



AFPI INVESTIGATES

# PROGRESSIVE PROSECUTORS ABUSING THEIR POWER



CENTER FOR LAW & JUSTICE





“

Progressive criminal justice policies and prosecutors endanger our communities by prioritizing offenders' rights over public safety, undermining the rule of law, and betraying the trust of citizens. A return to law, order, and public safety is essential.”

**Matt Whitaker**

AFPI Co-Chair of the Center for Law & Justice,  
*Former Acting Attorney General of the U.S.*

“

There is no greater threat to law and order than the rise of the rogue progressive prosecutor. These people are elected to protect our communities, hold perpetrators accountable, and improve public safety. Instead, they put all of that at risk in order to pursue a dangerous social justice agenda.”

**Pam Bondi**

AFPI Chair of the Center for Litigation,  
*Former Attorney General of Florida*





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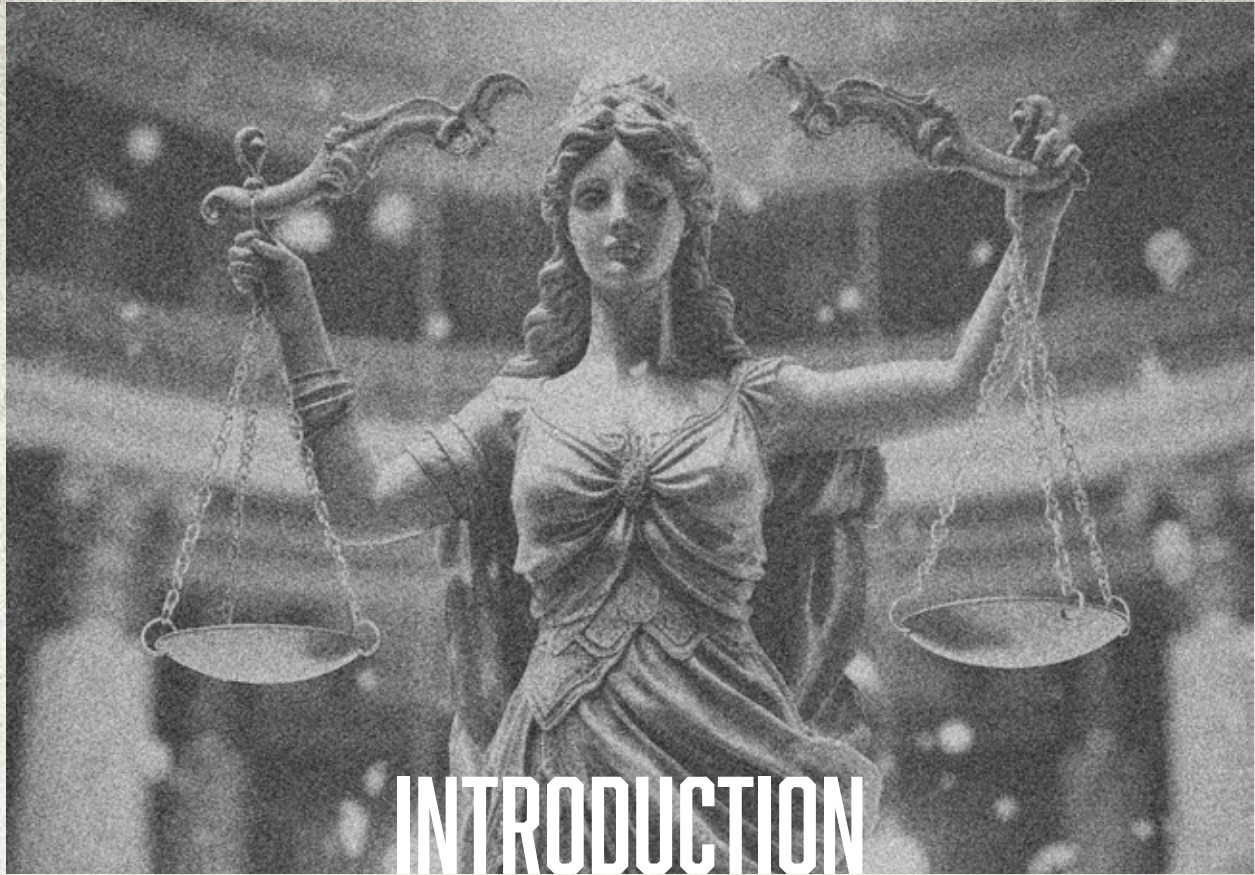
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“

...in recent years, there has been a rise in the implementation of extreme progressive criminal justice policies...”



## **American Prosecutors**

Americans expect their prosecutors to prosecute crimes. After all, it's in their title. The lead prosecutor in a community sets the policies and practices that inform how critical decisions are made in the local prosecutor's office. Lead prosecutors and their executive staff define the goals of the office and instruct line prosecutors on how to approach decision-making on their cases. A lead prosecutor's influence on how the local justice system operates also extends beyond the office and staff to other criminal justice system stakeholders. Lead prosecutors influence other actors in their local criminal justice system, particularly the police, judges, and juries. Although prosecutors don't set bail, they can play a vital role in changing bail practices because their recommendations are one of the most significant factors affecting whether bail is set and in what amount. They are responsible for representing "the people."

## **The Recent Rise of Rogue Progressive Prosecutors**

The criminal justice system plays a pivotal role in maintaining the safety and security of our society and upholding the rule of law. Its primary function is to ensure that those who commit crimes are held accountable and that the public is protected from potential harm. However, in recent years, there has been a rise in the implementation of extreme progressive criminal justice policies that challenge these foundational principles. Specifically, policies such as cashless bail, broad decriminalization measures, and the reluctance to pursue charges against certain criminal wrongdoers have become points of contention.

## **Decriminalization Policies and Increasing Crime Rates**

Cashless bail, for instance, arguably meant to address economic disparities in the justice system, can dangerously allow individuals with a history of violence to return to the community without adequate oversight. Broad decriminalization policies, though ostensibly focused on "social justice" and aimed at reducing the burden on the prison or jail systems, may actually embolden criminal activity by removing the deterrent of incarceration. Additionally, the failure to appropriately seek charges against criminal wrongdoers can erode public trust in the justice system and potentially endanger communities.

Analyses have shown that regions where these policies have been aggressively implemented have often seen corresponding spikes in crime rates. Though correlation does not necessarily imply causation, such trends warrant careful scrutiny and consideration.

## **Five Notable Crime-Ridden Cities**

Among the hardest hit by the recent crime epidemic are the cities of Atlanta, Los Angeles, Minneapolis, New York City, and Philadelphia. Not surprisingly, each of these jurisdictions is represented by a lead prosecutor whose policies bring into question their commitment to law and order and public safety.★



TERM START DATE  
**01/01/21**

TERM END DATE  
**12/31/24**

NAME  
**FANI WILLIS**

TITLE  
**DISTRICT ATTORNEY**

COUNTY  
**FULTON COUNTY**

STATE  
**GEORGIA**



After a historically deadly 2020, when Atlanta authorities investigated more homicide cases than they had in decades, 2021's case count was higher. Investigators worked 158 cases last year, a dispiriting tally. The city hasn't seen this many homicide cases in a single year since 1996, the year of the deadly Centennial Olympic Park bombing.”

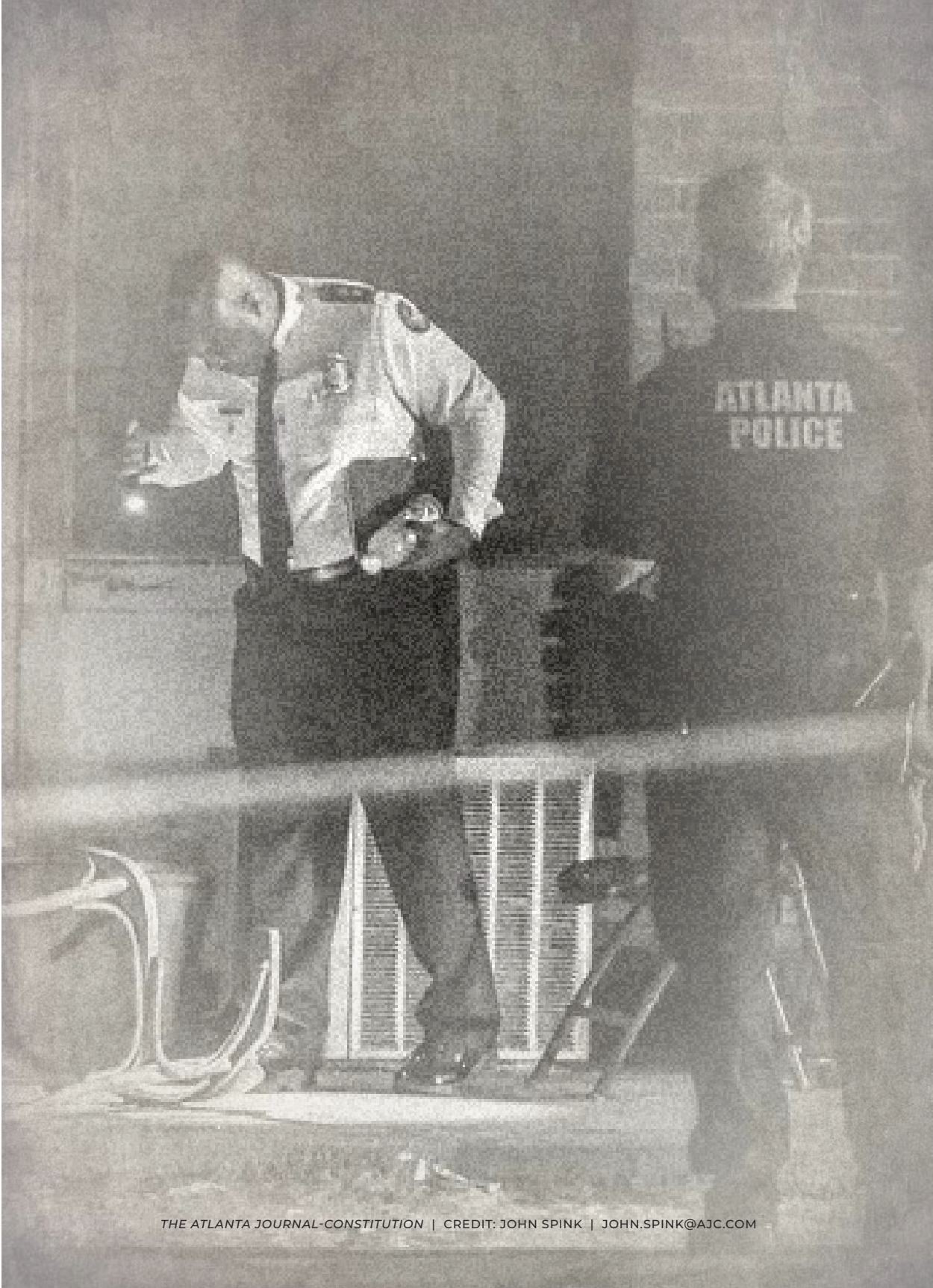
– *Atlanta Journal-Constitution*

Before becoming Fulton County's District Attorney (DA), Willis quickly climbed the ladder to chief deputy DA, working for her predecessor, then-DA Paul Howard, Jr. In 2018, Willis returned to private practice, where she was the Managing Attorney for the Law Office of Fani Willis. She quickly became Chief Municipal Judge for the City of South Fulton in 2019 before running for DA in 2020.

Since assuming Fulton County's DA position in 2021, Willis has quickly become known as the DA who repeatedly uses Georgia's Racketeer Influenced and Corrupt Organizations Act (RICO) statute in a manner inconsistent with the law's intent. Given the enhanced penalties associated with RICO convictions, the aggressive use of RICO charges could have a chilling effect on individuals and cause them to plea to lesser charges they might have otherwise contested.

RICO is a powerful and important weapon to combat genuine organized crime. The public interest will be better served if prosecutors reserve its use for that purpose. The original federal RICO law was drafted for use against the mafia, allowing prosecutors to bring conspiracy charges based on certain predicate acts. It quickly expanded to include all manner of activity that was already illegal but could now be charged more aggressively. Congress intended the federal RICO Act to apply to criminal enterprises that infiltrate legitimate businesses and use interstate commerce. Georgia's is modeled on the federal statute.





THE ATLANTA JOURNAL-CONSTITUTION | CREDIT: JOHN SPINK | JOHN.SPINK@AJC.COM



In 2013, Willis was a part of bringing RICO charges against Atlanta Public Schools Superintendent Beverly Hall and 34 teachers and administrators. These educators were found to have helped students cheat on tests because increased progress would bring in more funding. However, the RICO law to prosecute public schoolteachers is a clear case of prosecutorial overreach.

Charging anyone with RICO means there is an intended effort of organized crime where powerful groups are devising a larger plan for criminal activities. While the superintendent and teachers committed a conspiracy with their students, this was not a RICO justification. Inevitably, Willis and the prosecution team had 11 convictions, with a handful of teachers having to serve jail time, up to seven years. Eight Atlanta educators received prison sentences as if they were mob bosses despite their actions not warranting such severe punishment.

Despite being nonviolent first-time offenders, the Atlanta educators would likely not have faced jail time if not for Willis and others' decision to use RICO. Situations like this example stem from America's complex and unjust criminal code.

Fulton County homicide rates have increased almost by half since the year 2020. With a little over 71,000 gang members in the state of Georgia, 50,000 are in the metro of Atlanta. Willis oversees one of the top five Georgia crime capitals with a rate of 30.5 crimes per 1,000 residents. Larceny is the highest offense in the county, with 19,509 thefts recorded in 2022. It did not help matters that hundreds of police officers in Atlanta submitted their resignations before Willis took office.

Willis campaigned on the promise of restoring "integrity" to the DA's office. Yet, a romantic affair with a special prosecutor working under her supervision changed all of that, causing many to question her judgement. During the ongoing investigation into former President Trump, a former coworker of Fulton County DA's office testified that Willis had been paying Wade large sums for his work, which then went on to benefit the two of them when they went on vacation together, causing a conflict of interest.

Since the beginning of 2024, a motion set forth by Michael Roman in the State of Georgia v. Donald J. Trump in an attempt to remove Willis from office due to her alleged misappropriation of taxpayer funds. Despite the evidence impugning her judgment, a judge ruled that she could remain on the case as long as Wade was removed.★



The State of Georgia  
has a little over  
**71,000**  
GANG MEMBERS  
**50,000**  
are in the metro area of  
**ATLANTA**



Willis oversees  
one of the top  
**5**  
GEORGIA CRIME  
CAPITALS  
with a rate of  
**30.5**  
CRIMES PER  
**1,000 RESIDENTS**



In 2022,  
**LARCENY**  
was the  
**HIGHEST OFFENSE**  
in the county with  
**19,509**  
THEFTS  
RECORDED





TERM START DATE

**01/01/22**

TERM END DATE

**01/01/26**

NAME

**ALVIN BRAGG**

TITLE

**DISTRICT ATTORNEY**

COUNTY

**MANHATTAN COUNTY**

STATE

**NEW YORK**





**The system continues to fail us. We are not safe anymore, not even the members of the service.”**

– Dominique Luzuriaga, widow of fallen NYPD Det. Jason Rivera

Alvin Bragg’s inauspicious start as the Manhattan District Attorney began with his declaration that certain criminal activity in New York City (NYC) would henceforth not be prosecuted. Only days into his tenure, Bragg released a now-infamous internal memo declaring that certain “low-level” crimes would not be prosecuted, including the decidedly non-low-level crime of resisting arrest.

The memo explicitly directed his staff that the District Attorney’s (DA) office “will not prosecute the following charges, unless as part of an accusatory instrument containing at least one felony count.” Among the crimes that he categorically refused to prosecute were “marijuana misdemeanors,” any “violation, traffic infraction, or other non-criminal offense not accompanied by a misdemeanor or felony,” “prostitution,” and “resisting arrest,” among others.

Additionally, Bragg’s memo, titled “Achieving Fairness and Safety,” stated that his office “will not seek a carceral sentence other than for homicide or other cases involving the death of a victim, a class B violent felony in which a deadly weapon causes serious physical injury, domestic violence felonies, sex offenses... public corruption, rackets, or major economic crimes...unless required by law.” The language of Bragg’s policy seemingly prohibited the pursuit of jail time for serious crimes such as second-degree burglary, grand larceny, and drug trafficking, among many others.

The memo caused significant public backlash. Bragg subsequently attempted to walk back some of the more egregious directives, suggesting that the memo was intended to provide his “prosecutors with a framework for how to approach cases in the best interest of safety and justice.” He also stated that violence against police officers “would not be tolerated.”

Nonetheless, Bragg’s policy changes had an immediate effect on crime in Gotham City, with crime spiking 44% during his first quarter in office compared to the same period the year before. Violence also spiraled out of control, with homicides jumping 35% in July 2022 compared to July 2021. Burglary (+25%), grand larceny (+40%), and robbery (+37%) also spiked over the same period.

Fortunately, national crime rates began partly to recede in 2023, which NYC mirrored as well — notably, the decline aligned with greater enforcement efforts on the part of the New York Police Department (NYPD). Even with last year’s slight reduction in crime compared to 2022, crime rates remained stubbornly high compared to prior years. One disturbing trend, according to the NYPD, was the increase in felony assaults, particularly those against police officers, which rose 6.3% in 2023 compared to the year before.





NEW YORK POLICE DEPARTMENT



According to the America First Policy Institute’s (AFPI) report, Progressive Prosecutors Undermine Safe and Secure Communities, “Adding to the backwardness of New York’s approach toward crime was the decision by the District Attorney to seek second-degree murder charges against a bodega clerk who had used lethal force against a customer who had violently attacked him.” Decisions like this reflect a severe misalignment between the priorities of the DA and the public safety needs of the community.

When Bragg’s office does decide to charge criminals for their offenses, the conviction rate has been woefully lacking. In an analysis conducted toward the end of Bragg’s first year in office, data showed a conviction rate of only 51% for serious felony charges, down substantially from the 68% conviction rate of his predecessor, Cyrus Vance, in 2019. Misdemeanor convictions tumbled even further, from 53% to a staggeringly low 28% over the same period.


The same analysis found that during Bragg’s first year in office, half of the felony cases presented to his office were downgraded to misdemeanors. Again, this was in stark contrast to his predecessor, whose office never downgraded more than 40% of such cases between 2013 and 2020.

For greater context, the felony conviction rate for the Manhattan DA’s office averaged 73% between FY13–FY19. Since Bragg took over in early 2022, his overall felony conviction rate has hovered around 52%.

More recently, numerous illegal aliens were caught on tape brazenly attacking NYPD officers in Times Square, causing injuries. Although multiple assailants were arrested, Bragg’s office released five of the suspects without bail despite their felony charges being bail-eligible. Of those released, several were ultimately apprehended after fleeing the state, and another was caught after allegedly committing an armed robbery at a department store in Queens.

Alvin Bragg’s tenure as Manhattan DA has ignited significant controversy and concern over the impact of progressive criminal justice policies on public safety and the integrity of the rule of law itself. His approach, particularly the decision to cherry-pick which crimes or defendants he wishes to prosecute and the overall reduction in conviction rates for serious offenses, has unsurprisingly coincided with a notable increase in crime rates throughout NYC. This shift in policy not only emboldens criminals by eliminating the deterrence effect for engaging in illegal behavior but also challenges the fundamental principle of holding individuals accountable for their actions.★

**DURING BRAGG’S FIRST YEAR**



Data showed a  
**CONVICTION RATE  
OF ONLY  
51%  
FOR SERIOUS  
FELONY CHARGES**  
compared to **68%** from  
his predecessor



**MISDEMEANOR  
CONVICTIONS**  
tumbled even  
further, from  
**53%  
TO A  
STAGGERINGLY  
LOW OF  
28%**



**50%  
OF THE FELONY  
CASES**  
presented to his  
office were  
**DOWNGRADED TO  
MISDEMEANORS**  
compared to no more  
than **40%** from his  
predecessor





TERM START DATE

**12/07/20**

TERM END DATE

**12/01/2024**

NAME

**GEORGE GASCON**

TITLE

**DISTRICT ATTORNEY**

COUNTY

**LOS ANGELES COUNTY**

STATE

**CALIFORNIA**



**As criminals carry out these brazen robberies, the district attorney's office should be utilizing every tool to put a stop to these crimes. Once again, Gascón didn't even show up. His incompetence failed all Angelenos."**

**– Eric Siddall, Vice President of the Los Angeles Association of Deputy District Attorneys**

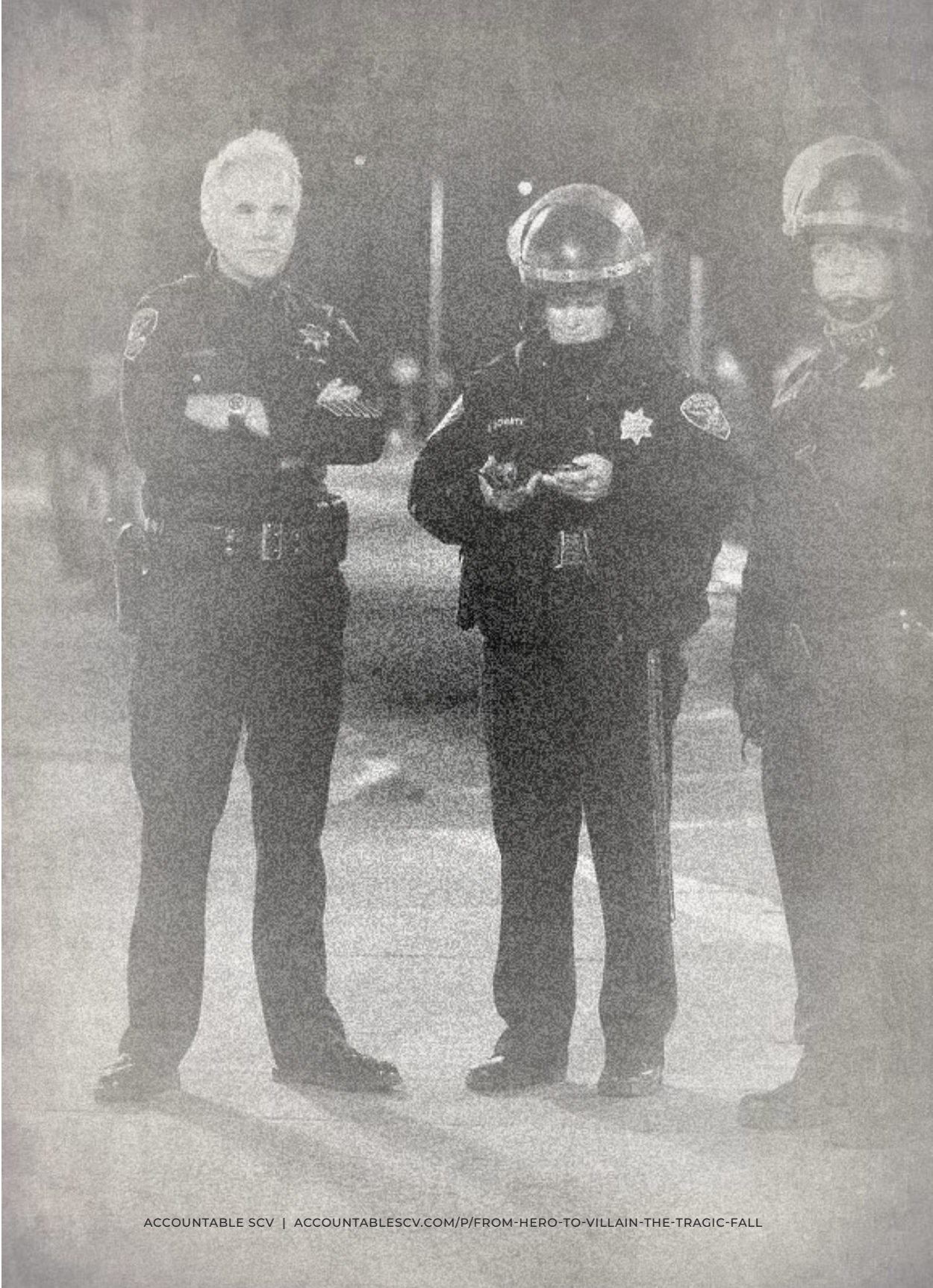
Before becoming the Los Angeles (LA) District Attorney in December 2020, George Gascón served as the District Attorney in San Francisco and previously as city police chief. On day one, Gascón implemented numerous progressive policy changes to the LA District Attorney's office, including prohibiting the death penalty and ending cash bail for misdemeanor and nonviolent felony charges, among others.

In Gascón's inaugural address, he made it profoundly clear that his approach to criminal justice would be quite different, as opposed to the tough-on-crime policies of his predecessors. He vowed to reassess thousands of existing prison sentences that he deemed inappropriately long, seeking to shorten the sentences of thousands of prisoners in LA County.

Gascón's aggressive policy changes inspired an immediate legal challenge from prosecutors within his own office, who argued that his policies violated state law. In a rare public rebuke from his peers, the California District Attorneys Association, which represents the 58 elected district attorneys, backed the prosecutors' lawsuit against Gascón.

According to the America First Policy Institute's (AFPI) report, Progressive Prosecutors Undermine Safe and Secure Communities, "Gascón's pursuit of social justice through soft-on-crime policies, and the attendant rise in crime and violence throughout LA County, have not gone unnoticed by his constituents." Unlike other elected rogue prosecutors, Gascón has applied his policies not only to future and incoming cases but also to ongoing and past cases.





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Gascón's "Special Directives" prohibit prosecutors from filing sentence enhancements or Three Strikes in all cases and force them to withdraw the same from all pending cases. Prosecutors are also prohibited, regardless of a criminal's long record, from requesting cash bail for any misdemeanor or nonviolent offense. For juveniles who are in the country illegally, prosecutors "shall seek to avoid immigration consequences" and cannot object when defense attorneys seek to seal the record — making it virtually impossible for them to be removed from LA, where no one will be able to learn about their crimes due to records being sealed.

Fortunately, national crime began to partly recede in 2023, which Los Angeles County mirrored as well. Notably, the decline in LA aligned with greater enforcement efforts on the part of the Los Angeles Police Department (LAPD). Crime rates, however, remained stubbornly high prior to years before.

As of late July 2022, there had been 206 murders in LA County, a 30% rise over the same period in 2020, a few months before Gascón entered office. Equally as disturbing, the number of shooting victims skyrocketed 43% over the same period, with 779 victims as of late July 2022. This has affected hundreds of cases, including a case where a father decapitated his two young children. Another case was where a criminal attempted to assassinate two LA County sheriff deputies by shooting them in the face as they sat in their patrol car. In both cases, if convicted, the defendants would have a maximum prison sentence of 20 years.

Prosecutors are also required under Gascón's directives to review all prior death sentences handed down in LA County with the goal of removing the death sentence. To be clear, this includes serial killers like Chester Turner, a convicted rapist and murderer of 10 women and an unborn baby.

Since taking office in the LA County office, residents have attempted to remove Gascón from office three times. The latest recall attempt, in August 2022, was deemed unsuccessful by county officials after concluding that the effort fell nearly 50,000 signatures short of the needed 566,857 to place Gascón's removal on the November ballot.★



Homicides jumped **13%**  
Gascón's First Year.

### L.A. HOMICIDE RATES

2020: **335**

2021: **402**

2022: **392**



In January 2024, Gascón appointed

**TIFFINY BLACKNELL**

**AS HIS CHIEF OF STAFF.**

Blacknell **admitted to having been a looter** during the Rodney King riots and **described the**

**LAPD as**

**"BARBARIANS" AND AN "OCCUPYING FORCE"**

during the George Floyd protests.





TERM START DATE

**01/02/23**

TERM END DATE

**01/04/27**

NAME

**MARY MORIARTY**

TITLE

**COUNTY ATTORNEY**

COUNTY

**HENNEPIN COUNTY**

STATE

**MINNESOTA**



It's a trend definitely because of Mary Moriarty," the mom lamented. "She's still playing public defender — the only thing is, that's not her role anymore."

– Catherine Markey, whose son Stephen Markey was murdered during a carjacking in 2019, recalls how she was only told moments before a plea hearing that the DA was seeking only probation, and not jail time, for one of the teenagers involved in his death.

Mary Moriarty was a public defender for 25 years before she became Hennepin County's chief public defender from 2014 to 2021. After being elected County Attorney, the term used to describe the jurisdiction's lead prosecutor, at the beginning of 2023, Moriarty has consistently been criticized for showing excessive deference to defendants, seemingly prioritizing their interests over the broader public and the community's safety.

Nearly a dozen families of violent crime victims have spoken out to criticize Moriarty for being excessively lenient with offenders and disregarding the dignity and respect of the victims' loved ones. Many of these examples involved plea bargain offers of one to two years of incarceration for murder.

In Moriarty's first week as County Attorney, she dropped charges against a 35-year-old man accused of raping a 13-year-old girl. Although there were allegations of attorney misconduct on the part of the prosecutor, Moriarty could have transferred the case to another attorney in her office instead of allowing the alleged rapist to go free.

Moriarty has become a well-known proponent of probation in lieu of incarceration. Nancy Caspersen's daughter, Kailey, was sold fentanyl-laced pain pills by a repeat offender, which resulted in her death. Caspersen recalled her disgust at the killer getting probation and up to 240 days in jail instead of the maximum sentence of 25 years in prison. In a similar case of injustice, the parents of Stephen Markey, a 39-year-old paralegal who was gunned down by teenage assailant Husayn Braveheart, were in disbelief when the teen offender was offered probation.

Since taking office, Moriarty has horrified local families and officials by offering suspects in even the most serious crimes probation to keep them out of prison. Moriarty has continued to remind many that she campaigned on the premise of increasing rehabilitation as opposed to incarceration for young offenders.





Numerous attorneys in the County Attorney's office resigned when it was announced Mary Moriarty would be the next County Attorney in Hennepin County. Several withdrew from active cases as a form of protest against directives from Moriarty to modify or dismiss cases, offer lower bail or release conditions, or suggest lenient plea deals. Furthermore, at least two judges have recently made the rare decision to reject Moriarty's lenient plea deals. Even Minnesota's Attorney General Keith Ellison, a well-known progressive, had to intervene and assume control of a homicide case from Moriarty's office after saying her plea offer to the offender was "outrageous."

The latest controversial case that Moriarty's office has taken on is a question of "use of force" between State Trooper Ryan Londregan and Ricky Cobb II, a citizen who was shot and killed during a traffic stop. After the July 2023 incident, and despite considerable questions over the reasonable use of force in this case, Moriarty's office charged Londregan with one count of second-degree unintentional murder and a count each of first-degree assault and second-degree manslaughter. Not only has the Minnesota Police and Peace Officer Association voiced their outrage for their fellow officer, but now the community has started to put pressure on Governor Walz to intervene and have the charges dropped.

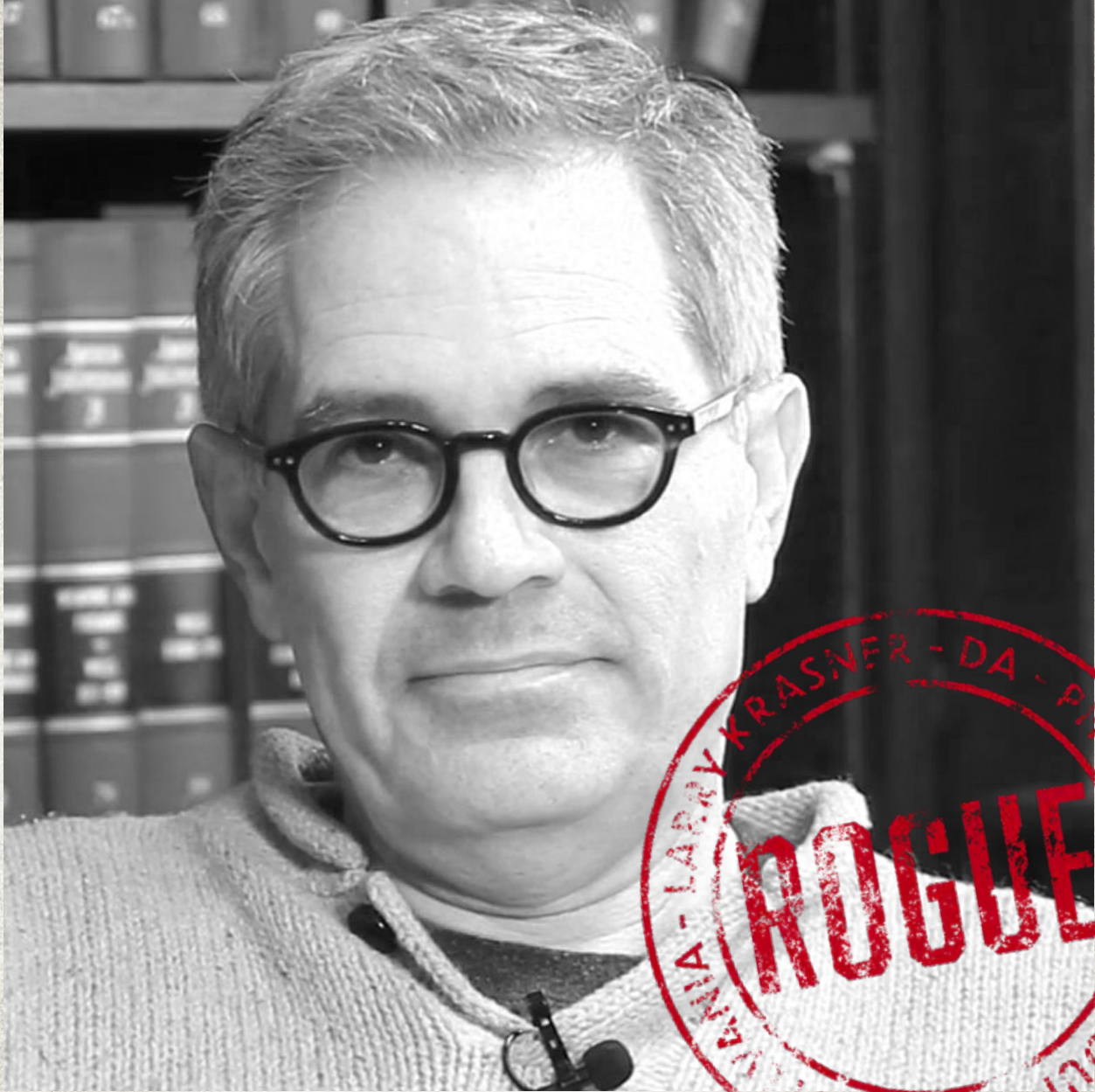
While no one is exempt from facing prosecution, that should only occur when the prosecutors bear the burden of proof that a crime was committed. Yet, Moriarty's ability to level serious charges against a police officer despite the absence of unprovoking proof suggesting guilt sends a strong message to Hennepin County citizens. The strong message where the County Attorney's office repeatedly turns a blind eye to unmistakable criminal behavior yet tears down a service officer's life and career. Moriarty seems to have her wires crossed when it comes to 'upholding justice' in the community.

After just a short time as County Attorney, Moriarty has quickly become the prosecutor to have on your side if you've been involved in criminal behavior around the Hennepin County area. Incarceration is highly unlikely, regardless of the severity of the offense.★

“

The strong message where the County Attorney's office repeatedly turns a blind eye to unmistakable criminal behavior yet tears down a service officer's life and career. Moriarty seems to have her wires crossed when it comes to 'upholding justice' in the community.”





TERM START DATE

**01/01/18**

TERM END DATE

**01/05/26**

NAME

**LARRY KRASNER**

TITLE

**DISTRICT ATTORNEY**

COUNTY

**PHILADELPHIA COUNTY**

STATE

**PENNSYLVANIA**



Elected prosecutors like Krasner have a duty to represent the interests of the public and secure their safety. Failing to successfully prosecute dangerous and violent offenders only begets more crime and further erodes trust in the justice system.”

– Jason C. Johnson, president of the Law Enforcement Legal Defense Fund

Philadelphia District Attorney (DA) Larry Krasner was among the first high-profile progressive prosecutors elected to office upon assuming the role after his predecessor in January 2018. Having spent his decades-long legal career as a public defender and defense attorney, representing, among others, Occupy Philadelphia and Black Lives Matter defendants, it was no surprise that Krasner campaigned for DA with the promise of ending cash bail and reducing mass incarceration.

Krasner’s soft-on-crime approach also extended toward some of Philadelphia’s most dangerous criminals: those in unlawful possession of a gun. In an analysis conducted after the first two years in office, Krasner dropped or lost 47% of all illegal firearm cases — a rate that’s 42% higher than R. Seth Williams’ rate of 33%, the DA before Krasner. Additionally, Krasner’s rate of gun violence convictions is 21% less than when Williams held the office.

Fortunately, national crime began partly to recede in 2023, which Philadelphia also mirrored. Notably, the decline in Philly aligned with greater enforcement efforts on the part of the Philadelphia Police Department. Crime rates, however, remained stubbornly high as compared to years before. Halfway through 2022, roughly 1,100 people had been shot, which is an 8% jump from the same period the year before.

Krasner’s leniency sends a message that violent crime has little to no consequences. One example is Hassan Elliott, who was released almost immediately for time served once Krasner took office. On the same day as his trial on March 1, 2019, Elliott killed someone. Krasner dropped the charge altogether, and Elliott remained a fugitive until he murdered a police officer. The America First Policy Institute’s (AFPI) report, *Progressive Prosecutors Undermine Safe and Secure Communities*, underscores the staggering homicide and shooting rates in the city of Brotherly Love are strong indicators that the DA’s soft-on-crime approach is not successful.

None of Philadelphia’s increasing criminal developments or the lack of accountability is a surprise. The Pennsylvania legislature has taken notice, with legislators in the state House of Representatives recently voting in a bipartisan fashion to hold him in contempt over his refusal to turn over subpoenaed documents related to their investigation of his office and its enforcement practices.★



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