



Crime-Fighting Reforms For the Incoming Trump Administration

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Memo

Introduction

The Trump administration has the opportunity to realign federal criminal justice priorities with the core mission of crime fighting. This memo addresses the most important improvements that President Trump’s Department of Justice and lawmakers in Congress can make to help states and localities achieve that end.

Executive Policy Shifts

Through the Department of Justice, **build out joint task forces** with a focus on jurisdictions with either (a) “**progressive**” prosecutors, or (b) **unfavorable legislative environments** (e.g., New York State and Illinois), and (c) **elevated crime levels**, whose mandate will be to focus on criminal gang (native and migrant) sweeps with an eye toward reducing gun violence in high-crime pockets.¹

Issue guidance to U.S. attorneys encouraging them to work with local law enforcement on identifying opportunities to federally prosecute individual drug and §922(g) cases in jurisdictions with either (a) “progressive” prosecutors, or (b) unfavorable legislative environments, and (c) elevated crime levels, to end-run the bad policies of the locale in question.²

About Us

The Manhattan Institute is a community of scholars, journalists, activists, and civic leaders committed to advancing economic opportunity, individual liberty, and the rule of law in America and its great cities.

1 Aaron Chalfin, Michael LaForest, and Jacob Kaplan, “Can Precision Policing Reduce Gun Violence? Evidence from ‘Gang Takedowns’ in New York City,” *Journal of Policy Analysis and Management* 40, no. 4 (2021): 1047–82.

2 “Citing ‘Mishandling’ by Krasner’s Office, U.S. Attorney Announces Federal Charges in 2 Cases,” Fox 29 Philadelphia, Sept. 15, 2020.



Build out lists of ongoing pattern-or-practice investigations and ongoing consent decrees. Assign a team of prosecutors to make recommendations regarding how and whether to quickly end the federal intrusions into local law enforcement where intrusions are unwarranted (e.g., where they are based on mere statistical disparities along racial lines in enforcement criteria).³

Congressional Action

Appropriate new funds specifically for additional, targeted police hiring and retention efforts through the COPS grant program. Only jurisdictions that are struggling most acutely with recruitment and retention challenges *as well as* elevated crime should be recipients. Retention can be improved by covering salaries and training costs for new officers and providing bonuses to incentivize senior officers to remain with struggling departments.

- **Rationale:** Ongoing and, in some places, worsening, issues with police recruitment and retention have strained departments, limiting their ability to fight crime effectively, and to respond to calls for service in a timely manner (sometimes at all). This can impact both crime reporting rates as well as clearance rates.
- **Objections worth considering:** In some ways, this sort of program can be attacked as inefficient—a wasteful multi-step process through which government funds are spent to collect and then redistribute tax dollars to the same jurisdictions that paid them. However, if the funds are properly targeted toward departments with the highest needs, then the costs are easier to justify because the program becomes one of *redistribution* from jurisdictions that have adequate or abundant police resources to those that do not.

Pass new appropriations for state and local law enforcement acquisition of force-multiplying technologies, such as drones, AI, facial recognition, license plate readers, and strategically placed CCTV feeds through the COPS grant program.

- **Rationale:** As the federal government has augmented state and local police forces through the “1033” program (which redirected surplus military equipment to state and local police forces) in the past, the federal government should consider *targeted* subsidies of force-multiplying technologies to aid law enforcement agencies with acute crime problems and resource constraints. This will help agencies make the most of the limited resources they have.
- **Objections worth considering:** Many will attack the use of drones, facial recognition, and AI by law enforcement agencies on privacy grounds, but these technologies only involve the surveillance of public areas in which there is no reasonable expectation of privacy, and leave unmolested the numerous procedural and substantive legal protections enjoyed by law-abiding residents and the criminally accused.

³ Charles Fain Lehman, “Is the Chicago Consent Decree Working? Consent Decrees for Police Reform: The Chicago Experience,” Manhattan Institute, July 20, 2023.



Codify in statute reinstatement of the “*Saucier* sequence”⁴ in qualified immunity cases, which would require courts to make a finding as to whether the alleged state action violated a federal statutory or constitutional right.⁵

- **Rationale:** Qualified immunity protections for law enforcement officers are perceived to be both essential and under threat. Solidifying them through codification will alleviate law enforcement concerns and undercut the strongest legal claim against modern qualified immunity doctrine: that it reflects an unoriginalist reading of §1983 of Title 42. Enshrining the *Saucier* sequence into the new statute⁶ will appropriately address the concerns of qualified immunity critics by ensuring that the law develops in a way that more-quickly shrinks the scope of not-yet-established rights.

4 Rafael A. Mangual, “Understanding the Limited Role of Qualified Immunity in Police Litigation and a More Modest Approach to Reform,” statement to the U.S. House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, March 28, 2022.

5 Rafael A. Mangual, “Reiterating a More Limited View of the Role of Litigation in Police Behavior, and Proposing a More Modest Approach to Reform,” Statement to the U.S. House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, June 9, 2022.

6 This sequence would restore the order of the two-step analysis proscribed in *Saucier v. Katz*, which is asking whether a right was violated and then whether the right was clearly established.