

Posted 4/27/24

DE-PROSECUTION? WHAT'S THAT?

Philadelphia's D.A. eased up on lawbreakers. Did it increase crime?

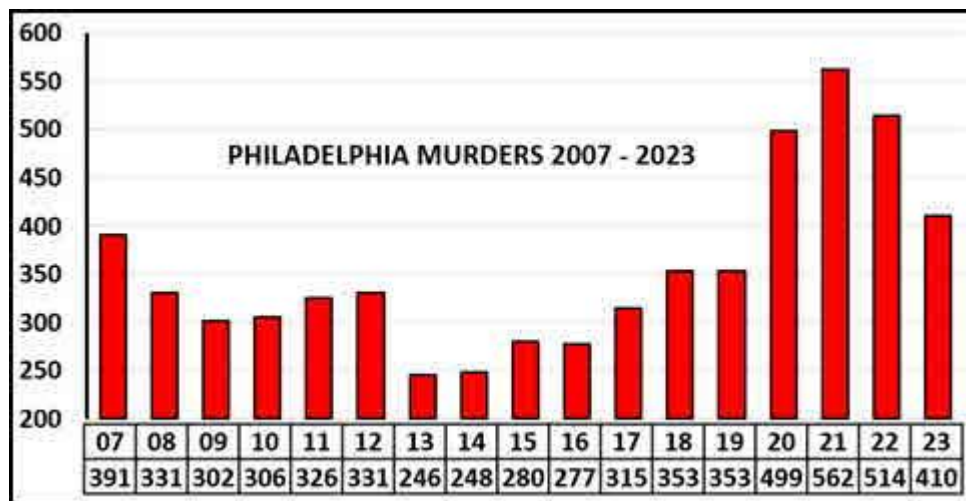


For Police Issues by Julius (Jay) Wachtel. The slugfest between academics kicked off in July 2022. That's when [Criminology & Public Policy](#) published Thomas P. Hogan's "[De-prosecution and death: A synthetic control analysis of the impact of de-prosecution on homicides](#)". Mr. Hogan, a lawyer, has served as a Federal prosecutor and D.A. He holds a Master's in criminology and is a skilled statistician. His deeply-researched article, which focused on Philadelphia's purposeful throttling back of felony and misdemeanor prosecutions between 2015-2019, compared its criminal homicide numbers and case characteristics with those of the other largest 100 U.S. cities, applying elaborate controls on everything from demographics to prosecutorial policies and resources. He concluded that Philadelphia D.A. Larry Krasner's policy of de-prosecution, which he instituted in February 2018, only a month after taking office, had caused a "historically large increase in homicides" of about 74 more per year.

And yes, there was blowback. In an elaborate critique, "[De-prosecution and death: A comment on the fatal flaws in Hogan \(2022\)](#)", researchers Jacob Kaplan, J.J. Naddeo and Tom Scott argued that methodological and data issues essentially nullified Mr. Hogan's findings. In a prompt and mind-numbingly elaborate rejoinder, "[De-Prosecution and A Cordial Reply to Kaplan, Naddeo and Scott](#)," Mr. Hogan countered that it was the critique that was fatally flawed. Among its other failings, it supposedly relied on severe undercounts of Philadelphia homicides. He insisted that once these (and many other) errors were corrected, the contrarians actually lent his conclusions even more weight. He also insisted that his findings were not surprising. After all, they're consistent with the classic model of deterrence, which is based on "swiftness and certainty of apprehensions, then leading to sanctions"

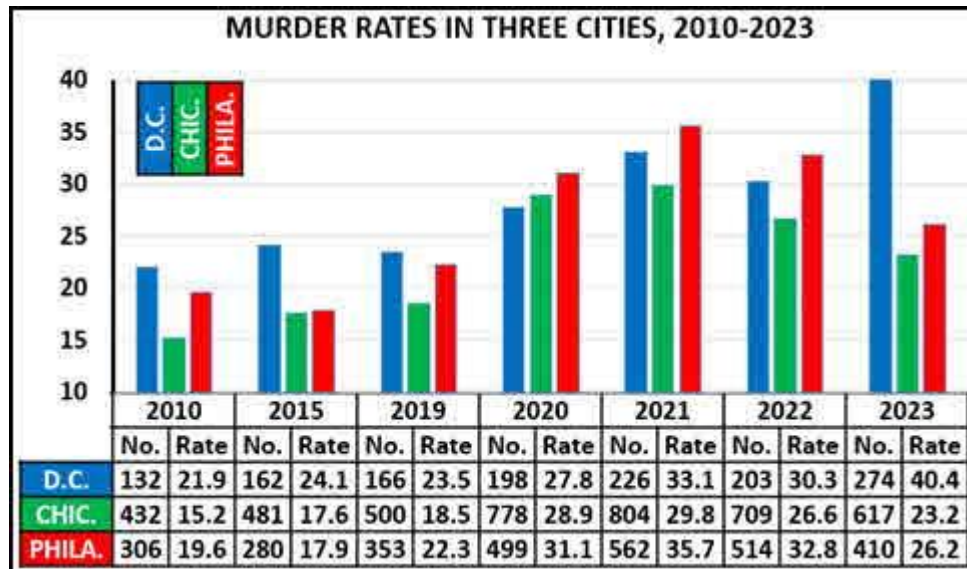
Concerns about the effects of de-prosecution have drawn the attention of other academics. A new essay in *Criminology & Public Policy*, “[Do progressive prosecutors increase crime? A quasi experimental analysis of crime rates in the 100 largest counties, 2000–2020](#)”, concludes that progressive prosecutorial policies led to a statistically significant seven-percent jump in property (but not violent) crime rates.

Slugfest over “cause” aside, what’s not at issue is that the alleged “effect” – an increase in violence – *did* take place, and that Philadelphia’s steep rise [has been more-or-less in sync with its progressive D.A.’s tenure](#). Elected in a community where “Blues” outnumber the “Reds” seven to one, Mr. Krasner took office in January 2018 vowing to tone down the harsh, punitive policies of his predecessors. He was re-elected in 2021, and his current, second term will end in 2026.



We used [Philadelphia PD data](#) to build this graph. After a steep retreat in 2013, when murders reached a low of 246, criminal homicides began to increase. In 2017 there were 315, and by the end of 2018 – Mr. Krasner’s first full year in office – they reached 353. After remaining at that level through 2019, murders really took off. In pandemic-addled 2020 they numbered 499, a single-year increase of 41 percent. And they kept going up, reaching a decade-and-a-half high of 562 in 2021. Things then toned down, and by 2023 killings were “only” sixteen percent higher than in 2019.

Full stop. The pandemic supposedly increased violence *everywhere*. Switching to murder rates per 100,000 population, let’s bring in two demographically similar, violence-prone places, D.C. and Chicago. Check out this graph (click [here](#) for Philadelphia stat’s, [here](#) for Chicago, and [here](#) for D.C.)



As one would expect, each city experienced a substantial uptick during 2019-2020. Chicago’s rates increased the most, by 10.4 points. Philadelphia came in second at 8.8 points, and D.C. was third with 4.3 points. Murders in Chicago and Philadelphia have since eased back. But as we recently mentioned in [“America’s Violence-Beset Capital City”](#), D.C.’s criminal homicide count shot through the roof.

Note that killings in Chicago and Philadelphia track quite closely. Might that bring the “cause” behind Philly’s increase (de-prosecution) into question? Actually, Chicago’s experience lends support to Mr. Hogan’s thesis. You see, Kim Foxx, its elected D.A., has also come under severe fire for her progressivism. While the political blow-back has been most harsh from “Red” ideological sorts, [former members of her own staff have roundly blamed her](#) for the Windy City’s violence problem.

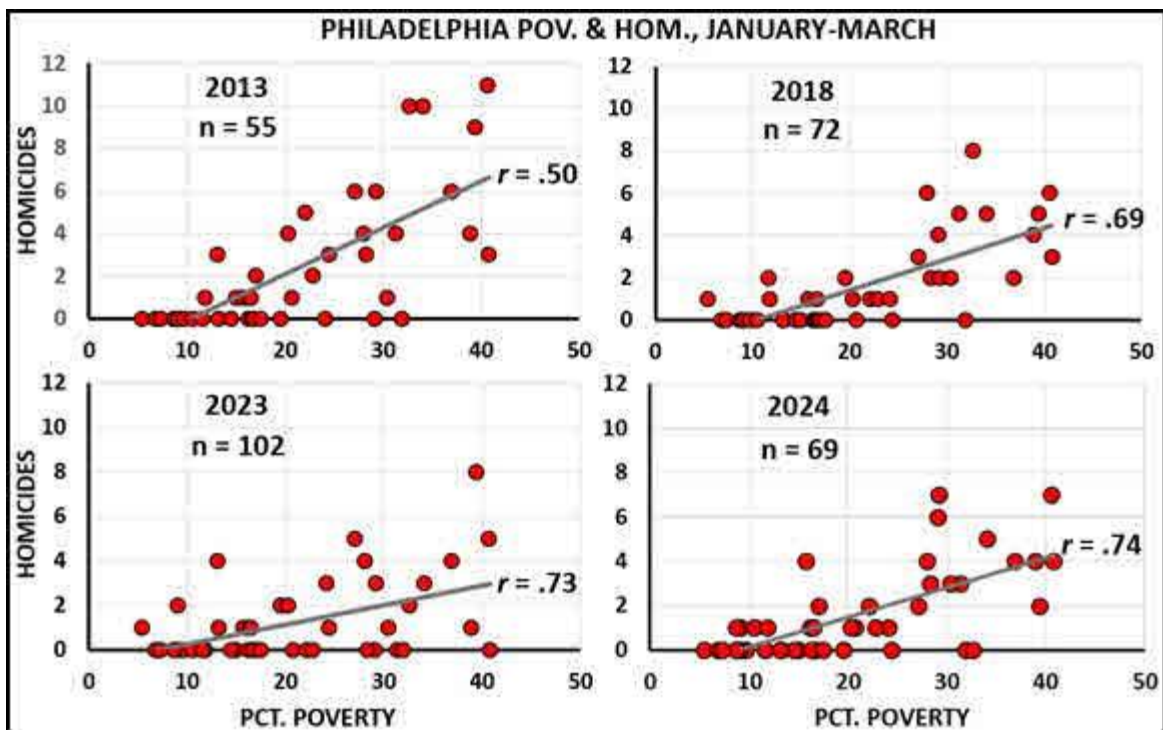
Philly, meet Chicago!

The reasons for Philadelphia’s sharp, post-2018 spike in violent crime was ultimately addressed by State legislators. [Pennsylvania House Resolution 216](#), adopted during the 2021-2022 session, established a committee to “investigate, review and make findings and recommendations concerning rising rates of crime, law enforcement and the enforcement of crime victim rights.” Issued in October 2022, its [“Second Interim Report”](#) blamed D.A. Krasner’s progressive policies. Among many other things, he had prohibited assistant D.A.’s from charging crimes relating to marijuana or prostitution, strongly discouraged them from prosecuting lesser retail thefts, and severely limited requests to impose cash bail. More than a few prosecutors had objected. Thirty-one were promptly fired:

One of the 31 ADAs let go by DA Krasner in his first week in office told the Select Committee that DA Krasner’s mismanagement led to an office that is essentially full of defense attorneys who just want to get defendants out of jail.

It’s not just Philadelphia and Chicago. Many current and former deputies have criticized Los Angeles County D.A. George Gascon for a “soft on crime” approach that, among other things, limits the use of sentence enhancements and prohibits transferring juveniles to adult court. Several sued alleging that he retaliated against them for opposing his policies; [one was just awarded \\$1.5 million](#). Although a recall campaign failed, Gascon faces eleven challengers in the forthcoming primary. His prospects are decidedly uncertain.

Posts in *Police Issues*’ “[Neighborhoods](#)” special topic frequently comment on the strong link between violence and poverty. Police precincts in economically downtrodden areas throughout the U.S. report substantially higher rates of murder, aggravated assault and robbery. For example, check out recent probes of D.C. (“[America’s Violence-Beset Capital City](#)”) and New York City and Los Angeles (“[See No Evil, Hear No Evil, Speak No Evil](#)”). Philadelphia is no exception. These graphs use Philadelphia’s [official crime data](#) to illustrate the relationship between poverty and criminal homicide during the first three months of 2013, 2018, 2023 and 2024 (each murder is a “dot”). Addresses were coded for their Zip’s, and Zip poverty figures were drawn from the [Census](#).



We computed the r (correlation) statistic between poverty and murder for each of the four three-month datasets. It ranges from zero, meaning no relationship between variables, to plus or minus 1, meaning a perfect association. In 2013 the relationship, $r = .50$, was of moderate strength. Generally, as poverty increased, so did homicide. By 2018 their link had become stronger, producing an r of .69. And the correlations in 2023 and 2024 (.73 and .74) were even more substantial. Bottom line: residents of Philadelphia's poorer areas were disproportionately affected by murder from the start. And things only got worse.

According to [Zipcodes.com](https://www.zipcodes.com), Philadelphia has 46 residential Zip's. We broke them down into low- and high-poverty groups (less than or more than 20 percent poverty), then used population figures to compute homicide rates per 100,000 population:

| | Zips | Poverty | Avg Pov | TT Pop | Avg pop | | | | |
|----------|-----------------------|------------|---------|-----------|-------------------------|------|------|------|--|
| Pov <20% | 25 | 5.4-19.5% | 12.6 | 680,659 | 27,226 | | | | |
| Pov >20% | 21 | 20.3-40.8% | 30.1 | 873,779 | 41,609 | | | | |
| Totals | 46 | 5.4-40.8% | 20.6 | 1,554,438 | 33,792 | | | | |
| | Cr. homicides Jan-Mar | | | | Cr homicide rt. Jan-Mar | | | | |
| | 2013 | 2018 | 2023 | 2024 | 2013 | 2018 | 2023 | 2024 | |
| Pov <20% | 13 | 12 | 10 | 8 | 1.9 | 1.8 | 1.5 | 1.2 | |
| Pov >20% | 42 | 60 | 92 | 61 | 4.8 | 6.9 | 10.5 | 7.0 | |
| Totals | 55 | 72 | 102 | 69 | 3.5 | 4.6 | 6.6 | 4.4 | |

One caveat is that a few Zip's extend beyond the city limits, so some murder counts may be slightly understated. That aside, there is a profound difference in murder rates between better-off Zip's and their economically-struggling counterparts. In 2013 the average murder rate for all 46 Zip's was 3.5. But the average rate for the poorer (4.8) was two-and-one-half times that of the wealthier (1.9). And it got worse. In 2023 the disparity (1.5/10.5) was seven-fold, and in 2024 it was nearly six-fold (1.2/7.0). That's why the r 's got so pronounced.

Once again: residents of poorer areas got the short end of the stick from the very start. And things got worse over time. Much worse. No, we're not blaming it all on de-prosecution. According to [NIJ](https://www.nij.gov), "the likelihood of being caught and punished" are crucial to deterrence. That automatically brings cops into the picture:

The police deter crime when they do things that strengthen a criminal's perception of the certainty of being caught. Strategies that use the police as "sentinels," such as hot spots policing, are particularly effective.

An article just published in *Criminology & Public Policy*, "[Can increasing preventive patrol in large geographic areas reduce crime?](#)", concludes that "increased police

presence and increased police patrols” (say, a so-called “hot spots” approach) led to statistically significant reductions in both property and violent crime. And when cops (perhaps driven by the likelihood that D.A.’s won’t prosecute) step back, the consequences can be dramatic. [“When police pull back: Neighborhood-level effects of de-policing on violent and property crime”](#) examined the effects in Denver. A post-Floyd decrease in traffic and pedestrian stops (there were 32,000 fewer in 2020) was significantly associated with an increase in violent crime. And the corresponding drop in drug arrests was tied to an increase in property crime.

Bottom line: “de-policing” is probably more likely than “de-prosecution” to encourage misbehavior. [After declaring “a public safety emergency” in January](#), Philadelphia’s new Mayor, Cherelle Parker asked that officers return to using “stop and frisk,” a practice they had apparently discontinued after complaints it was being abused. The desire for a more active police presence is also percolating through violence-beset D.C. On March 11, Mayor Muriel Bowser signed [“Secure D.C.”](#) One of the massive bill’s provisions directs police to designate “drug-free zones” in areas troubled by crime and disorder. Another stipulates that violent crimes, whether committed by adults or juveniles, carry a “rebuttable presumption in favor of pretrial detention”. And a brand-new law invokes heavy penalties for directing organized retail theft.

A desire for more policing has even made itself felt in...San Francisco! Faced with a steep rise in drug use and homelessness, the most progressive major burg in progressive California recently loosened its reins on the cops. By a 60-40 majority, [voters set aside a bucketful of rules](#) that severely restricted what officers do and how they go about doing it. For example, instead of limiting pursuits to the most aggravated circumstances, [cops can now chase](#) if they have a “reasonable suspicion that a person committed, is committing or is likely to commit a felony or violent misdemeanor” (emphasis added).

Your writer is for immediately de-commissioning de-prosecution (so long, Mr. Krasner!). It’s a lousy concept, and has probably led cops to pull back as well. After all, if a D.A. won’t follow through, why bother? As a former law enforcement practitioner he also supports focused policing; i.e., the “hot-spots” approach. Still, as our posts often point out, cops *are* human. And when some badge-wearers encounter uncompliant citizens, they seem unable to set aside their inner monsters. So before returning to a more aggressive posture, we’d prefer a pause. Let’s make a concerted effort to refine mechanisms, including selection, training and supervision, that can help officers take on – and maintain – the perspective of a skilled craftsman at *every* encounter. Then, and *only* then, crank it back up.

Deal?