



VIOLENT CRIME AND PUBLIC PROSECUTION

A Review of Recent Data on Homicide, Robbery,
and Progressive Prosecution in the United States*

Abstract

This report analyzes recent data on homicide and robbery to understand whether there is a relationship between violent crime and “progressive prosecution.” We pooled data on recorded crime from 65 major cities, conducted a statistical regression of trends in violent crime as well as larceny in two dozen cities, and compared the incidence of homicide before and after the election of progressive prosecutors in Philadelphia, Chicago, and Los Angeles, cities where we are conducting on-going research on changes in criminal justice. We also compared trends in recorded crime across all counties in Florida and California since 2015. We find no evidence to support the claim that progressive prosecutors were responsible for the increase in homicide during the pandemic or before it. We recommend that further statistical analyses of data on violent crime be supplemented by qualitative research and direct evidence about the practices of prosecutors in cities that recorded divergent patterns in homicide.

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Abstract

What caused the sharp increase in homicide in dozens of major cities in the United States in 2020 is the source of acrid debate. Most academic researchers have attributed the sudden increase in homicide to changes in the availability of guns, shifts in policing, and the pandemic's aggravation of chronic strains in civil society such as homelessness, ill mental health, and drug abuse. Others have hypothesized that the increase in homicide is the result of the election of prosecutors whose pledges to reform the system of criminal justice have discouraged the police from stopping and arresting emboldened lawbreakers.

We examined the most timely, reliable, and comprehensive set of data on homicide and robbery that was publicly available in the summer of 2022. We took three different approaches to the analysis of these data: we pooled data from 65 major cities, conducted a statistical regression analysis of trends in violent crime as well as larceny in two dozen cities, and compared the incidence of homicide before and after the election of progressive prosecutors in Philadelphia, Chicago, and Los Angeles, cities where we are conducting on-going research on changes in criminal justice. We also compared trends in recorded crime across all counties in Florida and California since 2015.

We find no evidence to support the claim that progressive prosecutors were responsible for the increase in homicide during the pandemic or before it. We also find weak evidence to support the claim that prosecutors of any broad approach to crime and justice are causally associated with changes in homicide during the pandemic. We conclude that progressive prosecutors did not cause the rise in homicide in the United States, neither as a cohort nor in individual cities. This conclusion echoes the findings of most of the research to date in this field.

Executive Summary

This report uses two methods to gauge the relationship between homicide and public prosecution: (1) pooled data on homicide and robbery in several dozen cities, and (2) longitudinal analyses of the incidence of homicide in cities with and without progressive prosecutors before and after their election. It begins with the pooled data. This is because before/after comparisons may register the scale and speed of change in the incidence of crime, but they may also register the repercussions of changes that could be unrelated to the policies or practices of an elected prosecutor, such as residential seclusion, unemployment, and other social strains aggravated by the pandemic.

This report uses data that have been made public by local police departments rather than the FBI's national annual compilation, the Uniform Crime Report or its successor, NIBRS. This is because not all law enforcement organizations submit their data to the FBI: only sixty percent of accredited law enforcement agencies in

the state of Pennsylvania reported their annual data to the FBI in 2020. Only 2 of the 757 counties in Florida reported data to the FBI in 2021. Using data directly from local police departments limits our comparison to a few dozen large cities; the analysis might not be representative of all municipalities or applicable to sparsely populated areas. However, since the data we use are recorded on a monthly or quarterly basis rather than as a lump sum for the year, we can gauge the volatility of changes in violent crime and appraise their sensitivity to changes in policies.

The Distribution of Homicide During the Pandemic

The magnitude of the overall increase in homicide in the first year the pandemic was unprecedented, the “greatest annual increase in over 100 years,” according to the CDC.¹ It was also widespread. For instance, the number of homicides that year increased in 90 percent of the 65 cities in the Major Cities Chiefs Association, all with populations over 250,000.² Less than half of these cities were served by progressive prosecutors in 2020. And yet the increase in homicide in the United States was not a uniform or ‘national’ phenomenon, as some media organizations reported. Homicides *decreased* in several major cities, including ones served by progressive prosecutors. The greatest proportional *increase* in homicide in 2020 took place in Mesa, Arizona, a city served by a conservative prosecutor. In addition, the speed and scale of the increase in homicide was uneven over time, fluctuating in both years of the pandemic. Homicides did not increase in 2021 in a few cities (Denver, Milwaukee), and declined in several others (Dallas, Kansas City, Charlotte, Virginia Beach). Moreover, the rate of increase in homicide fell in 2021 in every city that recorded an above-average increase in homicide in 2020. In short, the forces that caused the increase in homicide in 2020 lost much of their power in the second year of the pandemic. The divergent patterns in homicide strongly suggest that the causes of change in the incidence and timing of such violence vary from city to city.³

The Distribution of Homicide Before the Pandemic

We also compared rates of increase and decrease in homicide in the five years preceding the pandemic. To compare the incidence of homicide in cities served by different types of prosecutors, we used a classification system developed by a critic

¹ See Jacqueline Howard, “[US records highest increase in homicide in nation’s history](#),” CNN, 10/6/2021. Note that individual cities have recorded one and two-year increases in homicide that exceed the estimated 30 percent average national increase during the pandemic. Homicides in Baltimore, for example, increased by 65 percent in 2015, the year Freddy Gray was killed. But the simultaneous increase in homicide across dozens of cities on such a scale is unprecedented.

² Not all cities with populations over 250,000 participate in the Major Cities Chiefs Association. The cities of Lubbock, Laredo, Scottsdale, and Spokane all exceed a quarter million, but their police departments are not members of this association, nor do they regularly publish data on recorded crime.

³ Using data from the CDC and FBI’s Supplemental Homicide Report, researchers have shown how homicide victimization rates vary considerably by city across the United States, both during periods in which violent crime has generally increased and decreased. See, for example, Roland Chilton & William J. Chambliss, “Urban Homicide in the United States, 1980-2010: The Importance of Disaggregated Trends,” *Homicide Studies*, 19 (2015).

of progressive prosecution that distinguishes between “traditional,” “middle,” and “progressive” prosecutors.⁴ As the data in Table 1 below show, we found that 56 percent of the cities served by “progressive” prosecutors recorded an increase in homicide, compared to 62 percent for those served by “middle” prosecutors and 68 percent for “traditional” prosecutors. We also found that the proportional increase in homicide was lower in cities served by prosecutors deemed “progressive” (43 percent) than those considered “middle” (53 percent) or “traditional” (55 percent). Finally, the increase in homicide was more extreme in cities with traditional prosecutors: homicides more than doubled in 4 of the cities served by traditional prosecutors, compared to just 1 of the cities whose prosecutors were deemed progressive.

Table 1. Change in Homicide in 65 Major Cities, 2015-2019

Prosecutor Type	Sample (N)	Cities with an Increase		Cities with a Decrease	
		N / %	Mean %	N	Mean %
Traditional	19	13 / 68%	55%	6	-27%
Middle	26	16 / 62%	53%	10	-28%
Progressive	16	9 / 56%	43%	6	-28%
Not Classified	4	2 / 50%	29%	2	-68%
TOTAL/AVG	65	40	45%	24	-38%

Robbery

We also found no relationship between the incidence of robbery and the election of progressive prosecutors. In fact, robbery *decreased* in 2020 in 49 of the 64 cities which reported data on this offense to the MCCA. The greatest increase in robbery, moreover, was recorded in Fresno, followed by Minneapolis, Louisville, and Aurora, all cities served by “traditional” prosecutors. The following year, robbery decreased in 38 of the 64 cities, and in only 8 cities was the increase greater than 10 percent. In other words, the increase in violent crime during the pandemic was limited to homicide.

Homicide and Larceny

We analyzed trends in homicide and larceny across 23 and 24 cities where, respectively, data on these two offenses were available. We examined larceny on the supposition that the incidence of this offense – the most commonly recorded crime – might be affected by changes in criminal justice policies associated with progressive prosecution: several progressive prosecutors pledged to avoid recommending custodial sentences for non-violent offenses. Ten of the cities in our data set had a

⁴ This classification system was developed by Thomas Hogan, a former federal prosecutor and doctoral student in criminology at the University of Cambridge. See Thomas Hogan, “De-Prosecution and Death: A Synthetic Control Analysis of the Impact of De-Prosecution on Homicides,” *Criminology and Public Policy*, 21/3 (2022).

progressive prosecutor at one point between 2018 and 2021. We analyzed these data across 48 months through a statistical model that examines whether crime increases in any given month compared with the month earlier. Because many other variables might change in any given city or group of cities over such a time period, we rely on a random-effects panel model to try to isolate the cause of any changes in crime in these jurisdictions, and to ascertain how much change, if any, can be specifically attributed to any individual contributing variable. In both a baseline and elaborated model, we find that neither having a "progressive" prosecutor nor a "middle" prosecutor had an effect on homicide or larceny compared to "traditional" prosecutors during this time.

Three Cities

We also examined data on homicide in three of the most populous cities in the US with progressive prosecutors – Chicago, Los Angeles, and Philadelphia. We found no evidence that progressive prosecution is associated with an increase in homicide in Chicago. The number of homicides in Chicago fell in each of the first three years of the election of Kim Foxx as State’s Attorney for Cook County -- 2017, 2018, and 2019. The year before Kim Foxx was elected, homicides increased by 58 percent. In 2020, the first year of the pandemic, when Foxx was reelected, homicides rose by 56 percent. In 2021, the number of homicides increased 1.5 percent.⁵

In Philadelphia, the uneven pattern of homicide does not support a claim that progressive prosecution causes homicide. The number of homicides fell in the 8 months following the election of Larry Krasner; it then rose suddenly in the third week of August 2018. Another sudden and short-lived surge in homicides in December yielded an overall increase of 8 percent for the year. In 2019, homicides increased less than 1 percent. In 2020, homicides rose 37 percent (just above the national average), and in 2021 they increased 12 percent. Volatility in the incidence of homicide could not have been caused by the election of a new prosecutor nor a "consistent" and "systematic" policy of "de-prosecution."

We also found no evidence of an association between progressive prosecution and homicide in Los Angeles County. In 2020, the year before George Gascón was elected District Attorney, homicides increased by 38 percent in the city of Los Angeles proper and by 37 percent in cities policed by the Sheriff. The following year homicides rose only 12 percent in the city of Los Angeles, whereas in municipalities policed by the Sheriff the rate of growth (41 percent) exceeded that in the first year of the pandemic. The disparate patterns in homicide across the cities that make up county suggest that the policies of the prosecutor do not have a direct relationship to levels of lethal violence.

⁵ See the full report for an analysis of declination rates in Cook County, which finds that these rates for felonies fell slightly in the years when homicide declined and increased in the years when homicide grew.

Additional Research

Our analysis echoes the findings of several other researchers studying the effects of progressive prosecution on crime. For example, Agan, Doleac and Harvey (2021) examined a pooled group of 35 jurisdictions before and after reform-minded prosecutors were elected and found no statistically significant effects across a range of crime. Goldrosen (2022) found that a policy in Brooklyn regarding marijuana possession had no statistically significant effect on low-level arrests or citations for this offence by police officers. Owusu (2022) found that in Suffolk County, a presumptive declination and diversion policy had no effect on recidivism measured as the rate at which individuals diverted from prosecution were later charged for any violent or non-violent offense within 12 months after the disposition of that case.

In contrast, Hogan (2022a), uses statistical modeling to compare Philadelphia with an algorithmically-derived “synthetic Philadelphia,” estimating that homicides (but not robberies) were higher than would be anticipated in that city from 2015 onwards. Kaplan, Naddeo and Scott (2022) have taken up this same analysis but by changing the timeframes involved find no effect of progressive prosecution on per capita rates of homicide. Hogan (2022b) raised statistical concerns about their analysis, including the data sources it uses and the extended timeframe. In late September 2022, Kaplan, Naddeo and Scott (2022) added an appendix to their paper, relying on different homicide clearance data, and raising concerns over the degree of robustness needed to inform policy.

Further analyses of the relationship between public prosecution and violent crime would be strengthened by direct evidence about the practices of prosecutors in Philadelphia and other cities. Qualitative research on criminal justice, including interviews with participants and direct observation of the work of progressive prosecution would anchor the debate in a broader empirical research program and might diversify knowledge about how justice and crime are changing in the US.