

## Connecticut Debate Association

### State Finals, March 26, 2022

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**The past two decades have seen criminal justice reform, including lower or no bail, reduced sentences and revised police procedure. Some argue this is responsible for a rising crime rate.**

**This House would get tough on crime.**

*Note: The purpose of information provided with a motion is to clarify the meaning and intent of the motion. In this instance, it should be clear that the Affirmative stands for reversing recent reforms to some extent, and should not interpret “get tough on crime” as “tough love” or some similar continuation or extension of current reforms.*

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### **Yes, the Crime Wave Is as Bad as You Think**

The Wall Street Journal, By Rafael A. Mangual, Dec. 8, 2021

Progressives gaslight the public by claiming things used to be worse.

The U.S. experienced its largest-ever single year homicide spike in 2020, and crime now polls as one of the top voter concerns. This has many criminal-justice-reform advocates and their media allies scrambling to convince Americans that things aren't really so bad, no matter what the data say.

At CNN, data journalist Priya Krishnakumar explains “how crime stats lie” by pointing out that 2020's murder rate was “40% below what it was in the 1980s and 1990s.” The Brennan Center for Justice acknowledges that the homicide trend is “frightening” but insists that murders “have stayed far below their peaks” in earlier decades. In a “fact check” of “the ‘crime wave’ narrative police are pushing,” the Guardian reminds readers that “even after an estimated 25% single-year increase in homicides” in 2020, “Americans overall are much less likely to be killed today than they were in the 1990s, and the homicide rate across big cities is still close to half what it was a quarter century ago.”

True enough: The national murder rate was significantly higher in the 1980s and early '90s. But the national murder rate reflects an aggregation of all the country's homicides measured against the national population. When it comes to the recent upticks in killings, this talking point ignores two important realities.

First, we don't live in the aggregate. The majority of Americans spend their lives in the communities where they live and, if they commute, where they work. Given how hyperconcentrated serious violent crime is—and, therefore, how widely the homicide rate can vary from one neighborhood to the next—the national homicide rate doesn't provide most Americans with a sense of the dangers they face. A handful of extremely safe Illinois suburbs may counterbalance Chicago's contribution to the national murder rate, but that's little consolation to those who live in the South Side war zones.

Second, the claim that crime isn't as bad as it was in the 1990s is no longer true for a long list of American cities, many of which have either surpassed or are currently flirting with that decade's homicide tallies. Philadelphia just shattered its all-time annual homicide record with a full month remaining in 2021, as have Louisville, Ky.; Indianapolis; Columbus, Ohio; Austin, Texas; Tucson, Ariz.; St. Paul, Minn.; Portland, Ore.; Albuquerque, N.M.; and Fayetteville, N.C. Other cities, like Cincinnati; Trenton, N.J.; Memphis, Tenn.; Milwaukee; Kansas City, Mo.; Jacksonville, Fla.; Denver; Cleveland; Jackson, Miss.; Wichita, Kan.; Greensboro, N.C.; Lansing, Mich.; and Colorado Springs, Colo., saw their highest homicide tallies since 1990 last year.

Other cities flirting with their previous records include Shreveport, La.; Baltimore; Minneapolis; Rochester, N.Y.; and Tulsa, Okla. St. Louis didn't surpass its highest tally in 2020, but owing to population decline it did set a new record homicide rate. Chicago, Seattle and Fort Worth, Texas, would all have to go back 25 years to see homicide tallies comparable to what they're seeing now.

Shushing skeptics by pointing out that things aren't as bad in the aggregate as they were 30 years ago invites an obvious question: So what?

Mr. Mangual is a senior fellow and head of research for the Manhattan Institute's Policing and Public Safety Initiative and author of “Criminal (In)Justice: What the Push for Mass-Decarceration and Depolicing Gets Wrong, and Who It Hurts Most,” forthcoming in July 2022.

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### **Will the Crime Wave Soon Crest?**

The Wall Street Journal, By Barry Latzer, Jan. 2, 2022

There's already a backlash against antipolice policies, and demographic trends are encouraging.

Across the U.S., 2021 was a bad year for crime. The New York City Police Department reported a 4.1% increase in homicides over 2020. Chicago's increase was 5% and Los Angeles suffered a 13% rise in killings. The 2021 figures follow a scary 2020, when the nationwide homicide rate (6.5 per 100,000) was the highest in 23 years.

The pandemic, along with dubious criminal-justice system reforms, undoubtedly made things worse. Covid made police reluctant to interact with suspects except when making arrests for serious crimes. Wholesale releases from jails like New York's Rikers Island put offenders back on the streets. Some states adopted bail reforms that kept offenders from jail entirely. It didn't help that a new crop of progressive prosecutors, in misguided efforts to reduce so-called mass incarceration, declined to prosecute numerous misdemeanors and agreed to light sentences even for some violent felons.

But the pandemic won't last forever, and a backlash already is stirring against reforms that fostered crime. The question is whether the factors cited above are the real reasons for the crime surge, or whether they mask longer-term trends pushing the country toward another 25-year crime wave such as the one that horrified the nation from the late 1960s to the early 1990s.

Thankfully the key factors that caused that wave—which I call a crime tsunami—aren't present today.

The crime tsunami that began in the late '60s was driven largely by three factors: large-scale rural-to-urban migration of African-Americans and immigration to big cities of Hispanic populations with high violent-crime rates, massive growth in the youth population, and a weak criminal-justice system. One might throw in a fourth: The crack-cocaine epidemic, which sent crime soaring after it began to ease in the early '80s. These elements aren't present today, though attempts to weaken the criminal-justice system are worrisome.

Take immigration. The current immigrant population is characterized by low violent-crime rates. In Los Angeles, for instance, Asians are nearly 12% of the population, but they were only around 2% of the homicide victims in 2021. Racial data for perpetrators in Los Angeles aren't available, but given the strong tendency of violent criminals to assault members of their own social groups, it is safe to conclude that Asian murderers are also a tiny proportion of the population.

Hispanic immigrants have much higher crime rates than Asians, but their rates aren't out of proportion to their population numbers. In 2020 native and immigrant Hispanics were 11% of murder suspects and 12% of the victims nationwide, but they made up more than 18% of the U.S. population. By contrast, blacks, who were 13% of the American population, were half of the homicide offenders and 56% of the victims.

Yet a little-noticed migration trend may reduce crime in the next decade: a significant movement of African-Americans out of big cities. If this trend continues, it could portend reductions in crime. Low-income blacks, especially young males, commit a disproportionate amount of the violent crime in this country. That's why their migration in the '60s raised crime rates in cities. A recent analysis of census data by Politico found that from 2010 to 2020 nine of the 10 cities with the highest proportions of blacks (Houston was the exception) were losing minority population. Some declines were dramatic: Detroit lost more than 277,000 of its African-American residents, Chicago more than 261,000 and New York in excess of 176,000. Unless immigration and migration patterns change in coming decades, this factor is unlikely to support a new crime tsunami.

A second consideration is age distribution. The American population is aging, and the once-violent baby boomers have mellowed considerably. In 2021 more than 21% of Americans were baby boomers and the 65-plus age group is projected to constitute more than a fifth of the population through 2060. Meanwhile, men 18 to 24 are a declining proportion of Americans. In 2020 they were an estimated 4.7% of the U.S. Their proportion is projected to decline to 4.5% in 2025 and 4.4% in 2030. Though these declines aren't dramatic, the downward trajectory augurs well for violent crime forecasts.

The final consideration is the strength of the criminal-justice system. In response to rising crime in the 1970s and '80s, the system was built up with more police, more prisons and longer sentences. In recent decades imprisonment rates have been falling, mainly because of successful crime reduction, though the decarceration movement has played a role. The imprisoned percentage of the population is at a 25-year low and the black imprisonment rate tumbled 29% from 2009 through 2019. But the pressure to make further reductions is strong and the recent election of district attorneys with qualms about incarcerating criminals suggests that the public in many big cities supports shrinking the system more.

If policy makers keep the justice system strong enough to cope with the latest crime surge, then the U.S. stands a good chance of avoiding the sustained mayhem that tore the country apart for decades.

Mr. Latzer is a professor emeritus at New York's John Jay College of Criminal Justice and author of "The Myth of Overpunishment: A Defense of the American Justice System and a Proposal to Reduce Incarceration While Protecting the Public," forthcoming in January.

# Police Departments Are Losing Officers and Struggling to Replace Them

The Wall Street Journal, By Kris Maher, Jan. 27, 2022

Amid a tight labor market, rising crime rates and growing public scrutiny of law enforcement, many departments say they are short-staffed

Columbus, Wis., a city of about 5,500 people between Madison and Milwaukee, lost three members of its nine-person police force last year. Unable to find replacements, Chief Dennis Weiner has taken on extra duties, including working a patrol shift on Thanksgiving Day.

“It has really just been a terrible struggle trying to fill vacancies,” said Mr. Weiner of his efforts since one officer started a painting business, another took a maintenance job at a distribution center, and a third began studying to become an accountant.

Across the country, police chiefs say they are struggling to keep departments fully staffed as resignations increase and hiring gets tougher in a tight labor market. At the same time, officers describe the job as more stressful and less rewarding than it was in the past. As a result, the chiefs say, departments are taking longer to respond to some calls while crimes including homicide are on the rise nationwide.

A survey of nearly 200 police departments last year by the Police Executive Research Forum, a Washington, D.C., think tank, found that the resignation rate per 100 officers was up 18% between April 2020 and March 2021 compared with the prior-year period, while the rate of retirements rose 45%.

The number of police officers employed nationally dipped 1.6% in 2020, after rising over the past decade, according to the most recent data available from the Bureau of Labor Statistics. The average annual pay for police officers was \$70,000 in 2020, compared with \$56,000 for all workers.

In Minneapolis, where former police officer Derek Chauvin was convicted of murdering George Floyd and voters in November voted down a ballot measure to replace the police department with a new public-safety department, more than 300 officers have taken medical leave or retired since early 2020, when the police department had 860 officers.

Last year record numbers of workers quit their jobs across a range of industries, while job openings remained well above pre-pandemic levels. Many employers are increasing wages and offering bonuses to new hires, enticing more people to switch jobs.

There are now more job openings available to police officers in other fields with similar or higher pay that require less physical risk and stress, said Risdon Slate, a professor of criminology at Florida Southern College. “Those jobs don’t require putting your life on the line,” he said. “I think it makes it more difficult to find recruits these days.”

Some officers say they soured on the job after some police budgets were cut in the midst of “defund the police” movements that were supported by Black Lives Matter protesters. Others said that after high-profile deaths of Black men at the hands of police in recent years, interactions with community members became more confrontational.

John LaValley, a former police officer in Green Bay, Wis., said he was regularly called a Nazi and white supremacist while on patrol and eventually became suicidal. He quit in 2017 and worked for a time as a freight conductor for a railroad.

“I just lost the mental capacity, not only to handle and mitigate the violence that you see, but this perception of constant negativity,” he said.

Joy Kohegyi now remodels camper vans with her boyfriend, one of her jobs since she left law enforcement.

Some cities, including New York and Los Angeles, have increased police funding in response to rising crime. Officials in Burlington, Vt., after voting in 2020 to cut the police force by 30%, in September approved \$10,000 bonuses to retain officers.

The Spokane County sheriff’s office in Washington spent \$200,000 on recruitment efforts last year, including advertising a \$15,000 bonus on billboards in cities where Sheriff Ozzie Knezovich said he felt elected officials weren’t adequately supporting law enforcement: Portland, Ore., Seattle, Austin, Texas, Denver and other parts of Colorado and Times Square in New York.

He hired 30 officers and new recruits, including one from as far away as South Carolina. That was still 10 short of his goal, and he now has 210 sworn officers and 50 open positions. Mr. Knezovich attributes the profession’s hiring woes to negative perceptions of policing, combined with a wave of retirements among aging officers and the tight labor market.

Republican lawmakers in Wisconsin recently introduced bills that would fund a \$1 million marketing campaign and bonuses in the thousands of dollars for officers to stay on the job or move from a different state. Police departments in the state currently employ 13,500 police officers, the lowest number in a decade.

Britt Cudaback, a spokeswoman for Wisconsin Gov. Tony Evers, a Democrat, said he is reviewing the measures.

“The law-enforcement profession received a ton of very negative media coverage after the horrific events in Minneapolis, and that led to, in my opinion, dramatically affecting our recruitment and retention,” said Pat Mitchell, president of the Wisconsin Chiefs of Police Association. He said he believed the legislative proposals could help recruitment efforts.

His department in West Allis, just outside Milwaukee, currently has 126 officers and four vacancies, for which he has received 17 applicants. Five years ago he would have had 50 people apply, he said.

Joy Kohegyi once thought she would retire after a long career in law enforcement, but last year she quit her police department in northern Wisconsin after 15 years.

A photograph she posted that showed her walking away from her uniform was shared thousands of times on Facebook. As a detective sergeant, she worked on sensitive-crimes cases involving sexual assault and elder abuse, which she said eventually wore her down. Then working from home during the pandemic motivated her to try something new.

“I got that taste of really being my own boss,” said Ms. Kohegyi. She now works as a real-estate agent, started a photography business and is remodeling camper vans with her boyfriend. “Leaving law enforcement saved my life,” she said.

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## **‘Re-Fund the Police’? Why It Might Not Reduce Crime.**

The New York Times, By Shaila Dewan, Nov. 8, 2021

Other anti-crime measures might be more effective, experts say, and avoid the downsides of policing.

In liberal Portland, Ore., which is facing its most violent year on record, the mayor announced a plan on Wednesday to put 200 more police officers on the streets. His announcement came a day after voters in Atlanta and in Seattle signaled their support for mayoral candidates who promised not to roll back the police force, but to expand it. In Maryland last month, Gov. Larry Hogan announced \$150 million to “Re-fund the police.”

With shootings and homicides surging in many cities, calls to redirect money to policing are rising. But evidence that hiring more officers is the best way to reduce crime is mixed: Beefing up a police force can help, but the effects are modest and far from certain. Those who study the question say any declines in crime have to be weighed against the downsides of adding more police officers, including negative interactions with the public, police violence and further erosion of public trust.

And there is a bigger unknown: how police hiring compares with other anti-crime measures, such as providing more summer jobs or drug treatment programs, or even keeping the same number of officers but deploying them more strategically.

For decades, scholars have acknowledged that local crime rates cannot be predicted by officer strength and police budgets. Sometimes a boost for policing is followed by a drop in crime; sometimes it isn't.

History shows that homicides fell after more officers were hired 54 percent of the time, according to Aaron Chalfin, a criminologist at the University of Pennsylvania who has studied ways of driving down crime.

“Crime goes up and down for a million reasons that are completely independent of the police,” Dr. Chalfin said. “But we know, on average, if you look across many cities for many years, there is an effect.”

While crime rates and officers per capita vary widely from city to city, scholars have begun to try to get an overall picture by using data on federal policing grants that were established in 1994. In a forthcoming paper, Dr. Chalfin and his co-authors found that one additional officer reduced between .06 and 0.1 homicides per year — in other words, it takes 10 to 17 new officers to save a life.

The gains were not uniform. Overall, more Black lives were saved than white lives when police officers were added, but in Southern cities with larger Black populations the homicide rate did not budge, according to an early draft of the paper. And more officers made arrests for low-level offenses like alcohol-related infractions, which are not typically seen as contributing to public safety. More police officers may also mean that cities incur the cost of more police violence, more legal settlements and more protests.

With more national focus on those drawbacks, not all voters are enthusiastic about beefing up police forces, even in cities with sharply increasing homicide numbers. Last week, residents of Austin, Texas, rejected by a wide margin a ballot measure that would have required the city to hire hundreds more officers.

Opponents pointed out that while Austin had a record high number of homicides, cities with far more police officers per capita, including Atlanta, Chicago and Milwaukee, had experienced greater increases in their homicide rates, and cities with fewer officers per capita, including Raleigh, N.C., and El Paso, had seen homicides decline.

“If I read this margin of victory correctly, I think people understand that there is going to be crime, but are more willing to solve the question of why these things are happening as opposed to just responding to them when they do,” said Chas Moore, executive director of the Austin Justice Coalition, which opposed the measure.

Because the causes of crime vary from place to place, it can be extraordinarily difficult to disentangle the benefits of hiring more officers in any one city. After a rise in gun violence in Chicago in 2016, for example, the city announced that it would hire almost 1,000 additional officers, a number officials said was justified by a “top to bottom” staffing analysis that watchdog groups have not been able to obtain. Shootings began to fall before those officers were recruited and trained.

“As long as Chicago has a cold winter, crime is going to drop,” said Tracy Siska, the executive director of the Chicago Justice Project, adding that gun violence in 2016 was abnormally high. “So you can’t say that crime went down because they hired all these new officers — no, no, no.”

Chicago’s crime numbers did fall in 2019, the year that the force reached its peak of 13,353 officers, according to data from the city’s Office of Inspector General. But the next year, the coronavirus pandemic and an increase in gun purchases appeared to play a much larger role, making it hard once again to isolate the effects of the police force size. Overall, crime plummeted while the number of shootings surged.

There is also the question — left largely unanswered by existing studies — of how the added officers are being deployed.

“Does policing the hot spot have the same effect depending on what they do — stopping everyone, targeting high-risk offenders, or just standing on a street corner with your arms folded looking mean?” asked Jeffrey A. Fagan, an expert on policing at Columbia Law School, speaking of the practice of flooding high-crime areas with officers. The answer matters, he said, because “everybody agrees you get into fewer problems with the public if you minimize the police footprint.”

Even crime statistics themselves have limitations — they are collected by the police, and the police decide what counts as a crime, said Tamara K. Nopper, a sociologist at Rhode Island College and the editor of “We Do This ’Til We Free Us,” a book on abolitionist organizing by Mariame Kaba.

The numbers that get the most attention are the so-called index crimes — murder, rape, robbery, aggravated assault, burglary, larceny, car theft and arson. They represent a narrow definition of public safety, and advocates of shrinking or abolishing the police have taken to pointing out that they do not include civil rights violations, violence perpetrated by the police and correction officers, or even failures by those in uniform to take precautions against spreading the coronavirus.

“In the end, crime data is always a tool of police propaganda,” Dr. Nopper said. “If crime is low, the police are doing their jobs. If crime is high, we need to give more money to the police. The police always win.”

Perhaps because crime rates are so hard to explain, they are easy to exploit. The spike in gun violence has not only prompted calls to expand police departments, it has given the police an opening to blame crime on policies they do not like, often with little evidence.

Dermot F. Shea, the New York City police commissioner, repeatedly used his bully pulpit to pin the city’s increase in shootings on bail reform, which allows people to avoid being locked up before they have been convicted. But when he was confronted with data to the contrary at a hearing in Albany last month, he was forced to backpedal.

Perhaps the biggest drawback of the available evidence on policing is that it does not compare the benefit of more officers on the street with the benefit of expanding other measures that have been shown to reduce crime: drug treatment, mental health crisis responders, or summer jobs for young people.

In a recent survey of criminal justice experts, about two-thirds agreed that increasing police budgets would improve public safety. But many more of them — 85 percent — said that increasing spending on housing, health and education would do so.

Nor do they measure the comparative effect of asking the police to absent themselves entirely, as in a five-day experiment in a Brooklyn neighborhood last year that reportedly saw 911 calls drop nearly to zero.

In New York City, a randomized trial of street lighting reduced outdoor, nighttime index crimes by 36 percent. In Philadelphia, cleaning up vacant lots corresponded to a 29 percent reduction in gun violence. A number of studies have documented the effectiveness of violence interruption programs run by “credible messengers” who are respected in their communities.

In the longer term, Medicaid expansion, access to drug treatment and mental health care, and even a guaranteed basic income have also been found to reduce crime — perhaps with fewer downsides than policing.

“I think when one is talking about what’s an alternative to just adding police, well, putting some serious investment into



the kind of program for at-risk youth that really gives them a concrete possibility for a real job,” said Elliott Currie, a criminologist at the University of California, Irvine. “That’s where you really get the bang for the buck.”

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## **These Policies Were Supposed to Help Black People. They’re Backfiring.**

The New York Times, Feb. 15, 2022, By Jim Quinn and Hannah E. Meyers

New York City has experienced an alarming rise in violence over the past two years. From 2019 to 2021, murders went up 52 percent, shootings went up 104 percent, burglary went up 16 percent and car theft went up 91 percent, according to statistics from the New York Police Department.

While all New Yorkers are affected by rising crime, the brunt of the increase is borne by Black New Yorkers. In 2020, Black New Yorkers, who make up about 24 percent of the city’s population, were the victims in 65 percent of murders and 74 percent of shootings. They were also the largest racial demographic among victims of felony assault and rape.

It is hard not to notice that these tragic trends have emerged alongside the introduction of policies that were supposed to help Black New Yorkers — specifically, by reducing the impact of the criminal justice system on their lives. Black New Yorkers are disproportionately represented among those who are arrested, convicted and incarcerated in the city. Over the past few years, policymakers have sought to rectify this imbalance, designing policies aimed at achieving numerical parity among racial groups when it comes to relative rates of arrest, conviction and incarceration.

But this strategy is harming Black New Yorkers. By aiming for racial equity in criminal justice rather than focusing solely on deterring and responding to crime, policymakers seem to have neglected the foundational purpose of law and order. What has followed — a sharp rise in victims of crime, who remain disproportionately Black, and a slight increase in the percentage of Rikers Island inmates who are Black — is a racial imbalance of a more troubling kind.

Consider incarceration policy. In 2017, as mayor of New York, Bill de Blasio endorsed the release of thousands of prisoners at Rikers Island. Largely through the expansion of his 2016 “supervised release” program, the average daily jail population in New York City fell to 7,939 in 2019 from 9,500 in 2017 — before falling to 5,841 in 2020. (The number plummeted to less than 4,000 amid Covid-related releases in 2020, but went back up when pandemic policies abated.) A key rationale for the policy was racial equity: Advocacy groups, noting that the percentage of Black New Yorkers at Rikers Island was more than double their percentage of the city’s population, argued that releasing prisoners was an important step in reducing this numerical disparity.

The issue of parole was similar. In September, Gov. Kathy Hochul signed a law that weakened parole standards: Almost 200 inmates held on Rikers Island, mainly for parole violations, were released, and many future violators avoided incarceration altogether. Here, too, advocacy groups had explicitly cited the overrepresentation of Black inmates as a reason to pass the law.

Righting racial imbalance was also a popular justification for New York State’s 2019 bail reform laws. The Black Public Defender Association, for example, argued that the old bail system was “used to unfairly keep Black and Brown people locked in cages.” According to the new bail system, judges cannot set bail on hundreds of crimes. And when they can set bail, they are not allowed to consider a defendant’s danger to the public, as has been the case since 1971, making it harder to keep potentially violent people off the streets.

But releasing thousands of inmates and hindering the ability to detain potentially dangerous defendants has been followed by increasing levels of crime, especially in largely Black neighborhoods. For example, in the police precinct that covers most of the Brownsville neighborhood as well as adjacent Ocean Hill, where around three-quarters of the residents are Black, shootings at the end of last year were up 144 percent, and murders were up 91 percent from two years earlier.

Is this correlation the entire proof of causation? Of course not. But the correlation is stark.

Fortunately, there are signs of hope. In a news conference last month in the wake of an attack that killed two N.Y.P.D. officers, Mayor Eric Adams announced an ambitious public safety plan to confront rising gun violence, including increasing resources for a unit of around 200 police officers dedicated to handling illegal-gun cases. But Mr. Adams’s remarks and the accompanying policy paper were perhaps most notable for what they did not say. They did not explicitly mention racial equity at all.

Also notable were the policy updates made on Feb. 4 by Alvin Bragg, the Manhattan district attorney, suggesting a stronger stance on the prosecution of gun possession and some armed robbery charges. After taking office last month, Mr. Bragg, whose campaign cited “eliminating racial disparities” as “a primary and fundamental goal,” had originally told prosecutors to avoid seeking jail time for many such crimes.

Mr. Adams seems to recognize that what’s most important for public safety is stopping violence and bloodshed rather than fixating on the racial metrics surrounding the problem. Hopefully, other leaders will follow suit.

We should have a system that arrests, convicts and incarcerates individuals without regard to the color of their skin. Releasing inmates — or not arresting, convicting and incarcerating criminals — in an effort to redress racial imbalances only hurts Black New Yorkers. Correcting racial inequity starts there.

Jim Quinn is a former executive district attorney in the Queens district attorney's office, where he served for 42 years. Hannah E. Meyers is the director of the policing and public safety initiative at the Manhattan Institute.

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## **The Right Way to Stop Rising Crime in New York**

The New York Times, The Editorial Board, Jan. 24, 2022

The editorial board is a group of opinion journalists whose views are informed by expertise, research, debate and certain longstanding values. It is separate from the newsroom.

In recent days in New York, a woman was shoved to her death from a subway platform. A baby was hit by a stray bullet in the face. A police officer was fatally shot.

The disregard for human life comes after two grinding years of death. First from the coronavirus and now from a rise in gun violence.

New York remains among the safest large cities in America. There were 488 homicides last year — a far cry from the early 1990s, when the city saw more than 2,000 murders in a year. Still, the atmosphere of unease and despair in many parts of the city today is real. It can be seen in the city's subways, where those struggling with mental illness and homelessness have been left to languish. It is in Times Square, where the hallmarks of drug addiction are present at all hours. It can be felt in some of the poorest neighborhoods in the city, whose residents are bearing the brunt of the increase in violence.

Getting crime under control and quashing any growing unease that the bad old days could return is critical to the city's revival. So is doing it in a thoughtful manner.

On Monday, Mayor Eric Adams laid out his administration's wide-ranging approach to crime in a long midday television address. "We will not surrender our city to the violent few," he said. "Safety and justice are prerequisites for prosperity. Gun violence is a public health crisis. There's no time to wait."

Mr. Adams's immediate job is to direct the New York Police Department toward policing that targets violent crime. The mayor said the department would deploy more officers to subways and to the 30 precincts that have seen some 80 percent of recent violent crime. He also said the N.Y.P.D. will form a uniformed anti-gun unit to replace the long-troubled plainclothes anti-crime units, which were disbanded in 2020.

The challenge will be how to make the city safer without reverting to the overpolicing, especially in Black and Latino communities, seen under previous mayors. Mr. Adams promised better oversight of the new anti-gun units, and in the coming days, New Yorkers deserve to know more about what that oversight will be and how it will work.

It was promising to hear the mayor focus on jobs for young people. Saying that roughly 250,000 people ages 16 to 24 are neither in school nor employed, he promised an "unprecedented" summer jobs program for youth. That's a good start, but ultimately, these young people will need the skills and help to find permanent, well-paying jobs.

Other proposals by the mayor deserve more scrutiny. One of his ideas — allowing 16- and 17-year-old repeat offenders arrested on gun charges to be charged in criminal court instead of family court — should be a nonstarter.

Mr. Adams also said he would campaign to roll back provisions in the state's 2019 bail reforms and push for a change that would allow judges to consider "dangerousness" when setting bail. If these changes will make New Yorkers safer, lawmakers should consider them. But the burden of proof lies with those who want to undo these important reforms.

The causes of crime are complex, and New York's rise in shootings mirrors a national trend. Homicides during the pandemic, for instance, have been on the rise in cities run by Republicans and Democrats, cities that liberalized their anti-crime policies and those that did not. So far, opponents of New York's criminal justice reforms have not yet made the case that reforms directly fueled a rise in crime, and in the meantime, the new Manhattan district attorney, Alvin Bragg, has made clear he remains committed to prosecuting serious crime.

Lasting solutions to what ails New York City will go beyond the police and prosecutors. They will require buy-in from leaders across the state, as well as public money to pay for them.

New York needs more supportive housing and services for people confronting mental illness and addiction, rather than allowing these vulnerable individuals to languish in subway stations.

The city needs a Police Department laser focused on fighting violence while still respecting the civil liberties of residents in the city it is entrusted to protect. That work likely includes more funding for community anti-violence groups that have been credited with preventing gun crimes over the past decade. This would be made easier if

Washington could enact common-sense gun laws to end the so-called iron pipeline that sends guns from less restrictive states in the South and Midwest to cities like New York.

It was especially encouraging on Monday to hear Mr. Adams vow to work with the state to strengthen New York's mental health infrastructure. The best case would be to see Mr. Adams and Gov. Kathy Hochul join forces and commit to building the housing and mental health infrastructure needed to address the most intractable part of the city's homelessness crisis head-on.

The right solutions aren't quick, easy or conducive to political touchdowns. But they will make New York a safer, healthier and more humane place to live, work and visit. With new leadership at City Hall, in Albany and at the Manhattan district attorney's office, New York has an opportunity to get this right. A weary city is waiting.

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## **Joe Biden Is in a Bind on Crime and Police Reform**

The Wall Street Journal, By William A. Galston, Feb. 15, 2022

The president may have no choice but to disappoint his party's progressive wing.

After the civil disorder of the late 1960s and early 1970s, Democrats were tagged as antipolice and soft on crime, charges it took them decades to overcome. Now the party's response to George Floyd's murder has brought those charges back to center stage. Calls to reduce funding for police may have cost Democrats as many as 12 House seats in 2020, and a recent poll showed that only 36% of Americans approve of the way President Biden is handling crime.

In early February, Minnesota Rep. Tom Emmer, chairman of the House Republican Campaign Committee, issued a stark challenge to Democrats. "If you're not willing to stand up and speak out against this 'defund the police' movement within your own party, you own it," he said.

Two weeks later, Speaker Nancy Pelosi delivered a forceful response. Defunding the police is "not the position of the Democratic Party," she declared on national television. "Public safety is our responsibility." She made it clear that progressives, such as Missouri Rep. Cori Bush, who continue to advocate defunding the police aren't speaking for the party.

Mrs. Pelosi cited Eric Adams, the new mayor of New York and a former police officer, as a model of a balanced approach to public safety that combines support for vigorous law enforcement with long-discussed police reforms. "We're not going to return to the era of heavy-handed policing," Mr. Adams said recently. "But we also can't return to the era of 2,000 homicides a year."

Mr. Adams has criticized his own party's approach to criminal justice. While Democrats are comfortable prescribing solutions for "root causes" of crime, such as poor education and inadequate economic development, Mr. Adams said they "cringe" when beefed-up policing is on the table. But Democrats can't avoid what he regards as the most urgent question: How can we use police properly to get "the justice we deserve and the safety we need?"

By aligning Democrats with Mr. Adams's approach, Mrs. Pelosi reinforced the stance Mr. Biden articulated during his trip to New York to meet with the mayor. "The answer is not to defund the police," Mr. Biden said at the New York City Police Department headquarters. "It's to give you the tools, the training, the funding to be partners, to be protectors."

This isn't a new position for Mr. Biden. In the early 1990s, when violent crime reached a modern high, he was a leading advocate for the policies that culminated in the 1994 Clinton crime bill. He subsequently expressed regret for some of the law's consequences, including an excessive reliance on long-term incarceration of drugs offenders, but nevertheless, during the 2020 presidential campaign, he rejected demands to defund the police and kept the proposal out of the Democratic Party's platform.

He was right to do so. In 2020 homicides surged 30%, the largest single-year increase ever recorded. Although the increase seems to have slowed in 2021, rising violent-crime rates have elevated public concerns about the security of communities around the country. Last fall's mayoral elections confirmed that the tide had turned against reducing police department budgets and toward giving the police what they needed to restore public safety.

During its first year, the Biden administration tried to balance funding and reform. The American Rescue Plan provided billions in state and local funding for hiring new police officers and expanding overtime. The administration also backed bipartisan negotiations to reach a compromise on a package of police reforms. The negotiations made progress but halted short of an agreement on legislation.

In response, the administration went to work on an executive order addressing police reform. This hasn't been easy because civil-rights groups don't see eye to eye with police representatives on key points. For example, police reject "systemic racism" as an accurate description of their institutions and practices, and they won't accept the use-of-force restrictions on which civil-rights advocates are insisting. Though senior Democrats urged the administration to consult



police leaders, police thought a leaked early draft of the executive order was tilted against them. Jim Pasco, executive director of the Fraternal Order of Police and a friend of Mr. Biden, warned that the order could lead to a breakdown between police and the administration.

Faced with this threat, the administration reportedly changed course and is taking objections from police organizations more seriously. One option would be to limit the order to matters on which the police and their critics can agree—creating a national registry of officers who have been fired for cause, reducing the use of no-knock warrants, and banning the transfer of military equipment to police, to name a few—which would leave many reform advocates bitterly disappointed. This isn't a price Mr. Biden wants to pay, but he may have no better choice.

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## **This District Attorney Is Fighting Crime — and Angering the Police**

The New York Times, by Emily Bazelon, Feb. 2, 2022

Ms. Bazelon is a staff writer for The New York Times Magazine and author of “Charged: The New Movement to Transform Prosecution and End Mass Incarceration.”

After he was sworn into office last month, the new district attorney for Manhattan, Alvin Bragg, issued a memo that caused widespread confusion and great consternation among police unions, the city's new police commissioner and conservative politicians. The widow of one of two police officers killed in January called him out in her eulogy last week.

Mr. Bragg's memo suggested he would downgrade certain felonies, including many robberies, to misdemeanors. It also suggested prosecutors would largely stop seeking jail or prison for some crimes, including certain assaults and criminal possession of a gun unless the law requires them to do otherwise. Prosecutors were told to consider whether someone posed a threat or created a “genuine risk of physical harm” when they decide whether a felony charge is warranted. But in general an exception to the rule of leniency appeared to require extraordinary circumstances.

Mr. Bragg has since acknowledged the confusion caused by his memo and to a degree walked himself back. His goal for prosecuting store robberies, he said, was to move away from prison sentences for what he called “shoplifting gone bad” — a situation in which someone steals from a store while carrying a weapon like a knife or a screwdriver, but doesn't display it. Mr. Bragg also said that his office would continue to seek incarceration for “walking around Manhattan with a gun.” In other words, it would be business as usual for the ordinary gun case.

The uproar was similar to the blowback progressive prosecutors have faced in Philadelphia and San Francisco, for example, as they have tried to reduce the use of jail and prison. What's been drowned out in the clamor is strong evidence that less prosecution and incarceration pays off in improvements in public safety.

In the end, given Mr. Bragg's retreat, his policies may have less impact than progressives hope for or his critics fear. But there is no doubt that New York is especially fertile ground to pursue these progressive approaches because it has a head start on mental health and substance abuse counseling programs and diversion efforts to keep offenders out of jail and in jobs or school.

Accumulating research in well-designed studies supports the idea, counterintuitive though it may seem, that prosecuting fewer people can actually reduce crime. Last year, for instance, researchers looked at more than 67,000 misdemeanor cases in Suffolk County, Mass., which includes Boston, and found that people arrested but not charged for offenses like drug possession and shoplifting were less than half as likely as those who were prosecuted to be arrested again two years later for a new crime.

Another study from Harris County, Texas, which includes Houston, found that people charged for the first time with felonies, including drug possession and theft, were almost half as likely to reoffend over 10 years if they were offered an alternative to prison, supervision while they live in their communities, which upon completion led to dismissal of the charges against them. A third study published last month found that diversion for young people for some felonies in San Francisco reduced the probability of a subsequent conviction by a third over two years.

This research measures what's called specific deterrence — the chance that a person directly affected by a policy will be deterred from future crime. One key motivation for success for offenders is to avoid a major barrier to employment, a criminal record. In the Harris County study, those diverted from prison were almost twice as likely to be employed later as those who were not. People with jobs have a better shot at leading a stable life, and that discourages crime.

None of these studies found an overall increase in crime. This is called general deterrence — the effect a policy has on the crime rate. In another study from 2021, the researchers who conducted the study in Suffolk County looked at the effect on local crime rates of so-called progressive prosecutors, who rely less on jail and prison. In 35 jurisdictions, a progressive district attorney had no significant effect on the rate of serious crimes. A modicum of mercy, it turned out, did not lead to lawlessness.

Since the 18th century, the concept of deterrence has been based on the swiftness, certainty and severity of punishment. The research backs up district attorneys like Mr. Bragg who are betting that their predecessors overrated the effectiveness of severe penalties.

On the other hand, swiftness and certainty of punishment, which hinge on the probability that a crime is detected, are important in holding down crime. The evidence shows, not surprisingly, that when more police officers are around, people are more likely to believe they'll be caught if they commit a crime. But, more important, police presence can deter crime without increasing arrests overall.

Increasing misdemeanor arrests produces little value in public safety while disproportionately affecting Black residents, which helps explain why far more Black than white people report fearing the police — even to the point that some say they'd rather be robbed than questioned by an officer without good reason.

Relying on the police and prosecutors to prevent crime, as many cities have more or less done for decades, is a mistake, argue some public safety experts. City governments “can provide as much, if not more, safety as police, without the unavoidable toxicity that comes with force” when they work with residents and local organizations to strengthen the social fabric of neighborhoods, according to Elizabeth Glazer, a director of Mayor Bill de Blasio’s Office of Criminal Justice, and Patrick Sharkey, a sociologist at Princeton, in a 2021 report for the Square One Project, a justice reform group.

They call for continuing efforts to expand youth employment programs, mental-health services, the deployment of neighborhood workers trained to stop disputes from escalating into violence, and the redesign of public spaces. Studies have shown that planting grass and trees on vacant lots is associated with significant drops in gun violence. If people feel safe, then they're more likely to be out and about, serving as eyes on the street. And the stronger the connections are among residents, the more likely they are to look out for one another.

New York had a rough 2020 and 2021, when homicides and shootings rose, as they did across the country in the pandemic. The fatal shootings so far this year, including the killing of two police officers who were responding to a 911 call in Harlem and a teenager working at Burger King, have prompted the new mayor, Eric Adams, to pick up the old law-and-order tools — a police crackdown and a call for prosecuting 16- and 17-year-olds caught with illegal guns as adults if they don't disclose where they got the weapon. (The New York Legislature raised the age of criminal responsibility to 18 in 2017.)

But Mayor Adams is ignoring the lessons of his own city. The Brooklyn district attorney's office under Eric Gonzalez, another progressive, runs a voluntary diversion program for young people caught with guns that has lowered the rate of rearrest and conviction for those in the program compared to their peers who went to prison. Participants plead guilty and then, instead of being locked up, get the help of a social worker to find a job or go to school.

Around the city, courts in partnership with nonprofit organizations have developed other successful diversion programs. Almost 25,000 people a year participate in programs through the Center for Court Innovation that offer mental-health and substance-abuse counseling and “restorative-justice circles” where offenders must reckon with the impact of their wrongdoing and how to rectify it. Officials from other cities routinely visit New York to see how its programs operate, according to Chidinma Ume and Brett Taylor of the Center for Court Innovation.

President Biden is coming to the city this week to meet with Mayor Adams about gun violence — a sign the White House wants to align with the mayor. It's a good sign that Mr. Bragg and Mr. Gonzalez are scheduled to be part of the event as well, according to their offices, and Mr. Biden should showcase the record and the research that support their approach. Both point the way to making the city safer and more vital.

Emily Bazelon is a staff writer for The New York Times Magazine and author of “Charged: The New Movement to Transform Prosecution and End Mass Incarceration.”

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## **New York mayor's crime plans reinforce ‘worst parts of NYPD’, say experts**

The Guardian, by Gloria Oladipo, Wed 16 Mar 2022

Plainclothes unit and enthusiasm for facial recognition technology are worrying civil rights advocates

While New York City's mayor, Eric Adams, has been defending his veganism and equating drug dependency to liking cheese, he has been escalating the city's police powers, deeply concerning civil rights advocates.

Adams, the second Black person to serve as New York mayor, largely won the mayorship through securing the votes of Black, brown and working-class New Yorkers.

Crime was an important issue in the election (and since then), and Adams's politically moderate solutions to crime, with an emphasis on critiquing the flawed New York police department but without campaigning on defunding or switching some funds away, swayed voters.

But despite garnering support from top Democrats such as Joe Biden and New York's governor, Kathy Hochul, Adams's vast expansion of controversial policing tactics and calls for deep cuts to New York's affordable housing and homelessness services have left many anxious about his impact on the very coalitions that elected him.

"Mayor Adams is basically reigniting some of the worst parts of the NYPD, which is saying a lot," said Jerome Greco, the digital forensics supervising attorney at the Legal Aid Society.

Amid calls to ban drill music (an initiative Adams has since walked back) and billboards calling for the end of sagging pants style, Adams has reinstated New York's infamous plainclothes unit, an anti-crime squad of officers dressed in civilian clothing and tasked with targeting violent crime.

Adams, who published a blueprint to end gun crime last month, promoted the plainclothes unit as a means to aggressively target gun crime, but Adams's reinstatement of the units via newly minted "neighborhood safety" teams has been met with criticism given their legacy of violence.

Before being disbanded by the then NYPD commissioner, Dermot Shea, in 2020, New York's anti-crime units had a long history of misconduct and excessive, targeted policing against minority communities, said Greco and Michael Sisitzky, senior policy counsel at New York Civil Liberties Union.

Many of the recruited officers on the selective units had lengthy histories of misconduct and aggression against residents, said Sisitzky.

Plainclothes unit officers were also involved in a shocking and disproportionately large number of killings, with a study by the Intercept finding that in 2018, plainclothes officers were involved in 31% of fatal police shootings despite accounting for just 6% of the force.

For many, a searing argument for disbanding the units was the 1999 killing of Amadou Diallo in the Bronx. After claiming that Diallo fit the description of a wanted rapist, officers shot at him 41 times, claiming later that he had been reaching for a gun. Diallo, who was actually reaching for a wallet, was struck 19 times and killed. All involved officers were acquitted.

But since then, plainclothes officers have been involved in other high-profile killings. Eric Garner, whose 2014 death made international headlines and sparked worldwide protests against police brutality, was killed by NYPD plainclothes officer Daniel Pantaleo, who put Garner in a banned chokehold.

In 2018, anti-crime officers also killed Saheed Vassell, 34, who neighbors say was known to local patrol officers as having mental health problems.

"This is the legacy that could be revived with these new so-called Neighborhood Safety teams," said Sisitzky.

While Adams and the newly minted NYPD commissioner, Keechant Sewell, have promised that officers in the reinstated units would be vetted this time around for "emotional intelligence", experts say past training has failed to yield reform.

"The plainclothes units were disbanded for a good reason and to bring them back as if those problems never existed or that somehow he's going to be able to prevent those problems is unrealistic," said Greco.

Adams also pledged to increase the use of facial recognition technology (FRT) to identify culprits of crime despite widespread pushback over the technology's efficacy and use by police.

While posited as a tool to solve serious crime, critics have argued that such technology, in addition to being disproportionately used on New York's minorities, is inaccurate.

More FRT is placed in non-white areas of New York, despite the technology being notoriously inaccurate at identifying Black and Asian people.

So far, all noted false arrests stemming from inaccurate FRT have been of Black men, and Sisitzky has warned that an expansion of the technology could lead police to confront civilians on the basis of false information.

"We're talking about the potential for life-changing or life-ending consequences," he said.

The NYPD, as noted in the blistering 2019 report *Garbage in, Garbage Out*, published by privacy lawyer and senior associate with the center on privacy & technology at Georgetown Law Clare Garvie, will also sometimes doctor poor-quality photos captured by FRT or submit celebrity photos, artist sketches, and other images into the technology to garner suspect matches. There are no rules of what images officers are allowed to use.

Use of FRT by the NYPD (which would be responsible for rolling out the technology's expansion) over the past decade has also prompted at least six lawsuits, reported Politico, mainly over the NYPD's disclosure of their FRT practices.

The NYPD has claimed that facial recognition has helped solve a number of serious crimes, reporting that FRT led to 2,878 arrests between October 2011 and 2018 out of 3,817 searches, but experts have argued that such stats do not disclose if matches were made on the basis of photo editing or using reference images.

Attempts to mandate public reporting from the NYPD about FRT have also been ineffective, said Greco and Sisitzky. Sisitzky said that even under New York's June 2020 Public Oversight of Surveillance Technology Act, the NYPD failed to be fully transparent, minimally addressing concerns about inaccuracy in the technology, what outside entities had access to FRT information, and other critical information, prompting many advocates to call for a ban.

"It's gotten to the point where we just don't think there is a responsible way for the NYPD to use it," said Sisitzky.

Given Adams's promises to fight crime, progressives and activists on the left remain skeptical of the mayor's chosen methods, especially given the proposed reduction of money to New York's housing services. A total of \$615m has been cut from homelessness services despite ballooning levels of homelessness and a campaign promise to fund the department with \$4bn. While much of the budget reductions are due to reduced federal Covid-19 aid, advocates said they will challenge budget reductions as New York's homeless crisis rises.

As the social aftereffects of the Covid pandemic, especially factors such as soaring rent prices and record overdose rates, become increasingly clear, critics have warned that only a serious investment in social services and rethinking of police-centered community intervention methods can address crime rates while protecting vulnerable communities.

"If they really were serious about dealing with these issues, they would better fund the social services and utilities that people need and help them in ways that truly would lower any crime and actually be beneficial," said Greco.