baltimore through the end of 2023 but MCCA counts 260 compared to Baltimore Police Department’s 261.^{xxvii} In Milwaukee, the FBI reports 204 (-13%) fewer robberies in 2023 compared to 2022 while the MCCA and Milwaukee Police^{xxviii} both report a 7% increase in robberies. Across all violent crime types, the FBI consistently reports a more dramatic drop than the MCCA or agencies themselves.

FIGURE 7

40 Major Cities^{xxix} Jan-Dec 2022 v 2023	FBI 2022	MCCA 2022	Difference	FBI 2023	MCCA 2023	Difference
Violent Crime Total	271443	268259	3184	253507	256087	-2580
Murder	5334	5510	-176	4654	4948	-294
Rape	19083	19134	-51	17025	17689	-664
Robbery	59598	62338	-2740	56871	59956	-3085
Aggravated Assault	187428	181277	6151	174957	173494	1463
Differential	FBI Total	MCCA Total		FBI % Change	MCCA % Change	% Difference
Violent	-17,936	-12,172		-6.61%	-4.54%	-2%
Murder	-680	-562		-12.75%	-10.20%	-3%
Rape	-2,058	-1,445		-10.78%	-7.55%	-3%
Robbery	-2,727	-2,382		-4.58%	-3.82%	-1%
Aggravated Assault	-12,471	-7,783		-6.65%	-4.29%	-2%

Across these 40 jurisdictions, the number of “missing” violent crimes consistently shifts the FBI’s violent crime sharply downward while the MCCA and agency-reported data shows the trend to be less dramatic. The FBI data claims a 6.6% decline in all violent crime across those jurisdictions, but the police departments’ totals only suggest a 4.5% reduction. For murder, the FBI notes a 12.75% drop, but the MCCA data shows a 10.2% drop. Aggravated assaults (which comprise two-thirds of all violent offenses) dropped by 6.7% per the FBI but only 4.3% per the MCCA’s agency derived data.

These data inconsistencies belie the larger problem that official statistics do not tell the whole story about America’s crime problem. Without the necessary nuance and context, such data is worse than just useless, it can be deceptive and therefore dangerous. Taken as a whole, the data – as limited and conflicting as it is – suggests crime, especially serious crime, is higher than it was prior to 2020. Selected offenses – auto theft, aggravated assaults, and homicides – have demonstrably risen or remain elevated, although they may have declined from recent highs. Other offenses, like larceny, which have ostensibly declined may have in fact increased but their rise is obscured by data reporting and collection problems.

PART II: America's Crime Crisis and Its Causes

If crime and disorder have in fact risen dramatically and remain at sustained elevated levels, what institutional and systemic changes caused to this public safety crisis?

Four (4) interrelated phenomena both contributed to and compounded the situation:

- 1) De-policing or the reduction in police activity, force staffing, and institutional morale;
- 2) Decarceration or the decreased use or elimination of incarcerating of offenders;
- 3) De-Prosecution or the deliberate decision to drop or undercharge criminal offenses;
- 4) De-prioritization or the shift of justice system resources toward politically favored priorities and away from crime-fighting.

In the months after the initial outbreak of COVID-19, progressive prosecutors, politicians, and activists pushed for a mass release of prisoners and for non-incarceration of offenders. After the George Floyd incident and the rise of anti-police activity and policies, law enforcement pulled back amidst increasing unrest and criminal activity.

Even before 2020, a raft of newly elected "reform" prosecutors pursued criminal justice policy aims by dropping cases, reducing charges and sentences, and seeking more lenient outcomes for offenders. Meanwhile, prosecutors and local policymakers focused limited resources toward political aims.

The overall impact of these collective and individual decisions has emboldened criminals, overstretched the criminal justice and law enforcement system, and left offenders free to victimize innocent citizens across the country, and undermine public faith in the justice system.

De-policing

Law enforcement arrest, stop and search, and solve crimes at far lower rates than before June 2020 as political pressures, policy changes and staffing crises have discouraged, demoralized, and debilitated policing.

Overall police activity and presence has declined precipitously since 2020 owing to political pressure, policy changes, resource constraints, and growing police staffing crisis. This marked reduction in policing has occurred in tandem with a rise in crime and fall in the number and share of offenses solved. These problems compound one another as offenders are less likely to be prevented from committing a crime through proactive policing (i.e., stops, searches, and pretext arrests), are less likely to be caught and charged for prior offenses, and benefit from leniency from judges, prosecutors, and policies if apprehended at all – leaving them free to commit more crime.

According to the FBI, law enforcement made 11.3 million arrests in 2013. That figure declined by less than 2% per year on average through 2019 or -10% overall from 2013-2019). Then in 2020, arrests plummeted by 25% from 10.1 million in 2019 to 7.6 million in 2020. By 2022, arrests continued to fall to 7.3 million annually.

Critically, this decline in arrests cannot be principally attributed to reduced enforcement of non-violent drug or quality of life crimes.

FIGURE 8

Arrests	2018	2019	2020	2021	2022	Change 2019 vs 2022
Murder and Nonnegligent Manslaughter	10231	10129	8398	5673	8040	-21%
Rape	21145	22094	13744	8754	13210	-40%
Robbery	73281	69806	51471	17766	24726	-65%
Aggravated Assault	331292	347356	334452	204843	287544	-17%
Burglary	151993	153840	142331	76194	102326	-33%
Motor Vehicle Theft	75929	72377	61915	33071	40290	-44%
Larceny - Theft	763604	780036	573950	374656	493827	-37%
Weapons: Carrying Possessing Etc.	140287	135531	95016	52693	70931	-48%

Source: FBI Crime Data Explorer

Between 2019 and 2022, arrests for murder and nonnegligent manslaughter decline by 21% even though the number of homicides was 25% higher according to the FBI. Similarly, aggravated assaults rose by 10% but arrests dropped 17% while reported robbery offenses officially declined 22% but arrests fell by 45% over the period. Arrests for auto theft – which is reaching record levels – plummeted 38% as the number of reported crimes skyrocketed by 30% between 2019 and 2022.

FIGURE 9

Clearance Rate Change

Type	Cities 250k+			Suburban Areas			Rural Counties		
	2019	2022	% Change	2019	2022	% Change	2019	2022	% Change
Violent crime	38.2%	27.1%	-11.1%	52.7%	43.4%	-9.3%	54.6%	48.3%	-6.3%
Murder	57.6%	46.2%	-11.4%	66.6%	57.0%	-9.6%	66.9%	57.9%	-9.0%
Rape	29.5%	20.3%	-9.2%	36.6%	29.5%	-7.1%	36.9%	32.5%	-4.4%
Robbery	27.1%	18.1%	-9.0%	35.9%	29.0%	-6.9%	40.3%	36.0%	-4.3%
Aggravated assault	44.0%	30.6%	-13.4%	59.7%	48.0%	-11.7%	59.8%	52.6%	-7.2%
Property crime	11.4%	6.7%	-4.7%	20.5%	15.2%	-5.3%	18.1%	14.8%	-3.3%
Burglary	11.2%	9.3%	-1.9%	15.9%	14.7%	-1.2%	15.7%	16.2%	0.5%
Theft	11.7%	6.1%	-5.6%	21.8%	15.8%	-6.0%	18.2%	13.1%	-5.1%
Auto Theft	9.8%	6.6%	-3.2%	17.2%	11.7%	-5.5%	22.6%	19.4%	-3.2%

Nationwide, police solved only 12% of property crimes, 37% of violent crimes, and half of the homicides, according to crime analyst Jeff Asher.^{xxx} And those “clearances” or “solved” crimes where a perpetrator was identified are only based on crimes that are reported to police and categorized accurately.

While arrests plummeted beginning in 2020 the decline was not a direct result of the pandemic-related lockdowns and reduced social activity. In fact, in most large jurisdictions, arrests dropped off steeply only after the Floyd-related unrest just as those cities experienced a dramatic rise in violence.

From June to December 2020, NYPD arrests fell by 38% as homicides rose by 58% compared to the same period in 2019. Similarly in Chicago, arrests plummeted 53% as murder jumped 65% between June 2020 and February 2021. Chicago’s arrests continued in fall in the subsequent years, plunging from 56,238 in 2019 to 26,392 in 2021 and remaining flat at 30,086 in 2023 – a 29% decline over the period.^{xxxii} Critically, arrests for serious crimes fell in both total and share of offenses. Every single one of the FBI’s Part I “major crimes” saw a decline in the percentage of offenses resulting in arrest, below already dismal clearance rates. In 2019, 9% of robberies resulted in an arrest compared to only 5% in 2022. Aggravated battery arrests dropped from 25% to 16% over the period and the homicide clearance rate fell from 36% to 28%.^{xxxii}

This decline in policing – depolicing or underpolicing – can also be measured in the number of stops and searches, which in major jurisdictions declined dramatically in 2020 and have yet to recover to pre-pandemic levels. This is owed to both policy changes (by “defunding” or, more accurately, debilitating the police) and the compounding effect of demoralization and attrition.

Police staffing levels have reached crisis levels since 2020. According to the Police Executive Forum, sworn staffing levels have fallen 5% nationwide from January 2020 to January 2023.^{xxxiii} Meanwhile resignations have surged 47% since 2019 as retirements jumped 19%. In crime hotspots like Philadelphia, police attrition has increased most sharply. Philadelphia’s police department is short as many as 1300 officers. NYPD is down 2900

officers since 2019 according to the city's independent budget office, while major felonies are up from 2019 levels.^{xxxiv} In Chicago, two cops quit or retire for every new officer who joins the force.^{xxxv}

Data reveals similar trends of rising attrition and crime at almost all major police departments – especially ones with progressive prosecutors, hostile local officials, or political climates.

In a 2022 survey, 51% of police officers cited anti-police attitudes as a reason they have considered quitting and 59% know a colleague left due to public hostility toward police post-Floyd.^{xxxvi}

Officials' response to this staffing crisis is often self-defeating or desperate – offering tens of thousands of dollars in new recruit bonuses (Alameda California is offering up to \$75,000 as a signing bonus) and lowering standards including fitness requirements and allowing recruits with criminal records to apply.^{xxxvii}

This creates a downward spiral as departments race to backfill their growing vacancies with less qualified recruits which in turn demoralizes veteran officers and deters potential quality candidates, requiring standards to be lowered further. And this race to the bottom begets poor policing and misconduct as in the case of Memphis where many of officers accused in the death of motorist Tyre Nichols had been hired under a lower bar.^{xxxviii}

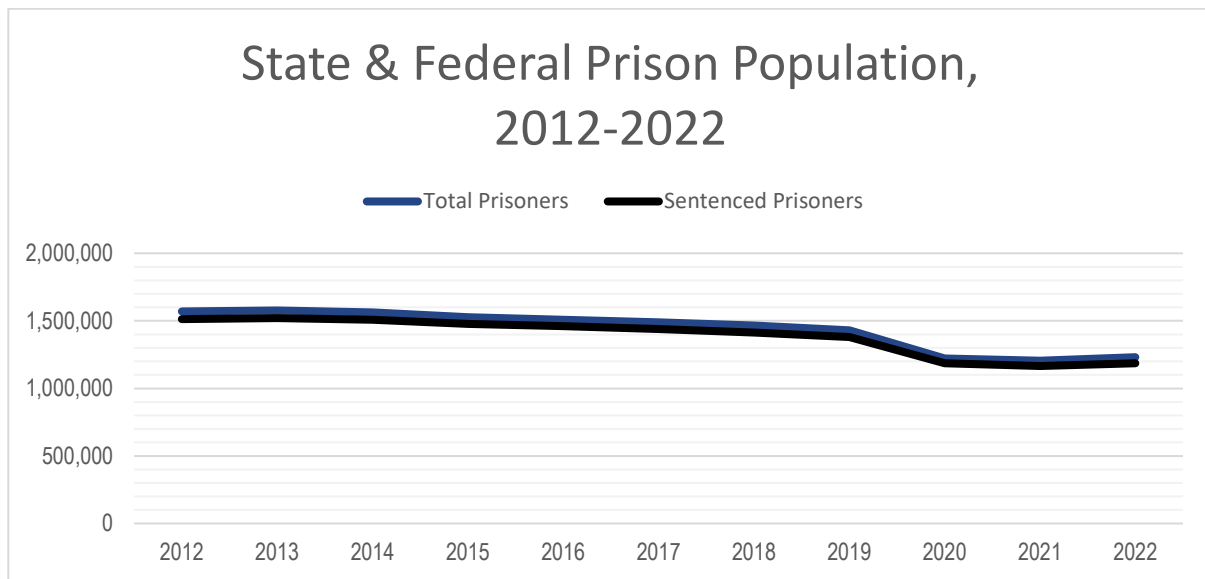
Decarceration

Fewer offenders, especially violent criminals, are going to prison or jail and more are being released despite the uptick in crime owing to policies discouraging incarceration. As offenders face fewer consequences, crime has risen.

In early 2020, as COVID-19 concerns grew, the prison and jail population shrunk – reducing the incarcerated population precipitously over the following two years. This decline in incarceration was effect by both design and happenstance – as a function of both outputs (releases) and inputs (sentenced/admitted offenders).

Combined state and federal prison populations in 2020 declined by 15% or 214,300 fewer inmates than in 2019 (1.43 million). Totals fell again in 2021, before rising slightly in 2022 to 1.2 million. The net population decline is owed entirely to a sharp fall in prison admissions which fell by 40% (-230,500) in 2020 as releases also fell (-58,000). Prison admissions remained far below 2019 levels (576,956) in 2021 (421,006) and 2022 (469,217).

FIGURE 10

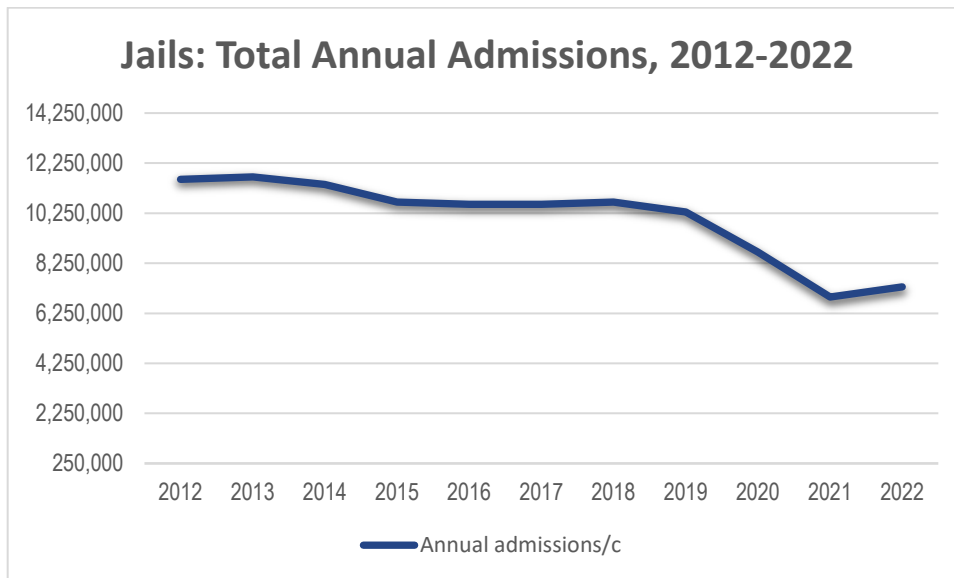


According to the Bureau of Justice Statistics, this initial steep decline occurred “because courts altered their operations in 2020, leading to delays in trials and sentencing of persons, and fewer sentenced prisoners were transferred from local jails to state and federal prisons due to COVID-19.”^{xxxix}

But if local jail inmates were never transferred to state and federal prison facilities, the jail population should have increased substantially as defendants awaited adjudication, except jails saw an even more 12% fall in population from 2019 to 2022. The average daily jail population fell from 741,900 in 2019 to 648,200 in 618,600 in 2021 then up slightly to 652,500 in 2022. Due to the nature of jail intake and releases (“churn”), such point in time counts do not reflect the total number of offenders booked into jail. Jail admissions dropped from 10.3 million

in 2019 to a low of 6.9 million in 2021 and increased to 7.3 million admissions in 2022 – a trend that roughly tracks the number of arrests reported by the FBI.

FIGURE 11



Although total prison and jail admissions and populations had been on a downward trend over the previous decade, the pandemic accelerated and compounded the overall decline in incarceration. According to the UCLA Law School COVID Behind Bars Project, between February and October 2020 more than one out of 20 state and federal prisoners were released early due to COVID.^{xI} Hundreds of thousands of jail inmates were also released during that period. Subsequent changes to state and federal “compassionate” or emergency release policies have only increased the number of inmates freed due to such contingencies.

In addition to releases from custody, a large share of offenders were not incarcerated for long, if at all, due to changes to bail policies that both predate and overlap with the pandemic changes.

Numerous states and localities, including California, imposed “zero bail” rules for many offenders in 2020. This cite and release system for many misdemeanor and “low level” felony offenders resulted in a growing number of repeat offenders cycling through the hands of law enforcement only to go on to reoffender. One Los Angeles auto thief was arrested four times in three weeks and released each time.^{xII}

A 2023 study in Yolo County, California, found zero bail defendants were re-arrested at 71% higher rates than bail defendants before the rules change.^{xIII} Under New York’s mandatory release bail policies for most crimes, re-offense rates rose. According to the New York City Police Department, the 60-day rearrest rates for burglary (23.7%), auto theft (21%) and grand larceny (19.7%) in 2021 were double the 2017 rates. Even a recent study conducted by advocates for bail reform conceded, “Across all of New York State, bail reform tended...to increase recidivism for people facing more serious charges and with recent criminal histories.”^{xIII}

In Cook County, Illinois where the courts adopted bail reforms in 2017, overall re-offense rates for releasees rose by 45%, while their violent offenses jumped 33% according to a study by the University of Utah.^{xliv} A Chicago Tribune investigation found that over 15 months, 21 defendants– not three as the judge overseeing the system claimed – were later accused of homicide following their automatic release.^{xlv}

Meanwhile, authorities have granted offenders under correctional supervision (parole and probation) greater consideration due to both pre- and post-pandemic law changes to avoid reincarceration. It has become increasingly less likely that those who violate their parole or probation will receive strong sanctions, especially jail sentences under new criminal justice reform regimes put in place on social justice and public health grounds across the country.

FIGURE 12

Total Incarcerated State Prisoners				
(Most serious offense)	2019	2022	2019 v 2022	
Total	1,249,700	1,021,288	-228,412	-18.3%
Violent	693,300	642,526	-50,774	-7.3%
Murder/c	177,700	155,115	-22,585	-12.7%
Negligent manslaughter	18,600	18,776	176	0.9%
Rape/sexual assault	162,700	160,322	-2,378	-1.5%
Robbery	155,000	122,356	-32,644	-21.1%
Aggravated/simple assault	135,900	146,597	10,697	7.9%
Other	43,500	39,361	-4,139	-9.5%
Property	199,700	132,804	-66,896	-33.5%
Burglary	106,500	75,040	-31,460	-29.5%
Larceny/theft	38,700	24,504	-14,196	-36.7%
Motor-vehicle theft	10,200	7,097	-3,103	-30.4%
Fraud	22,400	11,190	-11,210	-50.0%
Other	21,900	14,973	-6,927	-31.6%
Drug	176,300	127,348	-48,952	-27.8%
Possession	46,500	34,382	-12,118	-26.1%
Other/d	129,900	92,965	-36,935	-28.4%
Public order	153,100	111,881	-41,219	-26.9%
Weapons	58,000	41,046	-16,954	-29.2%
DUI/DWI	21,400	15,082	-6,318	-29.5%
Other/e	73,800	55,754	-18,046	-24.5%
Other/unspecified/f	7,300	6,729	-571	-7.8%

Source: Bureau of Justice Statistics

The incarceration reduction is noteworthy when broken down by offense type. By no means is the decline isolated to low-level “petty” offenses, rather it is especially acute in crime categories that have risen dramatically in volume. In state prisoners, the overall number of violent offenders incarcerated dropped by 7.3% with convicted murderers falling by 12.7% or 22,500 between 2019 and 2022. Incarceration for robbery dropped by 21%, auto theft by 30.4%, and weapons offenses by 29%. Drug possession incarcerations which only constituted 3.7% of the 1.25 million state prisoners in 2019 fell by 12,118, representing only 5% of the total reduction in prison population.

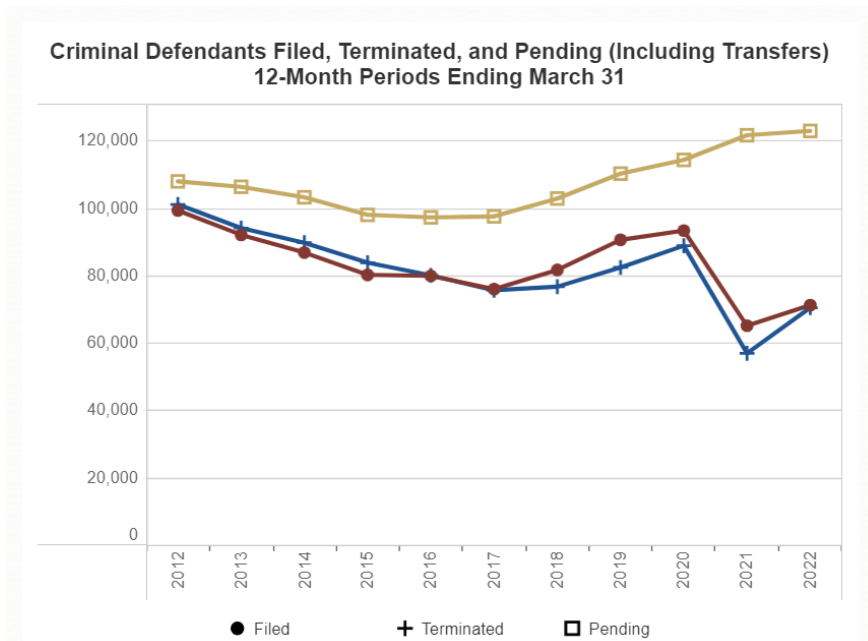
De-Prosecution

The ideologically driven push by a growing cohort of ‘progressive prosecutors’ to drop and reduce charges against defendants and a desire to clear COVID-related court backlogs has resulted in fewer criminal prosecutions and lessened sentences for offenders.

While the courts faced backlogs from 2020 onwards, another more significant and intended phenomenon was underway well before the pandemic-related disruptions: de-prosecution and its counterpart, decriminalization. Starting in the late 2010s, a wave of “reform” prosecutors assumed office in major cities – the same jurisdictions where most serious crime is concentrated – pledging to upend the traditional criminal justice system. Elected with the financial help of wealthy progressive donors and the support of activist organizations, these district attorneys unilaterally enacted (often radical) changes to the justice system including abolishing cash bail [by choosing not to seek it], eschewing the use of mandatory minimum sentences, agreeing to lenient plea deals, and antagonizing their law enforcement partners. At the same time, many of the offices of these new prosecutors, who often had no prosecutorial experience themselves, suffer from mismanagement and dysfunction drawing the ire of victims, judges, law enforcement, and the media.

Available data suggests that this approach has had negative impacts on public safety, public trust, and the integrity of the justice system as a whole – and in many cases these problems predate the pandemic period. Across 37 states analyzed by the Courts Statistics Project,^{xlvi} total incoming felony criminal court cases declined by 11% or by nearly 300,000 between 2019 and 2022 while the number of misdemeanor cases dropped by 24% (1.2 million) over the same period in 32 states with available data. Similarly, federal criminal case filings dropped by 21% from 2019 to 2022.^{xlvii} While both systems made significant progress clearing pending case backlog, the number of newly charged cases has only increased marginally since the court shutdowns.

FIGURE 13



As, if not more, critically is how those cases are being resolved or disposed of. Increasingly, especially in large jurisdictions whose chief prosecutor is averse to imposing strict penalties on offenders, the outcomes are more likely to be lenient if the cases aren't abandoned altogether.

Independent analyses of the felony case dispositions of some of these reform-oriented prosecutors show a clear trend prior to 2020: more dropped cases and more lenient plea agreements than their more traditionally minded predecessors and a steep rise in crime.^{xlviii}

FIGURE 14

Felony Case Dispositions Change as Compared to Immediate Predecessors, 2013-2019			
Progressive Prosecutors	Guilty	Lost/Dropped	Other
Baltimore	-23%	5%	29%
Cook	-13%	40%	-23%
Dallas	-30%	17%	9%
Bexar	-17%	18%	-2%
Philadelphia	-27%	26%	

Source: LELDF, June 2020, "Prosecutorial Malpractice"

According to the Law Enforcement Legal Defense Fund, progressive prosecutors who took office years before 2020 obtained significantly fewer felony guilty verdicts and lost or dropped more cases than their predecessors at much higher rates. A Chicago Tribune analysis of Cook County prosecutor Kim Foxx's record showed that in her first three years in office (2017-2019), her office dropped 35% more felony cases than her predecessor even though the total number of arrests and filings fell dramatically over the period. In the City of St. Louis, Kim Gardner only charged 23% of cases brought by the police in 2019, dropping 38% outright and classing another 37% as "pending" review, compared to her predecessor.^{xlix} Overall, Gardner accepted fewer cases, dropped more of those she accepted, and successfully prosecuted a smaller share of the felony charges brought by police.^l

The same holds true for Dallas, Philadelphia, and Baltimore where prosecutors announced a shift away from "punitive" justice before the pandemic. And in those jurisdictions, serious crime and violence surged while it fell nationally.

In 2019, the first year under Dallas' progressive district attorney John Creuzot's tenure, violent crime increased 15% as homicides rose 27% while aggravated assaults jumped 19% and robberies were up 14%.^{li} Dallas city councilman Adam McGough said of Creuzot's approach, "there's a feeling that if somebody wants to commit a crime, they can get away with it."^{lii} The 2019 surge in violence prompted Texas Governor Greg Abbott to send state troopers to patrol parts of the city.^{liii}

In Baltimore, homicides jumped 65% between 2014 [the year before progressive prosecutor Marilyn Mosby took office] and 2019 with overall violent crime rising 33% over that period.^{liv}

In Philadelphia, District Attorney Larry Krasner presided over a dramatic rise in violence – with homicides and shootings rising every year from 2018 through 2021 when the city reached a record high 562 homicides compared to 315 in 2017, the year before he took office.^{lv} Although, police made double the number of gun arrests than under his predecessor, Krasner prosecuted fewer firearms cases – dropping or losing 58% of cases brought by law enforcement in 2019 and 2020.

The results of these de-prosecution policies are equally acute elsewhere since the pandemic began. Under Fairfax Virginia's progressive prosecutor Steve Descano, felony prosecutions declined as violent crime, auto theft, and weapons offenses surged.^{lvi} From Los Angeles to Seattle, Manhattan to Portland, crime spikes accompanied de-prosecution policies by design or default.

De-Prioritization: Politicizing Prosecution

Prosecutors have increasingly employed their prosecutorial discretion to devote their limited resources to pursuing political targets, at the expense of prosecuting serious and violent offenders.

Concomitant with de-prosecution is a shift toward politicization of prosecutorial priorities at the cost of focusing on tackling rising crime and violent repeat offenders. Both local, state, and federal prosecutors have increasingly devoted a greater share of their finite, and often strained, resources to ideologically preferred or politically expedient cases. This approach has two primary and deleterious impacts – on public safety and on public faith in the impartiality of the justice system.

Under the tranche of recently elected progressive district attorneys, prosecutions of police officers have climbed dramatically and well before the death of George Floyd in May 2020, though they have since substantially accelerated.

Los Angeles County District Attorney George Gascon has charged nearly 20 officers in police-involved deaths, compared to only two over the prior 20 years.^{lvii} Critically, many of the cases brought by Gascon were previously investigated and the officers cleared. In one case resurrected by Gascon, two Torrance police officers shot and killed a career criminal and gang member who refused orders to comply and reached for a weapon in his lap – which was later revealed to be an air rifle. The internal police review and independent analysis by Gascon's predecessor deemed the shooting lawful but Gascon created a special team to examine prior cases and bring indictments.^{lviii} In another case, the deputy head of that "Justice Integrity" unit alleged that Gascon held a press conference to announce brought charges against sheriff's deputies for an in-custody assault (the inmate suffered minor injuries) and suggested the elected sheriff, an outspoken critic of Gascon's policies, had concealed the incident. Although the unit determined the case without merit months earlier, Gascon's office only announced it had declined charges after his critic had been defeated at the polls.^{lix} Gascon is currently subject to more than a dozen lawsuits from career prosecutors alleging retaliation and politically motivated misconduct.^{lx}

One analysis showed that the number of police officers charged with murder or manslaughter rose 65%, comparing 2016-2019 and 2020-2023.^{lxi} In Philadelphia, District Attorney Larry Krasner has devoted significant resources to prosecuting police – charging three with murder for on-duty shootings. Prior to becoming the city's chief prosecutor, Krasner had sued the Philadelphia police 75 times and at his 2017 election victory party supporters chanted "F—the Police."^{lxii} (A similar chant occurred at San Francisco District Attorney Chesa Boudin's victory party.)

Many progressive prosecutors including Manhattan's Alvin Bragg, Chicago's Kim Foxx, Baltimore's Marilyn Mosby, and Austin's Jose Garza have all put special emphasis on prosecuting cops – largely unsuccessfully – and established special units dedicated to the effort.

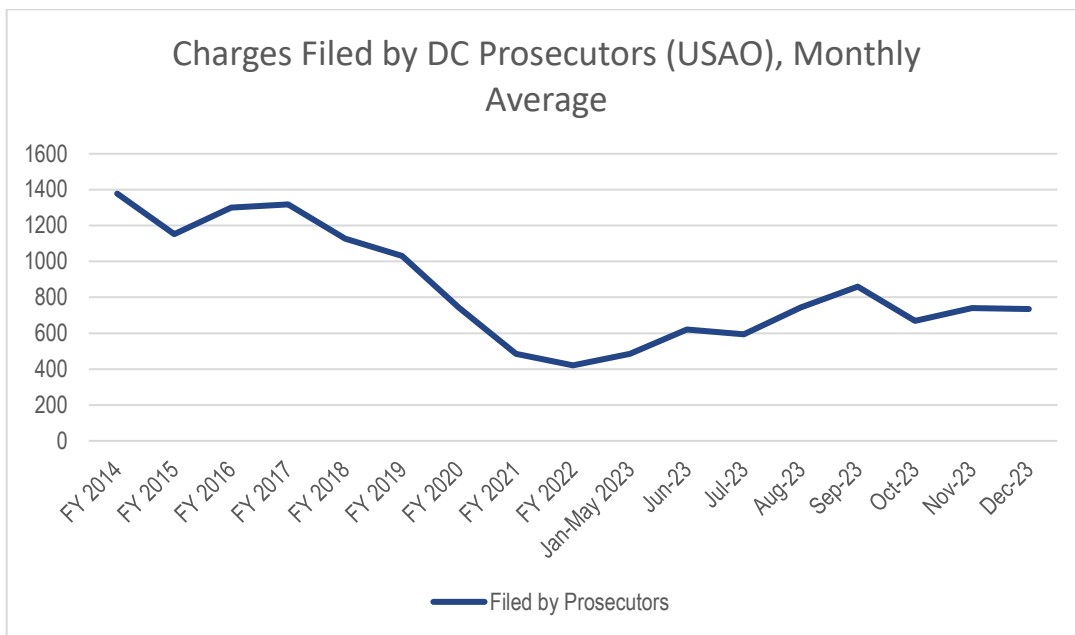
Garza, the district attorney for Travis County, Texas which encompasses Austin, has proven especially aggressive in pursuing officers and equally unsuccessful.^{lxiii} After charging 21 officers for alleged misconduct during the response to Floyd-related unrest, Garza dropped charges against 19 of the 21 accused – almost two years after bringing the cases.^{lxiv}

Meanwhile, these same prosecutors have devoted more resources to “conviction integrity units” seeking to reinvestigate and overturn or dismiss prior convictions. Notably, Krasner has aided the appeals of the convicted cop-killer and activist icon Mumia Abul-Jamal.^{lxv} Other beneficiaries of Krasner’s wrongful conviction push have subsequently been released and later charged with violent crimes, including multiple murders and shootings.^{lxvi}

Similar incidents have occurred in Baltimore, Los Angeles, and Chicago and elsewhere judges have blocked exonerations they deemed to be based on flimsy pretexts.

In Washington, DC, the city’s Attorney General Brian Schwab, whose powers are largely limited to juvenile crime and civil cases, has dedicated substantial resources to prosecuting political activist Leonard Leo for alleged tax crimes as juvenile crime surges in the District. Meanwhile, the chief prosecutor for the city’s adult felonies in DC, US Attorney Matthew Graves, has pulled career prosecutors off those cases to focus on January 6th Capitol riot prosecutions. Graves requested an additional 131 attorneys to pursue those cases in fiscal year 2023.^{lxvii} At the same time, Graves declined 52% of felony and 72% of misdemeanor cases brought by police in 2022 up from a declination rate of 28% in felony cases and 50% of misdemeanors in 2019.^{lxviii} Over that same period, violent and serious crime surged with homicides up 65% while auto theft and carjackings more than doubled.^{lxix} Under Graves’ tenure, less than half of DC Police arrests resulted in charged being filed by prosecutors.

FIGURE 15



As this trend toward politicized justice has intensified, Americans’ faith in the justice system and its component parts has plummeted. According to Gallup, confidence in the criminal justice system hit 30-year lows in 2022 and 2023.^{lxx} Polls also show an increased appetite for tougher criminal penalties for offenders and for “strengthening law and order.”^{lxxi}

Conclusion

Noted criminologist Richard Rosenfeld observed to The Washington Post in December 2020 that the homicide “increase [in 2020] tends to occur in nearly every city at the very end of May and the first days of June. The size and abruptness of the increase are unprecedented.”^{lxxii} According to all measures, homicides and all violent crime continue to rise through 2021, before falling slightly in 2022 according to officially reported data. The myriad problems with some of the official national crime statistics reported by the FBI calls into doubt the veracity of claims that crime is now falling.

Even assuming serious crime has fallen from its 2021 peaks, many serious crimes remain at elevated levels with homicides up between 25% (FBI) and 30% (CDC) through 2022, auto theft is up between 30% and 45% over that period and rose again sharply in 2023, aggravated assaults are up by double digits as well from 2019 levels. Where offense levels are lower, serious questions arise about the accuracy of the official data due to reporting changes and disincentives for crime victims and police to actively pursue justice.

Compounding the crime data gap is a systemic fraying of the justice system. The public has less faith in police, prosecutors, policymakers, and prisons to ensure crime has consequences. Widespread de-policing and massive attrition have worn down frontline law enforcement’s ability to tackle crime as prosecutors, who often are themselves hostile to police, put ideological agendas before public safety. Thus, the two chief pillars of crime-fighting are at odds with each other, and sometimes outwardly hostile. The justice system is further strained by lawmakers who enact policies that undermine the public’s sense that the justice system should promote safety and fairness.

End Notes

- ⁱ FBI, Crime in the United States 2019, “Offense Definitions,” <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/offense-definitions>
- ⁱⁱ FBI, Crime in the United States 2014, Table 1, <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014>
- ⁱⁱⁱ “Many Large U.S. Police Agencies Are Missing from FBI Crime Data.” 2023. The Marshall Project. July 13, 2023. <https://www.themarshallproject.org/2023/07/13/fbi-crime-rates-data-gap-nibrs>; Asher, Jeff. 2023. “Who Reported NIBRS Data in 2022?” Jeff-Alytics. August 11, 2023. <https://jasher.substack.com/p/who-reported-nibrs-data-in-2022>.
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