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Report

Doing Less with Less: Crime and Punishment in Washington, DC

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Executive Summary

Washington, DC, is making headlines for its crime problems. While other cities saw crime retreat in 2023, the District saw a historic spike in murders, as well as a surge in shocking carjackings, many carried out by teenage offenders. These disturbing crimes are compounded by a general decay in public order in the District, with residents complaining of rampant fare-beating, panhandling, and shoplifting.

But why has crime risen in the nation's capital? Debate around the topic focuses on either the leniency of DC's laws or the degree to which DC has provided for its most disadvantaged citizens. Nobody can even agree, it seems, on the extent to which crime has risen, or which crimes have gone up or down, with commentators cherry-picking statistics that serve their preferred view of things.

This report makes several contributions to the debate over crime in the District of Columbia. The first section presents data on crime in the District, identifying three distinct but related crime problems: a long-standing homicide and group-violence problem; adolescent crime, principally involving auto theft and carjacking; and public disorder, including fare evasion and uncontrolled unsheltered homelessness. The second section connects these trends to a systematic decline of activity in many components of DC's crime-and-disorder control system, including reductions in police staffing and activity, in prosecution, in pretrial detention, in school attendance, in judicial staffing, and in camp clearance.

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These two sections, the report then argues, are related. The report calls for viewing DC’s problem through the criminal-justice system “capacity” lens—the volume of manpower, attention, space, time, and other resources that the system can dedicate to its crime-fighting function. DC has experienced a comprehensive collapse in its capacity over the past four years; remediating it is the best way to get crime under control. In conclusion, this report lays out several proposals for restoring or expanding capacity, including:

- Federally fund Metropolitan Police Department (MPD) hiring
- Expand professional development opportunities for MPD officers
- “Civilianize” certain MPD roles
- Concentrate limited policing resources
- Build a dedicated federal–District gang-suppression partnership
- Encourage the public to fight crime through public nuisance abatement and the ability of the Advisory Neighborhood Commission (ANC) to deny liquor licenses
- Permit the DC attorney general to prosecute cases that the U.S. attorney declines
- Give the Senate a time-limited veto over, rather than a confirmation responsibility for, appointments to DC’s courts
- Prosecute truants engaged in criminal behavior
- Clear camps without apology

These steps, this report concludes, should be part of an all-of-government effort to make DC’s criminal-justice system function again—and function better. The report’s Appendix includes model federal legislation for accomplishing these goals through increased funding, expanded prosecutorial authority, and facilitating the nomination and confirmation of DC judges.

Introduction

The nation’s capital, everyone agrees, has a crime problem. The media blares it: “Can anything stop the DC crime wave?” the *Washington Post* asked in a recent editorial.¹ The city’s police union labeled crime a “crisis” in a hearing before the House of Representatives. Mayor Muriel Bowser declared that DC must “not let criminals take over our neighborhoods.”²

Citizens, in particular, are concerned. In an April *Washington Post* poll of more than 1,600 DC residents, 62% described the problem of crime in the District as “extremely” or “very” serious. Roughly half worry about being carjacked or stolen from in public, while 40% fear a physical assault in their day-to-day lives. One in three says that a close friend has been the victim of a violent crime; 10% say that they have been victimized themselves.³

Residents are also unhappy with how the District’s leadership is handling the situation. Seventy-two percent said that Mayor Bowser is doing a “not good” or “poor” job reducing crime in the city—22 points worse than in November 2019. Two members of the city council are facing recall efforts,

primarily over their handling of crime.⁴ And, contrary to the city’s traditionally liberal image, majorities of DC residents endorsed a host of tough-on-crime measures, including increasing fare-beating enforcement and seeking harsher punishments for teens who commit violent crimes.⁵

There are, of course, dissenters. Homicides are back down, some note, from 2023 peaks.⁶ Perhaps the surge was just a Covid-induced temporary blip. And among some who do acknowledge the crime increase, there is a tendency to point to “structural” causes—poverty, racism, and the like—rather than focus on the particulars of DC’s situation.⁷ Even among those who see crime as a major problem, there is often a focus on what one commentator termed “vibes”—the idea that “soft-on-crime” messaging from the council, mayor, or some other actor has emboldened criminals.⁸

What is the real story of crime in the nation’s capital? Which crimes have gone up, and why? And what, if anything, can be done about it?

This report investigates the crime and disorder in the District through a data-driven lens. It identifies several discrete crime challenges: a durable problem with homicide and gun violence; a shorter-run problem with juvenile offending; and an increase in disorder, petty crime, and unsheltered homelessness, which may be a nexus to crime.

It then investigates the *capacity* of DC’s criminal-justice system—its ability to control these problems. It shows that across a variety of measures, capacity has declined. There are fewer police officers, and those officers are doing less. The U.S. attorney is prosecuting far fewer people. There are fewer judges, and they are churning through a larger case backlog. Students are more likely to be truant, and as unsheltered homelessness has surged, the District has not kept up with camp clearance.

Rather than focusing on “root causes” or “vibes,” this report argues that getting crime controlled in the District requires improving the capacity of the city’s criminal-justice system. The District has been doing less with less; to do more, it needs more. In the second section, this report lays out a series of proposals to improve capacity in both the short and the long run, ranging from minor tweaks to profound reforms.

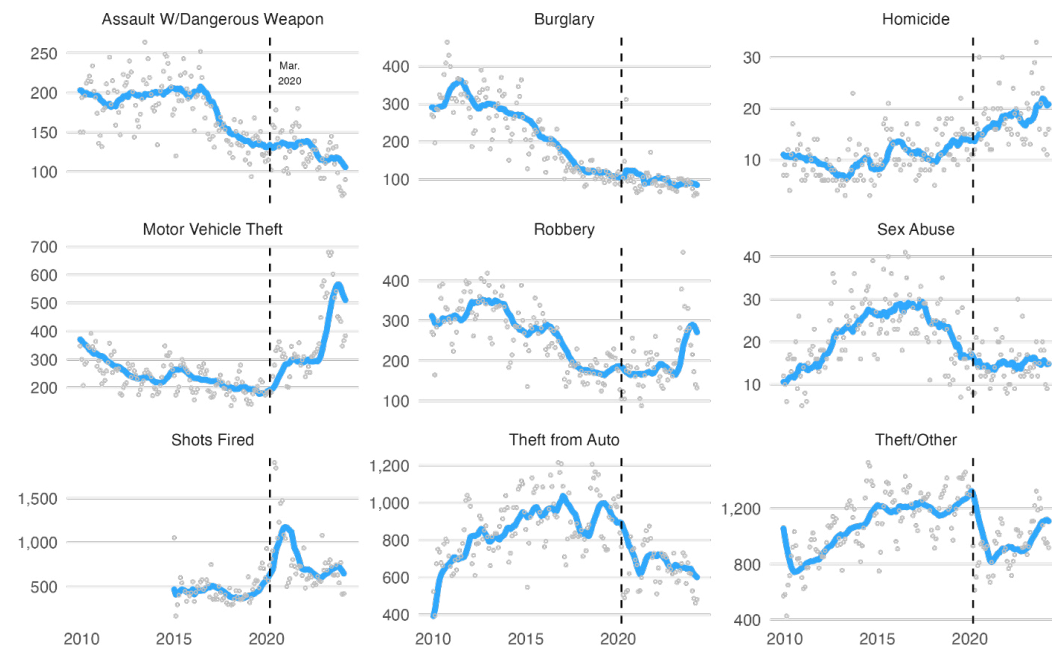
District residents are not wrong to be worried about crime in their city. Their governments—local and federal—can and should be doing better. This report explains why, and how.

Washington, DC’s Crime Problems

The perception of generally rising crime might mask distinct problems. DC residents are correct that crime is increasing. But which crimes? Where? To ask these questions is not to diminish the District’s crime challenges, which are substantial. Rather, identifying specific crime problems is a necessary first step in identifying relevant solutions.

Figure 1

Major Crimes in Washington, DC, January 2009–May 2024



Source: MPD and Shot Spotter, via Open Data DC

Figure 1 depicts trends in major crimes⁹ recorded by the District’s Metropolitan Police Department (MPD) since 2009, including both monthly figures (points) and a 12-month rolling average (line). Counts of shots fired recorded by DC’s Shot Spotter system are also included.

As is apparent, not all these crimes follow the same pattern. Reported rates of burglary, assault with a dangerous weapon, sex abuse, and theft (from cars and otherwise) have all declined, either prior to or since the 2020 Covid/ George Floyd shocks. Rates of homicide, though, have risen steadily since before 2020. And rates of motor vehicle theft and robbery spiked precipitously in 2023 after steadily increasing from 2020. (Notably, car theft that involves taking the car by force—a “carjacking”—is recorded as a robbery under the categorization rules that these data follow.)¹⁰

Where is this crime happening? **Table 1** breaks out offenses in 2023 across DC’s eight wards. Notably, different types of crime are not evenly distributed. For example, homicides and gun assaults are disproportionately concentrated in Wards 7 and 8, in the poor and black neighborhoods across the Anacostia River in DC’s southeastern corner. Thefts, by contrast, are more common in the city’s central districts, Wards 1 and 2.

Table 1

Major Crimes in DC, by Offense and Ward, 2023

Offense	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8
Assault w/Dangerous Weapon	145	95	29	88	203	75	325	441
Burglary	161	145	63	71	241	118	143	150
Homicide	27	11	1	16	34	24	51	100
Motor Vehicle Theft	675	538	168	667	1,496	967	1,259	1,011
Robbery	547	397	64	316	518	433	681	506
Sex Abuse	15	26	6	8	31	25	34	38
Theft from Auto	1,440	1,206	668	940	1,229	883	827	562
Theft/Other	2,239	3,057	1,077	1,024	1,880	1,769	1,237	1,010
Total	5,249	5,475	2,076	3,130	5,632	4,294	4,557	3,818

Source: Author analysis of MPD Data via Open Data DC

Crime is highly concentrated even within these wards. Consistent with the law of crime concentration, the top 10% of census blocks in DC account for very large fractions of the crime in the city.¹¹ In 2023, the top 10% of blocks overall account for 46% of crime. Among each offense, the top 10% of blocks account for 22% of homicides, 30% of robberies, and 35% of motor vehicle thefts. In some cases, crime is even more concentrated. In 2023, the top 10 blocks accounted for 269 motor vehicle theft complaints, 37 homicides, and 124 robberies.

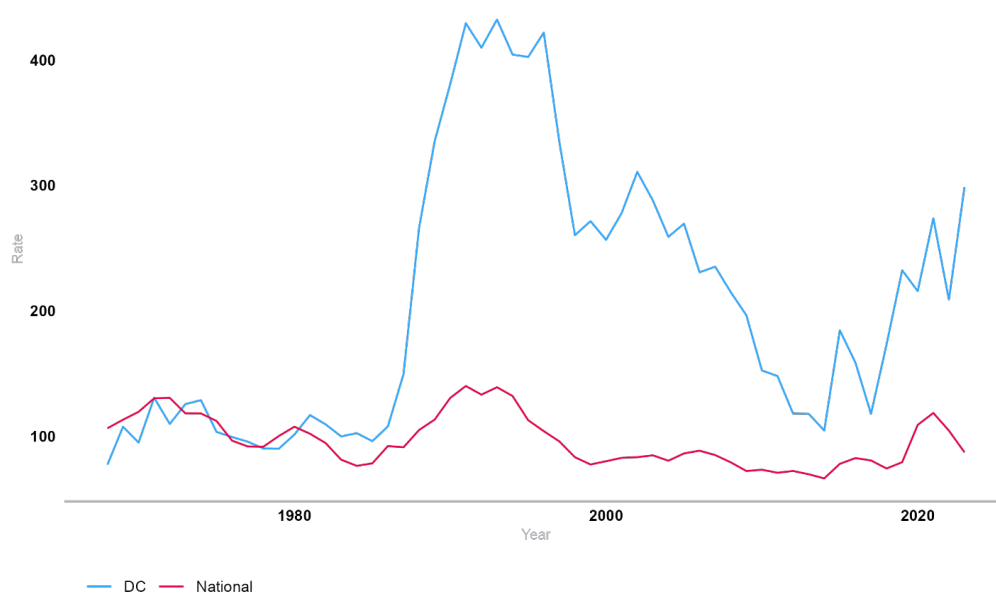
What’s driving these rising offenses? The next two subsections investigate the increase in homicide and motor vehicle theft/robbery, showing that, while they are related, they plausibly have distinct causes. The third subsection attends to a distinct but related problem not apparent in the major crime data: rising disorder and petty crime.

Homicide and Group Violence

The District of Columbia has long had a homicide problem. **Figure 2** shows rates of homicide death, in both the District and nationwide, among young black men—the group most at risk for homicide death in both areas.

Figure 2

Homicide Rate Among Black Males, Aged 15–34, 1968–2023



Source: CDC WONDER database, Centers for Disease Control and Prevention

As the chart shows, homicide deaths in the city roughly tracked the national norm until the late 1980s, when the emergence of violent crack cocaine markets made DC the nation’s “murder capital.”¹² While the District enjoyed the fruits of the “great American Homicide Decline” of the 1990s, its homicide rate in this particular at-risk population remained elevated above the national rate. Additionally, it recently began rising precipitously—from a low of 104.5 deaths per 100,000 population in 2014 to a peak of 298.8 per 100,000 in 2023, a 186% increase. It is roughly as dangerous to be a young black man in the District today as it was 25 years ago.

The characteristics of DC homicide offenders and victims—who are often drawn from the same small social networks—are well established. In a 2021 report commissioned by the city, the National Institute for Criminal Justice Reform (NICJR) found that both victims and suspects in fatal and nonfatal shootings were “primarily male, Black, and between the ages of 18–34.” Most (86%) had prior criminal-justice involvement, with an average of 11 prior arrests for 13 different adult offenses; 46% had been to prison. Roughly half of suspects were identified as being involved in a “high-risk group” (i.e., a gang), although this figure is almost certainly an undercount.¹³ A 2023 follow-up report using subsequent years’ data found essentially the same figures.¹⁴

Most significantly, the NICJR analysis found that shooting offenses are highly concentrated among a small subset of the population. “Within a year,” the report notes, “there are at least 500 identifiable people who rise to this level of very high risk, and likely no more than 200 at any one given time. These individuals comprise approximately 60–70% of all gun violence in the District.”¹⁵

This claim is consistent with other cities’ research, which routinely finds that violence within a given jurisdiction is highly concentrated within specific, tight social networks. In one study of Chicago data, for example, 41% of all gun homicides were concentrated in a group that accounted for just

4% of a neighborhood's population.¹⁶ In San Francisco, 12 gangs are responsible for most of the violence in the city.¹⁷ In general, meta-analytic estimates suggest that the top 10% of offenders commit 40%–65% of crimes.¹⁸

In DC, homicide is overwhelmingly driven by conflict within and between gangs and related social groups. In interviews with MPD officers and city violence interrupters, NICJR found that the primary cause of this conflict was reputation: “There is a deadly mix of group/crew/gang members making music videos taunting or disrespecting their rivals that are posted on social media, and those videos spark or further inflame neighborhood conflicts that escalate into shootings.... Other comments and pictures posted to social media by group members also lead to shootings.”¹⁹ Conflict is further exacerbated by a sense that consequences will not be forthcoming. As one prominent violence interrupter put it in late 2023: “When you get [a few of these people] that’s part of this population and then they make an arrest, but then they’re back on the street within 24 hours, it doesn’t help the cause, right? These young guys see this and realize, ‘Man, we can do what we want to do—ain’t nothing gonna happen to us.’”²⁰

In short, DC has a long-standing problem with group/gang violence, with that violence driving the city’s homicide rate overall. For reasons discussed subsequently, the level of violence within these tight social networks has precipitously increased and, while it shows signs of abating, is still substantially elevated over recent historical norms.

Carjacking/Motor Vehicle Theft

The District of Columbia is far from the only jurisdiction with a carjacking/ motor vehicle theft problem. Rates of motor vehicle theft have risen substantially nationwide, increasing by nearly 30% between 2019 and 2022²¹ (rates fell in other major cities in 2023, although they remained elevated in DC).²² Among other factors, the increase has been driven by the dispersion of information about how to easily steal certain models of Hyundais or Kias through social media platforms like TikTok.²³

In DC specifically, the surge in car theft—by force and otherwise—might seem, at first glance, likely to be related to the increase in gang violence. After all, criminals do not specialize, and if violence is highly concentrated in small social networks, it might seem reasonable to infer that carjacking is also concentrated in these social networks. Authorities also claim that the increase is driven by repeat offenders.²⁴

But there are reasons to think that the people doing the shooting are not the people doing the stealing. Most conspicuously, the majority of carjackings in the District are perpetrated by minors. According to data published by MPD, 65% of arrests for carjacking offenses between January 2020 and March 2024 involved juveniles; another 14% involved 18- or 19-year-olds.²⁵ U.S. Attorney Matthew Graves similarly told the press that “the overwhelming majority arrested for carjacking are juveniles and many of the adults are themselves teenagers.”²⁶

This lopsided age distribution is different from that of homicide offenders. While they make up two-thirds of carjackers, juveniles account for only 10% of homicide offenders in NICJR’s most recent analysis and only 8% of victims and suspects combined.²⁷ Similarly, while minors are involved in gangs, only 19% of individuals in the city’s gang database were juveniles, as of 2021.²⁸

The relative youth of the car-stealing population seems to mirror—at least anecdotally—the age distribution of those stealing cars in other major cities.²⁹ It also explains the impulsiveness of these crimes, with one offender describing them as like “GTA IRL” (the video game *Grand Theft Auto* in real life) and with some young offenders livestreaming the crimes on social media.³⁰

The 2023 surge in car theft seems to have abated (because, as discussed below, MPD finally cracked down). But levels remain elevated over pre-Covid norms. Thus, one is left with the impression that DC has a second crime problem: a problem with juvenile offenders, acting out most visibly by stealing cars, joyriding, and broadcasting their activities on social media. These offenders are comparatively less serious than those who drive the gun violence in the District, but they still pose a distinct threat to public order.

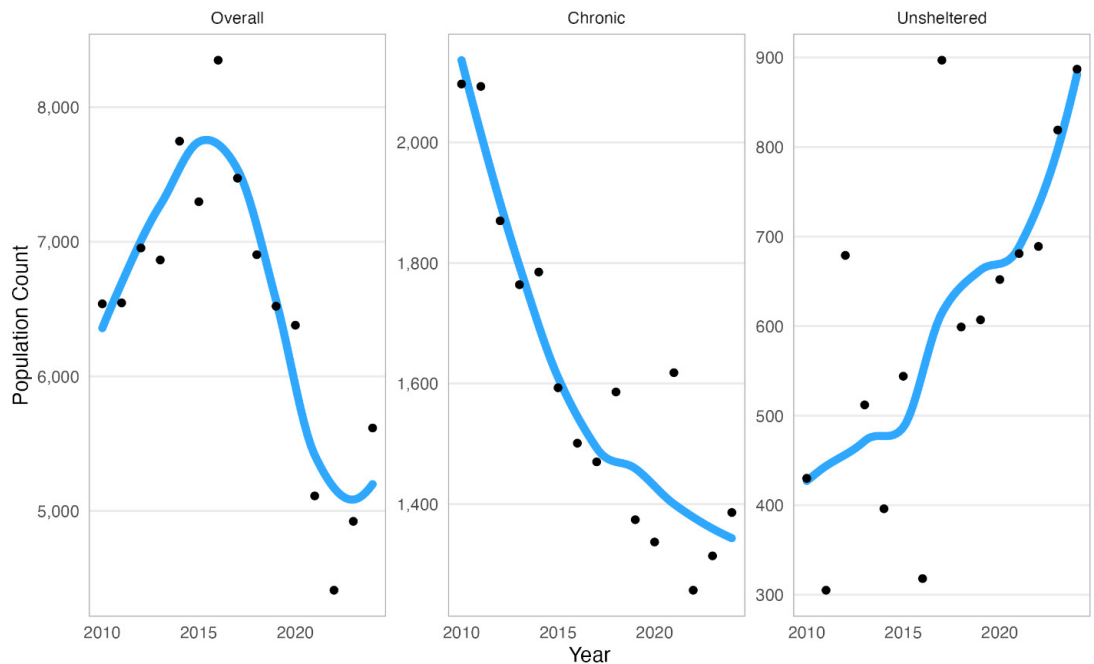
Disorder, Unsheltered Homelessness, and Quality-of-Life Offenses

The official DC crime data provide information only on index crimes—the major offenses that are reported to the FBI on an annual basis.³¹ But many residents perceive an increase in petty crime, as well as general disorder, including conspicuous public camping and visible serious mental illness. In the *Washington Post* poll, for example, three in four respondents (the highest share on record) believe that the city is doing a “not good” or “poor” job addressing homelessness.³² While these issues are not necessarily the exclusive domain of the criminal-justice system,³³ they nevertheless contribute to the perception that the city has a crime problem, and might reinforce the real crime problem by deterring the public from going out for everyday activities and thus reducing the number of “eyes on the street.”

In fact, DC appears to have more of a *visible* homelessness problem than a homelessness problem per se. As **Figure 3** shows, levels of overall homelessness in DC have fallen steadily, since peaking in 2016 (although they rose slightly in 2024).³⁴ The number of residents suffering from chronic homelessness—meaning being homeless for more than a year while suffering from addiction, serious mental illness, or other disability³⁵—is below recent highs, suggesting that the total population most at risk of living on the street is declining. By contrast, the levels of unsheltered homelessness have risen since 2020, especially in 2023–24.³⁶

Figure 3

Washington, DC, Homeless Population on the Coldest Night of the Year, 2010–24

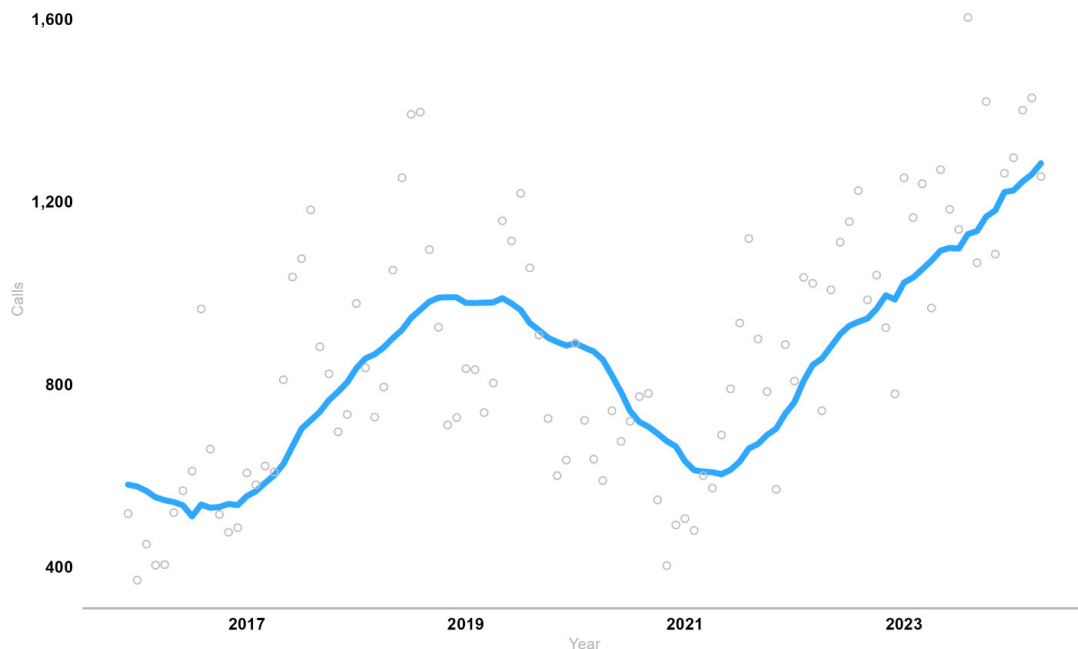


Source: Metropolitan Washington Council of Governments Homelessness Reports, May 15, 2024

That unsheltered homelessness, moreover, has been reflected in large tent encampments. In February 2023, for example, the city evicted some 70 people from an encampment in McPherson Square, a centrally located park blocks from the White House.³⁷ In summer 2022, the National Park Service removed 30 tents in front of DC’s Union Station, a major access point to the city.³⁸

There is also increasing demand for public sanitation enforcement. As **Figure 4** shows, calls to DC’s 311 line (for nonemergency city services) for sanitation enforcement fell during the early days of the Covid pandemic. But calls soon began rising again, with that increase showing little sign of abating in the most recent data. Rates of calls for enforcement remain substantially elevated over pre-pandemic highs. Although the data do not allow disaggregation of the specifics of the calls, they do paint a picture of a city that residents believe to be dirtier than it used to be.

Figure 4
Sanitation Enforcement Calls to DC 311, 2016–April 2024



Source: 311 Calls via Open Data DC
 Note: The blue line is a 12-month moving average trend line.

Other petty crimes are less well measured. Viral videos drive a perception that shoplifting is now endemic in the District, with major retailers implementing restrictions on access to their products.³⁹ The Washington Metropolitan Area Transit Authority (WMATA) only began publishing reliable data on fare evasion—measured as sensed riders who did not tap a card to enter the Metro system—in January 2023. In that year, “no-tap” entries accounted for 10%–13% of ridership; in the most recent data, though, the share has fallen to 4%.⁴⁰

In short, Washington, DC, not only has acute problems with homicide and juvenile car theft. It also has a pervasive, albeit harder-to-measure, problem with disorder, homelessness, (possibly) shoplifting, and fare evasion—that is, petty crime.

What is the source of these disparate problems? The next section investigates the state of the systems meant to keep them under control. It finds, again and again, that those systems are not operating at peak capacity.

Washington's Crime Control System

Many big cities experienced dramatic increases in violent crime in the summer of 2020. The instigating events—the Covid-19 pandemic and antipolice protests following the murder of George Floyd—affected almost all cities, if not equally in all places. A parsimonious explanation of the increase in crime in the District should assume that its causes are the same as those elsewhere. What makes DC different is that crime has remained a problem, rendering the city an outlier as homicide and other offenses have dropped across other cities.⁴¹ What was DC doing wrong that other cities got right?

Part of the story must be that the various components of DC's criminal-justice system simply have not recovered from the one-two punch of Covid and the Floyd protests. While other cities saw declines in activity from the criminal-justice system and then recovered, activity levels from DC's criminal-justice system have not rebounded. Across measure after measure, its systems for controlling crime and disorder are running less well than they did four years ago.

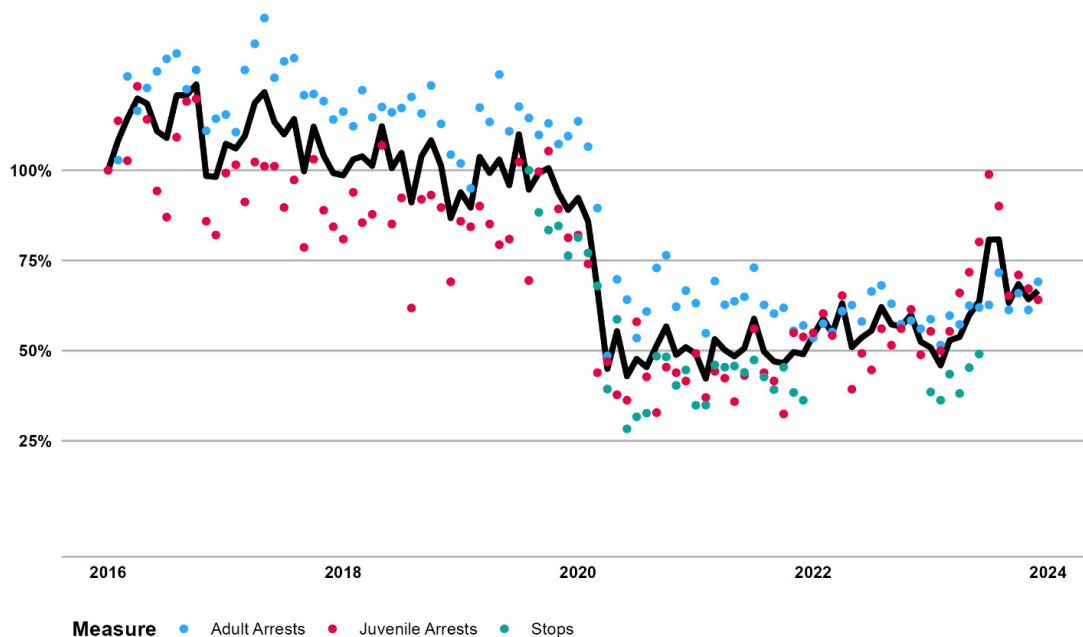
Policing

The police are the front line of the criminal-justice system. Their physical presence and behavior deter crimes before they occur.⁴² And when crimes do occur, police are responsible for investigating them and arresting offenders. High-quality research consistently shows that more policing in a jurisdiction causally reduces crime.⁴³

MPD in DC is the primary law-enforcement agency within the parts of the city that are not federal property. It is the sixth-largest police department in the United States.⁴⁴ Like peer departments, it has struggled over the past four years. And those struggles have persisted even as peer departments have rebounded.

Figure 5

Relative Intensity of MPD Activity, 2016–23



Source: “Adult Arrests” and “Juvenile Arrests,” Open Data DC; “Stops,” MPD

Figure 5 captures three measures—arrests of adults, arrests of minors, and stops—reported by MPD over the indicated periods. For comparability, each individual series is shown as a fraction of the first value in the series—in essence, showing changes in the relative level of each. The underlying trend—the average of the three,⁴⁵ depicted as a black line—is glaring. Beginning in March 2020 (coincident with the onset of the Covid pandemic), rates of all three plummeted to 25%–50% of pre-pandemic baseline. They have slightly recovered in the most recent data. That last increase is driven partly by MPD’s efforts to target juveniles committing auto thefts and partly by the priorities of MPD’s new chief, Pamela A. Smith.⁴⁶

The change in enforcement priorities has not been evenly distributed. **Table 2** details the number of arrests across 29 categories of crime reported by MPD in 2019 and 2023. The level has declined across 24 of the 29, but the declines are steepest for minor or quality-of-life crimes. Levels of arrests for prostitution, traffic violations, narcotics, disorderly conduct, liquor law violations, release violations, and driving while intoxicated, for example, have all collapsed.

Table 2

Crime Category	2019 Arrests	2023 Arrests	Percent Change
Prostitution	1,273	11	-99.1%
Gambling	38	5	-86.8%
Vending Violations	52	8	-84.6%
Theft from Auto	76	14	-81.6%
Fraud and Financial Crimes	129	25	-80.6%
Traffic Violations	4,139	925	-77.7%
Narcotics	2,286	538	-76.5%
Disorderly Conduct	352	109	-69.0%
Liquor Law Violations	478	165	-65.5%
Release Violations	3,633	1,588	-56.3%
Driving/Boating While Intoxicated	1,305	643	-50.7%
Theft	1,766	889	-49.7%
Robbery	319	189	-40.8%
Other Crimes	1,786	1,064	-40.4%
Assault with a Dangerous Weapon	668	409	-38.8%
Sex Offenses	172	133	-22.7%
Assault on a Police Officer	383	300	-21.7%
Burglary	146	117	-19.9%
Motor Vehicle Theft	39	32	-17.9%
Simple Assault	5,899	5,085	-13.8%
Aggravated Assault	139	125	-10.1%
Damage to Property	691	637	-7.8%
Kidnapping	18	17	-5.6%
Property Crimes	522	502	-3.8%
Offenses Against Family and Children	367	401	9.3%
Sex Abuse	48	56	16.7%
Homicide	88	107	21.6%
Weapon Violations	1,122	1,441	28.4%
Arson	4	6	50.0%

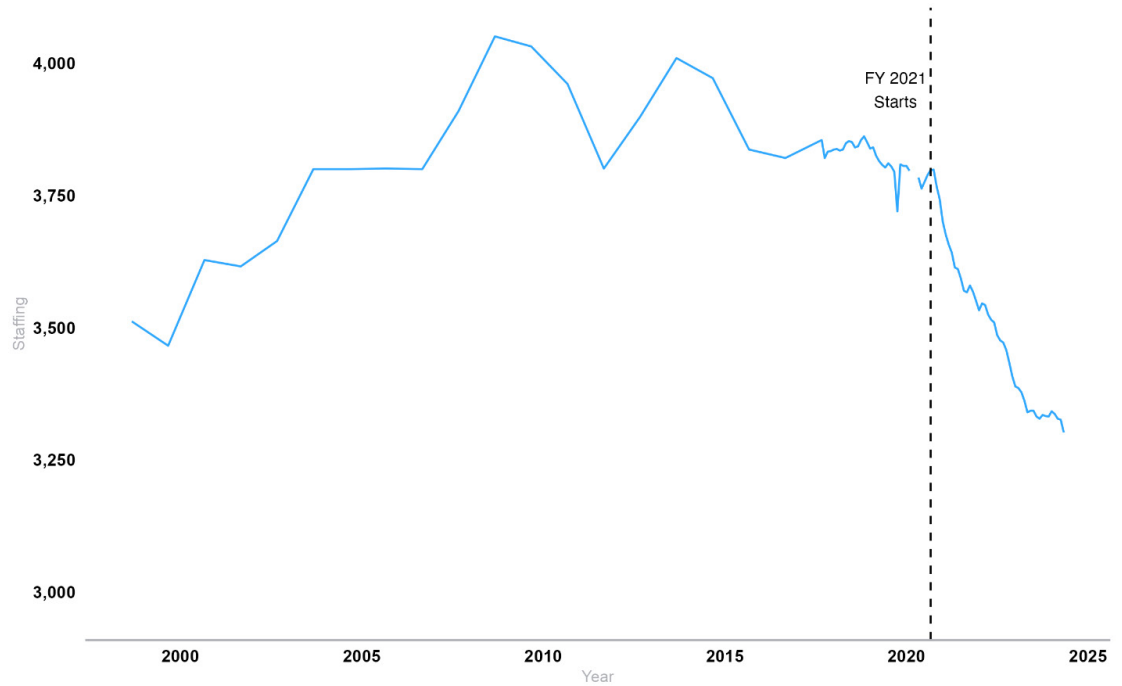
Source: Open Data DC

Such data are imperfect—they measure both the level of police activity and the level of crime and may suffer from some degree of measurement or comparability error. But they suggest that MPD has not only reduced its activity but focused the activity that remains on gun crimes (i.e., homicide and weapon violations). The impression that MPD is doing less across a variety of domains is confirmed by, for example, the observation that officers have become less willing or less able to fulfill bench warrants (summonses for those who fail to appear in court).⁴⁷

The city has also experienced a decline in its capacity to investigate. The number of personnel in the Investigative Services Bureau has fallen from about 530 before the pandemic to about 480 in the most recent figures.⁴⁸ More significantly, between 2021 and late 2023, DC’s crime lab lost its accreditation to operate, further hamstringing investigations.⁴⁹ As a result, serious crimes are receiving less attention: DC’s homicide clearance rate fell from 68% to 52% in 2023.⁵⁰

Figure 6

MPD Staffing, 1999–May 2024



Source: MPD Staffing Reports
 Note: Starting in 2018, staffing is counted on a monthly basis.

Why is MPD doing less? The answer is, in part, a sharp decline in MPD’s staffing level (**Figure 6**). According to MPD, staffing is now at a half-century low.⁵¹ Between 2019 and 2023, MPD lost nearly 500 officers, a 12% decline. The problem is even more severe looking at staffing across each of MPD’s seven police districts (i.e., omitting MPD’s bureaucratic components). Between the start of FY 2018 and the end of FY 2020, the seven districts collectively reported 2,300–2,400 staff. That figure began falling inexorably in mid-2021. As of May 2024, it was at 1,901—a 17% decline, versus the previous level.⁵²

Staffing, however, cannot explain the entire decline in police activity. The District of Columbia still has one of the highest police-to-population ratios of any major city, suggesting that there is inadequate effort per police officer. Indeed, the number of arrests *per officer* fell as well, from about 0.7 per month before March 2020 to about 0.4 per month as of late 2022.⁵³ In other words, there are fewer cops, and the cops who are there are doing less.

City, MPD, and police union officials have blamed a variety of factors for the decline in staffing and activity.⁵⁴ DC is facing many of the same pressures as other big jurisdictions, including a wave of retirements by officers hired in the tough-on-crime 1990s. Officers report stress and overwork,

compounded by demands that they respond to mass protests increasingly common in the District. Some claim that officers are departing for more attractive jobs in the DC suburbs, although most departments in those counties have also reported staffing declines.⁵⁵

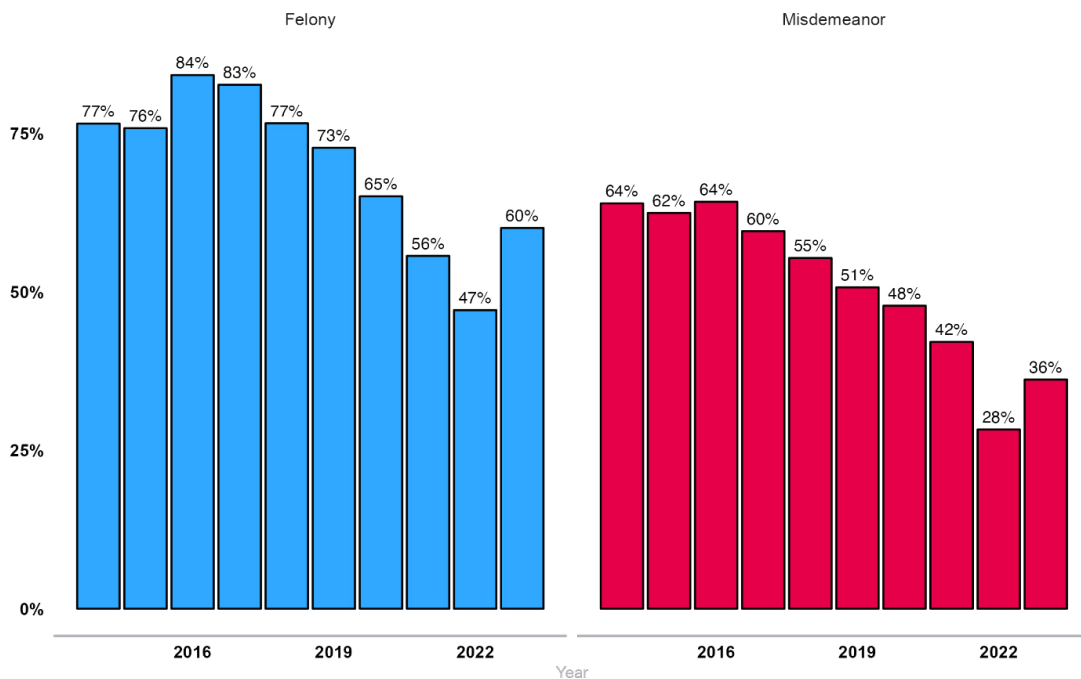
Some have also cited policy changes and the message that they send to cops. Most notably, DC was one of the few major cities that yielded to activists’ demands to “defund the police,” slashing MPD’s budget by \$15 million in 2020.⁵⁶ Though that cut represented a relatively small fraction (about 2%)⁵⁷ of MPD’s budget, the District’s status as a rare city that did cut police funds sent a particularly strong signal to line officers. The city also passed several policing policy changes in 2020, including a ban on chokeholds and a public database of police misconduct, which might have had a similar chilling effect.⁵⁸

Prosecution

The District of Columbia has two officials responsible for prosecuting crimes. DC’s attorney general, an elected official, is responsible for juvenile offenders and “certain adult misdemeanors,” including “disorderly conduct, aggressive panhandling, possession of an open container of alcohol, and drinking or urinating in public.”⁵⁹ But the majority of crimes are prosecuted by the U.S. attorney for the District of Columbia (USA-DC)—an official appointed by the sitting U.S. president, not the mayor, council, or voters.

Figure 7

Share of Presented Cases Prosecuted by the U.S. Attorney for DC, 2014–23



Source: “Annual Statistical Reports,” Office of the United States Attorneys, U.S. Dept. of Justice, Mar. 15, 2024 (Table 17)

That office has systematically reduced its levels of prosecution in recent years. As **Figure 7** shows, as recently as FY 2019, the USA-DC’s office was prosecuting two-thirds of felonies presented to it and about half of misdemeanors—and those figures themselves are reductions from prior years.

In 2021–22, rates declined sharply, such that by 2022, the USA-DC’s office was prosecuting less than half of felonies and only about a quarter of misdemeanors. Rates have rebounded somewhat, amid heavy public criticism, but are still well below even recent historical norms.

The declines in prosecution cover not just minor offenses but serious crimes as well. In 2023, for example, the USA-DC’s office was referred 1,649 arrests for unlawful gun possession—the prosecution of which can prevent escalation to more serious crimes. A third were declined, while another 15% were closed without conviction. Of the 26% that yielded a conviction as of the time the data were published, half resulted in misdemeanor charges instead of felonies. In other words, of 1,197 gun arrests with some disposition as of the time the data were published, just 13% resulted in a felony conviction, with another 13% resulting in a misdemeanor.⁶⁰ USA-DC has recently become substantially more likely to downgrade such offenses to misdemeanors, reducing the deterrent and incapacitative benefits of prosecution.⁶¹

The decline in prosecution makes it an outlier among similarly situated offices. The Philadelphia District Attorney’s office reports charges equivalent to more than 82% of arrests in every year since at least 2010.⁶² The Manhattan DA’s office charges gun crimes 95% of the time, compared with 67% in the DC office.⁶³ The San Diego DA’s office charged 77% of cases between 2000 and 2019.⁶⁴

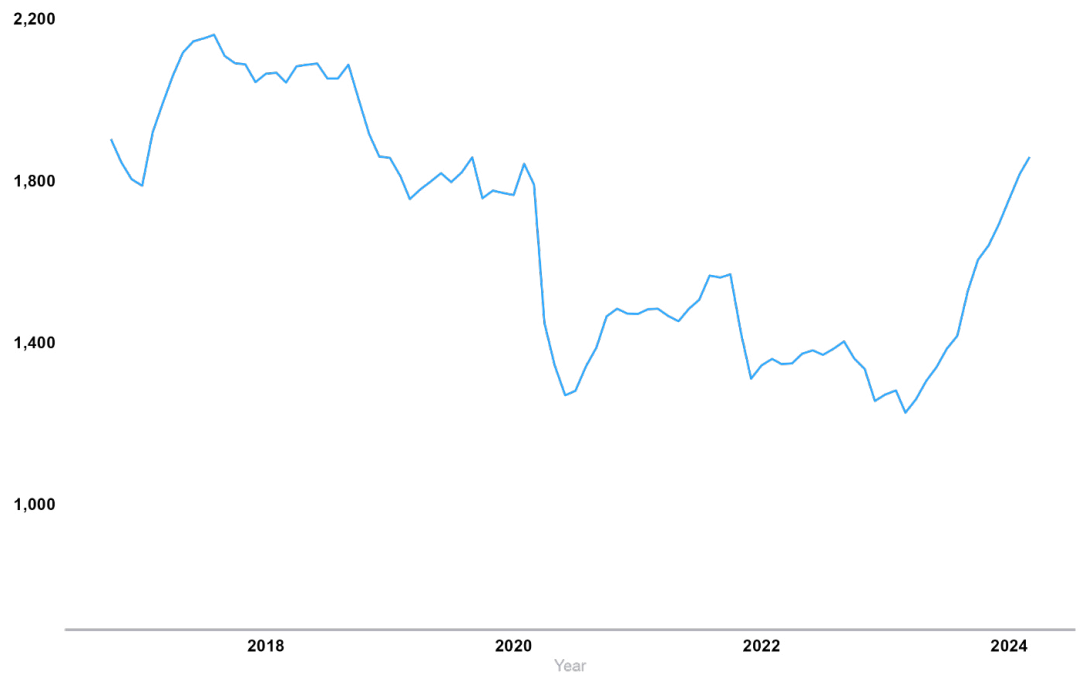
U.S. Attorney Matthew Graves blamed the decline on a variety of factors, including declining to prosecute cases that were “fundamentally flawed,” the crime lab’s loss of accreditation, and a lack of witness cooperation, evidence, or “a reasonable justification like self-defense.”⁶⁵ Matters were not helped by Graves’s decision to rededicate 15 of his prosecutors to prosecuting participants in the January 6 riot, a prosecution that he later called “a massive resource challenge.”⁶⁶

By some measures, the DC attorney general is also prosecuting serious crime less often. It has substantially reduced its prosecution of weapons cases, although it fields only about 200 of these annually. Specifically, in 2019 the office of the attorney general did not prosecute 29% of weapons cases, although that figure rose to 46% in 2020 and to 49% in 2021.⁶⁷ It also became less likely to prosecute minors and young adults in 2020, charging just 24% of the cases referred to it in which the offender was aged 16–24. That rate was down from 35% in 2019, but returned to 33% in 2021, and rose to 42% in 2022. (Notably, current DC Attorney General Brian Schwalb took office only in 2023.)

All these rates, moreover, are remarkably low in comparison with the severity of the offenses. Even the District’s most conspicuous crime involving youth—carjacking—goes routinely unprosecuted. In 2023, the DC A.G.’s office charged just 60% of juvenile carjackings—a rate that it thought high enough to post on social media as evidence of success.⁶⁸

Figure 8

Washington, DC, Jail Monthly Average Population, October 2016–March 2024



Source: “Demographics and Statistics,” DC Department of Corrections

One side effect of a decline in prosecution is a reduction in pretrial detention. **Figure 8** shows the monthly average population of DC’s jail system. Mirroring jails nationwide, the average population in DC’s jails fell in early 2020.⁶⁹ But unlike that of other systems,⁷⁰ DC’s population is still below pre-pandemic levels. Notably, rates of pretrial release have fallen since 2019,⁷¹ which implies that the decline in the jail population is a product of the decline in arrests and the decline in prosecution. Rates of posttrial incarceration, too, have fallen, although limited data availability makes recent trends hard to ascertain.⁷²

Judges

As the rates of arrest and prosecution have declined, the process by which criminal cases are adjudicated has slowed to a crawl. The DC Superior Court—the court of general trial jurisdiction in the District—closed 15,000–20,000 cases per year prior to 2020; but in 2020–22, it closed fewer than 10,000. At the same time, the number of pending cases has been roughly flat, implying that the case disposition rate has declined.⁷³ These delays have downstream effects. For example, the time between the initial hearing and adjudication for youth offenders was well above the standard timeline in 2023.⁷⁴

One major driver of this slowdown is persistent vacancies within the criminal-justice system. As of this writing, 13 of the 62 judgeships in the Superior Court are vacant.⁷⁵ In a letter to the U.S. Senate—which is responsible for confirming Superior Court judges—the chief judges of the DC Superior Court and Court of Appeals wrote that the increase in crime means that “there are more cases that must be heard within statutorily mandated time limits, by substantially fewer judges. Judges often double and triple book trial dates to comply with speedy trial statutes.”⁷⁶ Perhaps unsurprisingly, both sides of the congressional aisle blame the other for the delays.⁷⁷

Court processing time is not merely an academic concern. Processing affects the average time to incapacitating offenders. It also affects deterrence, under the standard model by which deterrence is a function of swiftness, certainty, and severity.⁷⁸ A system that runs more slowly, all else equal, produces less crime prevention (see this report’s Appendix for model legislation that would facilitate the confirmation of DC judges and grant the Senate the authority to review reappointments of DC judges).

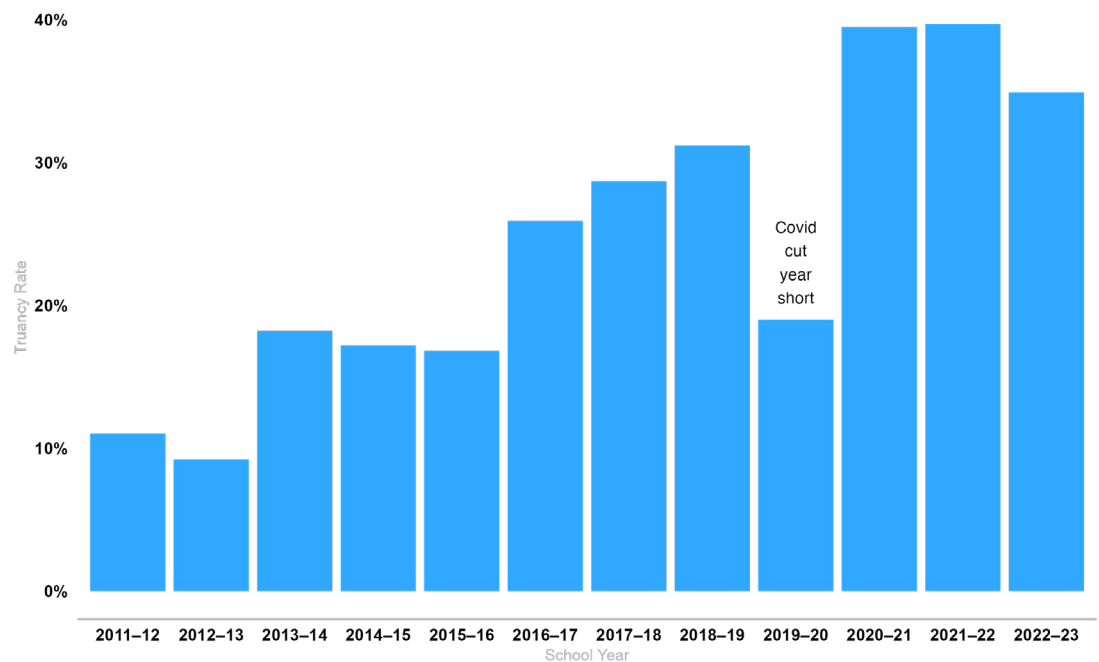
Other System Components

One other institution constrains the behavior of juvenile offenders specifically: schools. Econometric evidence consistently finds that physical presence in school reduces juvenile offending, at least via the obvious channel of incapacitating would-be offenders.⁷⁹ It is therefore concerning that schools nationwide have seen an increase in chronic absenteeism since the onset of the Covid-19 pandemic.⁸⁰

DC Public Schools (DCPS) are no exception. As **Figure 9** shows, the share of DCPS students who were chronically truant—10 or more unexcused absences over the course of the year—rose to nearly 40% in the school years following the onset of the Covid pandemic. That represented a marked jump over a rate that had already been rising, starting at around 10% in 2011–12 and steadily increasing to around 30% in 2018–19.⁸¹

Figure 9

Truancy Rate of Washington, DC, Public School Students, 2011–23



Source: “DCPS Data Set—Attendance,” DC Public Schools, accessed June 14, 2024

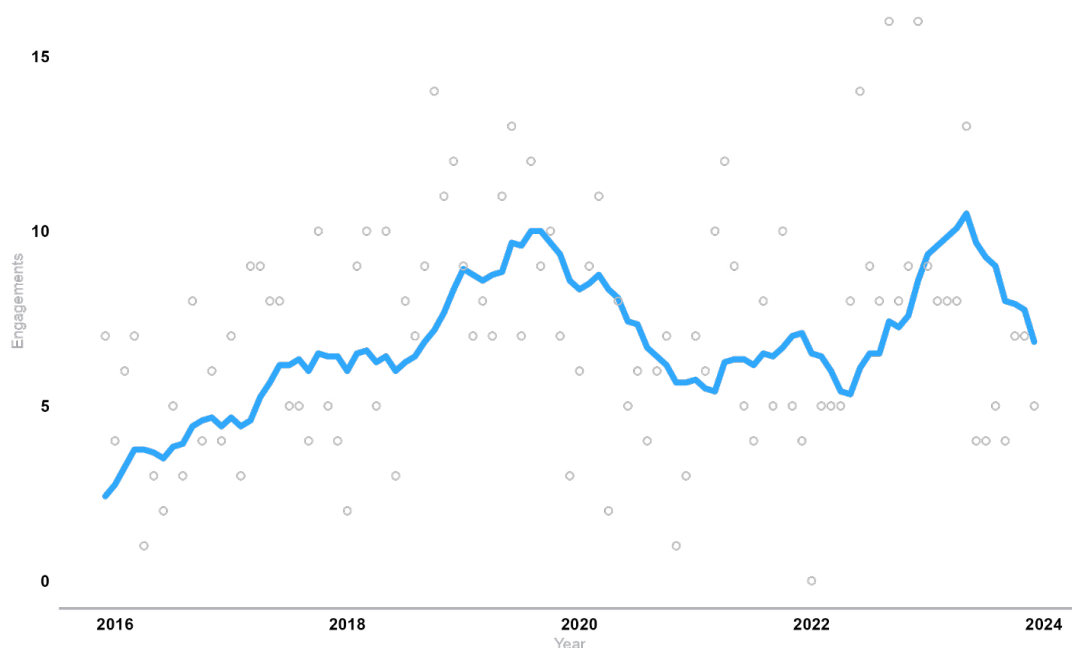
Although the increase in truancy in DCPS is not unusual—many other jurisdictions are experiencing similar increases—that does not make it easier for city officials to resolve. The city has expanded its use of a service that sends automated texts and e-mails to families of truant students, which seems to have improved attendance. What the city has not done is refer students who are truant to external services. Schools are required to refer truant students aged 5–13 to the DC Child and Family Services Agency, but only 42% of eligible students were referred in 2022. Similarly, older

students with 15 or more unexcused absences “must be referred to court for potential legal action,” per the *Washington Post*, but only 44% were referred. (Such referred students are not prosecuted, but referred to programming by the attorney general.)⁸²

Data on DC’s sanitary enforcement are less readily available than on the formal criminal-justice system. However, the city does publish numbers on encampment clearances, which it calls “encampment protocol engagements.” In these engagements, city employees reach out to camp residents in an effort to connect them with housing and services, and conduct cleanups “to address health and safety risks that may arise at [encampment] sites.”⁸³

Figure 10

Homeless Encampment Engagements, 2016–23



Source: “Encampments,” Office of the Deputy Mayor for Health and Human Services
 Note: Blue line is the 12-month moving average trend line of engagement.

As **Figure 10** shows, engagement with homeless encampments fell during the pandemic and remained below pre-pandemic highs through much of 2021. Engagements spiked in late 2022 and early 2023, but seem to have then receded. Importantly, as discussed in the previous section, in the same period unsheltered homelessness was up substantially over pre-pandemic levels.

Taking the Capacity View

The data assembled in the previous sections suggest two conclusions. The first is that across several measures, the District of Columbia has seen significant increases in certain types of crime and disorder over the past four years. The second conclusion is that those increases have occurred at the same time as the city’s systems for controlling crime and disorder have become measurably

less active. We might posit a causal relationship between these two facts: the increase in crime and disorder is caused by a sudden and sustained reduction in the level of activity meant to contain crime and disorder.

This intuitive linkage relates to what I have previously called the *capacity* of the criminal-justice system, where “criminal-justice system” is broadly understood to include managing disorders that do not involve the threat of arrest or incarceration.⁸⁴ By “capacity,” I mean the volume of resources that the system can dedicate to addressing the problem of crime. That means the number of police officers, prosecutors, judges, probation and parole officers, and other agents of the system; but it also means the number of quality-adjusted man-hours that those agents can provide (and that they are willing to provide, since willingness is a component of capacity). And it means the capacity of the nonhuman infrastructure to accommodate the actions of those agents—the number of jail cells, courtrooms, prison cells, treatment beds, etc.

Capacity is a useful concept because it connects crime problems not to social abstractions but to the actual machinery of the criminal-justice system—the police officers, prosecutors, judges, jail cells, and other actors working to control crime. Taking the “capacity view” means looking for the source of changes in the level of crime by observing changes in the amount of the capacity that the system has to control crime. This is a useful approach for its simplicity—no complex causal model required—and its policy accessibility. I.e., improvements to the capacity of the criminal-justice system are often easier for policy to accomplish than addressing more complex or “root” causes.⁸⁵

How does the capacity view explain DC’s specific crime problems? In the case of homicide/group violence, the District’s long-running problems suggest that these are constant features of the crime situation in the city, features that can only be modulated (at least over the short run) by the criminal-justice system. A reduction in the level of attention applied to group violence can lead not merely to a proportional increase but to an exponential one, as the retributive cycle of violence breeds a ping-pong murder dynamic.⁸⁶ In the case of juvenile offending—especially carjacking—the failure of schools to “incapacitate” would-be offenders by disciplining them for truancy combines with an unwillingness of any other part of the system to address their misconduct. And in the case of quality-of-life issues, the decline in attention to them across the system—the collapse of arrests for and prosecution of misdemeanor offenses—almost certainly explains their uptick.

All this might seem obvious—less crime control, more crime. Yet the debate over crime in the District of Columbia (and nationwide) has assiduously avoided taking the capacity view. Instead, legislators tend to focus on how crime is talked about, or on sentencing. Federal and local lawmakers simply are not seeing the problem through a capacity lens.

Two years ago, lawmakers’ focus was on easing the burdens of the criminal-justice system. In 2022, the DC City Council passed the Revised Criminal Code Act, only for the legislation to be overturned by Congress. Both sides of the dispute claimed that the law would affect crime: city proponents said that it would make the District safer; House Republicans claimed that it would do the opposite. But most of what the bill did was amend the statutory maxima for various offenses, as well as remove certain mandatory minima.⁸⁷ In general, that is, it targeted the severity of punishment—not the capacity of the system to identify offenders and punish them swiftly.

As crime rose in salience, the council seemingly reversed course. In late 2023, it passed an “emergency public safety bill” meant to address the city’s crime problems. The bill did make it easier for prosecutors to secure convictions and for judges to detain offenders pretrial (although, from the data previously reviewed, it seems unlikely that this had much effect). But it also created further new offenses—again, a focus on severity.⁸⁸ Moreover, it did little to address the basic capacity problems facing the District.

Then, in 2024, congressional critics of the council offered their own proposed changes to DC's criminal law. House Republicans' bill, the DC CRIMES Act, had three major provisions. It limits youth-offender status to those under 18; requires regular reporting on juvenile crime; and prohibits the city council from changing existing criminal sentence lengths.⁸⁹ These provisions turn on what one prominent, pseudonymous commentator labeled a “vibes-based theory of crime”—the idea that messaging about the severity of punishment determines the level of crime.⁹⁰ Again, the bill did little to affect the capacity of the system to control crime.

Finally, in March, the DC City Council passed and Mayor Bowser signed the Secure DC Omnibus Amendment Act of 2024. Containing more than 100 policy changes, Secure DC was billed as a comprehensive solution to the District's persistent crime problem.⁹¹ But again, from the capacity-view perspective, it is not clear how essential many of these changes were. Among those changes highlighted by bill sponsor Brooke Pinto, some increased investment in public safety or expanded police powers to enforce (namely, by permitting officers to declare “drug-free” zones in crime hot spots). But much of the criminal-justice portion of the bill was given over to increasing sentence enhancements—again, a focus on severity, rather than capacity.

The past several years of efforts to solve DC's crime problems show that officials believe that criminal offenders are reacting to a lack of stiff penalties. But the problem is not leniency; the problem is that, across the criminal-justice system, existing laws are unenforced. Criminal offenders—particularly, habitual offenders—are not unaware when their actions face no consequences. And the swiftness and certainty of consequences have declined dramatically in DC. Unless and until that basic problem is addressed, crime will continue to be a challenge for DC. In other words, the District does not need tougher laws to bring crime down. It needs to make its system operate at, or above, pre-pandemic levels.

Building Capacity

DC residents want their government—local and federal—to do better. They feel unsafe. The increase in crime and disorder over the past four years is driven by a decline in the capacity of the systems that control those phenomena. Lawmakers have largely failed to acknowledge this fact. Until they take concrete steps to remediate it, the problem is likely to persist.

The most obvious recommendation that this report can make is that where capacity declines are volitional, leaders should remediate them. MPD leadership should instruct line officers to be more proactive. The U.S. attorney's office should start prosecuting many more cases and stop downgrading the cases that it is already prosecuting. The Senate should confirm judges at a faster pace. The city should clear camps and pick up trash.

The recommendations below expand on this general imperative to *do more*. They offer suggestions to increase capacity—by adding manpower, by freeing up or increasing man-hours, by expediting processes, or by using preexisting policy more creatively. Collectively, they are additional steps to make the District safer.

Importantly, these steps involve both the local and federal government. Congress has a constitutionally unique obligation to the District, as well as a vested interest in the safety of the place that it operates and where many of its members live.⁹² More than in other places, the federal government can and should be asked to step up and help make DC safer.

Expand Federal Funding of MPD Hiring

Staffing is the most serious problem currently facing big-city police departments. Many are operating below official capacity, thanks to a combination of retirements, resignations, and lackluster recruiting. These trends are partly the fault of antipolice protests but are also driven by deeper factors: the aging out of officers hired during the 1990s and 2000s; and a highly competitive labor market making government employment comparatively less attractive to blue-collar workers.

As the declining staffing figures reviewed earlier in this report show, DC is no exception. In 2023, the District dedicated \$30 million to hiring, a sum meant to help hire 347 officers. That spending included a \$25,000 hiring bonus for new recruits.⁹³ In her proposed 2024 budget, Mayor Bowser requested another \$5 million for more hiring bonuses. All that money, though, may not be enough to offset demographic forces, as the *Washington Post* predicts that “retirements and resignations mean the net gain may be at best a few dozen.”⁹⁴ Indeed, sworn officer levels have continued to decline despite the added investment.

The hiring crisis is not entirely, or even primarily, about money; it is about police officers’ willingness to remain police, and non-officers’ willingness to become police, in jurisdictions that so recently treated policing with contempt. That said, money is a powerful salve to such concerns. Moreover, there is no reason that the District should not be able to dominate the local hiring market for police (which includes numerous other departments in Virginia and Maryland). This is because police departments in Virginia and Maryland are not intimately linked to the spending power of the federal government.

Congress has an obvious interest in public safety in the District. Therefore, a substantial investment in DC’s hiring budget is appropriate. The most obvious way to do so is through the preexisting infrastructure of the Community Oriented Policing Services (COPS) office within the Department of Justice (see the Appendix of this report for suggested model legislation language to increase COPS funding). The city received funding through the COPS program in the past, including \$3 million for hiring 25 officers in 2022.⁹⁵ A more expansive investment—for example, \$15 million per year for four years—would expand DC’s policing resources and be a relatively small outlay relative to Congress’s general level of spending.

Prioritize Professional Development

A major factor driving the crisis in police staffing, at MPD and generally, is high rates of retirement and resignation. Although it was likely exacerbated by the rise in antipolice sentiment following the Floyd protests,⁹⁶ this problem is long-standing. A 2019 report from the Police Executive Research Forum (PERF) found that the average length of service had already been declining. The report found that 69% of resignations were taking place within five years of joining the force.⁹⁷ MPD faces the same issue: a cultural assessment conducted by PERF for MPD found that most officers retire “either before seven years or after their 25-year anniversary, when they become eligible for a full pension.”⁹⁸

Retention is critical for the success of any police department. This is true because each added man-year increases the pool of available policing manpower. But it is also true because, as evidence suggests, more experienced officers are more effective at deterring violent crime and less likely to use force in the process.⁹⁹ A more experienced police force is, perhaps unsurprisingly, a higher-quality one.

Why do MPD officers retire so early? Again, antipolice sentiment, particularly from the city’s leadership, probably plays a role. But an additional explanation identified by PERF is a lack of opportunity for professional development. Both staff and sworn officers complained of a lack of

opportunity for external training and professional advancement. Patrol officers, in particular, felt that there was little to no way they could move up in the department and that specialized assignments were distributed unfairly.

At the least, MPD should take some of the concrete steps recommended by PERF to make career advancement more available to line officers. Widely advertise opportunities for advancement, lateral transfer, or movement into specialized roles, and ensure that those positions are awarded based on merit, rather than favor, through an open application process. Create a “rotation policy,” so that line officers can gain more experience in different roles. Prioritize hiring from within, rather than from without, for advancing roles. Reward candidates for promotion who have spent a disproportionate number of years on patrol.¹⁰⁰

Another important component of professional development is education. Cops who are more educated are tactically more effective but are also less likely to use force.¹⁰¹ DC is adjacent to two of the nation’s top criminal-justice programs—at the University of Maryland and at George Mason University in Virginia. One way to incentivize officers to remain in their role for more than seven years is to offer eligible officers funding to complete higher education at one of these institutions (or at the University of the District of Columbia). The federal government could help cover the cost through the Edward Byrne Memorial Justice Assistance Grant program.

Civilianize Certain MPD Roles

Another way MPD can increase its available man-hours for patrol is through “civilianization”: replacing sworn officers with civilians in administrative and other non-patrol roles. Doing so frees up sworn officers to patrol the streets, deterring crime.

Civilianization is an increasingly popular strategy amid the nationwide police hiring crunch,¹⁰² and DC is part of the wave. Some 650 civilian professional staffers already support MPD’s operations.¹⁰³ The mayor’s office has previously sought more funding for civilianization, in line with MPD’s recommendations.¹⁰⁴

But there is still room for improvement. As of the most recent monthly staffing report available at the time of writing, MPD reported 3,302 personnel. Several categories identified in that report appear amenable to civilianization. For example, 27 sworn officers are dedicated to the Human Resource Management Division, 5 work on investigating new applicants, and 45 work in the records division. While all these roles may not be civilianizable, there are likely some opportunities to move sworn officers out of them. In addition, 220 sworn officers are currently in operations command and support roles across MPD’s seven districts. Some of those positions, too, may be civilianizable.¹⁰⁵

Refocus Police Resources

A key insight of the aforementioned review of crime data is that DC does not have a crime problem per se; rather, it has several specific problems with specific crimes—an important insight because policing can and should be tailored to the specific problems that communities face. So-called problem-oriented policing—in which police organize to address fundamental problems proactively, rather than reacting to crime as it emerges—has been shown to reduce crime by a third, on average.¹⁰⁶

The District has had recent success with a problem-oriented approach. A surge of carjackings in 2023 (visible in Figure 1) triggered a similar-size surge in arrests among youth (visible in Figure 5). Carjackings fell from their peak, signaling that the effort was successful.¹⁰⁷ Similarly, WMATA has successfully reduced fare evasion in DC’s metro system. As previously mentioned, the fraction of trips identified as “no-tap” has declined from around 13% in 2023 to 4% in the summer of 2024.¹⁰⁸ This decline co-occurred with a burst of proactivity in the subway system—citations for fare-beating rose 600% in the first five months of 2023, with teams issuing 681 citations in May 2023 alone.¹⁰⁹

MPD could do more to concentrate staffing where the crime is. The most crime-heavy police service areas are not those with the most staffing; indeed, by some measures, there is little association between level of crime and level of staffing.¹¹⁰ Less experienced officers are more likely to be assigned to the most crime-ridden district, exacerbating officer burnout and limiting the crime-reducing benefits of patrol.¹¹¹ A more efficient allocation of police officers could go a long way toward using available manpower more effectively.

A lack of proactivity—reflected, for example, in the collapse of quality-of-life enforcement—seems to have plagued MPD over the past four years.¹¹² Whatever the cause of this tendency, the second-best time to fix it is now. Reorienting enforcement toward proactive, problem-oriented policing will more effectively utilize stretched resources, permitting the police to do more with less.

Suppress Gangs

As previously discussed, DC's most intractable crime problem is homicide and violent crime concentrated among a small number of offenders, many of whom are tightly socially connected and at least half of whom are in gangs. Such dynamics are typical of violent crime generally.

The District has already started building its infrastructure for targeting violent crime. MPD's Violent Crime Impact Team (VCIT), launched in 2022, is a local–federal collaboration “responsible for the proactive work on the street ... targeting the removal of illegal firearms and violent offenders.”¹¹³ In 2024, VCIT is part of a major operation that has led to 15 arrests and the seizure of 20 firearms, \$23,000 in currency, and a large quantity of drugs.¹¹⁴

An additional dimension that MPD can focus on—through VCIT or in a parallel local–federal collaboration—is expanding and refining its work on gang suppression. High-quality research finds that gang takedowns reduce crime in the surrounding areas.¹¹⁵ Scaling such operations, especially with federal support, could help durably reduce crime in some of the District's most violent neighborhoods. In addition, the District should refine, but not get rid of, its controversial gang database, collaborating with federal partners to ensure the accuracy of its contents.¹¹⁶

Another promising intervention for controlling gang behavior requires no federal involvement. So-called civil gang injunctions (CGIs) are a strategy whereby gang activity is ruled a public nuisance, and gang members are enjoined from engaging in certain behaviors (e.g., being present on popular blocks, wearing certain colors), at risk of being held in contempt and jailed.¹¹⁷ Research has found that CGIs in Los Angeles—which pioneered the practice—reduced crime by as much as 18% and assaults by as much as 35%.¹¹⁸ Because they are civil cases, moreover, nuisance charges could be brought against gang members by the DC attorney general, short-circuiting the USA-DC's office.

Using CGIs in DC would likely require common law adventurism on the DC A.G.'s part or the passage of new legislation by the council to expand the statutory definition of public nuisance. But as an evidence-based strategy for gang suppression, it could be a valuable tool for DC's crime control infrastructure.

Get the Public Involved

The previous section's discussion of civil action to remedy crime relates naturally to another approach. Certain components of DC's legal system permit members of the law-abiding public to prevent crime in their communities. The District should widely publicize these components and support citizens who take them up.

DC Code § 42-3102(a) provides that “wherever there is reason to believe that a drug-, firearm-, or prostitution-related nuisance exists ... any community-based organization may file an action in the Superior Court of the District of Columbia to abate, enjoin, and prevent the drug-, firearm-,

or prostitution-related nuisance.”¹¹⁹ A community-based organization is any group, “whether unincorporated or incorporated,” organized for the benefit of the community in which the nuisance exists. (A nuisance in this context is real estate, not a person.)¹²⁰ As a civil matter, the plaintiff has only to establish that the nuisance exists by a preponderance of the evidence. If the plaintiff prevails, the court can order the property owner to remedy the nuisance, and pay damages for each day that it is not abated; violation of an injunction is punishable by contempt of court.¹²¹

In other words, a private right of action exists for DC residents to abate drug-, firearm-, or prostitution-related criminal activity, with the full force of the Superior Court behind them. Such approaches have been successful in other jurisdictions, including Dallas and Phoenix.¹²² Increasing public knowledge of this tool, as well as supporting communities in using it, could help the DC city government expand the effective reach of its criminal-justice system.

Another community remedy for crime is a DC local government unit, the Advisory Neighborhood Commission (ANC). ANCs are neighborhood-level elected bodies that provide advice to DC’s government and have power over certain limited local matters.¹²³ Most relevantly, ANCs are, by law, involved in issuing and renewing liquor licenses.¹²⁴ This is important because liquor stores and bars are often sources of crime and disorder. ANCs can therefore be used to abate such issues, durably reducing crime.¹²⁵ Ensuring that ANC leadership connects this oversight function to crime in their community may be another effective tool for public involvement in crime abatement.

Empower the DC Attorney General

Many commentators on the District’s crime problems have identified DC’s dual system of government, in which power is awkwardly divided between the city and Congress, as a driving force behind those problems. While much law-enforcement responsibility has been handed over to the city, the District’s chief prosecutor is still appointed by the president and confirmed by the Senate, without any input from DC’s voters or their elected representatives. Arguably, DC voters have the least input into the choice of their chief prosecutor of any jurisdiction (city or state) in the United States.¹²⁶

U.S. Attorney Matthew Graves should increase the rate at which he prosecutes cases and should decrease the rate at which he converts serious offenses from felonies to misdemeanors. Failing that, President Biden should replace him. But the disconnect between the U.S. attorney’s office—particularly in DC, where the role is often seen as a stepping-stone to elsewhere—and the city that it serves might be more durable than any one U.S. attorney.

For better or for worse, the District cannot be formally involved in the process of selecting the U.S. attorney, in the way that it can be involved in the process of selecting Superior Court judges (discussed below). The Constitution reserves the power to appoint officers of the United States—including U.S. attorneys—to the president, a power that Congress cannot constrain except through the Senate’s power to advise and consent.¹²⁷ The U.S. attorney cannot appear on the ballot, or be selected in whole or in part by the DC mayor or council.

But there is another prosecutor whose office is entirely an artifact of federal law and who is selected by DC voters: the DC attorney general. As previously discussed, that office currently handles misdemeanors, juvenile cases, and civil matters for the city. But Congress could expand that prerogative, giving it the discretion to prosecute any cases that the U.S. attorney declines to prosecute, with the city expanding funding proportionally.

Such redundancy is not unusual; it is the standard relationship between federal and state prosecutors. In many cases, federal prosecutors can take on offenses with some plausible nexus to federal criminal law that state or local prosecutors have declined to prosecute. That can be a way to share resources, but it is also a way for federal prosecutors to step up when “progressive prosecutors” refuse to execute their duties—as federal prosecutors have done in Philadelphia and St. Louis.¹²⁸

Some readers concerned that the U.S. attorney is not sufficiently “tough on crime” may (accurately) object that the DC attorney general—who is criticized in this report—also lacks a track record of tough prosecution. But adding a second “soft-on-crime” prosecutor would not increase leniency in any meaningful sense because all the same decisions would be made not to prosecute. Adding a hypothetical “tough” DC attorney general, however, would effectively be a check on a “soft” U.S. attorney. In fact, expanding the power of the elected attorney general would give voters a way to express their concerns about crime and empower them to respond to the U.S. attorney’s inaction.

Expedite the Superior Court Confirmation Process

As with the problems with the U.S. attorney, the short-run solution to DC’s court woes are obvious. The president should appoint, and Congress should confirm, judges to fill the current vacancies on the Superior Court. Ideally, those judges should counterbalance a certain soft-on-crime tendency in the court’s current composition. As the *Washington Post* put it, “Mr. Biden ought to nominate experienced prosecutors to fill the remaining vacancies, especially for the appellate court.”¹²⁹

The current vacancy problem is not unprecedented. Congress faced another wave of vacancies as recently as 2022, for example, when it had to confirm judges to fill 14 empty slots.¹³⁰ Moreover, it is reasonable to expect this rate of vacancies to be a persistent, if intermittent, problem. As partisan conflict holds up more high-profile judicial confirmations, it is easy to see how superior and appeals nominations could become just another bargaining chip in a Senate tête-à-tête.¹³¹ But those delays make DC’s criminal-justice system slower and therefore less effective.

There is no reason, legally speaking, that Congress could not act to make this process move faster. DC’s courts are “Article I” courts—creatures of Congress’s power to “exercise exclusive legislation” over law within the District and (unlike the U.S. attorney) not subject to nondelegation constraints.¹³² As currently constituted, judges are appointed by the president with the advice and consent of the Senate, based on a list provided by a DC Judicial Nominating Commission. Judges serve 15-year terms and may be reappointed by the president without the Senate’s involvement if they are approved by DC’s Commission on Judicial Disabilities and Tenure—a body that can also suspend or remove them. Commission members are appointed by a combination of federal and District policymakers.¹³³

In other words, the Senate has already waived some of its involvement in confirming judges to DC’s courts. To expedite the process of appointment, it could do so further, by revising the laws governing DC’s courts to make presidential appointments presumptively confirmed within three months unless the Senate votes against their confirmation (see the Appendix for suggested model legislation achieving this). Doing so would allow Congress to retain its veto over bad judicial appointments but not leave them indefinitely suspended by the judicial confirmation process. A further check could be added by permitting the Senate to remove judges at the time of their 15-year review, and possibly by shortening their terms of office. Such an approach would, of course, be unorthodox; but the existence of the DC courts themselves are unorthodox, so an unorthodox solution may be warranted.

Prosecute Truants Engaged in Criminal Behavior

As previously discussed, truancy is a persistent problem in the District and has a logical nexus to crime. While not every truant commits crimes, many minors who are committing crimes—often serious crimes—are truants.

Most of DC's existing truancy enforcement infrastructure does not focus on this nexus, preferring to identify truancy as a by-product of social disadvantage or a lack of resources. Mayor Bowser has recently moved to tighten up these programs but has continued to avoid the idea that truancy and crime are connected.¹³⁴ The DC attorney general's office, which plays a role in truancy enforcement, also does not seem to see a relationship. As a representative of the office put it in 2022 testimony: "Prosecution, moreover, does not solve the underlying reasons that children are missing school.... OAG [Office of the Attorney General] has therefore shifted to using prosecution as a last resort, and OAG now looks for proactive approaches to reduce truancy—approaches that address the actual barriers that are causing kids to miss school."¹³⁵

Such diversion is noble, at least to the extent that it works. But for the subpopulation of truants who are implicated in criminal offending—who have been arrested by MPD or prosecuted by OAG for criminal offenses, or who are reliably known to MPD to be involved in gang life—truancy prosecution should not be regarded as an overly harsh means of ensuring academic performance, but as a less harsh means of deterring criminal offending.

While many juvenile offenders might be known to police or to the attorney general's office, their offenses may be hard to prove beyond a reasonable doubt. Truancy, by contrast, is easy to prove—DCPS records establish beyond a reasonable doubt that a truant student was not present at school. Conviction need not yield time in juvenile detention (unless that is appropriate for public safety purposes). Rather, a suspended sentence could be used as leverage to ensure attendance and/or compliance with crime-reducing programming (e.g., cognitive behavioral therapy).

Such an approach, if implemented correctly, could reduce both crime and punishment. Officials can take advantage of truant students' status to deter their criminal behavior, thereby preventing more serious events for which they would then have to be prosecuted.

DC officials tend to regard diversion as preferable to prosecution for truancy. But they should regard prosecuting some truants as diversionary, inasmuch as it might be an effective strategy for preventing future offending.

Clear Camps Without Apology

A major driver of public disorder in DC in recent years appears to be large, uncontrolled homeless encampments, which often dominate sites in the heart of the city. While the level of overall homelessness remains well below pre-pandemic norms, and the level of chronic homelessness has continued to fall, rates of unsheltered homelessness—measured on the coldest night of the year—have risen substantially, especially in the past two years. Unlike some other jurisdictions, which lack both shelter space and adequate non-shelter housing, DC reported more beds (5,216) than homeless population (4,922) in 2023.¹³⁶

The District should continue its efforts to reduce homelessness by facilitating homeless residents' transition to stable, long-term housing that is within their abilities to occupy. But they should also clear public encampments swiftly and without apology, stepping up enforcement using current encampment protocols and using the full force of the law to ensure that camps remain dispersed.

Camp clearance not only reduces public disorder and unsightliness; as several Manhattan Institute scholars have recently stated, “homeless encampments are unhealthy places that boast high rates of untreated mental illness, substance abuse, mortality, and crime.”¹³⁷ Permitting encampments to persist exacerbates this dysfunction; it is not humane. Camp clearance, by contrast, meaningfully reduces property, nuisance, and violent crime, with no evidence of displacement to adjoining areas.¹³⁸

In 2023, some homelessness advocates in the capital region raised alarms about a loss of shelter capacity due to the loss of Covid-era federal funding.¹³⁹ While the data do not suggest that lack of shelter space is a limit on the ability to clear camps, Congress could continue to provide funding on an as-needed basis to ensure that clearance can proceed with adequate space for people to sleep—off the streets.

Conclusion

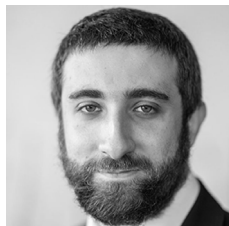
The District of Columbia’s crime problems—like those currently faced by many cities—are not irremediable. Just a few years ago, the District was a safer and more orderly place than it is today. The “root causes” of crime have not changed, nor has the District’s attitude toward crime. What has changed is the amount of effort that the various components of the criminal-justice system dedicate—and are able to dedicate—to reducing crime.

The solution, consequently, is to improve the *capacity* of that system to operate. That means encouraging the people and institutions that operate that system to *do more*. But it also means giving them more power to do more. Such a “capacity view” should be the starting point of the discussion of crime control in the District.

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Appendix: Model Legislation for Addressing Crime in Washington, DC

Section 1. Purpose

The purpose of this policy document is to reduce crime in Washington, DC, by: increasing Community Oriented Policing Services (COPS) funding for Metropolitan Police Department hiring; expanding the prosecutorial authority of the Corporation Counsel; facilitating the nomination and confirmation of District of Columbia judges; and granting the Senate the authority to review reappointments of District of Columbia judges.

Section 2. Findings

Congress finds the following:

1. The Community Oriented Policing Services (COPS) program has been instrumental in providing resources to law-enforcement agencies to increase community policing capacity.
2. The District of Columbia has experienced significant public safety challenges that require additional police officers to ensure the safety and security of its residents.
3. The lack of enforcement of crimes by the U.S. attorney for the District of Columbia has contributed to the deterioration of public safety.
4. The Corporation Counsel of the District of Columbia currently has limited prosecutorial authority.
5. The nomination and confirmation process for judges of the District of Columbia has impeded the timely administration of justice.
6. Increasing funding for the COPS program will allow the District of Columbia to hire additional police officers, enhancing its law-enforcement capabilities.
7. Expanding the prosecutorial authority of the Corporation Counsel to include all crimes not prosecuted by the U.S. attorney for the District of Columbia will enhance the administration of justice and public safety in the District of Columbia.
8. The presumptive confirmation of judges of the District of Columbia will improve the capacity of the criminal-justice system in the District of Columbia.
9. Granting the Senate the authority to review the reappointment of judges of the District of Columbia will promote judicial merit and democratic accountability.

Section 3. Amendment to the Omnibus Crime Control and Safe Streets Act of 1968 to Increase Community-Oriented Policing Services Funding for MPD Hiring

(a) Section 1701(b)¹ of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(b)), is amended—

- (1) in paragraph (23), by striking “; and” and inserting a semicolon
- (2) in paragraph (24), by striking the period at the end and inserting “; and”
- (3) by adding at the end the following:

“(25) to hire more police officers in the District of Columbia”

(b) Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(11)) is amended by inserting after subparagraph (B)—

“(C) There are authorized to be appropriated to carry out section 1701(b)(25), [APPROPRIATION] for each of fiscal years 2025 through 2029.”

(c) Not later than 90 days after the enactment of this Act, the attorney general of the U.S. shall allocate a portion of the increased funding to the District of Columbia specifically for the purpose of hiring additional police officers.

Section 4. Amendment to DC Code Section 23-101 to Expand the Prosecutorial Authority of the Attorney General of the District of Columbia

(a) Section 23-101,² DC Official Code, is amended—

- (1) by amending subsection (c) to read as follows:

“(c) Unless a prosecution is declined or charges are not brought within [X] days of the commission of an alleged offense,³ all other criminal prosecutions shall be conducted in the name of the United States by the United States attorney for the District of Columbia or his assistants, except as otherwise provided by law.”

- (2) by amending subsection (c) to add at the end the following:

“(d) The Corporation Counsel [attorney general for the District of Columbia] shall have the authority to prosecute all crimes declined or not charged within [X] days of the commission of an alleged offense by the U.S. attorney for the District of Columbia. This includes, but is not limited to, felonies, misdemeanors, and any other violations of the criminal laws of the District of Columbia.

(e) The authority provided under this section shall not be construed to deny or limit the jurisdiction, duty, or authority of the United States attorney for the District of Columbia as heretofore authorized, either by statute or under common law.”

¹ Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351; 82 Stat. 197.

² § 23–101. Conduct of prosecutions.

³ As most charges are filed shortly after arrest, 90 days is a reasonable time frame to allow the U.S. attorney to file charges against a suspect. If charges are not brought within that time frame, the DC attorney general would obtain authority to prosecute them.

(3) by redesignating the existing subsections (d) through (f) as subsections (f) through (h), respectively.

(b) There are authorized to be appropriated to the Corporation Counsel [attorney general for the District of Columbia] such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

(c) Out of any money in the Treasury not otherwise appropriated, there is appropriated for each of the fiscal years 2025 through 2029, [AMOUNT] to remain available until expended, to support the increased prosecutorial responsibilities conferred by subsection (a) of this section.

(d) The additional funds appropriated under this section shall be used to hire additional prosecutorial staff, support staff, investigators, and for other expenses necessary for the effective prosecution of crimes under the authority granted by this Act.

Section 5. Amendment to DC Code Sections 11–1501 and 1–204.33 to Presumptively Confirm Judges of the District of Columbia Courts and Provide for Senate Review of Reappointments

(a) Section 11–1501(a),⁴ DC Official Code, is amended by adding at the end the following:

“(1) Upon the nomination of a judge under subsection (a) of this section, the Senate shall have a period of 90 days from the date of the nomination to act upon the nomination. If the Senate does not vote to decline the nomination within this period, the nomination shall be deemed confirmed.

(2) If the Senate votes to decline the nomination within the 90-day period, the President shall nominate another individual for the position, subject to the procedure in subsections (a) and (b) of this section.”

(b) Section 1–204.33(c), DC Official Code, is amended by adding at the end the following:

“(1) Notwithstanding the above, judges of the District of Columbia who file a declaration of candidacy for reappointment shall be subject to review by the Senate.

(2) The Tenure Commission shall notify the Senate of a judge’s pending reappointment within 10 days of receipt of a declaration of candidacy for reappointment.

(3) Upon notification, the Senate shall have a period of 90 days to vote to decline the reappointment of a judge.

(4) If the Senate votes to decline the reappointment of a judge, at the conclusion of the judge’s current term, the President shall nominate a replacement in accordance with the procedures set forth in subsections (a) and (b) of Section 11–1501, DC Official Code, and subsections (a) and (b) of Section 1–204.33, DC Official Code.”

⁴ § 11–1501. Appointment and qualifications of judges.

Section 6. Severability

The provisions of this policy document are hereby declared to be severable. If any provision of this policy document or the application of such provision to any person or circumstance is declared or held to be invalid for any reason, such declaration or holding must not affect the validity of the remaining portions of this policy document and the application of its provisions to any other persons or circumstances.

Endnotes

- ¹ “Can Anything Stop the DC Crime Wave?” *Washington Post*, Mar. 17, 2024.
- ² Ayesha Khan, “‘We Should Not Let Criminals Take Over Our Neighborhoods’: Mayor Bowser Discusses DC Crime,” FOX 5 DC, Mar. 2, 2024.
- ³ Michael Brice-Saddler, Meagan Flynn, and Emily Guskin, “DC Mayor Bowser’s Approval Rating Drops, Post-Schar School Poll Finds,” *Washington Post*, May 13, 2024.
- ⁴ Cuneyt Dil, “Recall Efforts Mount Against Two Progressive DC Lawmakers,” *Axios*, Feb. 28, 2024.
- ⁵ Brice-Saddler, Flynn, and Guskin, “DC Mayor Bowser’s Approval Rating Drops.”
- ⁶ Cuneyt Dil and Russell Contreras, “DC Homicides Are Declining After Last Year’s Violent Crime Spike,” *Axios*, Apr. 17, 2024.
- ⁷ Grace Segers, “The Nation’s Capital Is Falling Behind on Fighting Violent Crime. Here’s Why,” *New Republic*, Jan. 8, 2024.
- ⁸ Joe Friday, “House Republicans’ Vibes-Based Theory of Crime,” Substack newsletter, *DC Crime Facts*, Mar. 13, 2024.
- ⁹ I.e., Part I crimes under the FBI’s Uniform Crime Reporting (UCR) program classification.
- ¹⁰ Jeff Asher, “Carjackings Fell in 2023 in Most Cities with Available Data,” Substack newsletter, *Jeffalytics*, Feb. 12, 2024.
- ¹¹ David Weisburd, “The Law of Crime Concentration and the Criminology of Place,” *Criminology* 53, no. 2 (2015): 133–57.
- ¹² Jacob Fenston, “Crack’s Rapid Rise Brought Chaos to DC,” WAMU, Jan. 27, 2014.
- ¹³ “Gun Violence Problem Analysis Summary Report,” National Institute for Criminal Justice Reform, December 2021.
- ¹⁴ “Washington, DC Gun Violence Problem Analysis Summary Report,” National Institute for Criminal Justice Reform, December 2023.
- ¹⁵ “Gun Violence Problem Analysis Summary Report.”
- ¹⁶ Andrew V. Papachristos and Christopher Wildeman, “Network Exposure and Homicide Victimization in an African American Community,” *American Journal of Public Health* 104, no. 1 (January 2014): 143–50.
- ¹⁷ “Understanding Serious Violence in San Francisco 2017–2020,” California Partnership for Safe Communities, Mar. 4, 2021.
- ¹⁸ Natalie N. Martinez et al., “Ravenous Wolves Revisited: A Systematic Review of Offending Concentration,” *Crime Science* 6, no. 1 (Aug. 1, 2017): 10.

- ¹⁹ NICJR, “Washington, D.C. Gun Violence Problem Analysis: Summary Report,” December 2023, 15; Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (New York: W. W. Norton, 2000).
- ²⁰ Jenny Gathright, “Homicides Are Falling in Other Major Cities. Why Are They So High in DC?” *DCist*, Dec. 29, 2023.
- ²¹ Author analysis of FBI Crime Data Explorer.
- ²² Asher, “Carjackings Fell in 2023.”
- ²³ Jeff Asher, “How TikTok Helped Cause a Surge in Auto Thefts,” Substack newsletter, *Jeffalytics*, Jan. 26, 2023.
- ²⁴ Sierra Fox, “Rise in DC Carjackings Linked to Repeat Juvenile Offenders, Police Data Shows,” FOX 5 DC, Nov. 16, 2023.
- ²⁵ “Carjacking Dashboard,” Metropolitan Police Dept. (MPD), Washington, DC, accessed June 14, 2024.
- ²⁶ Cuneyt Dil, “Carjackings in DC Nearly Doubled in 2023,” *Axios*, Jan. 4, 2024.
- ²⁷ “Washington, DC Gun Violence Problem Analysis Summary Report.”
- ²⁸ “Targeted, Labeled, Criminalized: Early Findings on the District of Columbia’s Gang Database,” Washington Lawyer’s Committee for Civil Rights and Urban Affairs, January 2024.
- ²⁹ Taylor Dorrell, “The Kia Boys Will Steal Your Car for Clout,” *The Verge*, June 8, 2023.
- ³⁰ Beatrice Peterson, “10 Teens Accused in DC Carjacking Rings, Claiming It Was Like ‘Grand Theft Auto,’ Officials Say,” ABC News, Dec. 11, 2023; Sylvie McNamara, “What’s Behind the Surge in Youth-Involved Carjacking?” *Washingtonian*, May 12, 2022.
- ³¹ Data on arrests, also published by MPD, provide information on other kinds of crime, but these trends are confounded by changes in police behavior (discussed in the next section).
- ³² Brice-Saddler, Flynn, and Guskin, “DC Mayor Bowser’s Approval Rating Drops.”
- ³³ The criminal-justice system, however, might have a role to play in their remediation, as discussed below.
- ³⁴ The recent increase may be attributable to the surge in migrants bussed to the District by border states amid the ongoing surge in illegal immigration.
- ³⁵ “Chronically Homeless,” National Alliance to End Homelessness, December 2023.
- ³⁶ The level of unsheltered homelessness, like all other measures, is collected by a volunteer survey of the city on one of the coldest nights in January (<https://www.mwcog.org/community/planning-areas/housing-and-homelessness/homelessness>). Therefore, the level of unsheltered homelessness reported each year is probably a lower bound, and levels may be higher in the more temperate summer months, when winter cold does not push people into shelters.
- ³⁷ Marissa J. Lang, “DC’s Largest Homeless Encampment Is Cleared, in Shadow of White House,” *Washington Post*, Feb. 16, 2023.

- 38 Courtland Milloy, “Can We Solve Homelessness? A Program at Union Station Is a Huge Step,” *Washington Post*, Nov. 7, 2023.
- 39 Jenny Gathright and Peter Hermann, “Grocers in DC Deploy Bag Bans, Receipt Scanners in Shoplifting Battle,” *Washington Post*, May 29, 2024.
- 40 WMATA, “Metrorail Ridership Summary,” accessed June 14, 2024.
- 41 Gathright, “Homicides Are Falling in Other Major Cities.”
- 42 Sarit Weisburd, “Police Presence, Rapid Response Rates, and Crime Prevention,” *Review of Economics and Statistics* 103, no. 2 (May 10, 2021): 280–93.
- 43 For a review, see, e.g., Aaron Chalfin and Justin McCrary, “Are U.S. Cities Underpoliced? Theory and Evidence,” *Review of Economics and Statistics* 100, no. 1 (March 2018): 167–86.
- 44 See “Robert J. Contee III,” FBI, accessed June 14, 2024.
- 45 Note that the trend is the unweighted average of the three. Juvenile arrests are less numerous, so weighting yields a line tracking adult arrests and stops where they are measured. I select the unweighted average because it gives a cleaner depiction of the overall trend. Still, the substance of my analysis is not changed by selecting the weighted average or by summing the three measures.
- 46 Joe Friday, “Bouncing Back from Rock Bottom,” Substack newsletter, *DC Crime Facts*, Feb. 7, 2024.
- 47 Joe Friday, “Preventing Crime by Enforcing Bench Warrants,” Substack newsletter, *DC Crime Facts*, Dec. 22, 2023.
- 48 Author analysis of MPD staffing numbers. Note that school safety, as well as youth and family services officers, was moved from the Investigative Services Bureau to their own division in mid-2021. The pre-Covid figure reported here discounts them.
- 49 Justin Wm. Moyer, “DC’s Troubled Crime Lab Wins Back Accreditation,” *Washington Post*, Dec. 28, 2023.
- 50 “Homicide Closure Rates,” MPD, accessed June 14, 2024.
- 51 Peter Hermann, “DC Police Staffing Reaches Half-Century Low as Homicides Rise,” *Washington Post*, Apr. 19, 2023.
- 52 Author analysis of MPD staffing reports.
- 53 Friday, “Bouncing Back from Rock Bottom.”
- 54 Jenny Gathright, “‘Like a Tiny Cog in a Broken Machine’: Overtime, Mismanagement Plummet Morale and Push Cops Out of MPD,” *DCist*, Oct. 26, 2023.
- 55 Author analysis of FBI/UCR staffing data.
- 56 Konner McIntire and Janae Bowens, “Fact Check Team: Cities That Called to ‘Defund Police’ Grappling with Crime Surge Boost Police Funding amid Staffing Shortfalls,” ABC 3340 News, Aug. 15, 2023.

- 57 Eliana Golding, “What’s in the FY 2021 Police and Public Safety Budget?” DC Fiscal Policy Institute, Oct. 8, 2020.
- 58 Sarah Y. Kim, “Senate Votes to Block DC Police Reform Bill,” *DCist*, May 16, 2023.
- 59 “What We Do,” Office of the Attorney General for the District of Columbia, accessed June 14, 2024; “DC Misdemeanors,” District of Columbia Courts, accessed June 14, 2024.
- 60 “2023 Annual Report,” District of Columbia Sentencing Commission, Apr. 26, 2024, 71.
- 61 Joe Friday, “Stopping the Viral Spread of Shootings,” Substack newsletter, *DC Crime Facts*, June 4, 2024.
- 62 “Arrests—Public Data Dashboard,” PhilaDAO Data Dashboard, accessed June 14, 2024.
- 63 Joe Friday, “The U.S. Attorney’s Hidden Role in Undermining DC’s Gun Laws,” Substack newsletter, *DC Crime Facts*, May 6, 2024.
- 64 Zack Smith and Charles Stimson, “Crime Is Way Up in DC Because US Attorney Matthew Graves Won’t Do His Job,” Heritage Foundation, Feb. 12, 2024.
- 65 Eric Flack and Alanea Cremen, “US Attorney for DC Fires Back at Claims He Doesn’t Do Enough to Prosecute People,” WUSA9, Oct. 19, 2023.
- 66 Harry Jaffe, “DC’s Crime Problem Is a Democracy Problem,” *The Atlantic*, Mar. 15, 2024.
- 67 “Prosecution Data Portal: Cases Reviewed,” Office of the Attorney General for the District of Columbia, accessed June 14, 2024.
- 68 AG Brian Schwalb [@DCAttorneyGen], “As I Told @councilofdc Today, Addressing the Spike in Juvenile Crime Is Our Top Priority. We Prosecute Every Serious, Violent Crime Where We Have Enough Evidence to Do so. OAG Oversees Juvenile Prosecutions, While the Federally Appointed U.S. Attorney Prosecutes Adult Felonies,” <https://t.co/Yhb7xC1QsO>, X post, Feb. 28, 2024.
- 69 Todd D. Minton, Zhen Zeng, and Laura M. Maruschak, “Impact of COVID-19 on the Local Jail Population, January–June 2020,” Bureau of Justice Statistics, NCJ no. 255888 (March 2021).
- 70 Zhen Zeng, “Jail Inmates in 2022—Statistical Tables,” Bureau of Justice Statistics, December 2023.
- 71 “PSA Performance Outcomes: FY 2019–2023,” Pretrial Services Agency for the District of Columbia, February 2024.
- 72 “Federal Bureau of Prisons (BOP),” District of Columbia Justice Statistical Analysis Tool, accessed June 14, 2024.
- 73 “Can Anything Stop the DC Crime Wave?”
- 74 “2023 Family Court Annual Report,” Superior Court of the District of Columbia, Mar. 31, 2024.



Doing Less with Less: Crime and Punishment in Washington, DC

- 75 Ted Oberg et al., “DC Superior Court at ‘Breaking Point’ as It Waits for Senate to Confirm More Judges,” NBC4 Washington, May 15, 2024.
- 76 Anna Blackburne-Rigsby and Anita Josey-Herring, “Open Letter to the Senate from the District of Columbia Courts,” May 3, 2024.
- 77 Michael Schaffer, “The Ludicrous System That Makes It So Hard to Fight Crime in DC,” Politico, May 24, 2024.
- 78 Gary S. Becker, “Crime and Punishment: An Economic Approach,” *Journal of Political Economy* 76, no. 2 (1968): 169–217.
- 79 Brian A. Jacob and Lars Lefgren, “Are Idle Hands the Devil’s Workshop? Incapacitation, Concentration, and Juvenile Crime,” *American Economic Review* 93, no. 5 (December 2003): 1560–77; Franz Westermaier, “The Impact of Lengthening the School Day on Substance Abuse and Crime: Evidence from a German High School Reform,” *SSRN Electronic Journal*, 2016; Jeremy Luallen, “School’s Out ... Forever: A Study of Juvenile Crime, At-Risk Youths and Teacher Strikes,” *Journal of Urban Economics* 59, no. 1 (Jan. 1, 2006): 75–103.
- 80 Nat Malkus, “Long COVID for Public Schools: Chronic Absenteeism Before and After the Pandemic,” American Enterprise Institute, Jan. 31, 2024.
- 81 “DCPS Data Set—Attendance,” DC Public Schools, accessed June 14, 2024.
- 82 Lauren Lumpkin, “DC Faces an Attendance Crisis. Its Leaders Are Struggling to Solve It,” *Washington Post*, Dec. 23, 2023.
- 83 “Encampment Protocol Engagement FAQ,” Government of the District of Columbia. In 2021, the District also began piloting a new approach to engagements, the “Coordinated Assistance and Resources for Encampments (CARE) Pilot Program.”
- 84 Charles Fain Lehman, “Modernize the Criminal Justice System: An Agenda for the New Congress,” Manhattan Institute, Apr. 20, 2023.
- 85 James Q. Wilson, “Crime and the Criminologists,” *Commentary*, July 1, 1974; Charles Fain Lehman, “Contra ‘Root Causes,’” *City Journal*, Summer 2021.
- 86 Thomas Hogan and Gary Tuggle, “Stop Retaliatory Homicides Before They Start,” *City Journal*, June 15, 2021.
- 87 Emily Davies and Meagan Flynn, “What to Know About the (Apparently Doomed) DC Criminal Code,” *Washington Post*, Mar. 7, 2023.
- 88 Martin Austermuhle, “Amidst Spike In Violent Crime, DC Council Approves Emergency Public Safety Bill,” *DCist*, July 11, 2023.
- 89 DC Criminal Reforms to Immediately Make Everyone Safe Act of 2024, H.R. 7530, 118th Cong. (2024).
- 90 Friday, “House Republicans’ Vibes-Based Theory of Crime.”
- 91 Nana-Sentuo Bonsu, “Secure DC Crime Bill Passed by DC Council,” FOX 5 DC, Mar. 5, 2024.
- 92 U.S. Const. Art. I § 8.



- ⁹³ Jenny Gathright, “Bowser Boosts DC Police Hiring Bonuses to \$25,000,” *DCist*, Apr. 7, 2023.
- ⁹⁴ “DC Needs Hundreds More Police Officers. Here’s How to Do It Right.” *Washington Post*, Mar. 24, 2023.
- ⁹⁵ “Metropolitan Police Department Receives over \$3 Million from the US Department of Justice to Support Hiring,” Executive Office of the Mayor, press release, Dec. 10, 2021.
- ⁹⁶ Scott M. Mourtgos, Ian T. Adams, and Justin Nix, “Elevated Police Turnover Following the Summer of George Floyd Protests: A Synthetic Control Study,” *Criminology & Public Policy* 21, no. 1 (2022): 9–33.
- ⁹⁷ “The Workforce Crisis, and What Police Agencies Are Doing About It,” Police Executive Research Forum (PERF), September 2019.
- ⁹⁸ PERF, “A Cultural Assessment of the MPD Workplace,” March 2023.
- ⁹⁹ Bocar Ba et al., “Police Officer Assignment and Neighborhood Crime,” National Bureau of Economic Research, Working Paper 29243 (September 2021).
- ¹⁰⁰ PERF, “A Cultural Assessment of the MPD Workplace.”
- ¹⁰¹ Christopher Chapman, “Use of Force in Minority Communities Is Related to Police Education, Age, Experience, and Ethnicity,” *Police Practice & Research: An International Journal* 13, no. 5 (2012): 421–36; Jason Rydberg and William Terrill, “The Effect of Higher Education on Police Behavior,” *Police Quarterly* 13, no. 1 (Mar. 1, 2010): 92–120.
- ¹⁰² Deirdre Rockefeller-Ramsey, “The New Era of Law Enforcement: Civilianization,” *Police1*, Oct. 2, 2023.
- ¹⁰³ “Professional Staff,” MPD.
- ¹⁰⁴ “Mayor Bowser and MPD to Announce Focused and Community-Centered Policing Strategy,” Executive Office of the Mayor, press release, Apr. 26, 2023; Joe Friday, “What MPD’s Own Report Says Is Wrong with MPD,” Substack newsletter, *DC Crime Facts*, May 25, 2023.
- ¹⁰⁵ “Council Staffing Report,” MPD, May 2024.
- ¹⁰⁶ Joshua C. Hinkle et al., “Problem-Oriented Policing for Reducing Crime and Disorder: An Updated Systematic Review and Meta-Analysis,” *Campbell Systematic Reviews* 16, no. 2 (2020).
- ¹⁰⁷ Friday, “Bouncing Back from Rock Bottom.”
- ¹⁰⁸ WMATA, “Metrorail Ridership Summary.”
- ¹⁰⁹ Ted Oberg et al., “DC Lags as Metro Steps up Fare Evasion Enforcement; New Bill Aims to Help,” NBC4 Washington, June 14, 2023.
- ¹¹⁰ Joe Friday, “MPD Detective: ‘The People Working the Slow Parts of the City Are Paid the Same as the People Getting Ground into Dust by the Work Load,’” Substack newsletter, *DC Crime Facts*, Mar. 18, 2023.
- ¹¹¹ PERF, “A Cultural Assessment of the MPD Workplace.”

- ¹¹² Friday, “Bouncing Back from Rock Bottom”; idem, “Call Them—They Won’t Do Anything,” Substack newsletter, *DC Crime Facts*, Oct. 26, 2023.
- ¹¹³ “Mayor Bowser Announces New Intelligence-Led Policing Unit Focusing on Violent Crime,” Executive Office of the Mayor, press release, Apr. 25, 2022.
- ¹¹⁴ “Months-Long Investigation Leads to Federal Indictment Targeting Dangerous Northeast Crew,” MPD, Washington, DC, May 16, 2024.
- ¹¹⁵ 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.
- ¹¹⁶ Peter Hermann, “Study by Civil Rights Group Says DC Police Gang Database Is Unreliable,” *Washington Post*, Jan. 16, 2024.
- ¹¹⁷ Max Shiner, “Civil Gang Injunctions: A Guide for Prosecutors,” Office of Justice Programs, NCJ no. 227644 (June 2009).
- ¹¹⁸ Greg Ridgeway et al., “Effect of Gang Injunctions on Crime: A Study of Los Angeles, 1988–2014,” *Journal of Quantitative Criminology* 35, no. 3 (Sept. 1, 2019): 517–41.
- ¹¹⁹ Code of the District of Columbia 31 § 42-3102.
- ¹²⁰ “Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Law | Attorney General Brian Schwalb,” Office of the Attorney General for the District of Columbia.
- ¹²¹ Code of the District of Columbia 31 § 42-3108–42-3110.
- ¹²² Reid Porter, “Dallas Needs More Police Officers, but Even More, We Need Citizens to Step Up for Public Safety,” *Dallas Morning News*, Apr. 25, 2019; Judge Glock, “Phoenix’s Homelessness Challenge: The Case Against ‘The Zone,’” *Manhattan Insights*, Nov. 8, 2023.
- ¹²³ “About ANCs,” DC.Gov.
- ¹²⁴ “Advisory Neighborhood Commissions,” Alcoholic Beverage and Cannabis Administration, accessed June 14, 2024.
- ¹²⁵ Connor Harris and Charles Fain Lehman, “Fixing Drinking Problems: Evidence and Strategies for Alcohol Control as Crime Control,” Manhattan Institute, May 25, 2022.
- ¹²⁶ In some states, prosecutors are elected at the noncontiguous county level. For example, Seattle, Washington, has both a city attorney—analogue to DC’s attorney general—and a prosecutor for King County, which contains, but is not coterminous with, Seattle. In other states, local prosecutors are appointed (for an outdated list, see George Coppola, “States That Elect Their Chief Prosecutor,” Connecticut General Assembly Office of Legislative Research, Feb. 24, 2003). In those cases, though, the prosecutors are generally appointed by an elected attorney general or by an elected governor. In DC, by contrast, voters elect neither the U.S. attorney nor their member of Congress, and while they participate in the election of the president, their votes affect that election in far smaller proportion to the votes cast in state elections.
- ¹²⁷ U.S. Const. Art. II § 2.

- ¹²⁸ Thomas Hogan, “S.O.S. to DOJ,” *City Journal*, Apr. 20, 2023; Julie Shaw, “U.S. Attorney Says Philly DA Krasner’s ‘Radical Experiment Has Failed’ in Announcing Federal Charges in 2 Cases,” *Philadelphia Inquirer*, Sept. 14, 2020.
- ¹²⁹ “Can Anything Stop the DC Crime Wave?”
- ¹³⁰ Martin Austermuhle, “Senate Confirms Seven Judges for DC Courts, Addressing Vacancy ‘Crisis,’” *DCist*, Dec. 16, 2022.
- ¹³¹ Schaffer, “The Ludicrous System.”
- ¹³² U.S. Const. Art. I § 8. The courts were organized in their current form by the District of Columbia Court Reform and Criminal Procedure Act, passed in 1970.
- ¹³³ Michael Milov-Cordoba, “District of Columbia Courts Explained,” *State Court Report*, Sept. 22, 2023.
- ¹³⁴ Lauren Lumpkin, Emily Davies, and Meagan Flynn, “DC Mayor’s Bill Targets Truancy, Mandates Aggressive Prosecution,” *Washington Post*, Apr. 4, 2024.
- ¹³⁵ “OAG Testimony on Attendance, Chronic Absenteeism, and Truancy in the District,” Office of the Attorney General for the District of Columbia, Jan. 30, 2022.
- ¹³⁶ Office of Policy Development and Research, “2023 AHAR: Part 1—PIT Estimates of Homelessness in the U.S.,” U.S. Dept. of Housing and Urban Development, December 2023.
- ¹³⁷ Ilya Shapiro and Tim Rosenberger, “Brief of the Manhattan Institute, Stephen Eide, and Judge Glock as Amici Curiae Supporting Petitioner,” Manhattan Institute, Mar. 4, 2024.
- ¹³⁸ Richard Berk and John MacDonald, “Policing the Homeless,” *Criminology & Public Policy* 9, no. 4 (2010): 813–40.
- ¹³⁹ Annemarie Cuccia, “DC Could Face a Shelter Shortage Later This Year,” *DCist*, Feb. 13, 2023.