



RESEARCH REPORT | Center for Law & Justice

# PROGRESSIVE PROSECUTORS UNDERMINE SAFE AND SECURE COMMUNITIES

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## TOPLINE POINTS

- ★ Progressive prosecutors undermine the rule of law and endanger the right of all Americans to peacefully live their lives in safe and secure communities.
- ★ Progressive prosecutor policies have only worsened the rising crime rates and social dysfunction that has besieged much of the Nation.
- ★ Communities should reject progressive decriminalization and lenient sentencing policies and demand a criminal justice system that holds perpetrators accountable and fundamentally values the victim over the criminal.

### Introduction

The election of Left-wing progressives committed to the radical reformation of the criminal justice system into the positions of district attorney, state and local prosecutor, sheriff, and other authoritative offices within the broader criminal justice system represents a significant threat to public safety and the rule of law itself.

Not content with merely protesting the tough-on-crime policies of law enforcement officials from the sidelines,

progressives in recent years have engaged in Trojan Horse-style campaigns to occupy these positions themselves, deceiving the public with reformist rhetoric that belied a far more invidious scheme to dismantle the criminal justice system and replace it with a new system predicated upon vague notions of social justice.

Social justice, in the context of the criminal justice system, is envisioned by progressives as the equity of outcomes through the disparate application or enforcement of the law.



In communities where progressives have successfully obtained powerful law enforcement positions, the public safety outcomes have been devastating, though wholly predictable. Crime rates—both violent and nonviolent alike—have risen dramatically, and the soft-on-crime approach advocated by progressives has likely contributed to making many areas of the country more dangerous than they have been in years.

Crime in America began to rise precipitously following the George Floyd protests in 2020, many of which devolved into rioting, violence, and looting.

Those events also spurred the ill-conceived and dangerous “Defund the Police” movement, which itself helped to usher into office a cadre of progressive prosecutors and politicians co-opting the message (Navarro et al 2020).

Communities where Left-wing progressives have implemented dangerous pro-criminal, anti-victim policies offer an illustrative example of the immediate and ruinous impact that these policies can have on public safety. As such, they should be soundly rejected.

Fundamentally, the America First Policy Institute believes in upholding the rule of law as elemental to ensuring the rights of all Americans to enjoy safe and secure communities in which to live their lives in peace. Progressive prosecutors and their far-Left policies challenge this

notion, as the following examples demonstrate.

### San Francisco

Residents of the notably liberal city of San Francisco, California, took the unprecedented step earlier this year of removing their embattled progressive District Attorney, Chesa Boudin, from office, but only after his reformist policies caused tremendous damage to the community (Bidar, 2022).

Boudin campaigned on a platform that emphasized de-incarceration and diversion over more traditional methods of criminal punishment (Wallace-Wells, 2022). The implementation of these policies manifests in dramatic reductions in the charging and sentencing of felony arrests and convictions. A study by the San Francisco Chronicle found that during Boudin’s first two years in office, roughly 40% of charges initially booked as felonies were ultimately prosecuted as a lesser charge, higher than his immediate predecessor’s rate of 33% (Neilson, 2022).

Unsurprisingly, as the prospect of legal intervention and accountability for criminal behavior under Boudin’s leadership waned, crime and its accompanying social decay ensued.

Within the first year of Boudin’s tenure, home burglaries jumped 40% over the previous year (Duane, 2021). Social media also amplified the countless examples of brazen smash-and-grab robberies caught on tape occurring in



businesses ranging from local pharmacies to high-end designer clothing outlets (CNN, 2021).

Ice cream shops, delis, and other mom-and-pop stores in neighborhoods traditionally less prone to theft and social dysfunction became fertile grounds for criminal activity. Used hypodermic needles littered areas where children previously played. The number of homicides in San Francisco jumped nearly 20%, to 48 in 2020 from 41 in 2019 (Scheier, 2022).

As crime increased and quality of life declined, San Franciscans took notice. In a survey conducted by the San Francisco Chamber of Commerce just over a year into Boudin's tenure as District Attorney, 40% of respondents indicated that they planned to move out of San Francisco in the coming years due to rising crime and diminished quality of life. Wholly 80% of respondents felt that crime had gotten worse in recent years, and 70% felt that quality of life had declined over the same period. One individual who had just moved out of the city stated, "There's nothing worse than seeing such a beautiful place in such disarray, and I really thought I was going to be sad when the movers loaded up the last container on Saturday, and I have never been more relieved (CBS, 2021)."

San Franciscans' recall and removal of Boudin was notable given the proudly progressive nature of Bay Area politics. Despite the theoretical desire among the city's liberal residents to enact progressive criminal justice policies, the

reality of their incompatibility with safe communities and the rule of law—and a basic, functioning society—caused the citizens to reject them firmly.

### New York City

Only days after being sworn in as District Attorney in Manhattan, New York, in January 2022, Alvin Bragg declared that his office would no longer pursue charges for "low-level" offenses such as fare evasion and prostitution. Bragg also declared his office's aversion to pursuing charges against perpetrators of more serious crimes, such as resisting arrest (CBS, 2022).

Even more shocking was his direction toward staff to avoid the pursuit of jail sentences for perpetrators of "robbery, assault, and gun possession" (Bromwich, 2022).

Bragg's now infamous memo to staff, dated January 3, 2022, and titled "Achieving Fairness and Safety," instructed 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" (Bragg, 2022).

This declaration was a direct repudiation of the successful "Broken Windows" theory of criminology that ushered in historic reductions in crime upon its adoption in the mid-1990s (). The theory



posited that low-level offenses, when ignored and allowed to fester in a community, inspire ever greater acts of crime and social dysfunction.

The authors metaphorically used an unrepaired broken window on a building to make their point. “Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones.” They continued, “...one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing” (Kelling & Wilson, 1982).

When the theory was put into practice in New York City in the 1990s, crime dropped dramatically. Subway fare-jumpers were no longer ignored, graffiti was cleaned up, and “low-level” criminal behavior was no longer allowed to go unattended (Mac Donald, 2016).

Interestingly, a 2015 poll of New York City residents found that the only age demographic that supported a repudiation of Broken Windows policing was among respondents aged 18-35, the cohort too young to have remembered the period prior to—and following—the implementation of Broken Windows policies (Mac Donald, 2016).

Accountability necessarily accompanied the outward indications that neither the community nor the government itself would allow crimes to go unpunished. Bragg’s lenient policies have been a

stark departure from those principles. Early into his tenure, that lack of accountability appears to be having a tangible impact on crime.

During the first quarter of 2022, crime jumped 44% compared to the same period the year before. Repeat offenders contributed significantly to the surge, with the New York Police Department stating that over 500 individual perpetrators had been arrested at least three separate times for robbery, burglary, or shoplifting in the first quarter alone (Parascandola, 2022), not surprising given the District Attorney’s aversion to holding criminals accountable.

The crime wave also extended into the summer of 2022, with total crime jumping over 30% in July 2022 compared to July 2021 and homicides climbing to 47 compared to 35 in the same period, a nearly 35% increase (Davenport, 2022).

Burglary (+25%), grand larceny (+40%), and robbery (+37%) all spiked over the same period (Davenport, 2022).

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.

The incident, caught on tape, appeared to be a clear case of self-defense, but Bragg’s approach to the incident



underscored his suspect-first, victim-last mentality. It was only after significant public outcry that the charges were dropped (Mays & Bromwich, 2022).

Rising crime rates and a sense of uncertainty have enveloped the city of New York (NY1/Sienna College, 2022), but it remains to be seen how long the people will tolerate Bragg's ineffective progressive criminal justice policies. Unlike in California, where the power to recall an elected official is vested in the people, the ability to similarly do so in New York rests with the Governor (Williams, 2022), an unlikely scenario given the current political climate.

### Philadelphia

Philadelphia District Attorney Larry Krasner was among the first high-profile progressive prosecutors elected to office upon assuming the role 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 District Attorney with the promise to end cash bail and reduce mass incarceration (Gonnerman, 2018).

Though crime rates have risen over the past few years in Philadelphia, Pennsylvania, like in other cities, the spike in murders and the lack of accountability for those responsible is particularly striking in the City of Brotherly Love.

Four hundred ninety-nine people were murdered in the city of Philadelphia in 2020, a 40% increase from 2019 (CBS, 2022)—a spike more than 30% higher than the national average (Gramlich, 2021).

That number was quickly surpassed by the 562 killed in 2021, a record high (Kaste, 2022). As disturbing, only 42% of the murders in 2020 were solved, leaving a vast number of killers walking the streets freely (CBS, 2022).

Nearly halfway through 2022, roughly 1,100 people had been shot, an 8% jump from the same period the year before (Rushing, 2022). Violence in Philadelphia can be described as nothing less than spiraling out of control.

Though the underlying causes of crime and violence are varied, one factor contributing to Philadelphia's current crisis is likely the lack of accountability emanating from Krasner's office. According to a study by the Law Enforcement Legal Defense Fund, the number of felony cases dropped or lost by Krasner's office was 26% higher than his predecessor. Drug sales cases were lost or dropped a whopping 55% of the time (Johnson, 2020).

Krasner's soft-on-crime approach also extended toward some of Philadelphia's most dangerous criminals: those in unlawful possession of a gun. Early into his tenure as District Attorney, Krasner began to increasingly utilize a diversion program known as Accelerated Rehabilitative Disposition (ARD), which



funnels defendants toward community service or treatment programs in lieu of more traditional forms of criminal punishment (City of Philadelphia, n.d.).

In his first year alone, Krasner diverted 78 gun charges toward the ARD program, more than six times the number of his predecessor (Schultz, 2019). One of the beneficiaries of Krasner's lenient policies, Maalik Jackson-Wallace, received diversion and probation upon his first gun-possession charge. A second gun-possession arrest resulted in Jackson-Wallace's release on unsecured bail. Shortly thereafter, he was arrested on a third occasion, this time for murder (Schultz, 2019).

None of Philadelphia's burgeoning criminal developments or the lack of perpetrator accountability are a surprise, given Krasner's outspoken commitment to pursuing social justice through reduced jail populations and the pursuit of decriminalization policies.

The Pennsylvania legislature has taken notice, though, 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 (Blitzer, 2022).

Legislators have indicated that impeachment could be next, though Krasner disputes the legislature's authority to do so (Brownstein, 2022).

## Los Angeles

Before being elected Los Angeles District Attorney in December 2020, George Gascon had served as the District Attorney in San Francisco and previously its city police chief. An outspoken liberal, Gascon implemented numerous progressive policy changes to the L.A. District Attorney's office on day one, including a cessation of the pursuit of the death penalty and ending cash bail for misdemeanor and nonviolent felony charges, among others (Los Angeles County, 2022).

In Gascon's inaugural address, he lamented the tough-on-crime policies of his predecessors and made it profoundly clear that his approach to criminal justice would be markedly different. He vowed to re-assess thousands of existing prison sentences that he deemed inappropriately long, seeking to shorten the sentences of thousands of prisoners in Los Angeles County (Bazelon, 2021).

As of late-July 2022, there had been 206 murders in Los Angeles County, a 30% rise over the same period in 2020, a few months before Gascon entered office. Equally as disturbing, the number of shooting victims skyrocketed 43% over the same period, with 779 victims as of late-July 2022 (SpectrumNews1, 2022).

In the city of Los Angeles, California—the largest within Los Angeles County—the level of violence has reached historic proportions, with murders on pace in 2022 to exceed its highest total in 15 years (Regardie, 2022).



Gascon’s aggressive policy changes inspired an immediate legal challenge from prosecutors within his own office, who argued that his policies violated state law (Solis, 2020). In a rare public rebuke from his peers, the California District Attorneys Association (CDA), which represents the 58 elected district attorneys, backed the prosecutors’ lawsuit against Gascon (White, 2021).

Vern Pierson, who heads the CDA, argued that Gascon’s behavior was even more aggressive and out of step than the changes he sought to implement while District Attorney of San Francisco. “The policies that George has now implemented through these directives are far different from what he did when he was in San Francisco,” said Pierson, adding, “What’s changed is that rather than behaving as though he is a prosecutor, George is essentially conducting himself as though he’s been anointed king of Los Angeles County criminal courts and as though he’s not bound by the two other branches of government” (White, 2021).

Gascon’s pursuit of social justice through soft-on-crime policies, and the attendant rise in crime and violence throughout Los Angeles County, have not gone unnoticed by his constituents.

Much like in San Francisco, residents have twice thus far sought to recall and remove Gascon from office. 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 Gascon’s removal on the November ballot (Mizelle & Romine, 2022).

## Conclusion

Crime has certainly risen in varied and diverse communities over the past few years across the Nation. The underlying causes of crime, both now and in the past, are undoubtedly diverse, and disagreements will persist as to the root causes of—and preferred solutions to—our Nation’s recent struggles with increasing violence, social disorder, and crime.

Disagreements notwithstanding, the soft-on-crime approach to criminal justice advocated and implemented by radically progressive prosecutors, as outlined in the above cities as well as in other communities not addressed, appear to be having a dangerous effect on public safety.

Much like the central tenet of Broken Windows theory, when a community, or in this context, the putative enforcement arm of the government, make it known that certain criminal behaviors will be tolerated or will go unpunished, the likelihood of those behaviors proliferating only increases (Kelling & Wilson, 1982).

To date, in 2022, six major cities in the United States—Baltimore, New York, Los Angeles, Atlanta, Philadelphia, and Washington, D.C.—are on pace to exceed their own historic violent crime



totals of 2021 (Lee, 2022). Five of the six jurisdictions are administered by prosecutors who have either implemented or promoted radically progressive criminal justice policies.

Conversely, the top two safest cities in America in 2022—Frisco and McKinney, Texas—are in Collin County (McFarland, 2022). Collin County’s District Attorney, Greg Willis, has administered a more traditional approach to crime and punishment, emphasizing his office’s intention to hold criminal perpetrators accountable for their actions (Collin County, 2022).

An ancillary and no less harmful consequence of progressive criminal justice policies has been their impact on the state of policing in America.

Progressive policies centered on the statutory or *de facto* decriminalization of large swaths of criminal behavior and the corollary movement to “defund” or fundamentally transform policing have contributed to a crisis in morale among the Nation’s law enforcement

community, which has manifested itself in the worst recruiting and retention crisis in a generation (McDonald, 2022). This will likely have long-term implications for community safety throughout the Nation.

Re-establishing respect for the rule of law, pursuing policy measures that inform some assurance of punishment as a means of deterrence, and promoting public order through the enforcement of quality-of-life laws (Kelling & Wilson, 1982) are among the immediate first steps that communities can take toward reducing crime and increasing social order.

The social-justice policies championed by progressive prosecutors appear incompatible with any real-world efforts to reduce crime markedly.

Decriminalization, cashless bail, and liberal non-carceral policies may be among the hallmarks of the progressive prosecutor agenda, but they do not appear to be having their advocates’ intended impact on crime reduction and social equity.

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