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Public Prosecution and Violent Crime: A review of data on homicide and progressive prosecution in the United States

Abstract

This report analyzes the most comprehensive data available on violent crime in the US to appraise the relationship between public prosecution and violent crime, especially homicide and robbery. We examined pooled data on homicide and robbery in 65 cities, conducted longitudinal analyses of the incidence of homicide in cities with and without progressive prosecutors before and after their election, and we studied patterns in violent crime in all counties and major cities in Florida and California. We found no evidence to indicate that progressive prosecutors caused or exacerbated the increase in homicide during or before the pandemic.

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Abstract[1]

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 attribute the sudden increase in homicide to changes in the availability of guns, shifts in policing, and the pandemic's aggravation of strains in civil society such as homelessness, ill mental health, and drug abuse. Others, including prominent politicians, claim the increase in homicide was the result of "progressive prosecutors" whose election and pledges to reform criminal justice emboldened lawbreakers and discouraged the police from stopping and arresting them.

To determine whether the "progressive prosecutors cause crime" explanation held up meant looking to the most timely and comprehensive data on violent crime publicly available in the summer of 2022. We took three different approaches to our analysis: we pooled data from 65 major cities, we conducted a statistical regression analysis of trends in violent and property crime in two dozen cities, and we compared the incidence of homicide before and after the election of progressive prosecutors in Philadelphia, Chicago, and Los Angeles.[2] We also had to determine, for the purposes of our analysis, what counts as a "progressive prosecutor."

We find no evidence to support the claim that progressive prosecutors caused increases in homicide during, or before, the pandemic. We find weak evidence to support the claim that prosecutors of any political persuasion are causally associated with changes in homicide during the pandemic. **From these data we conclude, as has the majority of the research in this field to date, that progressive prosecutors do not and did not cause rises in homicide in the United States, neither as a cohort nor in individual cities.**

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. We begin analysis with the pooled data, because before/after comparisons may register the scale and speed of change in the incidence of crime as well as the repercussions of changes that could be unrelated to the policies or practices of an elected prosecutor (e.g., residential seclusion, unemployment, and other social strains aggravated by the pandemic).

Our pooled data do not come from the FBI's national annual compilation, the Uniform Crime Report, nor its successor, the National Incident Based Report System, or NIBRS. They come from data made public by local police departments. 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, and only 2 of the 757 counties in Florida reported their data to the FBI in 2021.[3] Using data directly from local police departments limits our comparison to a few dozen

[1] The research for this project was supported by a grant from the Center for American Progress. We are grateful for research assistance from Lorena Avila Jaimes, Léo Henry, and Tala Ismaeil.

[2] We are conducting ongoing research on changes in criminal justice in these three cities.

[3] For an account of the limitations of the UCR and the complications of the transition to NIBRS, see Jeff Asher's account in *The Atlantic*, May 10, 2022.

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 at the end of the year, we can gauge the volatility of changes in violence and appraise their sensitivity to changes in policies.

The Distribution of Homicide During the Pandemic

The widespread rise in U.S. homicides in the first year the pandemic was the "greatest annual increase in over 100 years," according to the CDC.[4] Of the 65 cities participating in the Major Cities Chiefs Association, 90 percent saw increases in homicide in 2020 (and less than half those cities were served by progressive prosecutors).[5] While media reported as though the increase in homicide was a national phenomenon, homicides also *decreased* in several major cities, including ones served by progressive prosecutors. The greatest proportional *increase* in homicide in 2020 was in Mesa, Arizona, a city served by a conservative prosecutor.

Across both years of the pandemic, the speed and scale of the increase in homicide fluctuated and was unstable. Homicide rates were flat in a few cities in 2021 (Denver, Milwaukee) and declined in several others (Dallas, Kansas City, Charlotte, Virginia Beach). The rate of increase in homicide also 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 seem to have lost much of their power in the second year of the pandemic. This suggests homicide rates have, if any, a tenuous connection to the political profile of a given city's prosecutor.

The Distribution of Homicide Before the Pandemic

To understand longer-term trends, we compared annual homicide rates in the five years preceding the pandemic. We used a prosecutorial classification system recently relied on by a critic of progressive prosecution, sorting cities by their prosecutors' approaches to criminal justice: "traditional," "middle," and "progressive."[6] We found that 68 percent of the cities served by traditional prosecutors, 62 percent of those served by middle prosecutors, and only 52 percent of those with progressive prosecutors recorded increases in homicide prior to the pandemic. Further, the proportional increase in homicide was higher in cities served by traditional (55 percent) and middle prosecutors (53 percent) than in those served by progressive prosecutors (43 percent). Finally, the increase in homicide was more extreme in cities with traditional prosecutors: homicides more than doubled in four of the cities served by traditional prosecutors, but just one with what is identified as a progressive prosecutor. In short, in the years leading up to the pandemic, overall increases, proportional increases, and extreme increases in homicide were most associated with cities served by "traditional" prosecutors.

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[4] 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 30 percent average national increase during the pandemic; homicides in Baltimore, for example, increased by 65 percent in 2015 alone. But the simultaneous large-scale increase in homicide across dozens of cities is unprecedented.

[5] Not all cities with populations over 250,000 participate in the Major Cities Chiefs Association. The populations of Lubbock, Laredo, Scottsdale, and Spokane all exceed a quarter million, but their police departments are not …

[6] This classification system was used 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).

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

Change in Homicide, 65 Major Cities, 2015-2019					
		Cities with an Increase		*Cities with a Decrease*	
Prosecutor Type	*Sample (N)*	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 found no relationship between the incidence of robbery and the election of progressive prosecutors.[7] Robbery *decreased* in 2020 in 49 of the 64 cities that reported data on this offense. The greatest increase was in Fresno, followed by Minneapolis, Louisville, and Aurora, all cities served by "traditional" prosecutors at that time. The following year, robbery decreased again in 38 of the 64 cities; among those cities in which robbery increased in 2021, only 8 saw an increase greater than 10 percent.

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 because it is the most commonly recorded crime in the U.S., so its frequency might register the effects of changes in criminal justice policies as well as elections.[8] Ten of the cities we examine are cities that had a progressive prosecutor at one point between 2018 and 2021. Our statistical analysis examines whether, across 48 months, crime increases in any given month compared to the month earlier in each city. Because many other variables might change in any given city or group of cities over such a time period, we additionally use what is called a random-effects panel model to try to isolate the causes of any changes in crime and learn how much change can be specifically attributed to any specific contributor. In both a baseline and elaborated model, we find that having a "progressive" prosecutor or a "middle" prosecutor has no effect on homicide or larceny compared to having a "traditional" prosecutor during this time. These models provide evidence that increases in crime are not attributable to the fact of progressive prosecutors in these jurisdictions.

Three Cities

We also examined homicide data in three of the most populous U.S. cities that had progressive prosecutors during and before the pandemic: Chicago, Philadelphia, and Los Angeles.

We found no evidence that progressive prosecution is associated with an increase in homicide in Chicago. The year before Kim Foxx's election as State's Attorney for Cook County, 2016, there was a 58

[7] Robbery is defined by the FBI as "the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear."

8 Larceny is defined by the FBI as "the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another."

percent rise in homicides in Chicago. In her first three years in office, 2017, 2018, and 2019, homicides fell. In 2020, the first year of the pandemic, when Foxx was reelected, homicides rose by 56 percent, and in 2021, an additional 1.5 percent.[9]

The uneven pattern of homicide in Philadelphia, similarly, does not support a claim that progressive prosecution causes homicide. Homicides fell in the eight months following progressive Larry Krasner's election, then rose suddenly in the third week of August 2018. Another sudden, short-lived surge 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.

Again, we found no evidence of an association between progressive prosecution and homicide when we analyzed 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 (policed by the LAPD) and by 37 percent in cities policed by the county Sheriff. The following year, 2021, homicides rose only 12 percent in the City of Los Angeles, but 41 percent in the rest of the county's municipalities—a rise that outpaced its increase during the first year of the pandemic. The disparate patterns in homicide across the cities that make up Los Angeles County suggest that the policies of the prosecutor do not have a direct relationship with levels of lethal violence.

Two States

California and Florida, with a combined population of 60 million residents, have been the site of great controversy over the election, recall, and suspension of progressive prosecutors. Although only a few progressive prosecutors were elected in these states, beliefs that progressive prosecution is responsible for the widespread increase in homicide during the pandemic persist. Our analysis of the variation in homicide across cities and counties in these states, before and during the pandemic, finds no evidence of a relationship between progressive prosecution and violent crime. Homicide in both states increased at a greater rate in cities and counties served by traditional or conservative prosecutors.

Other 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 crimes; Goldrosen (2022) found that a policy in Brooklyn regarding marijuana possession had no statistically significant effect on low-level arrests or citations for this offense; and 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).

Philadelphia has become the center of a statistical debate about the causes of the increase in homicide in the United States in 2020 and 2021. After our team began its research, Hogan (2022a) published a statistical model comparing Philadelphia with an algorithmically-designed alternative or "synthetic"

[9] See *infra* for our initial analysis of declination rates in Cook County. It finds that declination rates for felonies fell slightly in the years when homicide declined and increased in the years when homicide grew.

Philadelphia. He estimated that homicides (but not robberies) were higher than would be anticipated in Philadelphia from 2015 onwards, when "progressive" prosecutor Seth Williams entered office. Kaplan, Naddeo, and Scott (2022), surprised like other scholars, reproduced Hogan's analysis of Philadelphia; after changing the timeframes involved and comparing incidents to per capita rates of homicide, they found no effect of progressive prosecution on homicide. Hogan (2022b) disputed these authors' homicide data sources and extensions of the relevant timeframes. In late September 2022, Kaplan, Naddeo, and Scott (2022) updated their paper in an appendix, relying on different homicide clearance data and reiterating their view that Hogan's (2022a) findings were insufficiently robust to inform policy, not least because they use hypothetical data as their primary basis. Hogan's argument that the election of progressive prosecutors causes increases in homicides remains an outlier assertion, at odds with all other research on the topic.

Public Prosecution and Violent Crime:
A review of data on homicide and progressive prosecution in the United States

Introduction

This report analyzes recent data and new research on violent crime in major cities in the United States. Its purpose is to inform the current debate in news outlets and in the academy about whether there is any relationship between progressive prosecution and homicide.

In what follows, we concentrate on violent crime, not prosecution. This is largely because there is no national database on prosecutorial practices.[10] A few dozen prosecutors have made data about their work publicly available, but to understand the relationship between prosecution and violent crime across the country would require original field work in dozens of cities whose justice systems have different rules and conventions.[11]

This report uses data 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, and only 2 of the 757 counties in Florida reported their data to the FBI in 2021.[12] Our decision to use data reported as part of a requirement for participation in the Major City Chiefs Association (comprising 65 U.S. cities with populations higher than 250,000) limits our comparison to a few dozen large cities; the analysis might not be representative of the entire country. 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 violence and appraise their sensitivity to changes in policies.

Because we aim to test the political and media narrative that progressive prosecution causes rises in violent crime—made emblematic in Sen. Tom Cotton's assertion that US Attorney nominee Rachel Rollins' prosecutorial bent made Boston's murder rates "skyrocket"—this report focuses primarily on change in the incidence and character of homicide in 2020 and 2021 in cities with and without "progressive" prosecutors.[13] We do not appraise whether progressive prosecutors have engaged in

[10] The most recent national study of public prosecution in the United States relies on a sample of cases with felony defendants in 40 counties that were disposed in some way in 2009. It does not report declination rates, nor disaggregate data on the rates of remand or length of sentences for persons convicted of specific offenses by county. See Brian Reaves, "Felony Defendants in Large US Counties, 2009," Bureau of Justice Statistics, 2013.

[11] For instance, bail schedules vary even within states that share a legislative framework; some states make jail mandatory for certain offenses; some cities prosecute misdemeanors while others surrender that authority to the county; some counties do not screen felony arrests.

[12] For an account of the limitations of the UCR and the complications of the transition to NIBRS, see Jeff Asher's account in *The Atlantic*, May 10, 2022.

[13] Senator Tom Cotton insinuated that Rachel Rollins was to blame for the rise in violent crime in Suffolk County, Massachusetts when he declared, upon her nomination as US Attorney, that "in 2020, the first full year in which her policies have been in force, Boston's violent crime rate surged and the number of murders skyrocketed by 38 percent." In fact, the number of homicides in Boston increased by 51 percent in 2020. Cotton also claimed at the time that there were "already over 1000 murders" in Chicago in 2021, whereas the Chicago Police Department later reported 799 for the entire year. The full text of Cotton's statement is available here.

broad "legal arson" or promoted a defamatory "narrative of trigger-happy police," as some critics of progressive prosecution assert.[14]

Like the vast majority of scholars across the disciplines of criminology, sociology, public policy and economics, our data and analysis do not support the claim that the policies and practices of progressive prosecutors cause or exacerbate increases in violent crime.

Outline

Part I of this report is an analysis of recent trends in violent crime in large US cities, focusing first on homicide and then robbery. The incidence, reporting, and recording of these crimes are less likely to be influenced by the coronavirus pandemic than rape and aggravated assault, thus these two crimes are likely a more reliable source for measuring change than the overall amount of "violent crime."[15] **Part II** depicts change in homicide and robbery in three cities in which we are conducting more detailed research on changes in criminal justice: Los Angeles, Philadelphia, and Chicago. These portraits are preliminary and will be supplemented by additional field work and analysis. **Part III** summarizes the findings of other research on recent changes in violent crime and scrutinizes the claim that "de-prosecution" caused an increase in homicide (but not robbery) in Philadelphia and Chicago. **Part IV** outlines our next steps and sketches a few ways in which new projects could pursue more authoritative knowledge about the relationships between violent crime and public prosecution.

Part I. Two Methods, Two Tests

Introduction

One method for measuring the impact on crime of changes in prosecution is to analyze trends in the incidence of individual offenses in specific cities over time. For example, we can compare the number of homicides and robberies in Philadelphia, Chicago, and/or Los Angeles before and after the election of a new prosecutor or the introduction of a change in some local justice policy (say, on bail schemes or plea bargains). Such an approach would be likely to capture the scale and speed of change in crime within an individual city, but it may also register the effects of changes unrelated to prosecution in that jurisdiction (such as disruptions in the way local drug markets operate, new patterns of policing, reduced availability of social services, increases in unemployment, and a range of changes in human behavior and social relations during a pandemic). This method should be combined with qualitative interviews with practitioners and other people who have direct knowledge of operations in the justice system; they can provide insight into the reasons *why* any changes might be taking place, including shifts in prosecutor-police relationships, the introduction or deterioration of new prevention or suppression programs for specific offenses (such as gun crime), or new leadership styles.

[14] See, for example, the digest of Rafael Mangual's new book, *Criminal (In)Justice*, by Elliot Kaufman in the *Wall Street Journal*, August 17, 2022. Mangual emphasized the "stories data tell" in a synopsis of his book made at the Manhattan Institute on July 27, 2022.

[15] The Uniform Crime Report treats the incidence of "violent crime" as the sum of four separate offenses (homicide, robbery, rape, and aggravated assault), each of which have divergent rates of reporting and causes. For instance, estimates of the rate of reporting rape and aggravated assault range in the US between 5 and 35 percent for rape and 30 to 50 percent for aggravated assault. See, for example, the findings of the NIJ study, *Reporting of Sexual Violence Incidents*, October 25, 2010.

Another method for measuring the effects of changes in public policy on crime is to pool together data from cities that have had a similar change in policy or personnel, then to compare these cities' trends in crime to trends in cities that have not experienced these changes. By creating a comparison group in this way (mimicking the approach of a clinical trial or experiment), we can examine whether patterns in violent crime are different in jurisdictions that, collectively, have or have not introduced policies of progressive prosecution. When we add information on poverty, un-employment, and demography to the data, this method can helpfully distinguish the specific effects of progressive prosecution policies from other changes occurring across these cities.

In this section of the report, we employ both methods. Because mainstream media reports on violent crime have portrayed the recent increase in homicide as a national or American phenomenon, we start with dozens of cities' pooled data on violent crime. After reviewing our findings and placing them within the context of other research, we find the diversity in crime patterns within and between cities is too great to be accommodated by a single explanation. Then we turn to within-city analyses of crime patterns before and after the election of progressive prosecutors or implementation of a new local justice policy, using Philadelphia, Chicago, and Los Angeles as our focal sites, given our team's ongoing research in all three. In this initial analysis, the statistical correlation between progressive prosecutors and violent crime, especially homicide, is weak and insufficient to support a causal claim about the relationship between the two. Neither method yields a strong correlation, let alone a causal inference that can be drawn between the fact of a progressive prosecutor nor new justice policies and rises in homicide, robbery, or larceny.

Pooled Data: Homicide and Robbery in 65 Major Cities

The chiefs of the police departments of 65 cities in the United States are members of a professional association called the Major Cities Chiefs Association (MCCA). One of the conditions of membership is that the population of the city exceed 250,000. Another is that the police departments share quarterly data on the number of crimes they record for each of the 7 offenses listed in the FBI's Uniform Crime Reporting system (homicide, robbery, rape, aggravated assault, burglary, larceny, and auto theft). Since fewer than half of the accredited law enforcement agencies in some states report their annualized statistics to the federal government, the MCCA's data should better represent patterns in violent crime in the country than the FBI's.[16]

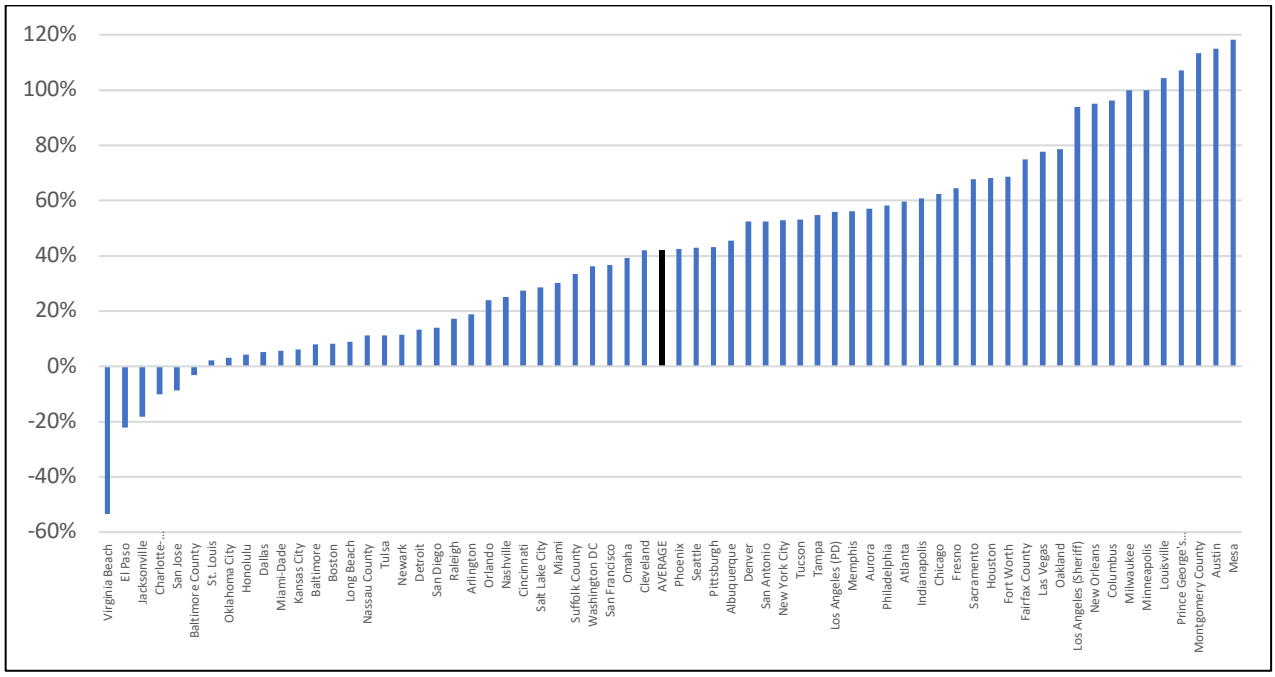
This source is not perfect. Four non-MCCA cities—Lubbock, Laredo, Scottsdale, and Spokane—recorded the highest annual increases in homicide in 2020. Cities with smaller populations, or ones in which the county population vastly exceeds that of the city (such as Jackson, Mississippi, in Hinds County), might have different dynamics of crime and different relationships between crime and justice, but are not

[16] The MCCA depicts its membership as "representative" of the country; it sorts the 65 participating cities into three regions – Western, Central, and Eastern.

represented the data.[17] Even so, the MCCA data cover a greater number of cities than any other database known to scholars on our research team, making it a good place to start.

Figure 1 below shows that, in the 24 months between January 2020 and the end of December 2021, the number of homicides increased by an average of 43 percent in the 65 MCCA cities. Six of the MCCA cities' municipal police departments reported a *decrease* in homicide (in Virginia Beach, for example, homicide declined 53 percent over these two years, from 30 to 17 homicides), but over ninety percent of all MCCA cities reported substantial increases in homicide. The greatest increase was recorded in Mesa, Arizona, where the number of homicides more than doubled, from 11 in 2020 to 24 in 2021.

Figure 1. Percent Change in Homicide, 65 major cities, 2020 and 2021.



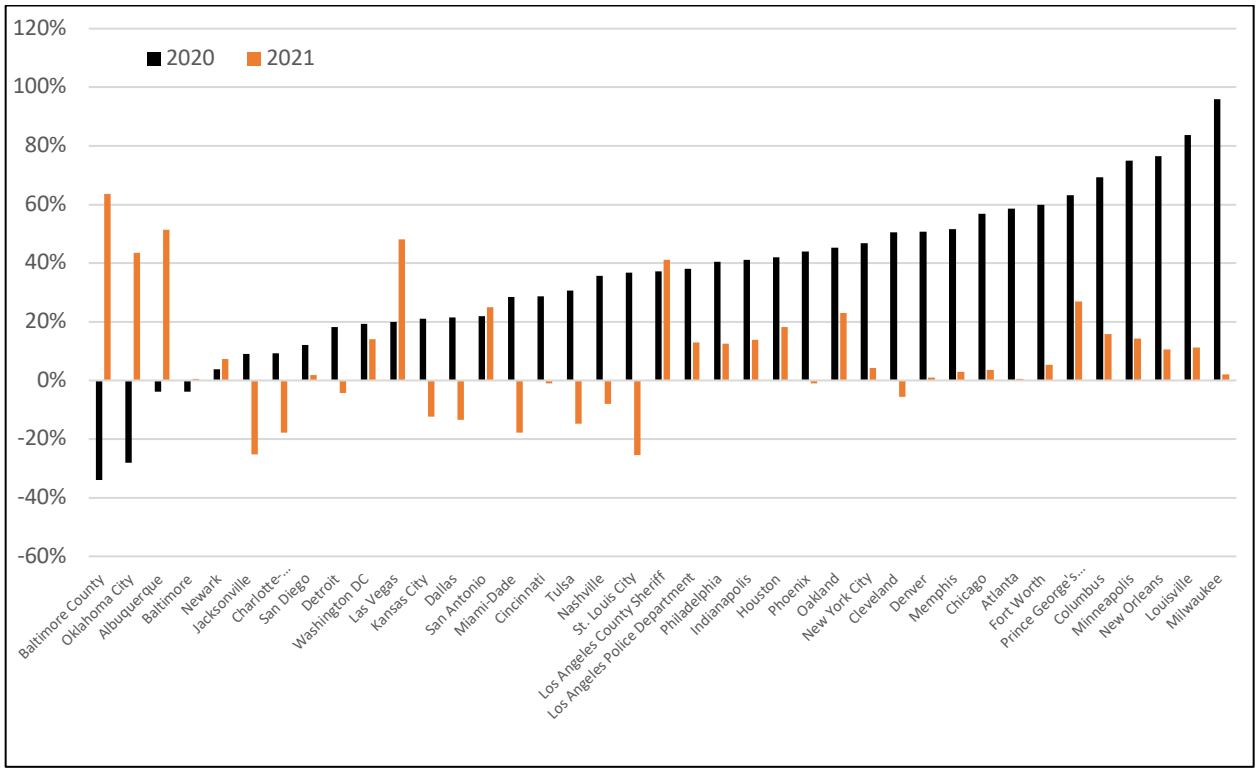
That over 90 percent of the largest cities in the US recorded an increase in homicide during the pandemic indicates that some force unrelated to the peculiarities of each city drove the increase in homicide.[18] Likewise, the unprecedented *overall* increase in homicide in 2020 should prompt us to investigate causes beyond the work of any agency in the justice system, whether it is the police, prosecution, courts, or prison system.[19]

[17] Criminologists have made this observation about small and medium sized cities; see, for example, Adam Watkins and Scott Decker, "Patterns of Homicide in East St. Louis," *Homicide Studies*, 11, 1 (2007). See also Bruce Frederick, "Measuring Public Safety: Responsibly Interpreting Statistics on Violent Crime," *Vera Institute of Justice*, July 2017.
[18] Epidemiological research might help identify what that force or forces might be, and whether they are absent or weaker in half the cities that recorded a decrease or minimal increase. In the final report, we plan to include information about co-morbidities of the increase in homicide, including suicide and overdose deaths.
[19] See Jacqueline Howard, "US records highest increase in homicide in nation's history," CNN, 10/6/2021. Individual cities in the US have recorded one and two-year increases in homicide that exceed the national average increase during the pandemic; homicides in Baltimore, for example, increased by 65 percent in 2015 alone. But the simultaneous large-scale increase in homicide across dozens of cities may be unprecedented.

One problem, however, with this way of representing trends in homicide across cities is that it equates change in relatively small and large cities. Because a proportional increase or decrease in homicide is inevitably greater in cities with a low base number of homicides, this way of depicting the incidence of homicide could skew impressions of the magnitude and meaning of the change. For instance, the percentage increase in homicide in Fresno and Houston was nearly identical (64 and 68 percent), and yet Houston, with a population 4.2 times greater than Fresno, recorded 6 times as many homicides in 2021. Treating such changes as equal, in a sociological sense, relativizes the situation in cities with much more overall violence and higher per-capita rates of homicide and ignores the possibility that changes in the frequency or intensity of violence might have different sources and solutions.

To address these concerns, we next limit our analysis to only those 38 MCCA cities that recorded at least 50 homicides in 2019. Note that we have also measured separately the increase in the first and second years of the pandemic; as several observers have noticed, in many cities the rate of increase in homicide slowed in 2021. Accordingly, Figure 2 shows that the greatest proportional increase in homicide in 2020 took place in Milwaukee, followed by Louisville and New Orleans. It also shows that Baltimore County, Oklahoma City, and Albuquerque recorded initial decreases in homicide in 2020 followed by large increases in 2021. In fact, Figure 2 shows that the rate of increase in homicide subsided in year 2 of the pandemic in every city that recorded an above-average increase in homicide in year 1. By contrast, the rate of increase in homicide accelerated in 2021 in Las Vegas, San Antonio, and the areas of Los Angeles policed by the Sheriff's Department, each of which recorded a below-average increase in 2020.

Figure 2. Percent Change in Homicide in 38 Major Cities with > 50 Homicides/year, 2020 and 2021



Source: Major Cities Chiefs Association

Another caveat: the local dynamics of violence and justice might not be captured by our focus on the last two years. Some of the cities that recorded small increases in homicide during the pandemic experienced large increases in the five years prior. For example, Jacksonville, Baltimore, and Charlotte-Mecklenburg recorded increases in homicide of 32, 65, and 145 percent, respectively, in the period 2014-2019; perhaps some "wave" of violence had already crested in these cities. But Newark and San Diego also recorded little change in homicide in 2020 and 2021 without registering any increase in the five years before the pandemic. In short, because each city might have its own trajectory of homicide and so little is known about how the justice system contracted over the pandemic, the years 2020 and 2021 might not be best time to test new hypotheses about the relationship between crime and justice.

In short, the irregular pattern we identify across so many cities should induce caution when appraising broad causal claims about the relationship between violent crime and public prosecution. Moreover, the fact that any forces apparently responsible for the increase in homicide in 2020 seem not to have had the same effect everywhere in the following year could mean they were weak forces, indirect causes, or not causes at all. We should also investigate whether the effects of these forces were slowed by remedial actions taken by municipal governments and/or the prosecutors in the corresponding counties.

The data suggest, but do not prove, that progressive prosecution moderated the increase in violence in the second year of the pandemic, and only an examination of adjustments in policies and practices in prosecution in jurisdictions with different trends in homicide would corroborate that hypothesis.

Before the Pandemic

In June of 2022, Thomas Hogan, a former federal prosecutor in Pennsylvania, made an adamantine claim about the criminogenic effects of progressive prosecution: the policies of progressive prosecutors, he wrote, had a "causal association with" an increase in homicide. More specifically, he claimed that the "de-prosecution strategy" he associated with the elections of Larry Krasner in Philadelphia and Kim Foxx in Chicago was responsible for, on average, an annual increase of 75 and 169 homicides in their respective cities.[20]

Hogan's claim relied on a research design that is being scrutinized by other scholars; some have already replicated the research, come to different conclusions, and submitted rejoinders to the journal that published his article. In addition, Hogan's resulting causal inference about progressive prosecution also relies on a set of untested assumptions about the work of *police,* which we address in detail in Appendix 1. Finally, Hogan's claim depends on a classification system for distinguishing "progressive," "traditional," and what he calls "middle" prosecutors, which itself hinges on an interpretation of prosecutors' "intentions" and "preferences" as expressed in press releases and campaign promises.

To appraise this claim, we analyze the MCCA data using the same classification system. Our multi-city analysis yields a different impression of the relationship between progressive prosecution and homicide. As Figure 3 shows, the number of homicides increased by an average of 45 percent in 40 of the 65 MCCA cities in the 5 years prior to the pandemic (2015-2019); in 20 cities, homicides declined, and in one city it did not change at all. Further, the proportional increase in homicide was lower in cities served by these

[20] Thomas Hogan, "De-Prosecution and Death: A synthetic control analysis of the impact of de-prosecution on homicides," *Criminology and Public Policy*, 2022. In fact, there were 76 more homicides in Philadelphia in 2019 than 2015, not 75 more per year throughout the period. There also was no progressive prosecutor in Chicago until 2017.

"progressive" prosecutors (43 percent) than in cities with "middle" (53 percent) or "traditional" prosecutors (55 percent). Across MCCA data, homicide increases prior to the pandemic were most extreme in cities with traditional prosecutors (homicides more than doubled in 4 of the cities served by traditional prosecutors, compared to just 1 city with a progressive prosecutor). Note, too, that a smaller proportion of the cities with progressive prosecutors recorded an increase in homicide than those served by middle or traditional prosecutors (56, 62, and 68 percent respectively).

In short, when we rely on this same classification system, MCCA data suggest that progressive prosecutors moderated the impact of increases in lethal violence in the years preceding the pandemic as well.[21]

Figure 3. Change in Homicide in 65 Major Cities, by Prosecutor Type, 2015-2019.

Change in Homicide, 65 Major Cities, 2015-2019					
		Cities with an Increase		*Cities with a Decrease*	
Prosecutor Type	*Sample (N)*	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%

Source: Major Cities Chiefs Association, Violent Crime Reporting Program

Crucially, Hogan did not extend his analysis of homicide to 2020 and 2021 for two stated reasons: that he lacked sentencing data for these years and that "the 2020-2021 data may be viewed as aberrational because of the coronavirus pandemic and civil unrest related to the murder of George Floyd." In other words, forces beyond the election of progressive prosecutors may have influenced the amount of homicide during the pandemic—an idea that is supported by our analysis of 2020-2021 crime patterns.

Figure 4 shows that cities served by prosecutors labeled "progressive" recorded less increase in homicide than those with "traditional" or "middle" prosecutors. It also shows that cities served by prosecutors that are not classified in the framework used for Hogan's analysis fared worse than all others, recording nearly twice the increase in homicide as cities served by progressive prosecutors.[22]

[21] Four cities in this data set were small counties (Fairfax, VA, Montgomery, MD, Nassau, NY, Prince George's, MD.) and not classified in Hogan's analysis, so they are listed as DK (Don't Know). We note that they fared best, recording the least increase in homicide as well as the greatest decrease.

[22] The reversal of this trend might be worth studying. Steve Descano, elected DA in Fairfax County VA in 2019, has portrayed himself as a progressive, but we do not know how his policies differ from his predecessor. Aisha Braveboy succeeded Angela Alsobrooks as State's Attorney for Prince George's County in December 2018, but we cannot from a distance gauge whether any concrete changes in prosecution practices have taken place.

Figure 4. Change in Homicide in 65 Major Cities, by Prosecutor Type, 2020 and 2021

	Change in Homicide During the Pandemic (2020 and 2021)				
	"Progressive"	"Traditional"	"Middle"	Not Classified	TOTAL
Sample	16	19	26	4	65
Average Change	36.8%	39.4%	42.4%	76.5%	42.3%
High	100%	95%	104%	113%	
Low	-3%	-22%	-18%	11%	

Source: Major Cities Chiefs Association, Violent Crime Reporting Program

The pattern is largely the same when narrow our focus to the 38 cities that recorded more than 50 homicides in the year before the pandemic. In Figure 5, we show that the difference in the pandemic-era change in homicide between cities served by progressive and traditional prosecutors was negligible. This finding suggests that progressive prosecution may have a greater moderating effect on homicide in cities with a low incidence of such violence, but it also means that the identity and inclinations of prosecutors have weak and indirect relationships to the incidence of homicide.

Figure 5. Prosecutor Type and Change in Homicide in Cities with > 50 Homicides/year, 2020-2021

	Change in Homicide During the Pandemic (2020 and 2021) **for cities with more than 50 homicides in 2019**				
	"Progressive"	"Traditional"	"Middle"	DK	TOTAL
Sample	9	12	16	1	38
Average Change	40.2%	40.6%	44.0%	107.0%	44.0%
High	100%	96%	104%	n/a	
Low	-3%	-10%	-18%	n/a	

Source: Major Cities Chiefs Association, Violent Crime Reporting Program

Another Check: A Different Taxonomy of Prosecutors

Because new district attorneys were elected in some of these cities in 2020 and 2021, we decided to test whether using a different classification system for prosecutors would affect our findings. After conferring with experts who know many of the chief prosecutors that serve cities in this data set, we were able to pursue a parallel analysis, using these insights, for 30 of the cities in the Major City Chiefs data set. In the five cities where experts indicated prosecutors were progressive on some matters and conservative on others, we labeled the corresponding prosecutors "uncommitted." Prosecutors deemed marginally progressive or marginally conservative were lumped into those respective categories (only one prosecutor in the conservative category spurred any uncertainty about the intensity of their political leanings). Figure 6 uses this new taxonomy, showing that the rate of the 2020 increase in homicide was slightly lower in cities with progressive prosecutors than in those with conservative prosecutors and much lower than in cities with uncommitted prosecutors. In 2021, the rate of increase in homicide was lower in cities served by progressive prosecutors than conservative ones.

Figure 6. Change in Homicide During the Pandemic, Cities With More Than 50 Homicides per Year

Prosecutor Type	N Sample	% change in 2020	% change in 2021
Conservative	9	41.5%	6.7%
Uncommitted	5	52.6%	3.0%
Progressive	16	37.8%	3.7%
TOTAL	30	41.4%	4.5%

Source: Major Cities Chiefs Association

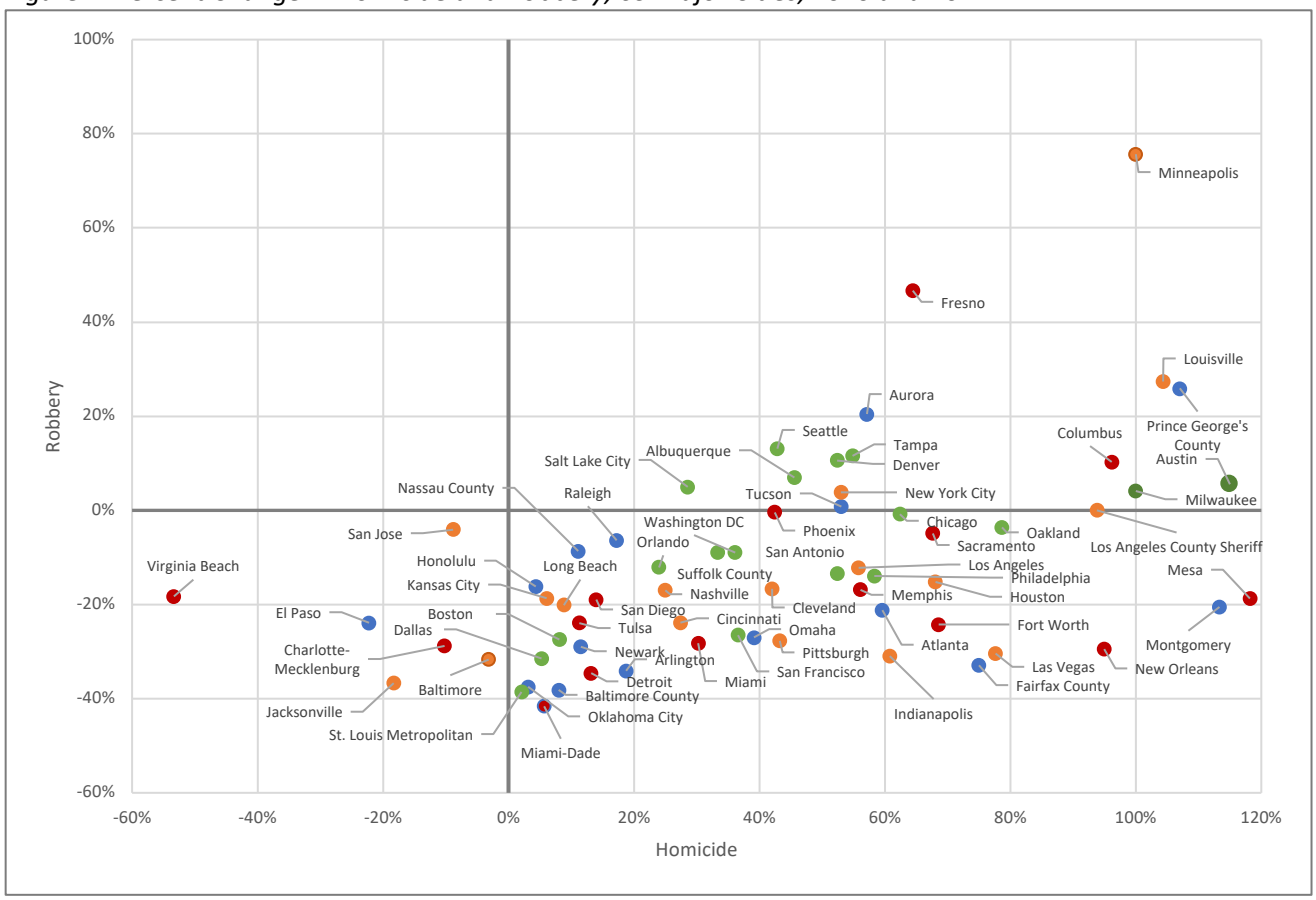
Disputes and uncertainties about how to sort prosecutors into these and other categories mar these and other analyses. If any two of the 5 cities we sorted in the "uncommitted" category were assigned to the progressive camp, the rate of increase in homicide for these cities would then exceed that of conversative prosecutors.

Our inability to classify prosecutors with empirical data about their practices needs a solution. Announcements of new policies and declarations of strategy are not reliable indicators of front-line ADAs' practices; further, any prosecutorial policies, declarations, or practices might be offset or negated by the practices of police, courts, probation officers, and others. Still, with that caveat in mind, our analyses show that the identity and proclivities of prosecutors had no direct or independent effect on rates of change in homicide during the pandemic.

Robbery

Hogan's analysis found no effect of progressive prosecution on robbery in Philadelphia. To test this idea across a wider range of cities, we analyzed the relationship between homicide and robbery in the 65 MCCA cities. Figure 7 is a scatterplot graph that color codes cities by their prosecutor's classification in the same scheme used in Hogan's analysis (red for traditional, orange for middle, green for progressive, and blue for unclassified). Above all, the scatterplot demonstrates that it is fraught to claim clear associations between patterns of violent crime and cities with certain types of prosecutors. In approximately two-thirds of MCCA cities, homicides and robberies move in opposite directions (increases in homicide are paralleled by decreases in robbery). In 4 of the 6 cities recording a decline in the incidence of robbery and a decline in homicide (bottom left quadrant), either a "middle" or an unclassified prosecutor was in office. This makes it difficult to infer whether a style or practice of public prosecution was associated with more positive trends in violent crime.

Figure 7. Percent Change in Homicide and Robbery, 65 Major Cities, 2020 and 2021

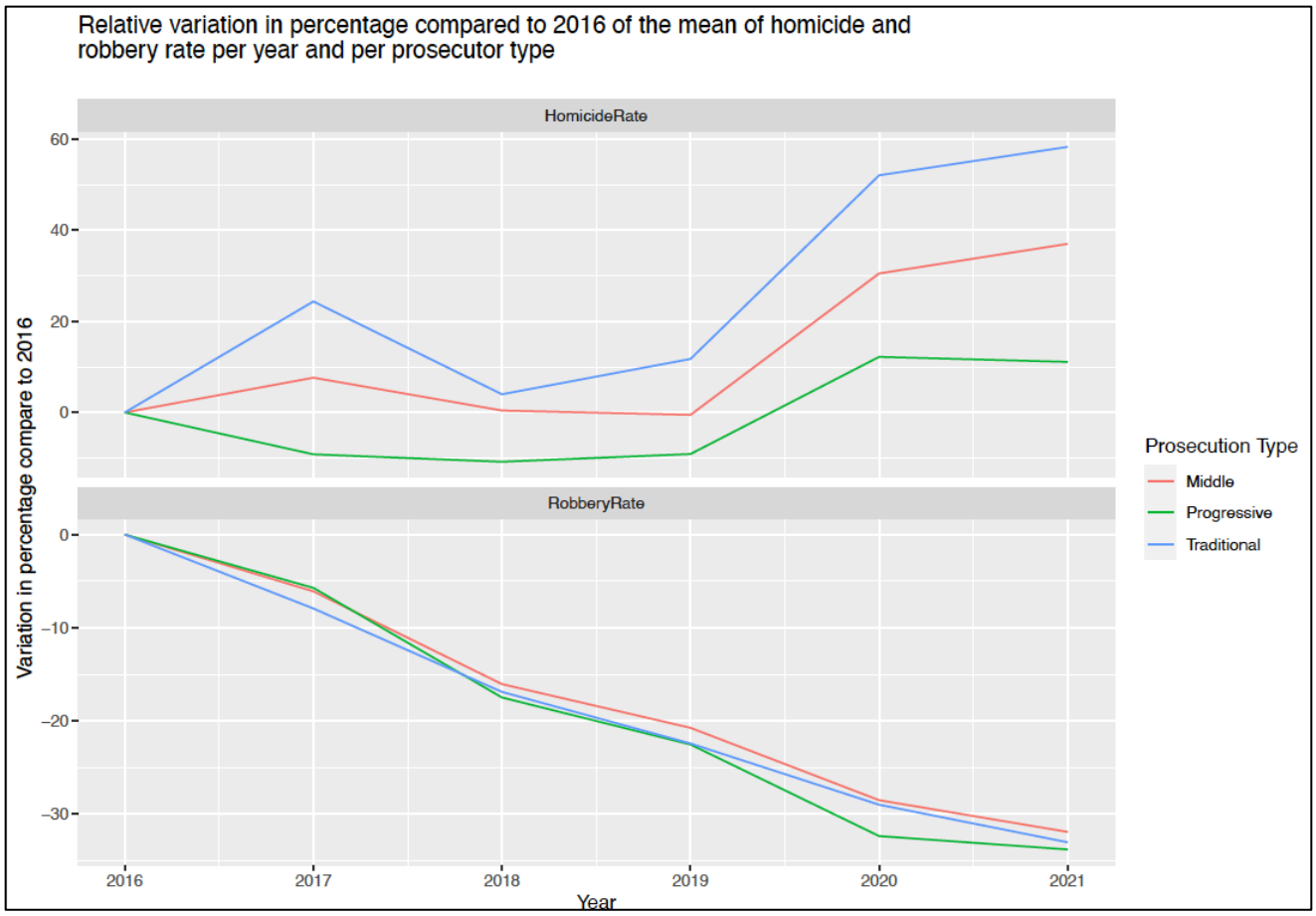


Source: Major Cities Chiefs Association; classification of prosecutors from Hogan (2022).

Note that progressive prosecutors were incumbent in half of the cities in the quadrant representing an increase in robbery and an increase in homicide. Some cities with progressive prosecutors also recorded extreme increases in homicide (Austin, Milwaukee). Yet there, robbery was flat. Among cities where both crimes increased, some of the greatest increases in robbery were in Minneapolis, Fresno, and Louisville, cities with "middle" and "traditional" prosecutors in 2020 and 2021.

We see further support for this finding in the pooled data depicted in Figure 8. Using the same classification, we pooled cities together within prosecutor type, and tracked the degree of their departure from an averaged and indexed level of homicide and robbery over the last five years, starting in 2016. These graphs show that in 2017, there was an average of 24 percent more homicide in cities with traditional prosecutors, compared to 9 percent less homicide in cities with progressive prosecutors. The following year, there was on average, just 5 percent more homicide than there had been in cities with traditional prosecutors in 2016, but less homicide in progressive prosecutor cities. After 2019, there was more homicide than in 2016 in cities with all three types of prosecutors, reflecting the generalized increase in such violence. In 2021, there was on average 60 percent more homicide in cities with traditional prosecutors than there had been in 2016, compared to 15 percent more in cities with progressive prosecutors. Robbery rates, we note, have been generally declining across all prosecutor types in our data, though the steepness of the decline has varied depending on the year.

Figure 8. Homicide and Robbery, from 65 Major Cities data



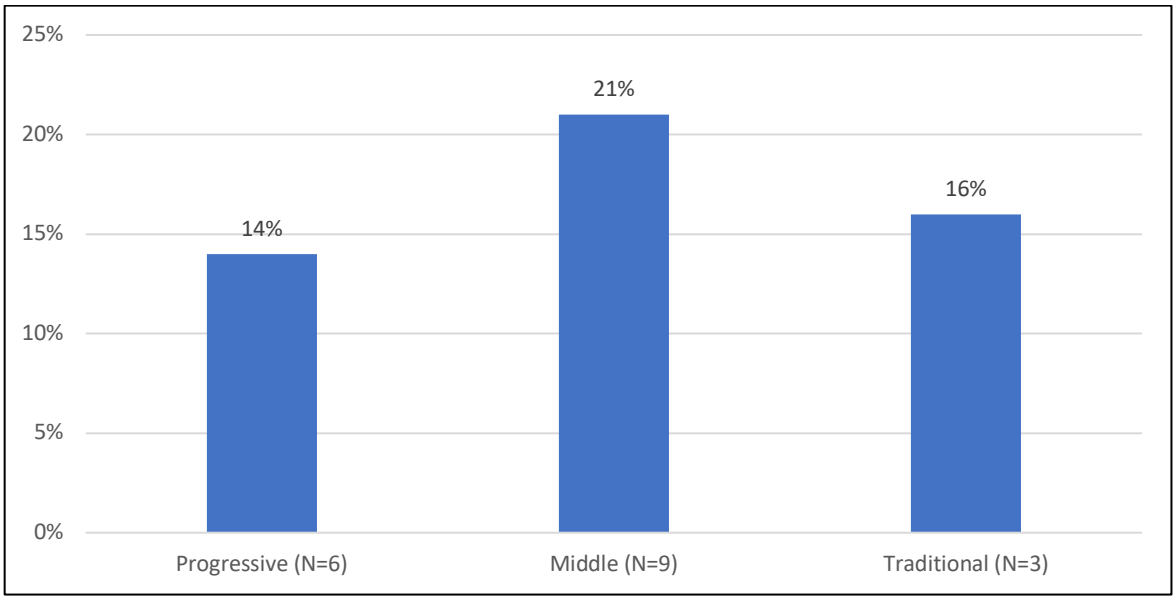
Our second test of the idea that progressive prosecution causes or exacerbates violent crime consists of analysis of more time-sensitive data from 18 cities that share their data on a monthly basis with the Council on Criminal Justice; some of these cities overlap with the data examined above.[23] We again follow the same classification system as Hogan to gauge whether homicide and robbery increased more or less in cities served by progressive, traditional, or "middle" prosecutors.

Figure 9 below shows the results of this analysis for the cities in our data set for which the identity of the corresponding prosecutor could be determined. It shows that between 2018 and 2021, the number of homicides recorded by the police increased, on average, by 14 percent in cities served by progressive prosecutors, 16 percent in cities with "traditional" prosecutors, and 21 percent in cities with "middle" prosecutors. Put differently, the greatest increase in homicide over these years took place in cities that did not have progressive prosecutors.[24]

[23] These data are available at monthly intervals, rather than quarterly or semi-annually, which makes it easier to detect fluctuations in response to policy changes. These data are used in the reports published by the Council on Criminal Justice, which show a marked decline in homicide in March 2021 and a rebounding increase months later in the year. The report for 2021 is available here. The mid-year report for 2022 is available here.

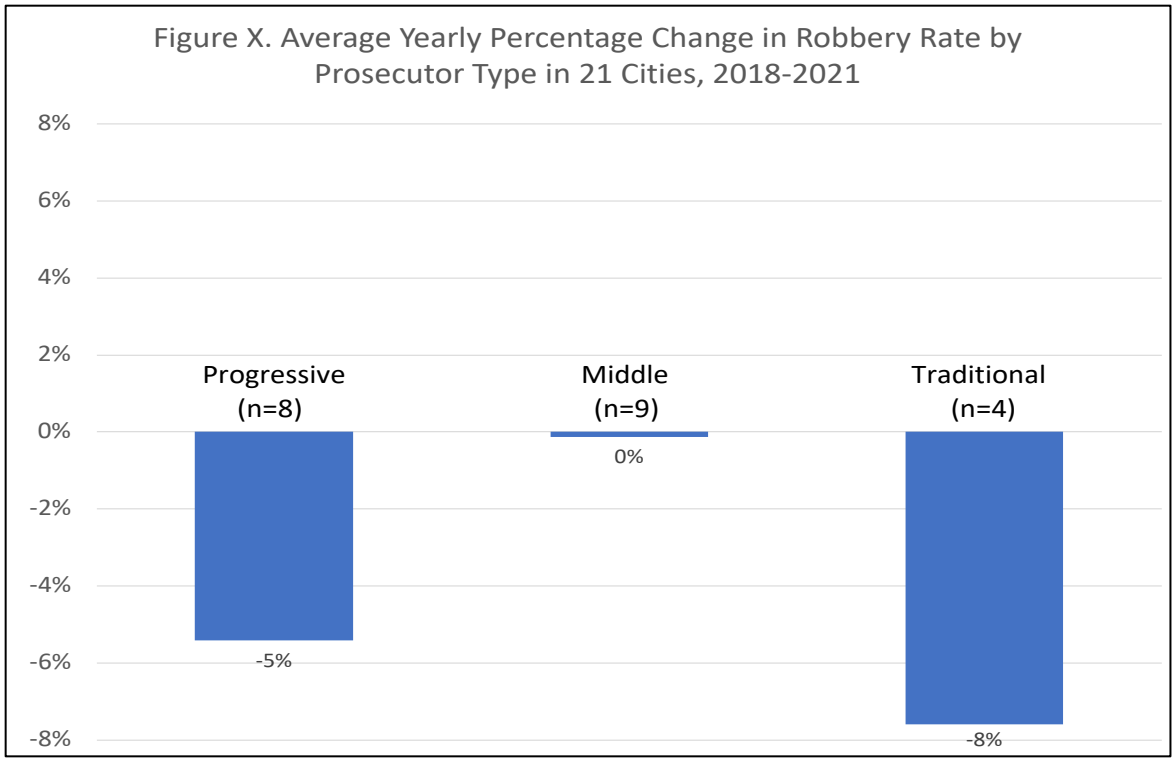
[24] The small number of cities analyzed here means the findings might not be representative of all heavily populated cities or of the country.

Figure 9. Average Yearly Percentage Change in Homicide Rate in 18 Cities, 2018-2021



We found a different pattern of general decline for robbery in 21 cities for which we have monthly data on this crime. As Figure 10 shows, robbery declined each year between 2018 and 2021 by 5 percent in cities served by progressive prosecutors; it declined more each year in cities served by traditional prosecutors, but not at all in cities with middle prosecutors.

Figure 10. Average Yearly Percentage Change in Robbery, 21 cities



What about Larceny?

Larceny, defined as the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another, is by far the most common offense recorded to the police. Because progressive prosecution in many cities has involved a pledge to divert non-violent offenses from prosecution and/or recommend non-custodial sentences in such cases, larceny is a good extension test of the proposition that there may be an effect on crime. Below, we analyze homicide trends over 48 months across 23 cities for which we have consistent data on that crime, and larceny across 24 cities for which we have consistent data on that crime, 10 of which are identified as cities that had a progressive prosecutor at one point between 2018 and 2021. Our statistical model examines whether crime increases in any given month compared with the month earlier; this evidence is not subject to reporting changes (homicide) or subject to behavioral change depending on criminal justice policies (larceny).

As shown, the presence of progressive prosecution has no apparent effect on city-level crime across this city sample. Throughout the focal period, there is a general increase in monthly offense rates (the lagged offense rate), but this increase is not attributable to prosecutorial type. Importantly, this random-effects panel model allows for an analysis of crime rates over time both *across* and *within* cities. It also allows us to include variables that both change and remain static over time.

Figure 11. Effects of Prosecutor Type and Covariates on Monthly Homicide and Larceny Rates, 2018-2021[a]

	Homicide	Larceny
Lagged Offense	.583**	.922**
	(.040)	(.021)
Progressive Prosecutor[b]	.053	-2.419
	(.117)	(2.534)
Middle Prosecutor[b]	-.161	-.455
	(.127)	(2.807)
Poverty Rate	-.011	-.049
	(.020)	(.693)
Unemployment Rate	.027	.079
	(.038)	(1.074)
Racial Composition	.020**	.076
	(.006)	(.106)
Percent Age 18-24	-.043	-.567
	(.027)	(.616)
Covid[c]	.237**	-1.170
	(.046)	(1.074)

Log Population	-.061	-2.865
	(.070)	(2.306)
R^2 =	.797	.880
Wald $chi^2_{(9)}$ =	808.450**	15271.500**
Cities	18	19
Months	47	47
Observations	846	893

[a] Random-effects panel model estimates. Robust standard errors in parentheses.
[b] Contrast is traditional prosecutor.
[c] April 2020 – December 2020
**p<.01

Our test here is exacting. By including a measure of the "lagged offense rate," our model is precise about whether progressive prosecutors have a separate residual effect on crime, rather than continuing past trends. This statistical method allows us to include context to our model, rather than ignoring what has already occurred in a given jurisdiction over time. It offers a direct test of the question "Does having a progressive prosecutor influence changes in the rates of homicide or larceny, from one year to the next, net of other factors that may affect crime?"

In concert with earlier criminological findings, we find that the nine-month period of COVID in 2020 had the largest effect on homicide rates, along with a small effect based on the racial composition of cities, as measured through the percentage of Black residents. In separate analyses of this time frame, we find that even when only including prosecutor types and lagged offense rates in the models, there is no prosecutor effect on monthly rates of homicide or larceny. This robustness check lends further confidence to our findings.

Findings From Other Research and Cities

The idea that progressive prosecutors and their policies generally are driving the rise in violent crime has appeared in media reports on homicide in several states. This idea appears as a firm assertion in Hogan's paper on Philadelphia, which claims that it is progressive prosecutors and their policies that are driving a broader rise in homicide (but not robbery). The research of most scholars studying this topic comes to an opposite conclusion; we summarize three recent studies here that analyze patterns in crime, violence, and prosecution in other cities.

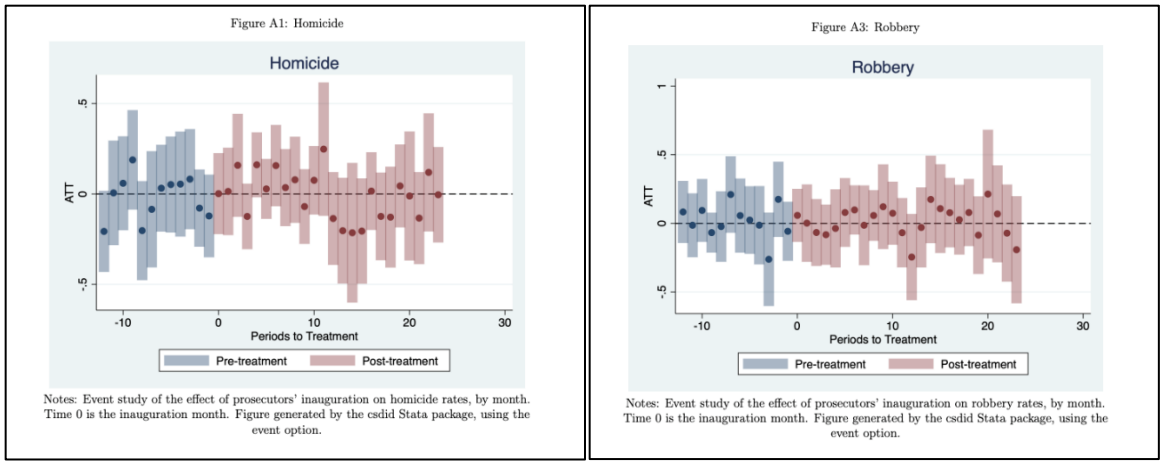
35 City Study

A working paper by Agan, Doleac, and Harvey on "Prosecutorial Reform and Local Crime Rates" analyzes variation in recorded crime before and after the election of reform-minded prosecutors in 35 jurisdictions (though their initial list identified 60 reform-minded prosecutors, only 35 districts consistently reported crime data in their study period). researchers found consistently reported data on crime in only 35 jurisdictions (not all local police departments make data on recorded crime readily available). The authors measured change for homicide, assault, robbery, burglary, theft, vandalism, and

drug crimes (though not all crimes were present in all jurisdictions). They also analyzed crime patterns for different time periods since the date of the election of the reform-minded prosecutor in each city, as well as crime levels prior to their inauguration, provided it occurred between January 2014 and August 2021. They compare changes within jurisdictions when a progressive prosecutor is elected, rather than comparing across jurisdictions, in order to better account for any potentially relevant differences across places.

Agan, Doleac, and Harvey report that some misdemeanor offenses seemed to increase, at least briefly, after the inauguration of a progressive prosecutor. But in their statistical regression, using a difference-in-difference design that treats a prosecutor's election as a sort of experiment, of the cities' combined data, they find no statistically significant effect tying the election of a progressive prosecutor to changes in the rates of the seven crimes they analyze. They identify and test crime trends of localities with progressive prosecutors, by comparing crime before and after the inauguration of these prosecutors. Given our focus on homicide and robbery, we include the authors' figures below. The time period at the bottom of each figure represents the period of 12 months before through 24 months after a progressive prosecutor is inaugurated, which they refer to as the "treatment" in this experiment. In their model, they find no statistical effect for these crimes when a progressive prosecutor is elected:

Figures 12 and 13: Patterns in Homicide and Robbery in the 35 city study



Note that their analysis presumes that crime rates in each of these cities would have otherwise continued their earlier trajectories; that is, that nothing else, independent of the election of a prosecutor, might have slowed or accelerated earlier trends. Pooling these jurisdictions' data allows the researchers to analyze the effect of reform-minded prosecutors more generally. In additional statistical analyses, the removal of some cities from the pooled set rarely changes the outcomes; and on methodological grounds, Agan, Doleac, and Harvey further argue against dropping jurisdictions from this group haphazardly "without a principled reason to do so."

Brooklyn, NY

Goldrosen (2022) focuses on a single jurisdiction – Brooklyn – and examines whether the decision to not prosecute low-level marijuana possession affects the rate at which police make arrests and issue court summonses for this offense.[25] Note that Goldrosen relies on precinct-level NYPD data to consider his working hypothesis, that prosecution policies will affect police behavior.

Through a statistical method designed to isolate the policy effect (comparing pre- and post-intervention data in Brooklyn and in New York's other boroughs), Goldrosen finds that the new policy had no statistically significant effect on low-level arrests or citations for low-level marijuana possession, either within Brooklyn over time or in comparison with other boroughs. Interestingly, the number of low-level marijuana arrests declined in New York City after July 2014, though there was no drop in Brooklyn during this time.

This finding suggests that police officers were working independently of prosecutors' stated practices, and Goldrosen speculates that police "could have continued to make arrests and issue citations, knowing these would not be prosecuted, because their bosses said to"—or, as Goldrosen points out, because NYPD Police Commissioner Bratton made statements at the time that prosecutor Thompson's marijuana policy "will not have any impact on our officers and the discretion they have as they go about their business."

Goldrosen is circumspect about his own findings, reminding us that "an absence of evidence is not evidence of an absence." We agree. As Goldrosen notes, the prosecution policy may have had some indirect effects. For instance, in Brooklyn during this time, arrests for *high-level* marijuana offenses (which were still being prosecuted) declined compared with other boroughs. Goldrosen speculates that this may be an indirect result of not prosecuting lower-level marijuana offenses, from which plea bargains may have generated relevant information pursuant to high-level possession cases.

Suffolk County, MA

In Suffolk County, Massachusetts, where Rachel Rollins was elected District Attorney in 2019, researchers have analyzed the impact of Rollins' presumptive declination and diversion policy on the rate at which 15 non-violent offenses were prosecuted as well 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.[26] Author Owusu found no effect on this recidivism rate in the first year after the introduction of the policy, and then, using a difference-in-difference design, produced estimates of

[25] See "Null Effects of a Progressive Prosecution Policy on Marijuana Enforcement," *Criminology, Criminal Justice, Law and Society*, 23/1 (2022).

[26] See Felix Owusu, "Presumptive Declination and Diversion in Suffolk, County, MA," Rappaport Institute, Harvard Kennedy School, March 2022. The author worked in the metropolitan police department of Washington, DC. before completing a doctorate in public policy at Harvard.

recidivism measured this way that were "small, negative, and statistically indistinguishable from zero at the 95% confidence level."[27]

Each of these studies has its own limitations, as we've highlighted here. Some of these limitations should be addressed in future research. For instance, our second test treats a city as "progressive" if they had such a prosecutor at any point from 2018-2021. A stronger test would control for variation in the year and month of appointment since, as we know, the onset of the pandemic had substantial effects on the behavior of residents, the way police agencies enforced laws, and how prosecutors and courts dealt with cases in these new circumstances. Nevertheless, if we take the findings of these three studies as additive, they collectively cover developments in crime in 40 jurisdictions. All three studies find no effect of progressive prosecution on crime.

Summary

The results of our two tests, combined with the findings of these other recent studies, indicate that the evidence for the claim that progressive prosecutors cause or exacerbate violent crime is weak and may point in the opposite direction. Any conclusion about whether homicide has increased more (or less) in cities with progressive prosecutors depends almost entirely on classification of prosecutors. Both taxonomic schemes used here are impressionistic and likely to be scrutinized by critics and proponents of progressive prosecution. This uncertainty makes it nearly impossible to claim with certainty that homicide increased more (or less) in cities served by prosecutors who are "progressive." (See Part IV of this report.)

Part II: Three Focal Cities

This part of the report focuses on trends in violent crime before and after the election of progressive prosecutors in Philadelphia, Chicago, and Los Angeles. We start with Philadelphia and Chicago, which have had a progressive prosecutor for enough years to gauge the effects of their policies on crime. Then we look at LA, where DA Gascón was elected for the first time in Nov. 2020.

Trends in Philadelphia

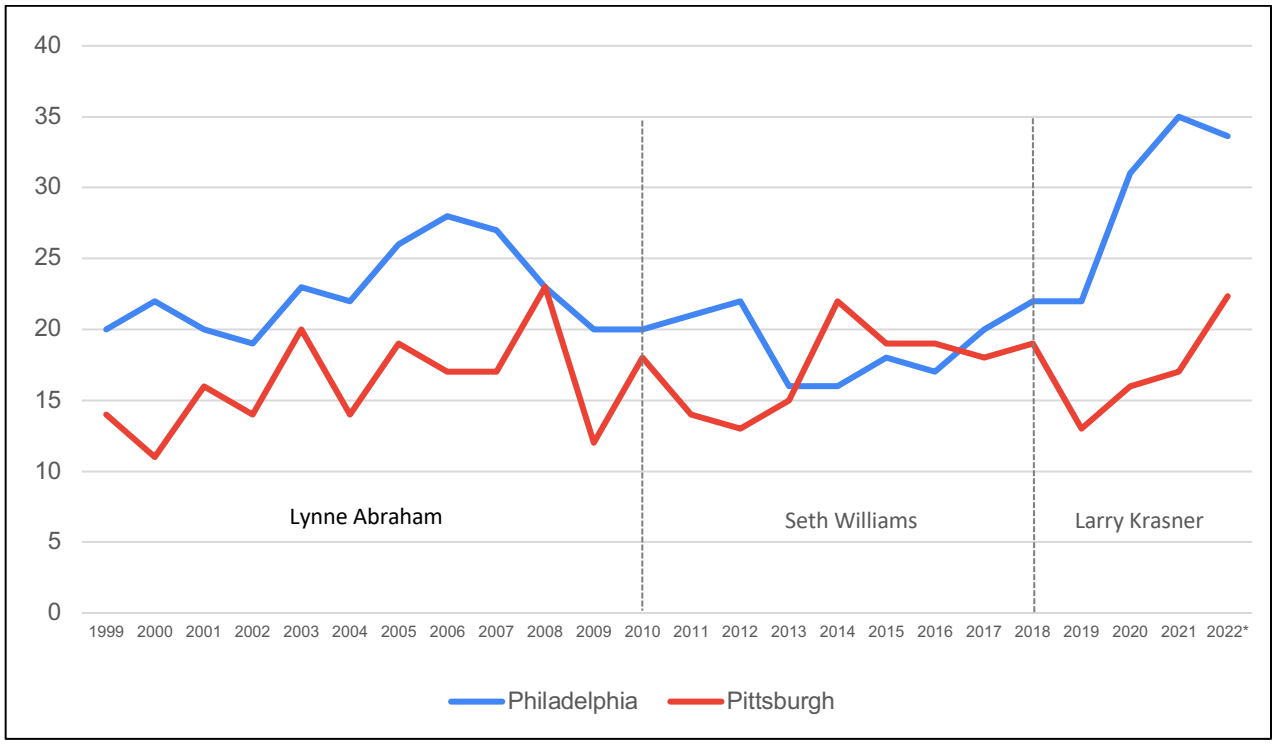
Larry Krasner was elected District Attorney in November 2017 and assumed office in January 2018. Until the middle of August that year, Philadelphia recorded 20 fewer homicides than in the same period of 2017. In the second half of August, the number of homicides suddenly and sharply increased; by September 2, the city had surpassed the previous year's total to date. At the end of the year, the police department recorded an 11 percent increase in homicides, from 314 to 344 incidents.

The suddenness of this change has not, to our knowledge, been the object of inquiry. Nor has the absence of any measurable increase in homicide in 2019. More attention has been paid to the pronounced and disturbing two-year increase in homicide in Philadelphia in 2020 and 2021, when the homicide rate rose from 22 to 35 per 100,000 population (see Figure 14). The steep slope of this increase is best appreciated when viewed over a long period and compared with trends in Pittsburgh, the only other large city in the state and which is served by a traditional prosecutor in this period. For

[27] See pages 15-17. Owusu also found that prosecution rates for white defendants decreased at more than twice the rate for black defendants after the introduction of the presumptive declination policy. See p. 14.

instance, while the homicide rate in Philadelphia increased considerably in the middle of Lynne Abraham's tenure as DA (1999-2010), both the slope and magnitude of the change were milder; the rate also reverted to its earlier level by the end of her term. The homicide rate fell sharply and suddenly early in Seth Williams' tenure (2010-2018), also a Democratic District Attorney, before starting what appears to be a gradual, multi-year increase in 2014. By contrast, homicide rates in Pittsburgh oscillated between 1999 and 2019, then rose in 2020 and 2021.

*Figure 14. Homicide Rates per 100,000 in Philadelphia and Pittsburgh, 1999-2022**



Source: Police Departments of Philadelphia and Pittsburgh.
**figures through August 2022 for Philadelphia, and June 2022 for Pittsburgh*

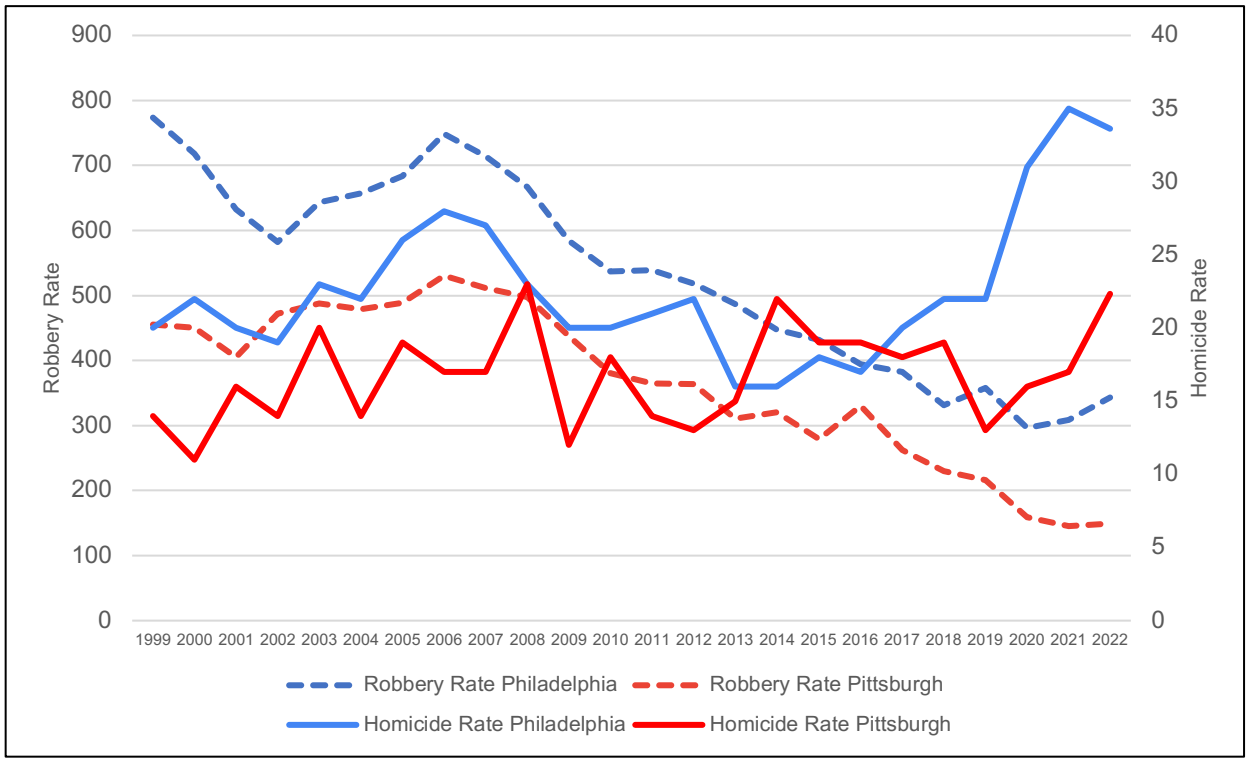
This longer-term, comparative view establishes doubt that any change (be it an increase or a decrease) is attributable to a prosecutor. Lynne Abraham's policies were not progressive, but they co-varied with substantial and sudden changes in the homicide rate. If prosecution policies on charging and sentencing were stable over Abraham's 11 years in office, something other than Abraham must explain the parabolic pattern. The oscillating pattern in Pittsburgh provides further evidence; its prosecutor is not considered progressive. In short, since "traditional" prosecution practices are coterminous with increases in homicide, it makes little sense to attribute the latter to *progressive* practices.

The relationship between prosecutors and robbery in Philadelphia is more tenuous still. Figure 15 shows that the per capita rate of robbery (dotted lines) declined almost continuously between 2006 and 2020, a period that straddles three prosecutors whose practices have been described as draconian, moderate, and recklessly lenient, respectively.[28] Between 2016 and 2020, Philadelphia's robbery and homicides

[28] Lynne Abraham was famously dubbed "the deadliest DA" by Tina Rosenberg in the *New York Times Magazine* in 1995; Seth Williams was depicted as a moderate by Thomas Hogan; and Krasner portrayed as an indulgent liberal.

rates have moved in opposite directions; the same has been true in Pittsburgh since 2019. This pattern suggests not only that robbery and homicide have different causes, and that prosecution policies are not among those causes.[29]

Figure 15. Homicide and robbery rates in two cities of PA (1999-2022)*



Trends in Chicago

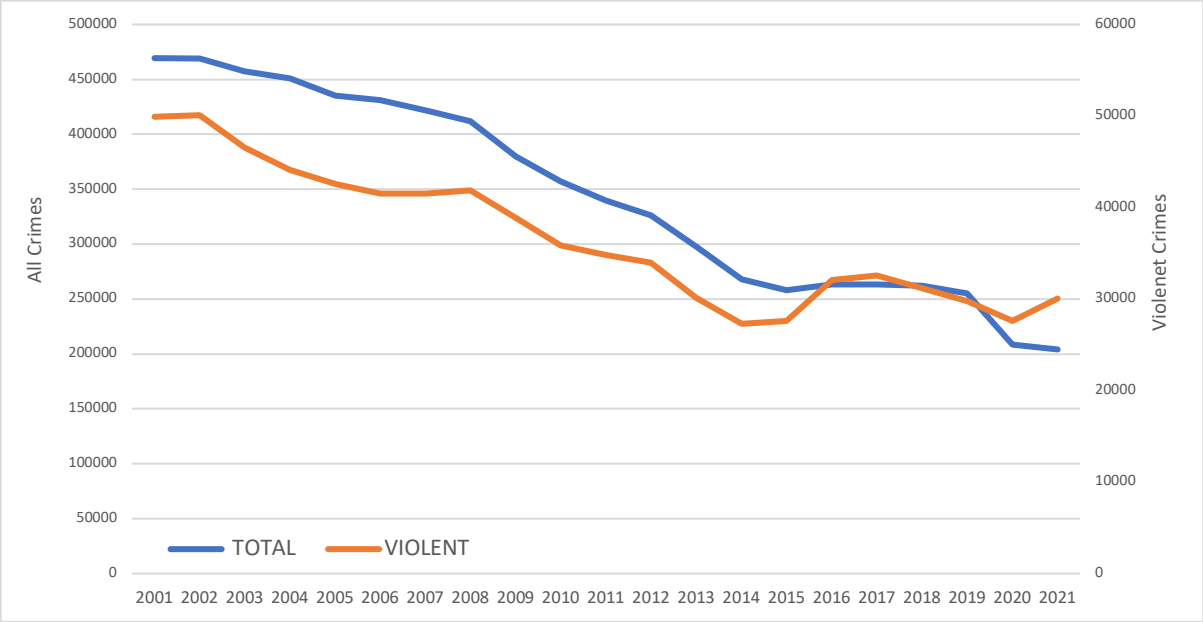
Kim Foxx was elected State's Attorney for Cook County, which serves the city of Chicago as well as other municipalities, at the end of 2016; she was re-elected by a wider margin in the fall of 2020. The number of homicides decreased in each of the first three years of Foxx's tenure. Long-term trends in Chicago crime, along with a more precise analysis of the timing and patterns of homicide, further suggest that progressive prosecution is not responsible for the recent increase in homicide.

In Figure 16, we see that crime in Chicago fell substantially and almost without interruption over the last two decades. The total number of crimes reported by the Chicago Police Department (CPD) declined 56 percent between 2001 and 2021, with most of the decline occurring before 2015. The number of violent crimes also declined almost continuously until 2016, the last year of Foxx predecessor Anita Alvarez's term, which coincided with protests following the release of the video of the fatal police shooting of civilian Laquan McDonald. That year, the annual number of violent crimes increased substantially (16

[29] In his work, Hogan similarly acknowledges (p. 22-23) that robbery and progressive prosecution are not associated with one another, though it remains unexamined why prosecutorial policy would cause or exacerbate one but not the other.

percent) and the total number of reported crimes increased slightly (2 percent). In 2017, the first full year of Foxx's first term, the increase in violent crime was marginal (1 percent); over the next three years, it fell cumulatively by 15 percent. This trend reversed, however, in 2021, when the number of violent crimes reported by the CPD increased 9 percent.

Figure 16. Crimes Reported by the Chicago Police Department, 2001-2021

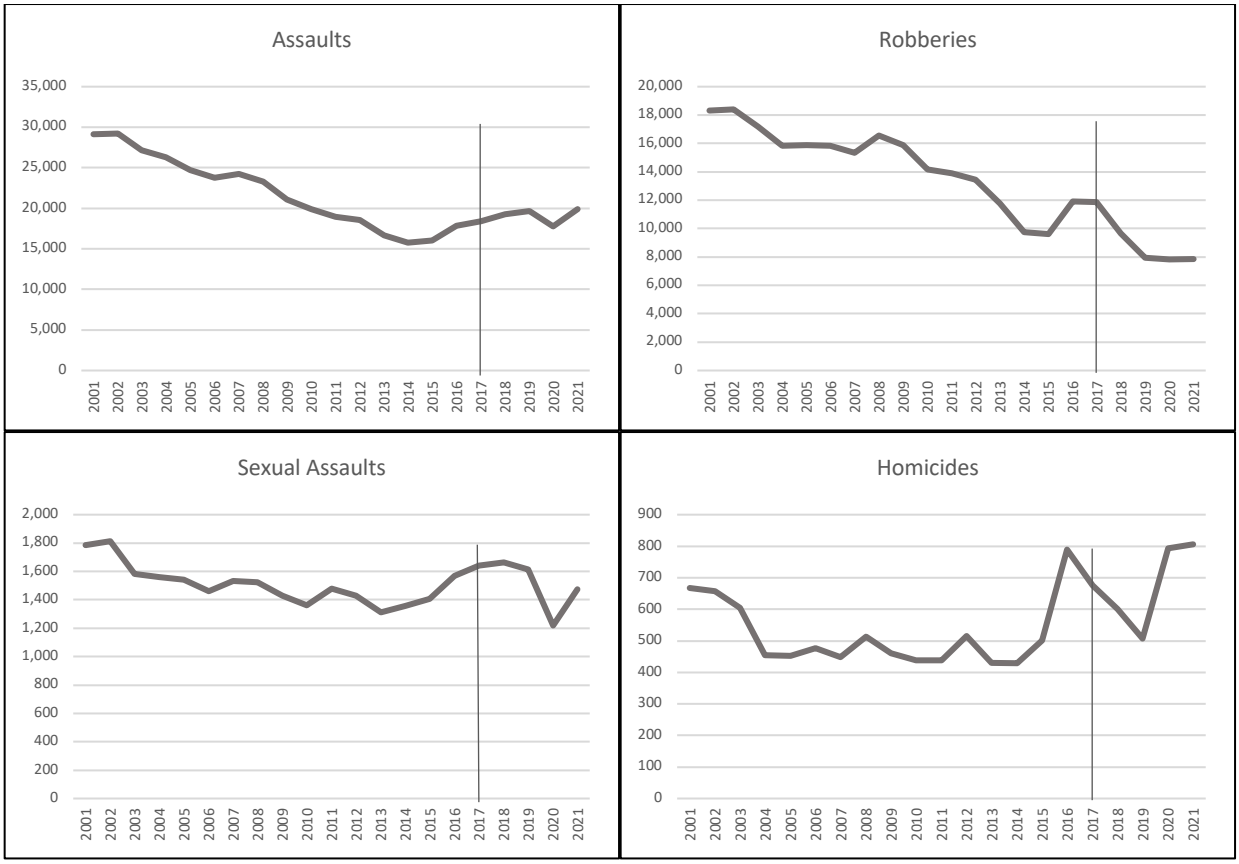


Source: Chicago Police Department, available here.

The measure of "violent crime" (scale at right in Figure 16) may not be the most reliable indicator of the amount of violence and crime. We note that of the four offenses that make up this measure (homicide, robbery, rape, and aggravated assault), only assault followed this rising trajectory, which given its greater frequency may explain the coincidence of two paths in this Figure.

Still, the data in Figures 17-20 below show that the number of assaults declined until 2014 and then rose steadily through the end of 2019; after a drop during the COVID-19 pandemic in 2020, it then rebounded to pre-pandemic levels. The number of robberies, the second most common offense measured, also declined until 2015 before increasing sharply in 2016; it then decreased steadily every year through the end of 2021. The number of sexual assaults declined at a much slower rate, then rose between 2013 and 2018, fell precipitously in the first year of the pandemic, and increased sharply in 2021. Homicides diverge from these three paths. After falling markedly between 2001 and 2004, homicides were relatively stable until 2016, when they increased 58 percent in a single year. Recall that this happened before Foxx was elected. Then homicides fell in each of the first three years of Foxx's tenure, before rising sharply in 2020 (at a rate much higher than in other cities). Then, in 2021, Chicago's number of homicides increased just 1.5 percent.

Figures 17-20. Violent Crimes Reported by the CPD, 2001-2021



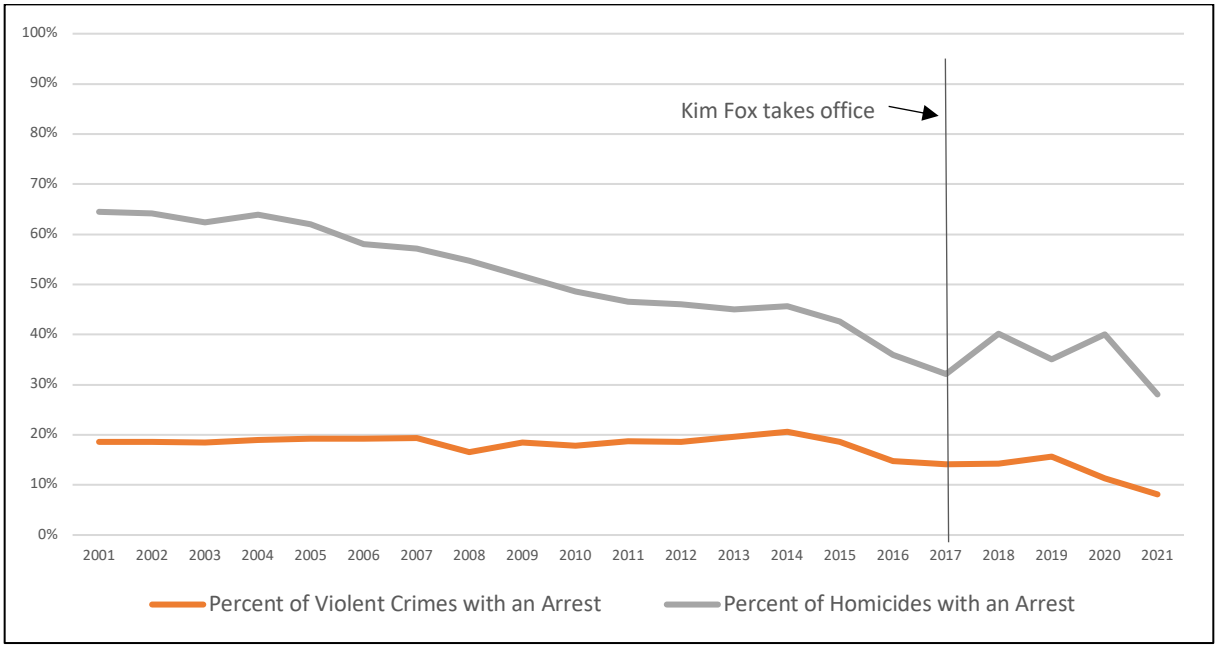
Until recently, many media explanations offered for decreases in Chicago's annual homicide rates have revolved around violence interruption initiatives like "cure violence," while explanations for *increases* typically focus on the behavior of gangs and police. If we are to find the reasons for patterns in violent crimes within the justice system, it might make sense to attend to arrest rates rather than the inclinations or declinations of prosecutors: among justice agencies, the police are most directly involved in the detection and prevention of such crimes. But Chicago's arrest rate for homicide was at its lowest point in 20 years during Foxx's tenure as State's Attorney, which prompts questions about the role of the police in the pattern of crime.

Between 2001 and 2014, as Figure 21 below shows, the portion of violent crimes resulting in an arrest in Chicago was low but stable (around one-fifth were "cleared" this way each year). Between 2014 and 2017, when the incidence of violent crime increased 19 percent, the proportion of such crimes resulting an arrest declined, dropping below 15 percent. The arrest rate fell further again in 2020 and 2021, when less than 10 percent of all violent crimes in Chicago resulted in an arrest.[30] It seems unlikely, though, that a decline in an already-low arrest rate could explain a sudden and concurrent increase in violent crime.

[30] The figure for 2021 should be interpreted with caution; since CPD data on arrests are available only until June 2022, some of the incidents reported in the last month of 2021 had only a half year to result in an arrest.

Figure 21 also shows that the percentage of homicides resulting in an arrest declined steadily between 2001 and 2017. Between 2018 and 2020, this rate fluctuated between 30 and 40 percent; in 2021, it reached a 20-year low, 28 percent. And yet as we see by comparing Figures 18 and 19, the number of homicides recorded every year does not co-vary closely with the rate of arrest and thus does not support a strong conclusion about the association between police arrests and homicide in Chicago.

Figure 21. Percent of Violent Crimes Resulting in an Arrest, Chicago, 2001-2021



Legal scholars, criminologists, and now epidemiologists have pointed out that the decline in clearance rates for homicide appears to be a national phenomenon and that it is more pronounced when the homicide victim is a racial minority.[31] Nevertheless, the relationship between clearance rates and homicide has been found to vary substantially by city as well as within cities, much as violence-interruption programs do.[32]

Trends in Los Angeles

George Gascón was elected District Attorney for Los Angeles County in November 2020. Conclusions about the impact of his policies on violent crime are necessarily tentative, since any new policies have been in place, at most, 20 months at the time of our analysis. Further, it is difficult to discern the amount of variation in violent crime across the county, which consists of 88 municipalities including the

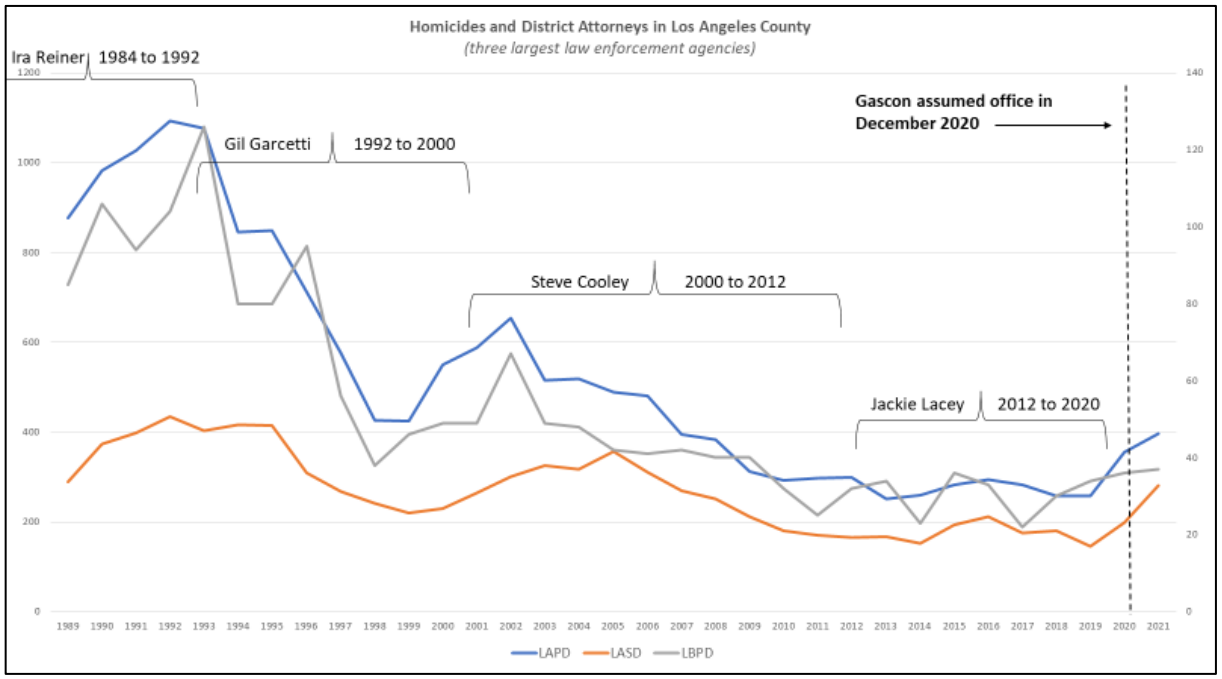
[31] See, for example, Lauren Magee et. al., "Neighborhood Variation in Unsolved Homicides," *Injury Epidemiology*, 7 (2020), and Andrew Leipold, "The Puzzle of Clearance Rates," *Wake Forest Law Review*, 56 (2021).

[32] For a study of how community policing and improved collaborations with residents increased clearance rates for shootings in Boston, See Anthony Braga, "Improving Police Clearance Rates for of Shootings: A Review of the Evidence," The Manhattan Institute, July 2021. For analyses of the differential impacts on crime of violence-interruption programs across neighborhoods in Philadelphia, see Caterina Roman, ""An Evaluator's Reflections and Lessons Learned about Gang Intervention Strategies: An Agenda for Research." *Journal of Aggression, Conflict and Peace Research, 2021.*

City of Los Angeles. Not all these cities report crime data, and many have fewer than 50,000 residents and/or a low incidence and rate of homicide, which skews the measure of the rate of change in homicide. Glendale, for example, with over 200,000 residents, recorded just 5 homicides in 2019, 3 in 2020, and 1 in 2021. That's an overall decline of 80 percent in three years. Whittier, which has its own police department, has fewer than 85,000 residents and recorded 1 homicide in 2019, 6 in 2020, and 7 in 2021 – an increase of 600 percent. For these reasons, we focus on trends in homicide in the areas of the county served by the three largest law enforcement agencies: the LAPD, the Long Beach Police Department (LBPD), and the Los Angeles Sheriff's Department (LASD).

As Figure 22 shows, homicides fell markedly in all three agencies' purviews between 1992, when the Christopher Commission released its report on the riots that followed the beating of Rodney King, and 1998. Homicides then rose sharply between 1998 and 2002, but only in areas served by the LAPD and LBPD; they increased slowly, by a smaller margin, and for a longer period in areas served by the LASD. Between 2005 and 2014, homicides declined in areas served by all three agencies; they remained at a historically low and steady level until 2019 in areas served by the LAPD and LASD but not in Long Beach, where homicides rose and fell for six years, then nearly doubled between 2017 and 2021.

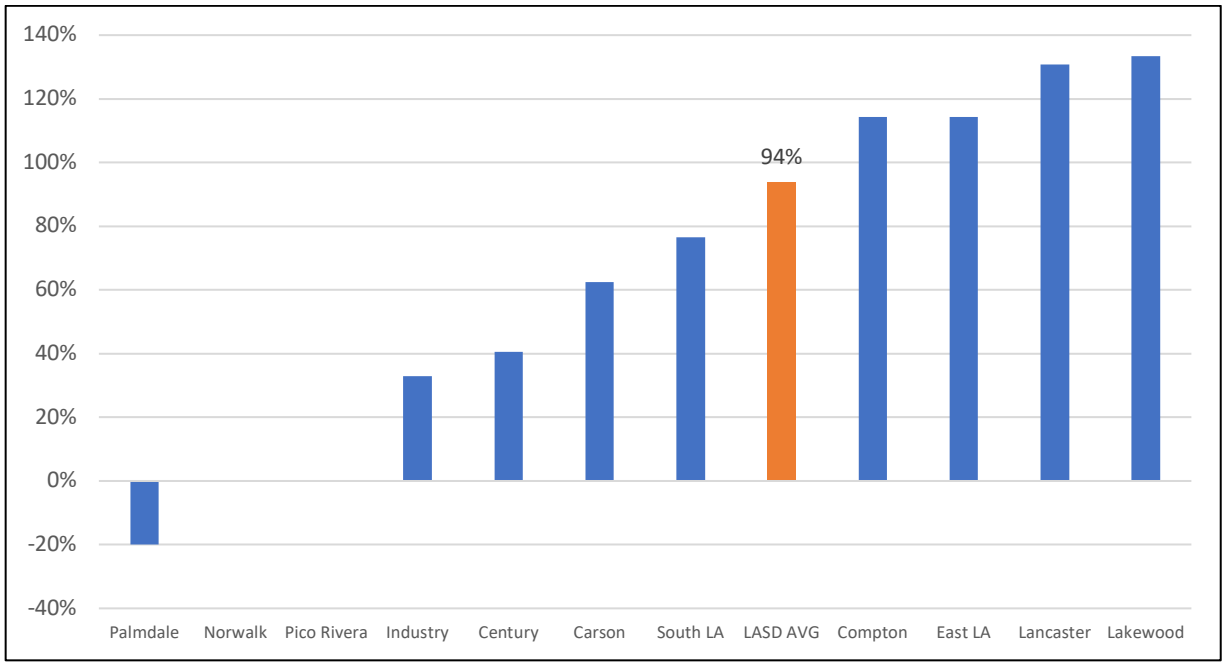
Figure 22. Homicides Recorded by Three Law Enforcement Agencies in Los Angeles County, 1989-2021



The county-level increase in homicide over the last three years seems modest when viewed this way. But the different timing and slope of the increases in these areas is more relevant, since it suggests that the dynamics of homicide differ in each area. In Long Beach, for instance, the increase in homicide began in 2017, whereas in the other major areas of the county it began to rise in 2019. Also, in cities policed by the LASD, the number of homicides rose 94 percent after 2019, whereas in areas served by the LAPD, it increased only 54 percent. There is also substantial variation in the incidence of homicide within the areas policed by these agencies, which may indicate not only distinct dynamics of violence but also different relationships with law enforcement in the corresponding communities.

Consider the variation in homicide across areas policed by the LASD, which is responsible for investigating homicides in 42 incorporated areas organized as 23 different "stations." In 2020 and 2021, as Figure 23 shows, homicides were flat in two stations (Norwalk and Pico Rivera); they fell 20 percent in Palmdale, which is adjacent to Lancaster, where the number more than doubled, as it did in Lakewood, Compton, and East LA. Sheriff's deputies in these areas refer their cases for possible prosecution to a single district attorney for the entire county.

Figure 23. Change in Homicide in LASD Stations recording > 5 homicides each year.



The Evolution of Explanations for Homicide

Debates about the causes of homicide fluctuations in Los Angeles are not new. Every LAPD Chief since the 1950s has taken credit decreases, though neither Bernard Parks nor William Bratton claimed responsibility for the increase between 1998-2003. The current chief has continued that tradition, suggesting that the homicide increase since 2019 within the City of Los Angeles is related to changes in the character of conflicts between gangs, the greater accessibility of guns, and an increase in homelessness. For instance, in January 2021, Chief Michael Moore said that gang-intervention workers "who would generally be at hospitals, at bedsides of victims, working to quell further acts of retaliation" had found it difficult to do their jobs amid the pandemic. More recently, in response to questions about the decline in the clearance rate for homicide, Moore emphasized that the difficulty of solving homicides was at least partly related to "community trust." The head of the LASD has not made a direct accusation about the culpability of the DA, but he has insinuated such responsibility by claiming that the homicide cases investigated by his agency "fall apart" when they reach the DA's office and find their cases "don't conform to his special directives."[33]

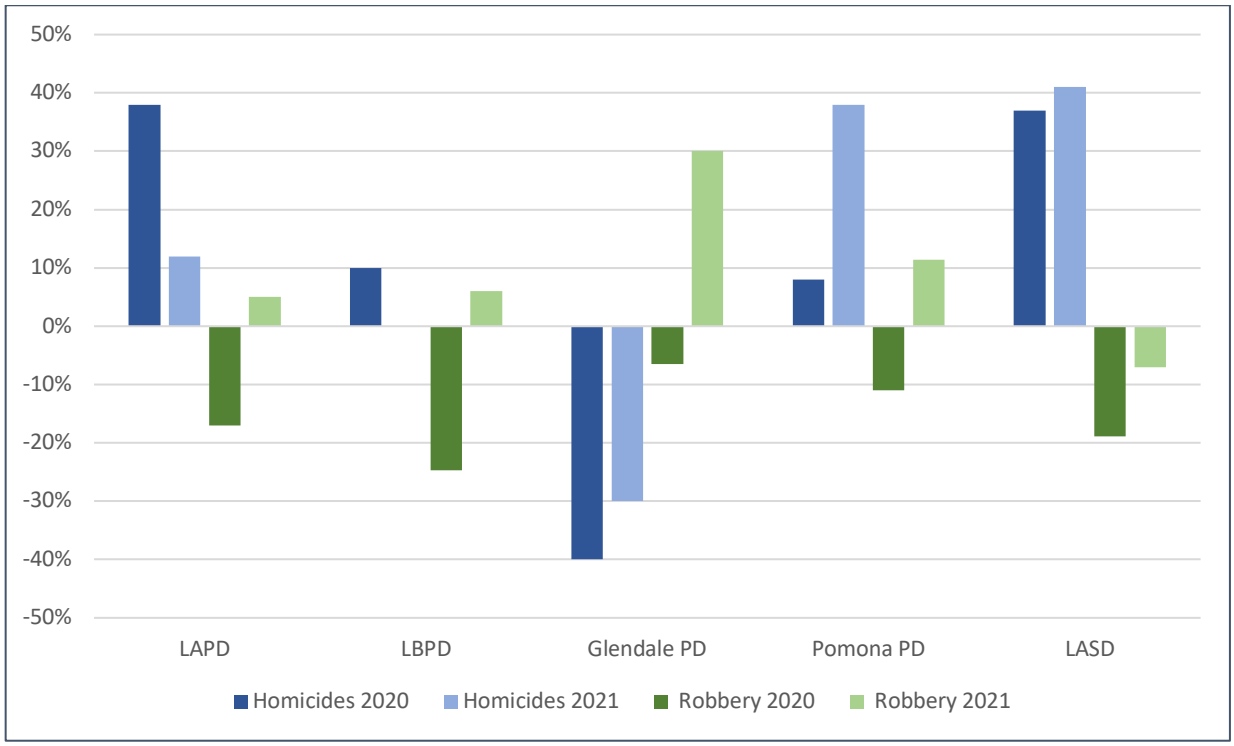
[33] The current chief of the LAPD has not to our knowledge argued that the recent increase in homicide is attributable to changes in the work of the District Attorney. Nor has the Mayor of Los Angeles directly accused the DA of inciting the rise in homicide.

Robbery

But what about robbery? In many jurisdictions, robbery includes "car-jacking," an offense that is a rising concern in several U.S. cities.[34] Robbery is also more common than homicide (by a factor of ten in Chicago) and, were it not for greater media attention to the latter, might have a larger impact on residents' sense of safety.

As Figure 24 shows, homicides and robberies seem to be decoupled, moving in opposite directions in most of LA County. In 2020, homicides increased by 38 percent in the city of Los Angeles proper and by 37 percent in cities policed by the LASD, but by less than 10 percent in Long Beach and Pomona, home to the county's third and fourth highest homicide rates. Homicides *declined* by 40 percent in Glendale in 2020, then by another 30 percent in 2021. In 2021, homicides rose only 12 percent in the City of Los Angeles, but increased 41 percent (more than in the first year of the pandemic) in places policed by the Sheriff. Meanwhile, robberies declined in all five of the areas represented here in 2020, then, in 2021, increased by a substantial margin in Glendale alone. These data suggest that the causes of robbery and homicide are not connected and that, unless prosecution rates for these offenses correspondence with these trends, prosecutorial practices do not cause crime.[35]

Figure 24. Change in Two Violent Crimes, Los Angeles County, 2020-2021



[34] For an early analysis of the response to car-jacking in Chicago, which found a decline in clearances for this offense and proportionate declines in charge rates under Kim Foxx, see the Crime Lab's report, here.

[35] Our initial analysis of declination/charge rates for robber corroborate this impression: the DA prosecuted 65 percent of the robberies forwarded by the LASD in 2021 compared to 60 percent of those that came from the LAPD, and yet the number of robberies recorded by the police that year declined in cities served by the Sheriff's Department and increased slightly in the city of Los Angeles. By contrast, the DA prosecuted 92 percent of the robberies forwarded by the Glendale PD, and yet robberies increased sharply in that city.

Summary

Our research on the incidence of violent crime in LA, Philadelphia, and Chicago is incomplete. We expect that further analyses of variation in homicide within each city and its concentration in different police divisions and neighborhoods will create a better foundation for understanding change during the pandemic. In future research, we expect to analyze the strength of the relationship between violent crime and key prosecutor practices, such as declination rates; our initial review of such data corroborates our main finding, that the statistical correlation between progressive prosecutors and violent crime, especially homicide is weak and insufficient to support a causal claim about the relationship between the two.[36]

That finding alone, however, may be unsatisfying. It leaves open the question, "Well, what *does* explain the rise in homicide in so many U.S. cities?" We anticipate there will be continued research on the relationship between violent crime and public prosecution. In addition, one of the next steps in our work is to gain new insights into this question by also asking how police and prosecutors each answer this question, and how they orient their work as a result.

PART III. What is a "causal association" between Homicide and Prosecution?

Hogan's article about "de-prosecution and death" in Philadelphia offers the starkest version of the claim that progressive prosecutors are responsible for the increase in homicide in U.S. cities. We highlight it here not simply because it is the only scholarly account asserting a causal link between progressive prosecution and increases in violent crime. Hogan's claim also deserves our close attention because its logic may help us identify deeper reasons for the wider criticism directed at progressive prosecutors and progressive prosecution.

Do Progressive Prosecutors Cause Crime?

Hogan explains the rise of homicide in Philadelphia in terms of "de-prosecution," which he defines and measures as a decrease in the number of people *sentenced* each year.[37] But the judiciary is not mechanism by which this effect is caused; indeed, the judges that authorize bail and pretrial release of defendants and non-custodial sentences for offenders do not figure in the "causal association" Hogan claims Instead, he proposes that it is preemptive changes in the conduct of the police in relation to the perceived policies and practices of the prosecutor. This anticipatory and recursive chain of causality is analyzed in detail in Appendix 1. Here we outline its method and mechanics.

Because of his stated interest in causality, Hogan's major task was to try to isolate the impact progressive prosecution policies might have in a criminal justice system. Of course, Hogan's paper did not and cannot produce an actual experiment. Instead, he devised a statistical approach to create a quasi-experiment: relying on an algorithmic technique, he created a "synthetic Philadelphia"—a place

[36] Felony indictment rates in Chicago and Los Angeles under Foxx and Gascon are nearly indistinguishable from their predecessors, but vary considerably by offense and, at least in Los Angeles, by the area of the county and law enforcement agency referring a case to prosecution. We expect to sort out the reasons for this variation and study change in this rate in Philadelphia in further research.

[37] Thomas Hogan, "De-Prosecution and Death: A Synthetic Control Analysis of the Impact of De-prosecution on homicide," *Criminology and Public Policy*, 21/3 (2022).

that looks like Philadelphia on some dimensions, but is a composite of Detroit, New Orleans, and New York. He then compared "synthetic Philadelphia's" crime projections to actual Philadelphia's actual homicide numbers. By this means, Hogan estimates that from 2010-2019, Philadelphia recorded nearly 75 more homicides per year than what would be expected in his "synthetic Philadelphia" amalgam from 2015 forward. (In more cursory analyses, Hogan also found that Chicago recorded more homicides than his algorithmically constructed Chicago and that Baltimore experienced more homicides than its synthetic counterpart; both cities are marked by progressive prosecution policies).

Academic researchers have begun to produce responses to Hogan's finding.[38] Colleagues from other universities are relying on data sources and statistical techniques that raise questions about the veracity of Hogan's statistical findings and the accuracy of his estimates. In this report, we focus on two issues: first, the taxonomy of cities and prosecutors that Hogan relies on to create his statistical algorithm, which required for Hogan to determine which cities have "progressive," "traditional," or "middle" prosecutors, and which has implications for the way he conducts his statistical analysis (we examine this matter in Part IV); and, second, the logic behind Hogan's explanation for his finding (in other words, an explanation of *why* progressive prosecution itself could increase in the incidence of homicide).

We explicate the logic behind this claim in detail in Appendix 1, where we discern eight broad hypotheses for why Hogan believes progressive prosecution might lead to increased homicide, including the mechanisms by which de-prosecution induces such effects. Several involve police practices, such as "de-policing" and deteriorating cooperation between residents and the police; others deal with declinations -- that is, a prosecutor's refusal to charge an arrested suspect because the evidence is insufficient or there is little public interest in proceeding to court. For neither of these mechanisms, however, is there much direct evidence. Hogan does not provide an empirical account of changes in the actual practices of police and prosecutors; he does not report direct observations of the work of prosecutors and police in Philadelphia.

Because the number of empirical studies on progressive prosecution is likely to grow in the future, it may be helpful to track changes in the mechanisms by which crime and prosecution are believed to influence one another, the kind of evidence adduced for documenting changes, and the methods that researchers employ to generate such knowledge. Rob Sampson, long considered one of the nation's leading criminologists, emphasized that while experimental designs may offer new and important insights, they should not displace other methods. On the contrary, he wrote in 2010, "Observational and experimental science should instead be partners in crime."

New Research on Homicide and Prosecution

Until Hogan's paper arguing there is a causal connection between prosecution and homicide in Philadelphia, we do not know of others who had argued in such a direct manner that prosecutors might be responsible for increases in crime. Senator Tom Cotton, in remarks intended to dampen enthusiasm for a U.S. Attorney nominee, only insinuated a connection between the he described as a strong "link" between homicide and progressive prosecution. Foreign commentary has been even more circumspect. The *Economist* concluded it was "complicated," despite being tempted by a sociological conclusion

[38] Jacob Kaplan, a criminologist at Princeton, has submitted a rebuttal of Hogan's findings in "De-Prosecution and Death: A comment on the Fatal Flaws in Hogan," and Hogan has just released a "cordial reply" to this rebuttal, arguing that it suffers from even more fatal flaws.

("homicide rates were worse in areas with higher unemployment and more severe lockdowns").[39] The usually brash *Daily Mail* declared merely that progressive prosecutors "presided over" sharp increases in homicide in the U.S.

The turn to prosecution as a candidate cause of violent crime is also somewhat of an outlier in the history of criminology. Since the middle of the 1980s (and especially after what Frank Zimring termed "the great American crime decline" of the 1990s), criminologists have teetered between two types of causal claims: ones that focus on institutions (mainly the police, but also prisons) and those that concentrate on society (or "communities" and "neighborhoods"). This is of course a great simplification; many criminologists remain interested in the biology, psychology, and life cycles of individuals that commit crime and/or are victimized by it; some focus on the often unstable and transient settings, situations, and circumstances in which lethal violence occurs – drug markets, gang feuds, housing estates, prison blocks. Still others concentrate on implements used in the commission of crime, especially guns (availability, type, caliber). Nevertheless, when they appear in media outlets, academic explanations for recent increases in homicide hug these two totems -- changes in policing and changes in society. During the pandemic, some scholars toggled between the two. For example, Patrick Sharkey, author of a book about improvements in public safety in New York that received wide approbation in the city, wrote:

> *"When a social order depends on the police dominating public spaces, and that form of social order is questioned and starts to break down, it can lead to a surge in violence. It doesn't mean that protests cause violence. It means that when you depend on the police to dominate public spaces and they suddenly step back from that role, violence can increase.* [40]

Peter Moskos, who served as a police officer for a few years in Baltimore before finishing a doctorate in criminology, ignored prosecution, and emphasized the role of the police under Covid:

> *"Look, it was a weird year and there was COVID, but the evidence that the increased violence was policing-related is pretty strong. Police got out of the crime-prevention game. There was a push and a pull that led to less policing. Some of it was changing laws and decriminalization and legalization and non-prosecution. And some of it was police saying, "well, screw it."* [41]

Understanding Homicide

We believe that the publication of Hogan's article is a sign of dissatisfaction with conventional explanations for homicide. Recent expressions of uncertainty about the causes of homicide among scholars who specialize in its study are another. For example, during a recent symposium at which many of the most widely published scholars of homicide presented proposals for new research on lethal violence in the United States, several insisted that what caused the sharp rise in homicide in so many cities in 2020 is either unknown or poorly understood. They appealed for greater diversity in research

[39] "Are Progressive Prosecutors to Blame for An American Homicide Wave?" February 19, 2022,
[40] Patrick Sharkey quoted in Derek Thompson, "Why American's Great Crime Decline is Over," Atlantic Monthly March 24, 2021.
[41] From the interview with Peter Moskos by Greg Berman in "You Have to Crack Down on Gun Offenders": A Conversation with Peter Moskos," Harry Frank Guggenheim Foundation, January 20, 2022.

methods, borrowing ideas and techniques from other fields, and new partnerships between government agencies, academic researchers, and philanthropic organizations.

The kind of fundamental research required for a new understanding of homicide to emerge may take many years to come to fruition, although some signs of its possible contours can be detected already.[42] In the shorter term, though, other research might examine the co-occurrence or co-incidence of homicide with sources of major social strains such as unemployment, suicide, drug addiction, overdoses, and homelessness. The resulting map of cities in which homicide does or does not correlate with such strains could help clarify the causes of the increase in such violence. Another option is more focused research on the sources of the increase in homicide in states such as Texas, Florida, and California, where there is significant variation in the legislation on guns and progressive prosecutors won elections in different years (see Appendix 2 and 3 for initial analyses).

Measuring Prosecution

Our inability to document from a distance what progressive prosecutors are doing both within individual cities and as a cohort is a limitation in this report. Our research so far shows only that prosecutors labeled "progressive" are not responsible for the increase in homicide. It does not document the degree to which promised innovations in public prosecution in cities with progressive prosecutors (such as presumptive release for minor offenses, higher rates of declination for misdemeanors, alternative resolutions for family violence, and shorter and fewer custodial sentences) have been implemented in practice. We do not yet have valid, reliable, consistent measures of these practices across jurisdictions, and we are only just beginning to study them carefully in a few cities.

A relatively simple way to start to solve this problem would be to collect data on declinations by type of offense, which might be available for some cities through the national survey of state prosecutors periodically conducted by the Bureau of Justice Statistics.[43] We could also solicit information about declination rates or indictment rates and dismissals from all district attorneys that serve a matched set of cities that recorded increases and decreases in homicide during the pandemic. Of course, declination and dismissal rates might not be the hallmark of progressive prosecution, and variation in such rates might depend as much on the quality of the evidence adduced by law enforcement agencies as the determination of the prospect of conviction or public interest in prosecution. But this would be a start.

We think a multi-county data base on the policies and practices of district attorneys would mitigate this problem but not solve it completely. This is because the problem is not merely the absence of reliable and comparable data on felony indictment rates, misdemeanor charging practices, bail recommendations, and sentencing policies for young, homeless, or addicted defendants. The deeper

[42] For instance, Janet Lauritsen's research on the changing lethality of violence, which shows that a higher percentage of homicides involve a firearm today (94 percent in 2016 vs 78 percent in 2004) and finds no corresponding increase non-lethal serious violence, helps isolate homicide from violent crime and focus attention on the availability, portability, transferability, and lethality of guns. Jeffrey Brantingham's research on the differential degrees of "contagiousness" of fatal shooting incidents across cities shows that different approaches might be required to prevent or discourage retaliatory violence in different cities.

[43] District attorneys in 47 counties that participated in the "national survey of state court prosecutors" in 2011 reported data on their declinations to a federal "repository" that is supervised by the Bureau of Justice Statistics. The results of the most recent survey (2019) have not yet been made public. See Steven Perry, "Prosecutors in State Courts, 2007 – Statistical Tables," December 2011.

problem is that what is and is not "progressive" is disputed, and that what constitutes progressivism in public prosecution may vary considerably by city and state.[44] For instance, a slight change in the policy on disclosure, or the training of prosecutors on disclosure, might appear in certain cities to be very progressive and or even constitute a radical step toward accountability, whereas in other cities such a change might seem banal, complacent, or a distraction.[45] Likewise, the creation or strengthening of a unit for public integrity in cities and counties with endemic corruption might appear to be progressive, and yet such an initiative does not figure in the taxonomies of progressive prosecution we are aware of.

The systems for classifying prosecutors we've reviewed focus on *whether* there is a new policy or initiative on something such as the death penalty or police accountability, not how it works in practice or indeed whether line prosecutors follow the policy.[46] For example, the NGO Smart Justice lists 13 dimensions of criminal justice to distinguish between an "antiquated approach" and a "21st century approach" to prosecution, which is a less doctrinal system for differentiating prosecutors, but it has yet to be matched with a measurement exercise that describes the practices associated with the policies and an appraisal of their repercussions for the justice system.[47] Academic researchers have only just begun to investigate the consequences of new policies by progressive prosecutors on outcomes, such as the rates and duration of custodial sentences or the quantum of bias in case outcomes.[48] The organizations Measures for Justice, Fair and Justice Prosecution, Equal Justice Initiative, and the Vera Institute are all producing insight about progressive prosecution in specific cities, as are the academic research centers at Florida International University and Loyola University.

Part IV: Conclusion

Taken together, the findings in this report show that progressive prosecutors as a group did not cause the rise in homicide in the United States during the pandemic. We find weak evidence for the proposition that prosecutors of any stripe were responsible for the increase. Though we cannot establish what *did* cause the increase in homicide in so many cities, nor why robbery declined in so many different cities,[49] the diverse and voluble trends in homicide across so many cities and especially

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[44] For some cities, of course, there is not much of a dispute: the DAs in charge of prosecution in Fort Worth, Atlanta, and Miami do not depict themselves as progressive, nor would observers consider them such. For other cities, though, it is unclear: the DA in Franklin County, Ohio, is not avowedly progressive and yet he established a conviction integrity unit and seeks to reverse some of the extremes of his predecessor, a staunch Republican. Should we treat him as semi-progressive, moderately conservative, or in-between those two non-extremes?

[45] For an early discussion of the impact of Supreme Court's decision in *Connick v Thompson* on municipal liability for misfeasance, see Owen Farist, "Municipal Liability? Not so fast. What Connick v Thompson means for Future Prosecutorial Misconduct," *Mercer Law Review*, 63/3 (2012).

[46] See, for example, see Heather Pickerell, "How to Assess Whether Your District Attorney is a Bona Fide Progressive Prosecutor," *Harvard Law and Policy Review*, 15/1 (2020).

[47] The chapters by Don Stemen and Kim Foxx in Kim Taylor Thompson and Anthony C Thompson*, Progressive Prosecution: Race and Reform in Criminal Justice*, NYU Press, 2021 describe new practices in Cook County but do not appraise their repercussions for individual defendants or the operation of the system of criminal justice.

[48] See Ojmarrh Mitchell et. al., "Are Progressive Chief Prosecutors Effective in Reducing Prison Use and Cumulative Racial/Ethnic Disadvantage? Evidence From Florida," *Criminology and Public Policy*, 21 (2022)

[49] Major media organizations such as the Washington Post and *New York Times* recognize that fact and report it. For example, summarizing the views of academic researchers and police chiefs across the US, *the Times* reported in September 2021 "there is no simple explanation for the steep rise [in homicide]. A number of key factors are

within the three focal cities in Part II suggest that no single explanation or cause for homicide is credible. The divergent patterns in homicide over the course of the pandemic strongly suggest that the causes of such violence vary from city to city.

If we were to attempt to tease out the specific drivers behind sharp increases in homicide, we would start by investigating differences between those cities that saw moderate vs. extreme increases during the pandemic, as well as the reasons homicide rates quickly abated in some cities but, in others, continued and even accelerated in others in 2021. Fresh attention on other possible sources of the increase in homicide, such as guns and their increased circulation, availability, portability, and lethality, would be welcome. So, too, would directing concerted attention to recent changes in policing, which may have made significant contributions to the surge in homicide under the pandemic. It is also important to study the "mechanisms" by which new practices in prosecution might affect local policing practices in ways that impact crime reports and clearance rates.

Taking a different tack, we recommend that future research examine the repercussions of progressive prosecution for the system of criminal justice. For instance, looking beyond recorded crime, research might ask how justice agencies compete or cooperate and how residents interact with these agencies. Research along these lines might yield insights into the responsiveness of the justice system to severe social strains (such as the pandemic) as well as the election of prosecutors who seek to change its operating principles.

In future research we plan to document how progressive prosecutors are responding to changes in homicide and robbery and thereby clarify what is distinct about how they "deal" with violent crime. So far, most of the attention to progressive prosecution has been about what they do less of (prosecute misdemeanors, for example), how they handle non-violent offending, and whether progressive prosecution decrease the likelihood of long custodial sentences. We do not know how prosecutorial policies and practices have responded to changes in crime and violence. Are progressive prosecutors' policies malleable and responsive to changes in violence, or are they immune to or intransigent with regard to social change? All this remains the domain of conjecture, as does the idea that progressive prosecution causes increases in violent crime.

driving the violence, including the economic and social toll taken by the pandemic and a sharp increase in gun purchases." See Neil MacFarquhar, "Murders Spiked in 2020 in Cities Across the United States," New York Times, September 27, 2021.

APPENDIX 1

Do Progressive Prosecutors "Associate" with Crime?

An Analysis of Symptoms, Systems, and the Quality of Social Relations

A Reflection on "De-prosecution and death: A synthetic control analysis of the impact of de-prosecution on homicides." (Hogan, *Criminology & Public Policy* (2022))

Ron Levi and Todd Foglesong, University of Toronto

In his article, "De-prosecution and death: A synthetic control analysis of the impact of de-prosecution on homicides," Thomas Hogan relies on administrative data from the judiciary in Pennsylvania and police statistics on recorded crime in Philadelphia to argue that progressive prosecution has a "causal association" with an increase in homicides. A former prosecutor from Chester, Pennsylvania, which borders on Philadelphia, Hogan had earlier expressed doubt about the "motivations" of "woke" prosecutors in the *New York Post.* [50] When his research article was published in *Criminology and Public Policy*, Hogan asserted that he could prove that progressive prosecutors cause homicides to rise by treating the entry of Philadelphia DA Larry Krasner into office as a natural experiment for studying "de-prosecution" and its effects on crime.

We scrutinize three aspects of his argument here. The first is Hogan's empirical finding that the policies of progressive prosecutions, which he refers to collectively as "de-prosecution," have led to an excess number of homicides in Philadelphia as well as in Chicago and Baltimore; we call this effect the "symptoms." The second focuses on Hogan's hypotheses about the *mechanisms* for this effect, which include the direct and indirect causal pathways that he believes lead to an excess number of homicides; we call this an analysis of "systems." The third is the supposedly causal role of elected District Attorneys, who were not simply assigned to jurisdictions, and thereby ignores that their very election in some jurisdictions may be a signal of an underlying social malaise or institutional concerns about public services; we call this an analysis of "situations."

1. Symptoms

If you want to know whether a criminal justice policy in any city led to an increase or decrease in crime, where would you start? For some criminologists, answering that question would require statistical analyses of longitudinal data on prosecutorial policies and directives as well as a comparison of crime patterns within specific places and across different locations.

Hogan acknowledges that comparison is a challenge: "…[T]here is no city exactly like Philadelphia" (2022:14). His solution to this problem is statistical and borrows from ideas in epidemiology. He considers Philadelphia as having received a treatment (in this case, a set of progressive prosecution policies), and compares homicide in that city with data on homicide from the country's 100 largest cities in the U.S. That said, Hogan does not compare Philadelphia across *all* 100 cities, nor all of them individually. He treats these 99 cities as a pool from which to compare trends in Philadelphia. To avoid 'contamination'—that is, to ensure that none of the comparison cities have received the "treatment" of

[50] See Hogan, "Cracking the Case of the 'Woke' Prosecutor," *New York Post*, January 17, 2022.

a progressive prosecutor—Hogan omits from comparison any cities he has determined to have one.[51] He removes two more cities, Las Vegas and Orlando, where mass shootings between 2010-2019 inflated the number of homicides recorded by the police.

By our count, 81 cities remain in the potential comparison group (in statistical terms, the "donor pool"). But Hogan does not directly compare Philadelphia to this donor pool. Instead, he uses a statistical algorithm that selects *from* these 81 cities just 3, which are then weighted to create a "synthetic Philadelphia"—a Philadelphia that, in an alternate timeline, had not received the treatment of a progressive prosecutor. As readers, we find it difficult to determine precisely on which data on the algorithm selected these cities,[52] which were weighted as follows: Detroit (0.468), New Orleans (0.334), and New York (0.198). In his core analysis, Hogan estimates that Philadelphia recorded roughly 75 more homicides per year, from 2010-2019, than were projected for the "synthetic Philadelphia" (the Detroit-New Orleans-New York amalgam that never elected a progressive prosecutor) from 2015 onward.

Hogan then conducts a series of robustness checks: he uses a different algorithm; he begins his analysis with Krasner in 2017 and in 2018, rather than including the progressive policies that began under his predecessor in 2015; he relies on the homicide rate rather than the number of homicides (after which he finds an additional 4.06 homicides/100,000/year in Philadelphia), but cautions that such a change would skew the statistical analysis by having the algorithm choose too many cities to compare from the donor pool; he compared Philadelphia with the full pool of 99 cities; and he changed the inclusion of the most heavily weighted comparisons (the algorithm replaced Detroit with Los Angeles, New Orleans with Stockton, then New York with Los Angeles). The patterns, he reports, remain across these checks.

Hogan then tests his analysis against two other cities with progressive prosecutors, finding that Chicago sees more homicides than a synthetic Chicago and that Baltimore sees more homicides than a synthetic Baltimore (the article does not indicate which comparison cities were picked by the algorithm to produce these two synthetic cities). From this, he asserts, it's not just Philadelphia. Progressive prosecution increases homicide elsewhere, too.

By contrast, his tests of progressive prosecution on the incidence of burglary and robbery turn up no such association between prosecutors and rising rates. Hogan concludes, in short, the negative effect of progressive prosecutors is not on violent or property crime, but homicide alone. Hogan acknowledges that this finding is puzzling and warrants further investigation yet does not reflect upon whether it upsets the logic of his argument.

2. Systems

Hogan's argument is that de-prosecution has a "causal association" with an increase in homicide, but he does not describe the mechanism by which this association is made possible. In other words, the cause is not specified. In fact, Hogan does not attempt to demonstrate *why* de-prosecution might have such

[51] These are: Chicago, Philadelphia, San Francisco, Seattle, Denver, Boston, Baltimore, Milwaukee, Albuquerque, Tampa, St. Louis, Corpus Christi, Orlando, Norfolk, Durham, Madison, and Birmingham. As noted in the report, Hogan relied on a taxonomy built from media accounts and campaign materials (rather than new policies or practices) in deciding whether a given prosecutor was "progressive" and, therefore in his estimation are committed to "de-prosecution."

[52] Our best guess is that it includes homicides, population, median income, and homicide clearances/clearance rates (see Hogan 2022a, p. 24-25).)

an effect on homicides. Instead, he lists a series of possible explanations—what we might think of as hypotheses—for why his claim might be true.

First, Hogan presumes that progressive prosecutors engage in *de-prosecution practices*. Hogan adduces indirect evidence to suggest that this is the case for Philadelphia by comparing changes in the number of people *sentenced* by a criminal court there to sentencing rates in other Pennsylvania cities. But he does not measure directly prosecutors' declination rates, charging practices, or sentencing recommendations.

Yet whether progressive prosecution in fact involves "de-prosecution" is central to the claim that progressive prosecutors have an independent effect (whether positive or negative) on the incidence of crime. There is insufficient evidence to gauge the prudence of this presumption. Recent data from New Orleans, for example, indicate that since Jason Williams (a progressive DA) took office, the felony "case acceptance" rate *increased* from 51 to 67 percent and the misdemeanor "case acceptance" rate increased from 23 to 40 percent.[53] By contrast, we note that a traditional prosecutor in Yolo County, California, has pledged to divert from prosecution 15 percent of all felonies. These examples suggest that the political affiliations of prosecutors might not be reliable proxies for their practices.

Setting aside that concern, we address four of the mechanisms by which Hogan intimates that progressive prosecution might have a negative affect on the total number of homicides in a city.

H1. Police effects:

Incentives link de-prosecution to de-policing

Hogan suggests that homicide may increase because of a system-level interaction between police and prosecutors that distorts police behavior: "As the police department realizes that such crimes will not be charged or will not be prosecuted to conviction, there is a lesser incentive for police to make arrests for such offenses … hypothetically [this] could create a feedback loop leading to de-policing, as members of the Philadelphia Police Department become less aggressive in making discretionary arrests, which in turn might lead to more homicides."[54]

Prosecutorial practices alienate police officers

Perhaps, Hogan suggests, de-policing occurs through another "feedback loop," since "the Philadelphia DAO [District Attorney's Office] has publicly declined to seek charges related to protests directed at the police themselves, and instead has charged police officers for conduct during those protests." In retaliation against progressive prosecution/the election of a progressive prosecutor, Hogan posits, "members of the Philadelphia Police Department become less aggressive in making discretionary arrests, which in turn might lead to more homicides."

[53] See https://council.nola.gov/committees/criminal-justice-committee/#crime-dashboard

[54] On de-policing, see Greg Berman, ""You Have to Crack Down on Gun Offenders": A Conversation with Peter Moskos." Harry Frank Guggenheim Foundation, January 2022, available at https://www.hfg.org/conversations/a-conversation-with-peter-moskos/

Hogan dismisses that idea of a "Ferguson effect," since that would be nation-wide, and he also builds his analysis to exclude the George Floyd protests.[55] Importantly, he cautions that this is not freefall de-policing, since the number of arrests for firearms violations continues to rise in Philadelphia, even as gun convictions have fallen. Yet Hogan presents no data on other arrests, nor any explanation for gun arrests rising, in particular, amid possible de-policing.

H2. Effects within the DA's Office:

Experienced prosecutors may become disenchanted

Hogan suggests that "experienced prosecutors may not remain working in an office where de-prosecution is the norm, leading to fewer experienced prosecutors capable of trying and convicting offenders at every level of offense, once again potentially leading to more homicides." Essentially, he intimates that only rookie prosecutors would put up with progressive prosecution practices/de-prosecution, so that prosecutorial flight yields fewer convictions, which causes rises in homicide. Hogan does not clarify how such a mechanism might work (that is, why prosecutorial flight, if it happened, would lead to higher homicides), though we think the clue to his thinking lies in potential civilian effects.

H3. Civilian effects:

De-Prosecution incentivizes would-be offenders

Hogan proposes that offenders adjust their behavior in relation to changes in the justice system. "As would-be offenders realize that they will not be prosecuted for certain offenses," he writes, "and that the police are engaging in lesser efforts to arrest them, those offenders may be more likely to engage in criminal behavior, with some of that behavior leading to homicides." Later, Hogan grounds this prospect in the possibility of a lack of deterrence, though he acknowledges that such a signalling effect would be difficult to quantify. We imagine the interested researcher here would investigate what proportion of Philadelphia homicides are preceded by other criminality.

De-Prosecution de-incentivizes cooperation with the police

Hogan ventures that witnesses might also change their conduct in response to signals from prosecutors. "For civilian witnesses—already reluctant to testify in criminal cases—de-prosecution adds another disincentive to risking public disclosure of their cooperation with law enforcement." Hogan adds that such reticence may be common in weapon and drug offenses. Here we would want data from the DA's office, including any evidence that witnesses are less likely to engage in such cases, or whether might witnesses instead feel less exposed in cases of non-prosecution and be *more* willing to cooperate,

De-Prosecution leads to a larger universe of potential homicide victims in the city

Hogan suggests that having fewer people incapacitated (via incarceration) makes possible more interactions between potential offenders and thus increases the number of victims of homicide. "[T]he cohorts of likely homicide defendants and homicide victims have a large overlap," he writes," adding

[55] For the suggestion that the homicide spike in 2015 across the country might be related to events in Ferguson, see Richard Rosenfeld, Documenting and Explaining the 2015 Homicide Rise: Research Directions, National Institute of Justice, June 2016, available at: https://www.ojp.gov/pdffiles1/nij/249895.pdf

"fewer prosecutions and sentencings in Philadelphia cause fewer people to be incarcerated, and more potential homicide offenders and victims interacting, thereby resulting in more homicides."

H4. Effects on the Nature of Crime:

De-Prosecution of drug and weapons possession leads to increased risk of homicide:

"Two of the most accepted risk factors for murder historically have been drug trafficking and weapons possession. …Most Philadelphia homicides involve firearms. Thus, when the Philadelphia DAO substantially decreased the number of people being sentenced for drug trafficking and VUFA [Firearm Act] felonies, this may result in a specific category of potential homicide offenders not incapacitated."

De-Prosecution disappoints gang members and increases retaliatory homicides:

"Consider a scenario where a member of Gang A kills a member of Gang B. If the Gang A murderer is not arrested and successfully prosecuted because the police lack the leverage to get information from witnesses created by other prosecutions, particularly drug prosecutions, then Gang B will perceive that the criminal justice system is not working. As a result, Gang B is likely to take matters into their own hands and retaliate by killing a member of Gang A. Once again, this follow-up homicide is unlikely to result in an arrest and prosecution under the de-prosecution model. The result is a series of retaliatory homicides."[56]

Because Hogan does not present data to support these hypotheses, we simply relay them here, emphasizing that:

(1) Methodologically, all of Hogan's analysis turns on a claim that progressive prosecution entails de-prosecution, *not only in Philadelphia but across cities* (otherwise, those cities must be included in the donor pool for potential comparisons to Philadelphia, since they too would have not received the "treatment" of de-prosecution);

(2) Substantively, what de-prosecution *means* may vary over time and space: Hogan treats all de-prosecution similarly, but much of it may entail diversion programs (including for marijuana in Philadelphia), which can confound the possible mechanisms of what may be occurring;

(3) As causal inference, Hogan gestures at a system analysis that may well involve the police and de-policing, without directly providing such an analysis or considering the possibility that the *cause* of de-policing in Philadelphia may not be a prediction that their arrests won't be prosecuted, but rather a desire to try to express or foment frustration with the changes progressive prosecutors seek to implement.

3. Situations

Hogan recognizes that the social situations in each city differ, with his method based on the view that "there is no city exactly like Philadelphia." In his robustness checks, Hogan considers cities' poverty rate, labor force, employment totals, unemployment totals, and unemployment rates as statistical controls for analysis, but does not use those variables as criteria by which to select cities for the construction of

[56] Whether homicide is "contagious" in this sense is a question animating recent research by Jeffrey Brantingham, et al. 2021. "Is the recent surge in violence in American cities due to contagion?" *Journal of Criminal Justice* 76: 101848, although they do not examine specifically whether prosecutors' practices increase or decrease it.

synthetic Philadelphia. Yet building a synthetic Philadelphia (or Chicago, or Baltimore) that is best fit to investigating the relationship between violent crime and public prosecution might require an examination of variables other than crime and the political reputations of public prosecutors. For example, one could compare cities with similar social conditions, perhaps contrasting ones with comparable measures of social malaise that have and have not elected a progressive prosecutor (or perhaps did not even have one on the ballot).

We think there is sign of the possible significance of different social conditions in Hogan's own paper since, as he notes, there is no unexpected increase in burglary or robbery in real compared with synthetic Philadelphia. This finding points to alternative possible explanations for the recent rise in homicide. There might be some underlying social malaise that affects the incidence of homicide. In other words: electing progressive prosecutors might not be the *cause* the problem, but rather a reflection of a set of social concerns, and a possible indicator of the quality of social relations in those cities.

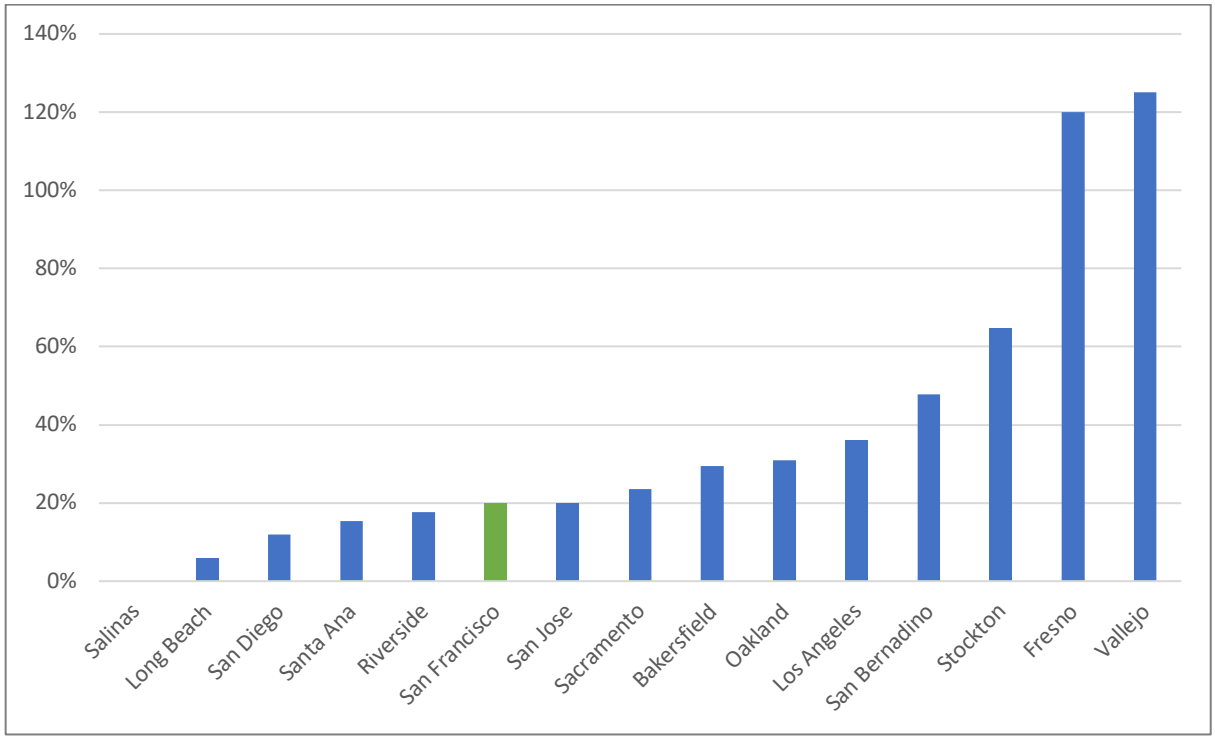
We are pursuing this hypothesis now by collecting data on a range of social ills that may be occurring in Philadelphia, the composition cities for synthetic Philadelphia (Detroit, New Orleans, and New York, Chicago, and Baltimore. What are opioid-related deaths rates like in these cities? Suicide rates? Can excess COVID deaths, though after Hogan's timeframe, tell us something about the quality of social relations in these cities? These questions will be taken up in future reports.

APPENDIX 2

Homicide in California Before and During the Pandemic

The increase in homicide in California during the pandemic was widely reported as a "state-wide phenomenon." That claim may be misleading. The total number of homicides did increase in most large cities in the state in 2020. Salinas, with a population of 165,000, is the only city with a sizable population that recorded no such increase. But the rates of increase diverged greatly across cities in 2020 For instance, the number of homicides more than doubled in Fresno and Vallejo, cities served by conservative prosecutors. They increased by more than 60 percent in Stockton, whose prosecutor is a Republican although some would consider progressive.[57] Homicides increased 36 percent in Los Angeles, the last year of Jackie Lacey's tenure as District Attorney. by 20 percent that in San Francisco.

Figure A2i. Percent Change in Homicide, fifteen cities in California, 2020[58]

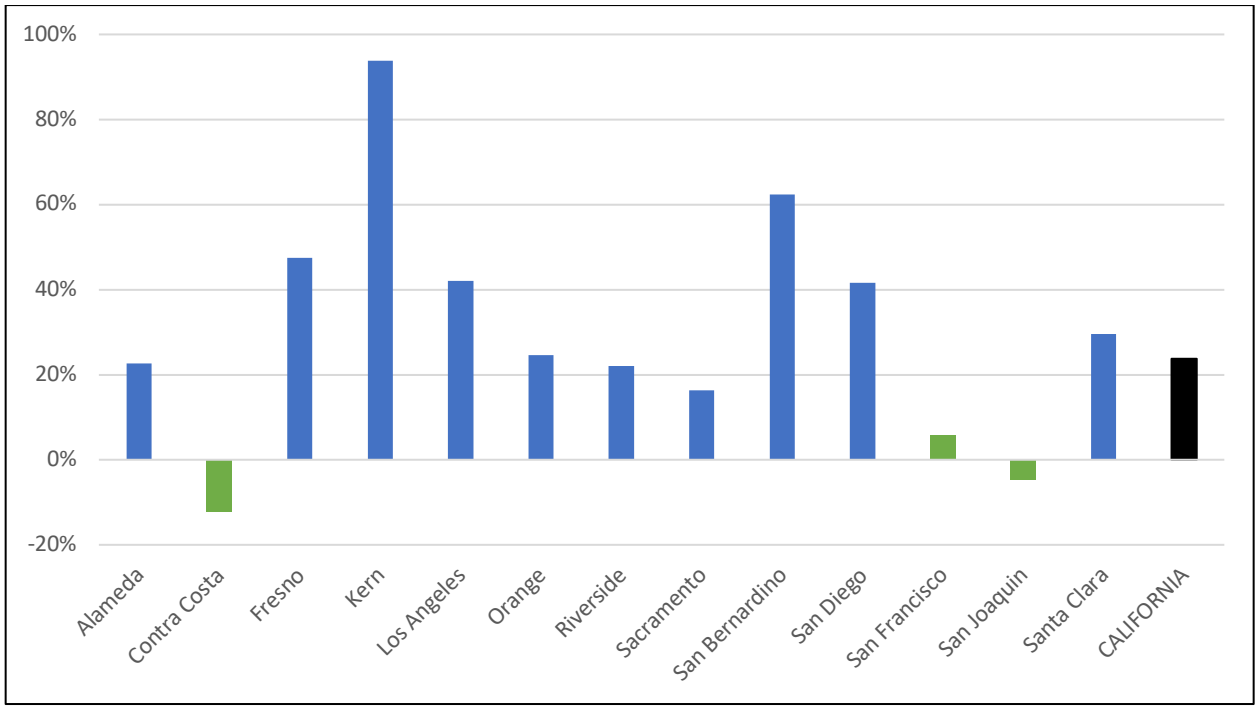


Source: California Department of Justice, open justice data portal.

[57] Future trends in Yolo County might be especially interesting since its progressive Republican DA has promised to divert at least 10 percent of all felony prosecutions. See the prototype dashboard designed by Measure for Justice.
[58] Note that these figures reflect percentage changes within each city, so a single incident registers more prominently in cities with low base numbers of homicide, such as Santa Ana. This may be partly why Los Angeles is more in line with cities such as Oakland and San Francisco than Fresno and Vallejo.

An analysis of trends in homicide over a longer time frame put these data in starker relief. Using data published in September 2022 by the California Department of Justice, we analyzed the incidence of homicide in the period 2015-2021. As the data in Figure A2ii below show, we found that homicide increased across the state by an average of (24%); it *decreased* in two of the three counties with progressive prosecutors, increased by just 6 percent in San Francisco over this time frame, and increased more in all the other counties that recorded more than 50 homicides per year. These data suggest that progressive prosecution might have moderated the effects of the forces that caused homicide to increase in many of the large cities of the state.

Figure A2ii. Percent Change in Homicide in California Counties with > 50 homicides per year, 2015-2021



More detailed research by researchers in California lends support for these findings. To appraise the relationship between violent crime and progressive prosecution in California, the Center for Juvenile and Criminal Justice published a comparison of violent crime trends in San Francisco and Sacramento, 2014-2021. It found that homicide fell 9 percent in the former and increased by 29 percent in the latter. The researchers concluded that the "tough-talking" DA in Sacramento was more strongly associated with higher rates of crime than San Francisco's progressive DA, Chesa Boudin. These findings supplement our analysis and might be interrogated further by CAP or the PAC as part of their support for incumbents or challengers in the fall.

APPENDIX 3

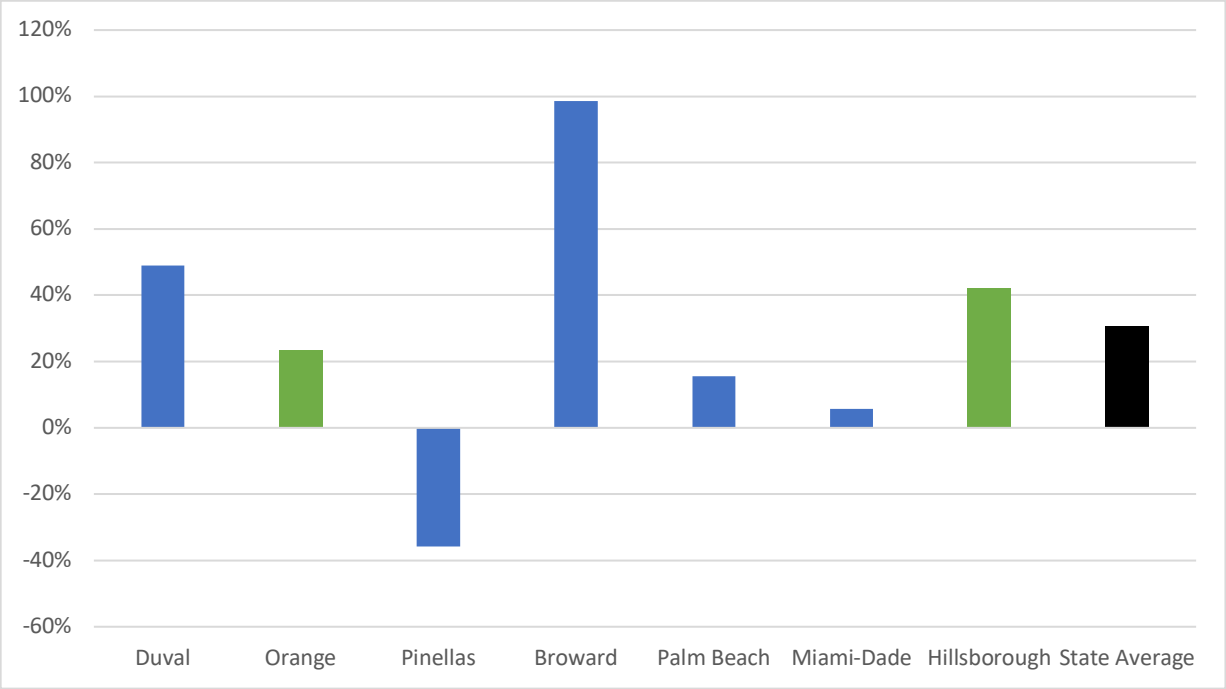
Trends in Homicide and Robbery in Florida

Because only 2 of the 757 counties in Florida reported crime data to the FBI in 2021, we analyze here the most recent and consistently reported data on homicide and robbery from municipal police departments in that state that were published by the Major Cities Chiefs Association, which is available through June 2022; and annual data on the incidence of homicide and robbery in each county published by the Florida Department of Law Enforcement, which are available for 2014-2020.

Homicide

From these data we find no evidence to support the claim that progressive prosecution is responsible for an increase in homicide. Between 2014 and 2020, the total number of homicides in the state increased by 31 percent. The greatest increases were recorded in Broward and Duval counties, each of which are served by State Attorneys that are not progressive. Orange and Hillsborough, the only two counties in Florida in which a progressive State Attorney was elected, recorded more moderate increases. Moreover, as Figure 1 below shows, the average increase in homicide across the state was greater than the increase recorded in Orange County, which suggests that most counties struggled to control homicide. Pinellas county, which has the smallest population of the seven, was the only one to record a decrease in homicide over this period.

Figure A3i. Change in the Number of Homicides in the Seven Largest Counties in Florida, 2014-2020



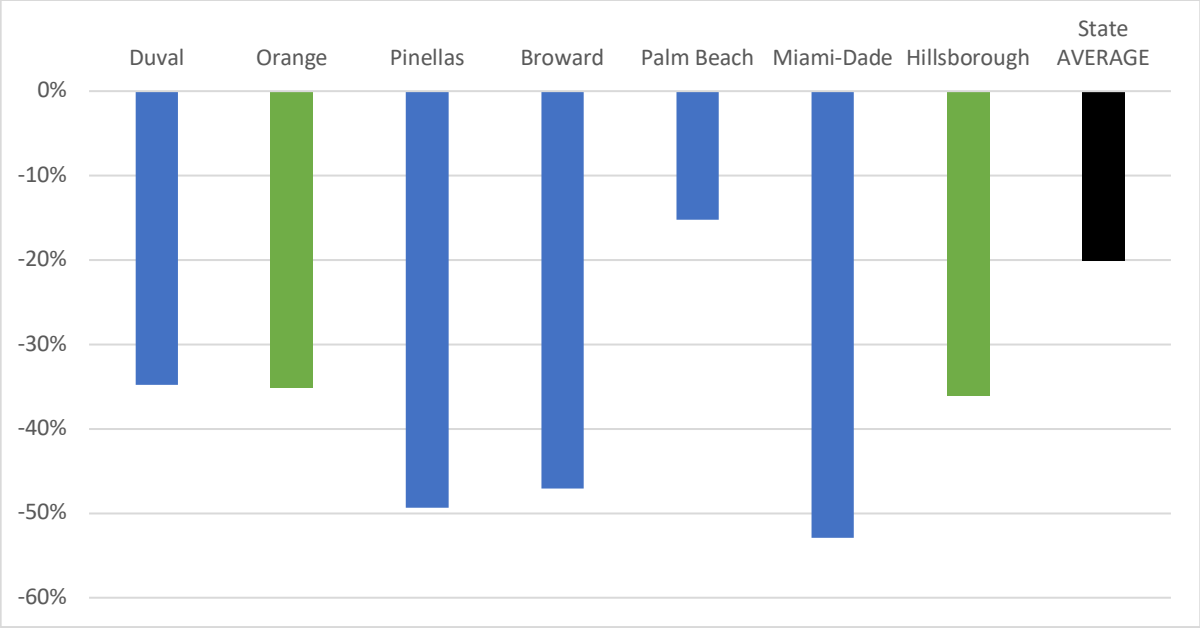
Source: Florida Department of Law Enforcement, Annual Report (UCR data)

Note: Figure 1 depicts change over time in counties that recorded *at least two homicides per month*. Counties with fewer homicides registered greater proportional increases and decreases in homicide from year to year.

Robbery

Almost every county in Florida recorded a substantial decrease in robbery between 2014 and 2020. As Figure 2 below shows, robbery fell 20 percent across the state in this period. The two counties in Florida with progressive prosecutors recorded nearly twice the average decline in robbery. Even greater declines took place in Miami-Dade and Pinellas counties, closely followed by Broward. We interpret this as suggesting that change in the incidence of this violent crime is also unrelated to the practices, policies, and identity of the local prosecutor.

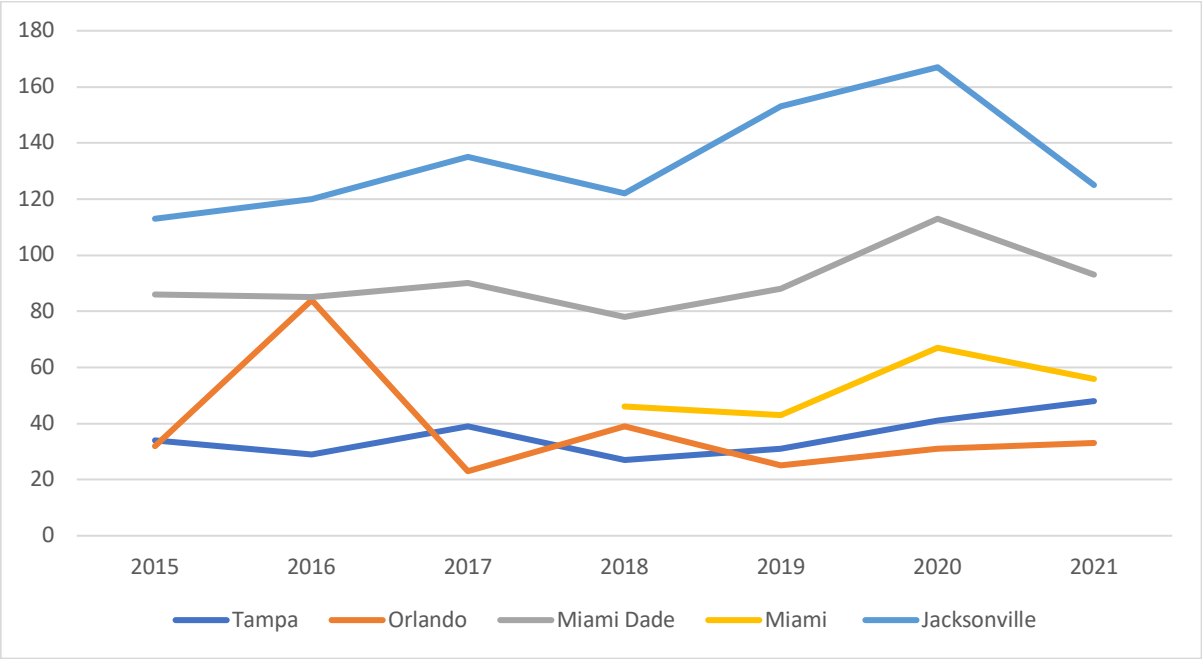
Figure A2ii. Percent Change in Robbery, Seven Largest Counties in Florida, 2014-2020



Homicide in Big Cities

The trends in homicide in the largest cities in Florida diverge considerably and defy simple analysis, especially when taking into consideration developments in 2021, the second year of the pandemic. As Figure 3 below shows, the number of homicides increased in all five of the most populated cities in Florida between 2015 and 2021, but at different paces and in different years. For example, in Jacksonville, the largest city in the state, the sharpest increase was recorded in 2019, the year before the pandemic; homicides increased at a slower rate in 2020, and then declined in the second year of the pandemic. In the Miami-Dade metropolitan area, homicides increased markedly in both 2019 and 2020 before falling in the second year of the pandemic. In Orlando, a city served by a progressive prosecutor since 2016, the massacre of 49 people in a night club in June of that year more than doubled the total number of homicides recorded by the police. In 2017, Homicides in Orlando fell below the level of the pre-massacre year; they increased in 2018 and fell again in 2019 before increasing in both years of the pandemic. In Tampa, the only other major city with a progressive prosecutor since 2016, homicides increased in 2017 and then fell in 2018. Since 2019 they increased by, on average, 15 percent each year.

*Figure A3iii. Homicides in Five Major Cities in Florida, 2015-2021**



Source: Major Cities Chiefs Association.

** The Miami City Police Department did not report data on homicides for 2016 and 2017.*

Conclusion

Based on these data, we do not identify a relationship between progressive prosecution and either homicide or robbery in these jurisdictions. If there were to be a causal relationship of prosecution on violent crime, we believe that this would be identifiable in either homicide or robbery: homicide is the crime that is least likely to be affected by community reports to the police, and robbery is a violent crime that some think of as deterrable by justice agencies. As above, we identify no such relationship.