

Explaining the Recent Homicide Spikes in U.S. Cities: The “Minneapolis Effect” and the Decline in Proactive Policing



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I. Introduction

Major cities across the country have recently suffered dramatic increases in homicides. These sudden increases are widespread in cities across the country—although often concentrated in disadvantaged neighborhoods. For example, in mid-August, *USA Today* reported that major U.S. cities had been plagued by a “horrific increase in gun violence” this year, with shootings skyrocketing in certain neighborhoods in cities from Philadelphia, New York, and Milwaukee to Los Angeles and Denver.¹ At least

11,047 people have died in gun violence so far in 2020, compared to 15,208 in all of 2019. At this rate, 2020 will easily be the deadliest year for gun-related homicides since at least 1999, while other major crimes are trending stable or slightly downward.

This article attempts to explain why so many cities have seen extraordinary increases in murder during June and July 2020. A close analysis of the emerging patterns suggests that American cities may be witnessing “de-policing” on a significant scale, which in turn is

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producing the homicide spikes. Analysis of the patterns is greatly aided by an important recent report by Richard Rosenfeld and Ernesto Lopez for the Council on Criminal Justice, which appears in this Issue of the *Federal Sentencing Reporter*.² As the Rosenfeld-Lopez report demonstrates, crime rates are not increasing across all crime categories, but rather only in a few specific categories—namely homicides and aggravated assaults (and likely shooting crimes), categories that may be particularly responsive to reductions in day-to-day policing and particularly to reductions in proactive policing. The Rosenfeld-Lopez data also pinpoint the timing of the homicide spike to late May 2020, which corresponds with antipolice protests in many cities following the death of George Floyd in Minneapolis—protests that likely led to reduced law enforcement.

The thesis of this article is that a “Minneapolis Effect”—a reduction in proactive policing similar to the earlier “Ferguson Effect” in Chicago and perhaps other cities from 2014 to 2016—caused the recent spikes in homicides. If this thesis is correct, it has important public policy implications for how policy makers should respond to protect public safety.

Part II of this article initially describes the recent homicide increases, which in many cities are shockingly large.

Part III explains that the recent crime spikes appear to be confined to homicides and other related crime categories (e.g., shootings) and are not part of a general, across-the-board crime increase.

Part IV identifies the time when the spikes began: the last week of May 2020.

Part V turns to the question of what is causing the spikes, rejecting as possible causes factors other than policing, such as the COVID-19 pandemic.

Part VI collects evidence that a reduction in proactive policing explains the increases, examining information from five cities (Minneapolis, Chicago, Philadelphia, Milwaukee, and New York City) to illustrate this conclusion.

Part VII considers a counterinterpretation—that police have become delegitimized by recent events—and finds little support for the argument in public opinion data.

Part VIII looks at the earlier homicide spikes from 2014 to 2016 and their possible connection to a Ferguson Effect, which provides support for the contention that de-policing is causing the current spikes.

Part IX steps back to look at the proverbial big picture, which also suggests that a decline in proactive policing in the wake of George Floyd’s death—a Minneapolis Effect—is the most likely cause of the current homicide spikes.

Part X assesses the size of the Minneapolis Effect, estimating that a conservative calculation of the “delta” (i.e., change in homicides from previous trend lines) is that, during June and July 2020 alone, approximately 710 additional people were killed and 2,800 additional people were shot as a result of the recent de-policing.

Part XI cautions that the arguments advanced here must necessarily be tentative.

Part XII draws several policy conclusions from the Minneapolis Effect, including the potential need for caution before cities take steps to “defund” the police in ways that might reduce proactive policing and increase gun violence.

II. Recent Homicide Spikes in U.S. Cities

The Rosenfeld-Lopez report contains disturbing quantification of what has been reported by some media: that homicides have increased significantly in many cities across the country since late May. The report aggregates weekly crime data from more than twenty of the nation’s largest cities—including New York, Los Angeles, Chicago, Atlanta, and Milwaukee—to identify trends. Figure 1 reproduces the report’s homicide data, depicted as a scatter plot.

With respect to homicides, using weekly aggregated data, the report finds a structural break in the data series near the end of May 2020, after which the homicide rate increased by 37% through the end of June (a break depicted by the vertical line in Figure 1).³ The homicide increase was led by three cities: Chicago, Philadelphia, and Milwaukee.

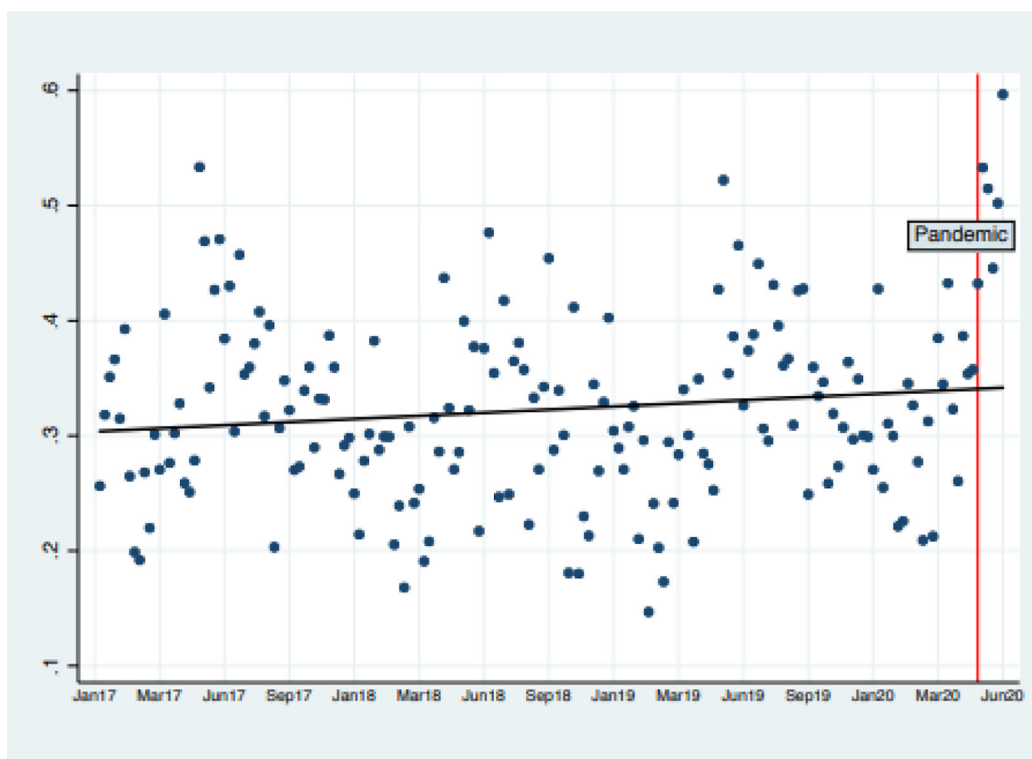
The report’s homicide data set ends in June 2020, but there is every reason to think that the finding of a structural break would be even more strongly confirmed by data extending through July, a month that appears to have seen even larger increases in homicides in many cities. For example, in Chicago, the 105 murders reported in July 2020 represented a 139% increase in comparison to July 2019—and represented the most violent month in the city in twenty-eight years.⁴

Other observers have noted similar, widespread homicide increases in large cities across the United States. For example, the *Wall Street Journal* reported that, compared to the previous year, as of the end of July 2020, homicides had increased by 24% in the nation’s fifty largest cities—including increases of about 52% in Chicago, 42% in Fort Worth, 31% in Phoenix and Philadelphia, and 24% in New York City, as shown in Figure 2.⁵

These alarming numbers may not fully reveal the sharp increase that began in late May 2020. The COVID-19 pandemic appears to have caused a decline in homicides (and many other crimes) during March and April 2020, which would partially offset homicide increases in June and July 2020. For instance, while Figure 2 depicts Dallas homicides as down about 2% for the entire year, they surged in July 2020—up 108% (from 12 to 25) compared to July of the previous year.⁶

An obvious question is whether homicides have continued to remain high since the end of July 2020. This article is being finalized in early September 2020, when it appears that gun violence has continued to remain at alarmingly high levels.⁷ In the interest of avoiding the need to analyze an ever-moving target, this article focuses on the homicide spikes between late May and the end of July 2020.

Figure 1:
U.S. Weekly Homicide Rate (Jan. 2017–June 2020)



Source: Richard Rosenfeld & Ernesto Lopez, *Council on Criminal Justice: National Commission on COVID-19 and Criminal Justice, Pandemic, Social Unrest, and Crime in U.S. Cities* (July 2020)

III. The Homicide Spikes Compared to Trends in Other Crime Categories

While homicides have spiked since late May, many other crime categories have followed a different trajectory. For example, the Rosenfeld-Lopez report also looked at gun assault (a subset of aggravated assault), domestic violence, robbery, burglary (including the subsets of commercial and residential burglary), larceny, motor vehicle theft, and drug offenses, none of which exhibited a structural break starting in late May. Burglaries, for example, abruptly increased (by 190%) during the last week of May and then, just as abruptly, returned to normal levels the next week. A dramatic increase in commercial burglaries in that week—coinciding with looting associated with the mass protests following George Floyd’s death—explains this pattern.

The one crime category that most closely tracked homicides was aggravated assault. Looking at seventeen large cities for which data were available, the Rosenfeld-Lopez report identifies a structural break near the end of May 2020 for that crime category as well. Aggravated assaults rose by 35% from late May through the end of June. Gun assaults also showed a sharp and sustained increase after late May, although the pattern was not clear enough (at least as of the end of June) to be identified as a structural break. And robberies exhibited a structural break, but the timing was slightly earlier. Robberies exhibited a long-term

downward trend, but after March the robbery rate rose by 27% through the end of June.

Other observers have reported roughly the same pattern—increases in homicides and crime categories associated with gun crimes, but not in other categories. For example, a report in the *New York Times* in early July noted that trend lines for murder and other violent crimes rarely move in opposite directions. But in twenty-five large American cities in 2020, overall crime was down 5.3% and violent crime was down 2% in relation to the previous year—while murder was up 16%.⁸ The homicide increase was widespread, present in twenty of twenty-five cities at that time.

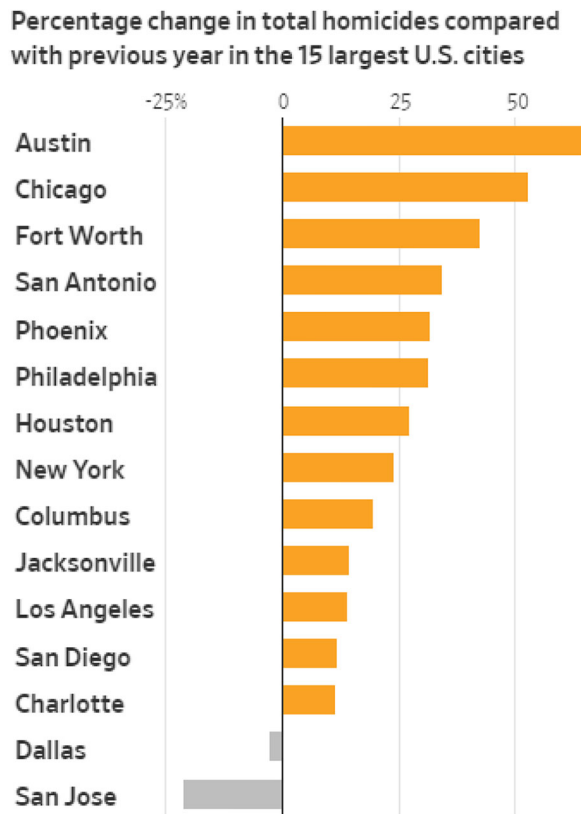
Based on this information, it seems fair to say that most of the largest cities in the United States are experiencing a homicide spike and, likely, a shooting spike—but not, generally speaking, a significant increase in other crime categories.

IV. The Timing of the Homicide Spikes

When did homicides and aggravated assaults (and likely gun assaults) begin spiking upward? The Rosenfeld-Lopez report identifies an upward spike for homicides “near the end of May 2020.”⁹ This section explores the timing issue in greater detail.

A. The Timing of the George Floyd Protests. Before turning to the timing of the homicide spikes, it may be

Figure 2:
Year-to-Year Homicide Changes



Source: *Wall Street Journal* (based on police agency data through about the end of July)

useful to set out for reference the timing of the protests surrounding George Floyd's death. Floyd died on May 25, 2020, while being arrested by officers of the Minneapolis Police Department (MPD).¹⁰ Protests began in Minneapolis the next day, May 26, and rapidly escalated during May 27–29. Protests outside of the Minneapolis area were first reported on May 27 in Memphis and Los Angeles. By the start of June, protests had been held in all U.S. states. By early June, at least 200 cities in the United States had imposed curfews; and by the end of June, more than thirty states had activated over 62,000 National Guard personnel in response to mass unrest. Antipolice protests continued through July and beyond.

B. The Timing of the Minneapolis Homicide Spike.

With the timing of the protests in mind, how does it compare to the onset of the homicide spikes that occurred in cities across the country? Of course, in a nation as large as the United States, it would be unlikely that precisely the same effects would be felt in every city. At the same time, when exploring such crime issues, using “case studies” is a helpful method—a point that Professor Rosenfeld (among others) has helpfully developed.¹¹ For the purposes of this article, I selected five cities to investigate in detail. I first identified Minneapolis as the city in which the protests

originated. Next, I added Chicago, Philadelphia, and Milwaukee, based on the note in the Rosenfeld-Lopez report that the recent homicide spikes were led by these three cities.¹² Perhaps exploring these cities, where homicide increases were most evident, would more clearly reveal what has happened. Finally, I added New York City, the nation's largest, for which a large amount of crime data is available.

I will turn first to Minneapolis, which suffered an incredible homicide spike. As of August 1, 2020, forty-one residents of Minneapolis had been murdered, compared to twenty-one by the same time in the previous year¹³—a 95% year-over-year increase.

When did the spike start? One convenient way of obtaining data is to consult the expansive website *City Crime Stats* (citycrimestats.com), where Professor David Abrams at the University of Pennsylvania Law School has assembled a valuable trove of empirical data on crime in the United States. Many of the figures in this article are based on graphs from that site. Figure 3 depicts the homicide data for Minneapolis in 2020 (with a baseline of the average homicide data for 2015–19 shown in the background).

The homicide spike is readily apparent in Figure 3, although the data are “chunky”—because, even during a homicide spike, homicides are (thankfully) a relatively rare event. The ability to detect trends is improved by using a seven-day moving average, as is done in this figure.

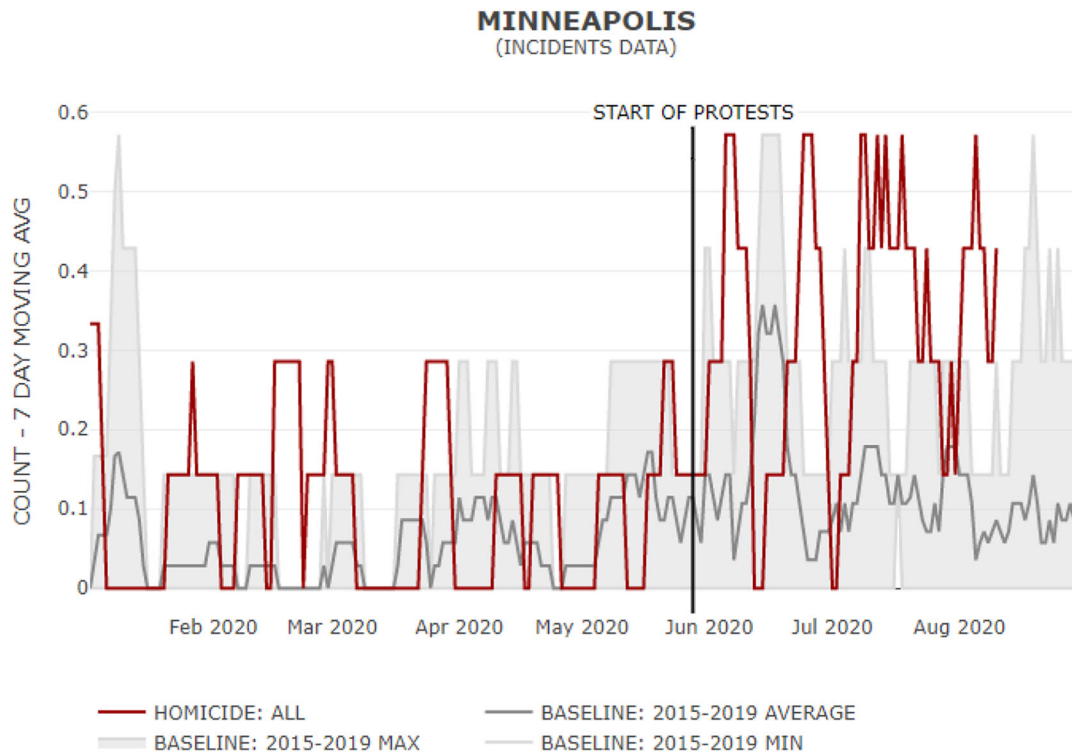
Another approach for more clearly viewing trends in gun violence is to examine data on shootings, which often move in parallel with homicide data. In some cases, a homicide is simply a shooting for which medical treatment arrives too late.¹⁴ And because of the greater number of shootings compared to homicides, the shooting data sets may reveal trends more clearly. (However, not all cities report shooting data, because shootings are not one of the “index crimes” in the FBI's *Uniform Crime Reports*.)

For more continuous data from Minneapolis, we can switch from homicides to gunshots fired—data are available from the MPD via “ShotSpotter,” an acoustic gunshot-detection technology. Data on shots fired have the advantage of not relying on witness reports and thus may most accurately reveal underlying crimes. Figure 4 depicts data on shots fired in Minneapolis from January through July 2020.

The spike following the start of the George Floyd protests is readily and starkly apparent. After the protests began, a dramatic increase in shots fired appears, followed by a sustained elevated level at least double the numbers from before the protests began. Gunfire incidents soared by 224% in June and by 166% in July.¹⁵ And the number of shooting victims soared correspondingly—by the end of July, the number of victims was 60% higher than the five-year average for the same period.¹⁶

One other related Minneapolis crime category (with larger numbers than homicides) shows a sustained post-protest increase: aggravated assault, as shown in Figure 5 (which includes five-year averages, maximums, and minimums in the background).

Figure 3:
Minneapolis Homicides (Jan.–Aug. 2020)



Source: Minneapolis Police Department data (accessed through citycrimestats.com)

Figure 4:
Minneapolis Shots Fired (Jan.–July 2020)

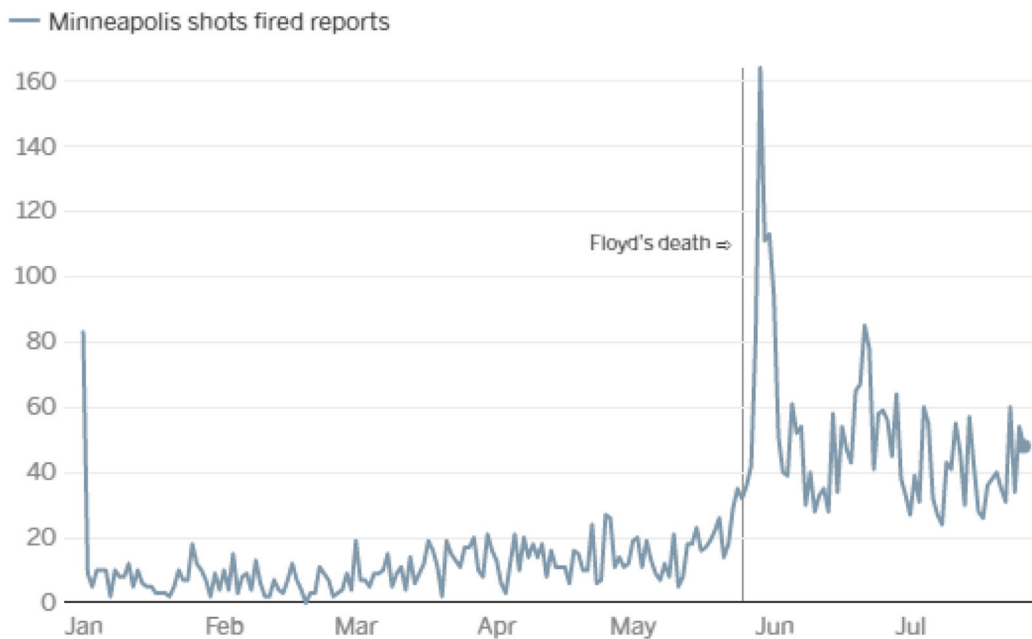
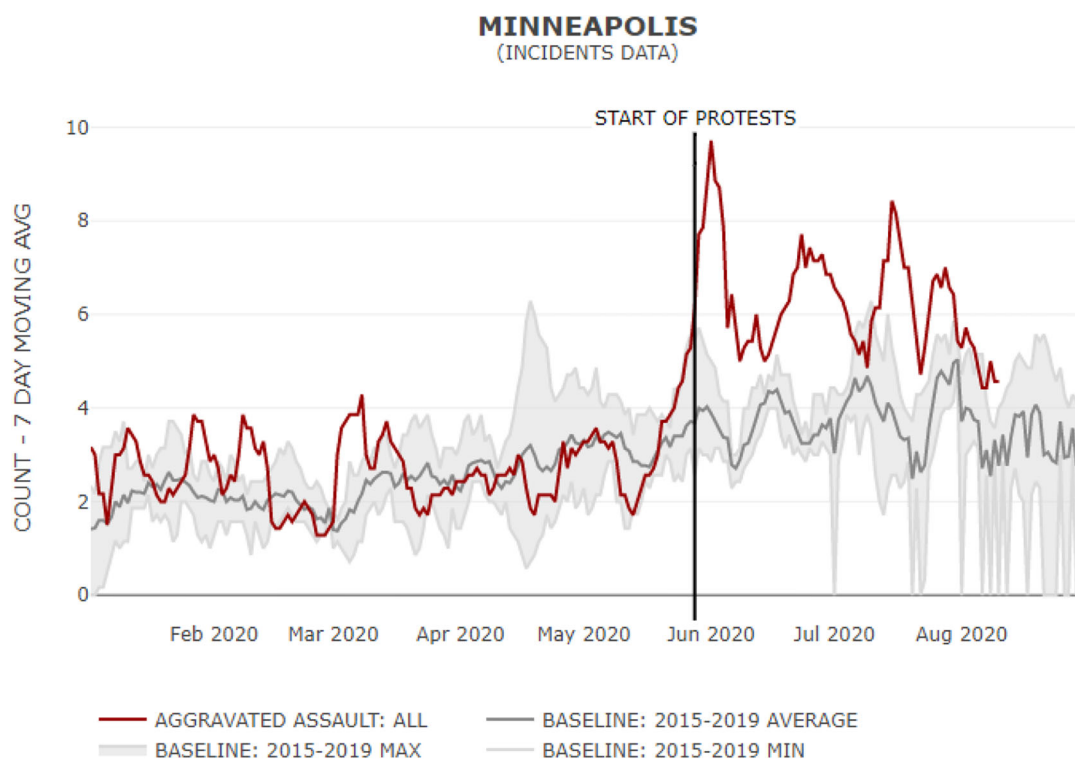


Chart: Jeff Hargarten, Star Tribune • Source: City of Minneapolis

Source: Minneapolis Police Department data (reported by Minneapolis Star Tribune)

Figure 5:
Minneapolis Aggravated Assaults (Jan.–Aug. 2020)



Source: Minneapolis Police Department data (accessed through citycrimestats.com)

While homicides and aggravated assaults increased significantly in Minneapolis, other crime categories did not. Instead, the increases appear to be confined to homicides and firearm-related crimes (such as aggravated assault and robbery). For comparison, Figure 6 depicts 2020 weekly totals for Minneapolis property crimes.

Figure 6 shows that, following a dramatic spike lasting about a week after the start of the antipolice protests (when Minneapolis suffered at least \$55 million in property damage from looting and vandalism),¹⁷ Minneapolis property crime rates essentially returned to normal levels.

C. The Timing of the Chicago Homicide Spike. As mentioned above, Chicago is also suffering a horrific homicide spike. Until the last week in May 2020, the city's homicides had not increased in comparison to the previous year. Between January 1 and May 28, 2020, Chicago had 191 homicides. During the same time frame in 2019, it had an almost identical number of homicides: 192.¹⁸

Then, on May 31, 2020, eighteen people were murdered, making it the single most violent day in Chicago in six decades.¹⁹ Violence continued through June and July. Nearly forty people were shot in the city in the last weekend in July, as the most violent month in twenty-eight years in the nation's "Second City" drew to a close.²⁰ At least 107 people were killed in July 2020, more than double the number who were killed in July 2019, and the most homicides in Chicago in a single month since September 1992.

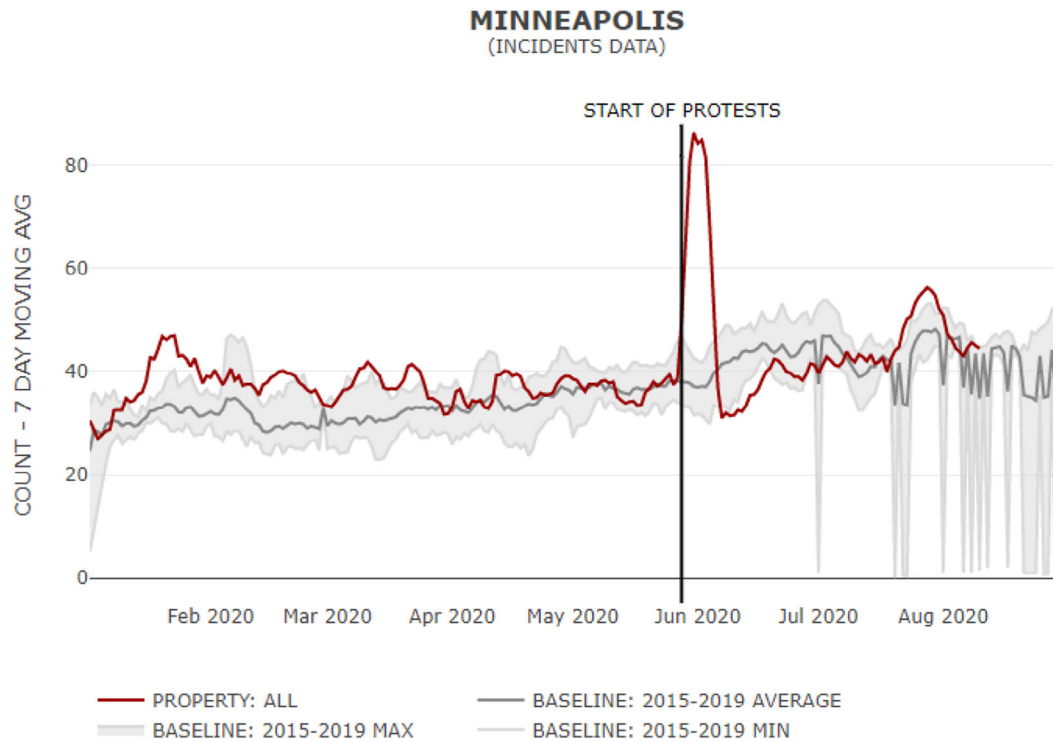
The homicide spike began in late May. Chicago homicide trends for 2020 are graphed in Figure 7 (using a seven-day moving average in red, with the five-year average depicted in the background). It is apparent that Chicago's homicide spike immediately followed the start of the protests. Of the Chicago homicide spike's victims, 94% were Black or Latino.²¹

As with the Minneapolis data, it is possible to get a slightly smoother depiction of crime trends by switching from homicide data to shooting data—providing a larger number of data points. Figure 8 graphs the Chicago shooting data from January through July 2020 (again with a seven-day moving average).

In Figure 8, the post-protest spike in shootings stands out even more starkly. Other crimes, however, did not increase in Chicago. While homicides were spiking, as of August 1, Chicago's overall crime rate—a category that includes murders, sexual assaults, robberies, burglaries, and vehicle thefts—had decreased by 9%.²²

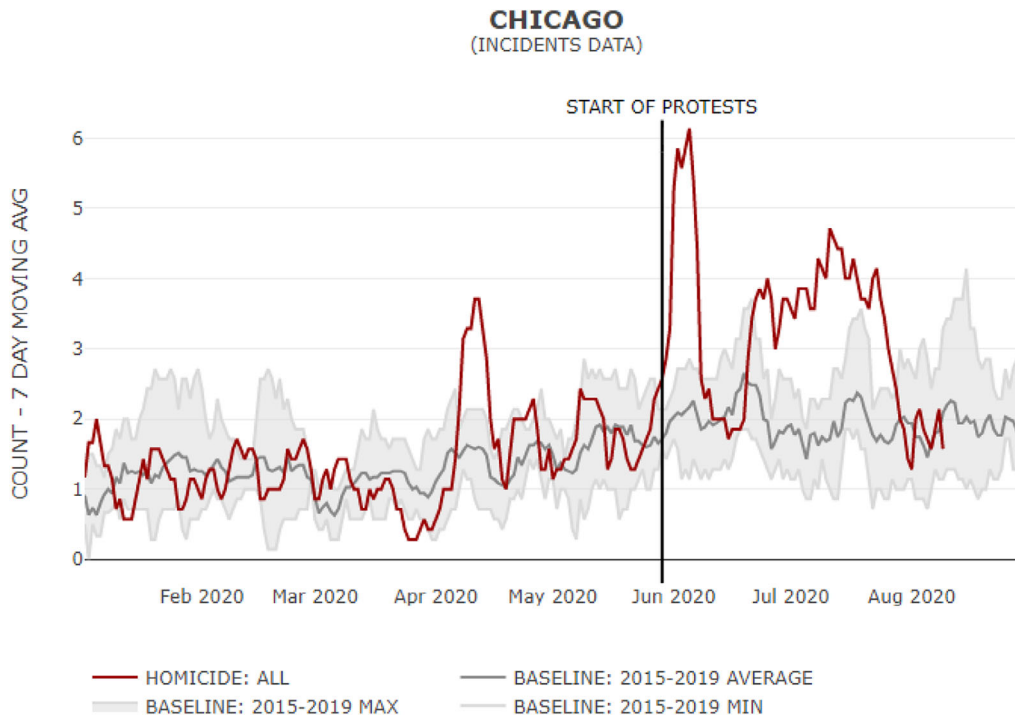
D. The Timing of the Philadelphia Homicide Spike. Philadelphia, the nation's sixth largest city, has also been hit hard by a homicide spike. As of July 26, homicides in the city totaled 247, a 32% increase compared to the same period a year earlier.²³ This total puts Philadelphia in second place in the nation for the number of homicides, just behind Chicago. As an example, during the Fourth of July weekend, the city's "gun violence epidemic reached

Figure 6:
Minneapolis Property Crimes (Jan.–Aug. 2020)



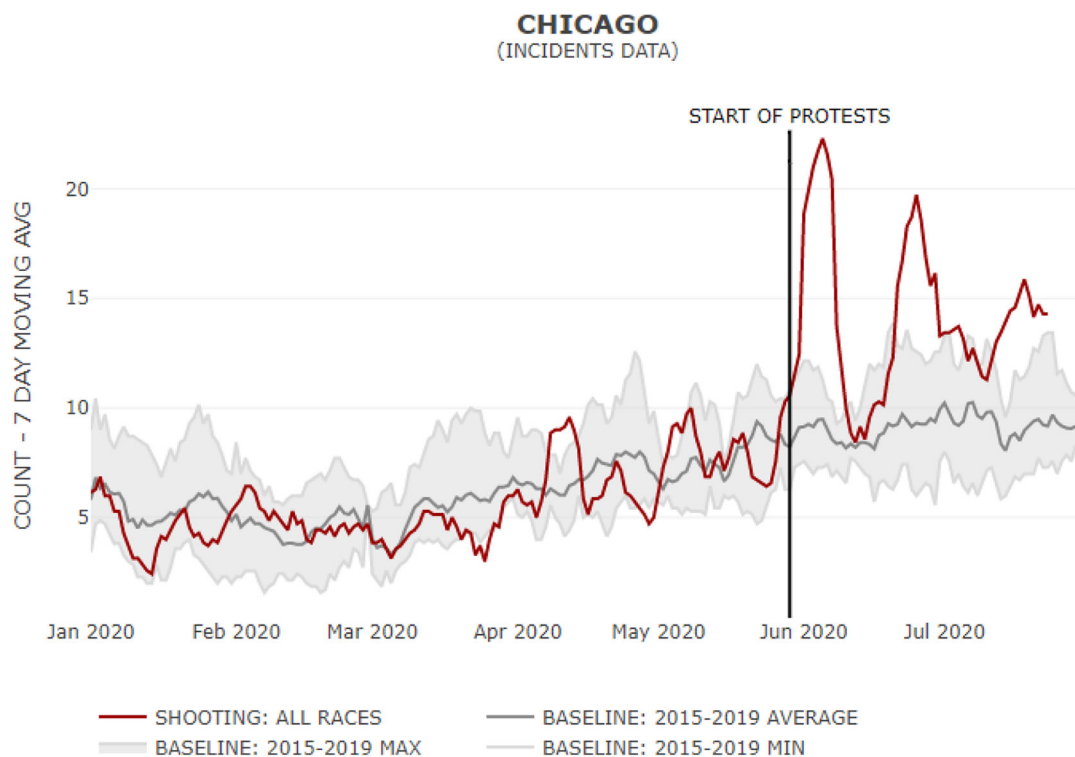
Source: Minneapolis Police Department data (accessed through citycrimestats.com)

Figure 7:
Chicago Homicides (Jan.–Aug. 2020)



Source: Chicago Police Department data (accessed through citycrimestats.com)

Figure 8:
Chicago Shootings (Jan.–July 2020)



Source: Chicago Police Department data (accessed through citycrimestats.com)

alarming heights,” according to the *Philadelphia Inquirer*, as twenty-three people were killed across the city—the most in a single day since 2013.²⁴ If these trends continue, the city is projected to finish 2020 with more than 1,700 shooting victims, the highest total since at least 2007.

Figure 9 depicts Philadelphia’s 2020 homicide numbers. A homicide spike following the start of the protests is evident (and an earlier spike around January is also evident). About 81% of the victims have been Black men and boys.²⁵

The evidence of a spike following antipolice protests becomes even clearer when switching from homicide to shooting data, as shown in Figure 10. A post-protest spike in shootings is obvious. As of August 11, 2020, shootings in Philadelphia were up 55% compared to the previous year, leading to an emergency hearing of city leaders.²⁶

E. The Timing of the Milwaukee Homicide Spike.

Continuing down the depressing list of cities wracked by gun violence this summer, Milwaukee has also suffered a homicide spike. At the beginning of 2020, the city government was touting its five-year reduction in violent crime, including a dramatic decline in homicides.²⁷ But by the Fourth of July, eighty-six people had been murdered in Milwaukee in 2020, which was double the number of victims at the same time in 2019.²⁸ By August 17, Milwaukee had seen a 112% increase in homicides compared to the previous year.²⁹

Figure 11 graphs Milwaukee’s homicides for the year (with historical averages in the background). As in the other figures, a spike following the start of protests is evident. (Data on shootings in Milwaukee are unavailable from citycrimestats.com.)

F. The Timing of the New York City Homicide Spike.

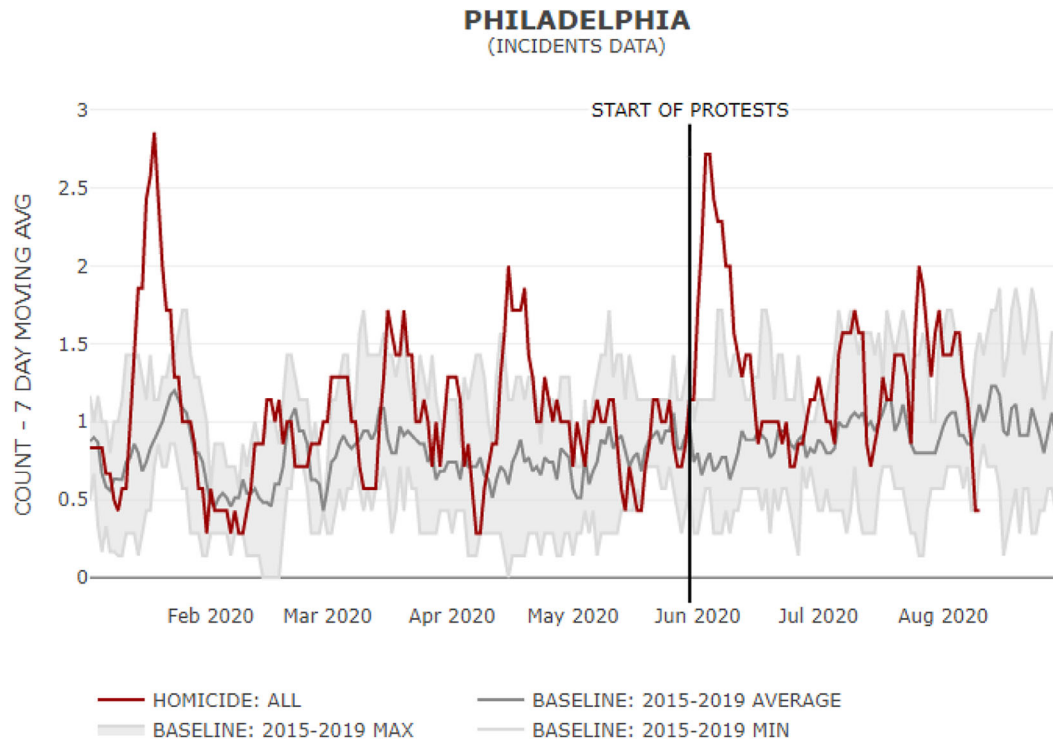
New York City has also suffered an increase in homicides, as shown in Figure 12. An increase in homicides after the protests is evident, although there was also an increase in mid-April. (The currently available data set terminates at the end of June.)

As with other cities, the pattern becomes clearer when switching from the homicide data set to the larger numbers in the shootings data set, as shown in Figure 13.

Figures 12 and 13 depict data through June 2020. If July data were included, the picture would look even grimmer, because homicides and shootings continued to skyrocket in that month. New York City’s July 2020 crime statistics showed year-over-year increases of 50% in homicides³⁰ and 177% in shootings.³¹ According to New York Governor Andrew Cuomo, more than 90% of the victims “are black and brown.”³²

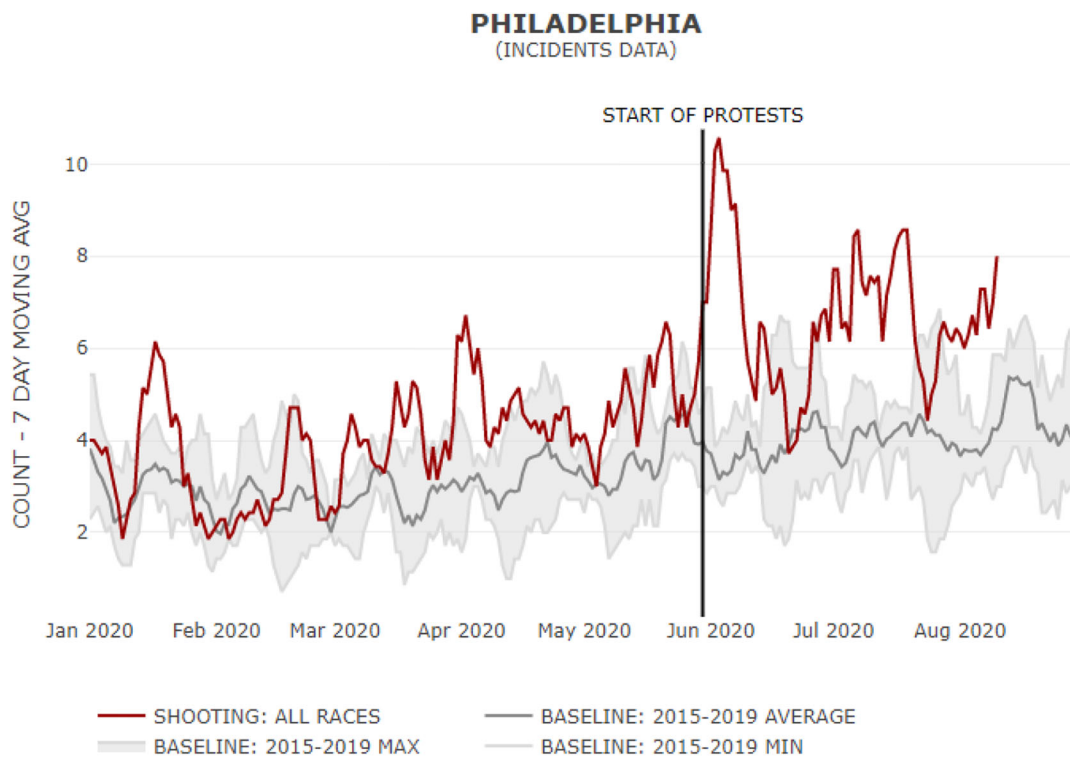
G. Rural Areas. Having examined data from some of the nation’s largest cities, it is interesting to consider whether homicides have also recently spiked in other areas. Reviewing media reports, it has been difficult to find any mention of increasing gun violence in rural areas. While

Figure 9:
Philadelphia Homicides (Jan.–Aug. 2020)



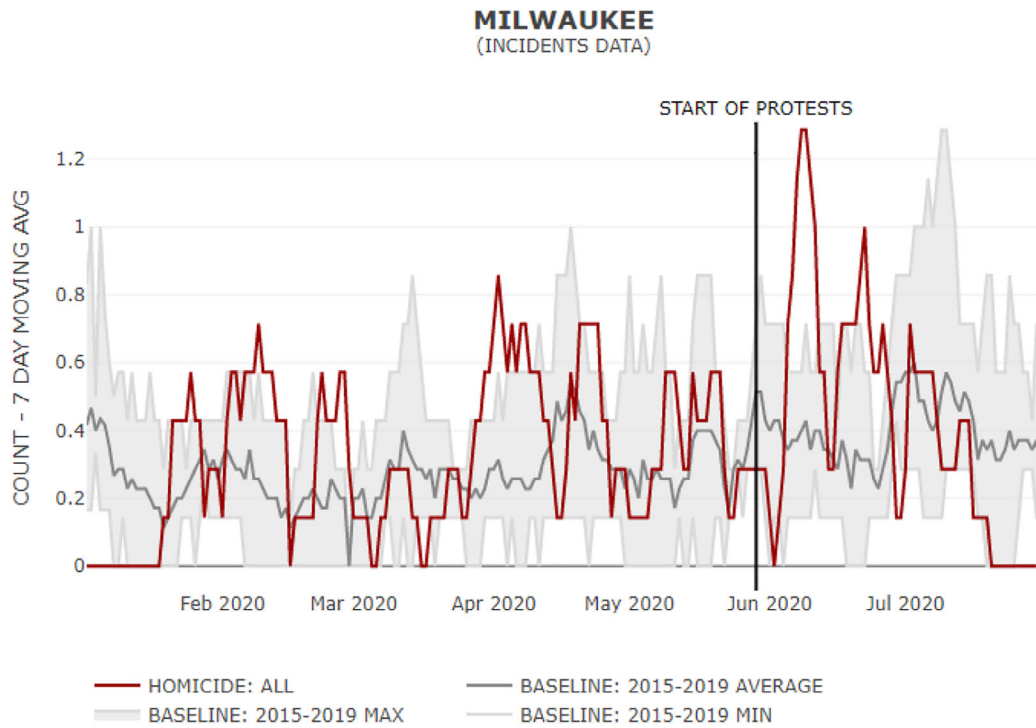
Source: Philadelphia Police Department data (accessed through citycrimestats.com)

Figure 10:
Philadelphia Shootings (Jan.–Aug. 2020)



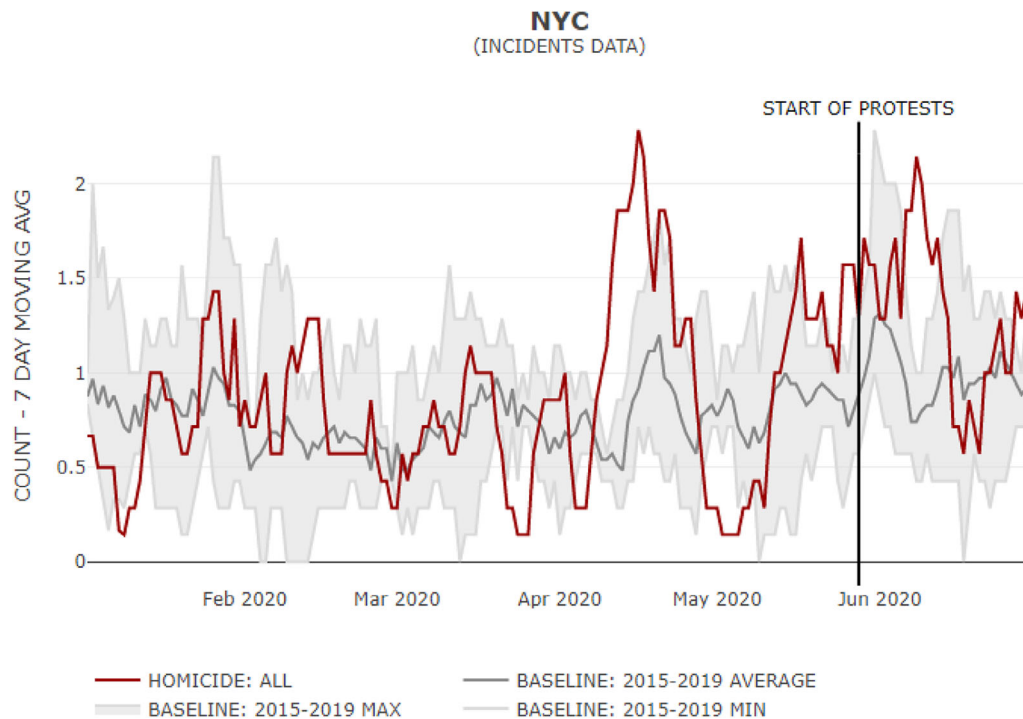
Source: Philadelphia Police Department data (accessed through citycrimestats.com)

Figure 11:
Milwaukee Homicides (Jan.–Aug. 2020)



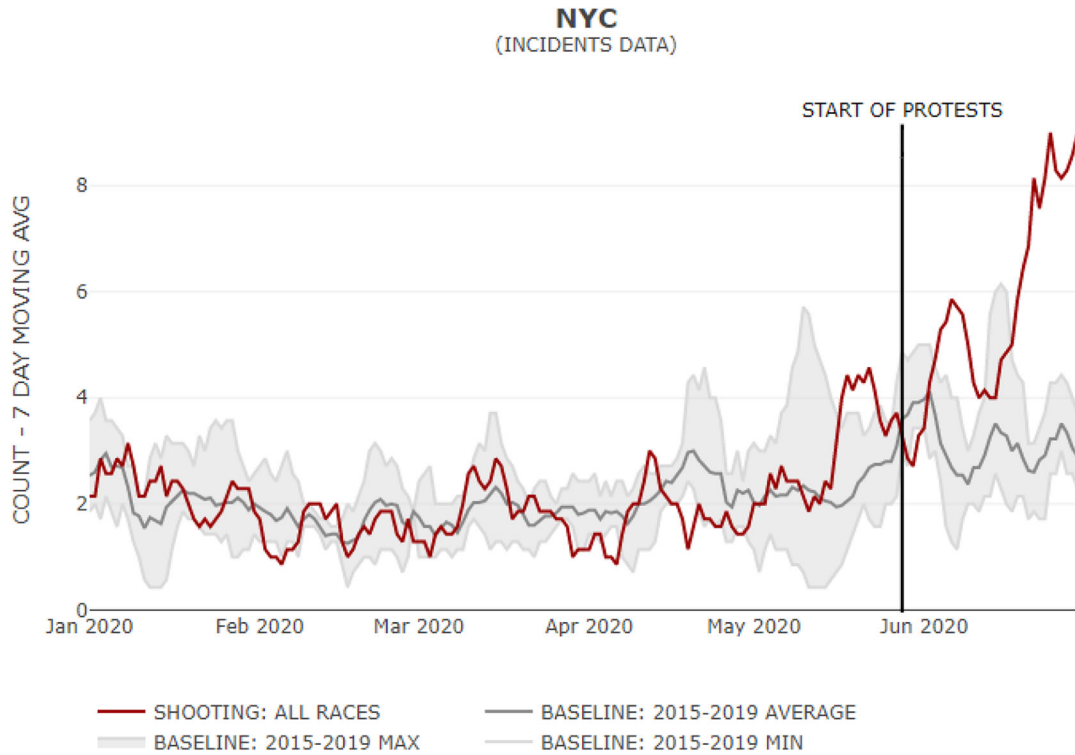
Source: Milwaukee Police Department data (accessed through citycrimestats.com)

Figure 12:
New York City Homicides (Jan.–July 2020)



Source: New York Police Department data (accessed through citycrimestats.com)

Figure 13:
New York City Shootings (Jan.–Aug. 2020)



Source: New York Police Department data (accessed through citycrimestats.com)

more data should become available in future months,³³ this absence may suggest that the recent homicide increases are more of an urban phenomenon.

V. Explanations for the Homicide Spikes: Possibilities Other than Policing

With homicides spiking, what is the cause? Before turning to particular explanations, it is important to recapitulate precisely what the causal factor must explain. It should explain why

- homicides (and likely related crimes, such as shootings and aggravated assaults) have recently spiked in many large U.S. cities;
- other crime categories, such as property crimes, have not simultaneously increased along with homicides;
- the homicide spikes began around the last week of May 2020, and have been sustained through (at least) the next two months, June and July; and
- the spikes may well be a phenomenon confined to U.S. cities.

Popular media sources have proposed various possible explanations for the homicide spikes.³⁴ Broadly speaking, the possible explanations can be divided into two categories: (1) a grab bag of various ideas unrelated to policing; and (2) changes in policing, such as “de-policing” or

“delegitimizing” of police. For reasons that will be developed in the next section, the explanations associated with changes in policing seem the most plausible. But, as part of a process of elimination, this section will first consider other possible explanations, concluding that none of them appears to be a particularly strong candidate for explaining the spikes.

A. Homicides During the George Floyd Protests. Given the timing of the homicide spikes, one possibility is that the homicides themselves came as a result of the protests, such as from shootings during the protests or by protesters or counterprotesters. This possibility can be quickly dismissed. By all accounts, the majority of the protests were peaceful.³⁵ The Rosenfeld-Lopez report, for example, notes that while some violence has been directly connected to protests, in most cases the shooting crimes appear to have involved perpetrators other than the protesters.³⁶ Virtually all of the homicides that are occurring are taking place away from the demonstrations. The crime maps published by many cities show that homicides are occurring not in city centers, where antipolice protests usually happened, but rather in low-income neighborhoods outside of those city centers.³⁷

It is also important to understand that the homicide spikes are not limited to a single week—such as the week surrounding May 25, when George Floyd died and the protests were most intense—but rather have continued.

The homicide and shooting data from Minneapolis, Chicago, Philadelphia, Milwaukee, and New York City recounted above suggest that, in general, homicides (and shootings) continued to be substantially above average throughout the months of June and July.

B. Seasonal Impacts. Another possible factor to be considered is whether the recent homicide spikes are simply a reflection of crime “seasonality”—that is, the well-known tendency for crimes in some cities to increase in the summer.³⁸ In Chicago, for example, homicides (and shooting crimes) usually increase in the warmer summer months and decrease in the colder winter months.³⁹

This seasonality theory is an unlikely explanation because the recent homicide spikes are far above ordinary seasonal variation. Seasonal effects were taken into account, for example, in the Rosenfeld-Lopez report, which used a structural break identifier that controlled for crime rates during the same week in the previous year. Thus, the structural break in the homicide data was in excess of what ordinary seasonal effects would predict. Similarly, in the figures above (for Minneapolis, Chicago, Philadelphia, Milwaukee, and New York City), a five-year baseline for homicides and shootings is depicted, which indicates crime levels for each particular week. The homicide spikes (and shooting spikes) are well above standard seasonal variation.

Finally, it is important to understand that the recent homicide spikes have occurred in cities across the country, harming cities with a variety of climates. For example, homicides have spiked not only in cities in the Midwest (such as Chicago) or the Northeast (such as New York City), but also in Austin, Fort Worth, San Antonio, Phoenix, Jacksonville, and Los Angeles.⁴⁰ Some studies find that crime seasonality is stronger in cities with colder winters and warmer summers.⁴¹ The existence of homicide spikes in cities with different climates across the country confirms that something other than seasonal variation is at work.

C. The COVID-19 Pandemic. It is hard to talk about any current crime trends in the United States without considering the COVID-19 pandemic and related government responses (such as stay-at-home orders and business closures). In theory, it would certainly be possible that the pandemic could cause increases or decreases in crime.

The limited available research, however, does not suggest that the onset of the COVID-19 pandemic in March 2020 generally increased crime—much less homicides. For example, the Rosenfeld-Lopez report concluded that, in general, property and drug crimes *decreased* during the spring of 2020. The one exception was commercial burglary, which abruptly spiked upward for a single week in late May—presumably because of looting associated with the George Floyd protests. Before publishing their most recent report, Rosenfeld and Lopez also teamed up with Thomas Abt to look at monthly crime trends during 2020. Looking at data from sixty-four cities, they found that average homicide rates *decreased* in April and May, as COVID countermeasures were put in place.⁴²

A similar conclusion was reached by Professor Abrams, who collected data from more than twenty-five large cities in the United States, looking at the short-term impact of the COVID-19 pandemic on crime. Examining data through about the end of May 2020, Abrams found that the pandemic’s onset led to “a *decline* in both violent and property crime by 19% overall. . . . The decline in crime began prior to [stay at home] orders and coincided closely in time to the substantial drop in mobility. . . . Some types of serious violent crime seemed unaffected by the pandemic onset, notably homicide and shootings.”⁴³

It is possible that the COVID-19 pandemic could trigger increases in specific crime categories. This point is illustrated by recent academic research linking the COVID-19 crisis and increasing domestic violence crimes. For example, Professors Leslie and Wilson found that, after social distancing began (and, presumably, more families were sheltering in place together), domestic violence service calls to police increased.⁴⁴

But extrapolating this association to homicides is not possible, because the timing does not fit. Leslie and Wilson found, for example, that the increase in domestic violence calls began around March 9, 2020, when significant social distancing started (i.e., more people were staying at home). If social distancing and related phenomena associated with the onset of the COVID-19 pandemic were responsible for the homicide spikes, then the spikes would be expected to develop around mid-March. And yet the data show the spikes appearing about ten weeks later, beginning around the last week of May.

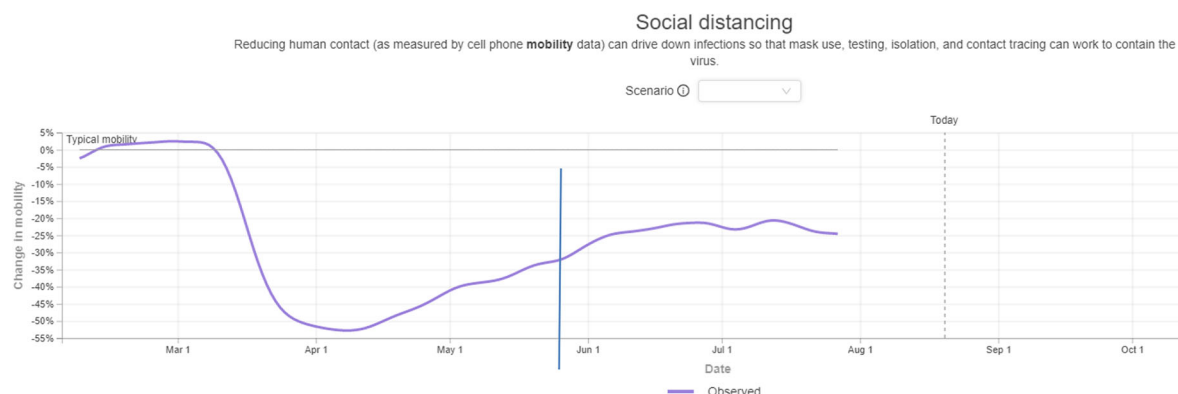
A variation of the “COVID caused crime” argument might be that the homicide spike is due to changes in routine activities. Senior Fellow John Roman at the National Opinion Research Center explained this theory in a recent newsletter. He argues that young men are stuck at home instead of working or going to school, and that other young men nearby are also stuck at home, with many unresolved disputes among them. The net result is a toxic situation that produced an explosion of pent-up violence.⁴⁵

This theory has the advantage of explaining some COVID-linked crime patterns. For example, residential burglary crimes are down, presumably because of a change in routine activity—more people are at home, keeping burglars away. But the theoretical framework for increases in stay-at-home activity triggering a sudden increase in homicides is unclear (with the important exception of domestic violence just discussed).

And, in any event, as an empirical matter, it is hard to see any data that would support the theory. For example, COVID-related data do not reveal any sudden changes in social mobility that coincide with late May. Figure 14 depicts changes in U.S. social mobility (with decreases reciprocally showing an increase in social distancing).

As shown in Figure 14, social distancing in the United States began around mid-March and social mobility was at its nadir in early April. If pent-up violence due to being confined at home was a trigger for homicides, then

Figure 14:
U.S. Social Mobility Based on Cell Phone Mobility Data (Feb.–Aug. 2020)



Source: Institute for Health Metrics and Evaluation, University of Washington

homicides should have begun increasing somewhere around mid-March to early April—rather than weeks later. As noted above, homicides did not appear to generally increase in cities in this country until around the last week in May.

Alternatively, if the theory is that release of people from stay-at-home orders caused gun violence, then we might expect to see some sudden change in social mobility connected with the homicide spike. But social mobility gradually began moving back toward normal levels after the beginning of April and throughout May and June. It remained at roughly the same level in July, although it has yet to fully regain its pre-pandemic level.⁴⁶ The vertical line in Figure 14 in late May—marking the onset of the protests and the subsequent homicide spikes—does not coincide with any sudden change in social mobility across the United States, much less a very abrupt change that could be expected to trigger significant increases in homicides.⁴⁷

It is also relevant that stay-at-home orders were imposed and expired with varying degrees of rigor and at varying times across the country. And yet the homicide spikes all seem to have originated at roughly the same time in late May. Here again, a theory linked to changes in social activity does not appear to fit the homicide data well.

Finally, a problem with the COVID-based explanation is that the pandemic was generally widespread in cities throughout the country.⁴⁸ On the other hand, the homicide spikes are often concentrated in particular neighborhoods. Without some further development, the COVID explanation does not appear to fit the data well.

To be sure, the COVID-19 pandemic and associated public health responses may well have played (and may well continue to play) a role in overall crime trends. The narrow point here is that, at least as measured by changes in social mobility, COVID-19 does not appear to be responsible for triggering the homicide spikes.

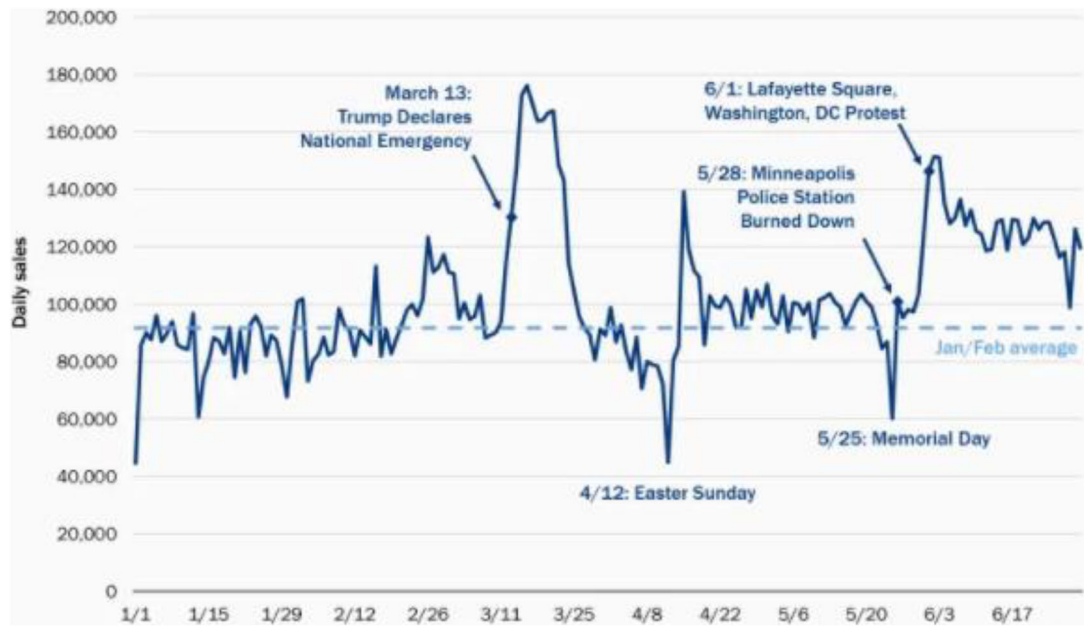
D. Increase in Firearm Purchases. Another possible explanation for the homicide spikes is that a surge in

firearm purchases led to more gun violence. This issue has been explored in a paper by Professor Julia Schleimer and several colleagues.⁴⁹ They report that about 2,109,000 “excess” firearms were purchased in the United States during March–May 2020 (i.e., substantially more firearms than would have been purchased normally within that time frame). The three-month increase included 947,000 excess purchases in March, 550,000 in April, and 610,000 in May. The authors hypothesize that this increase in firearms led to an increase in firearm violence during those three months. The authors used multivariate regression to control for possible confounding factors, although the controls they included (COVID-19 cases, stay-at-home orders, social movement, precipitation, and temperature) are very limited, entirely ignoring law enforcement and other criminal justice variables—a significant omission, given the potential significance of the law enforcement issues discussed below. The authors found a small (8%) increase in firearm violence, which they attributed to the increase in firearm purchases.

Here again, as an explanation for the sharp homicide spikes appearing in late May, the increase in firearm purchases appears to be a poor candidate. As the firearm purchase numbers above indicate, the most significant increase was in March 2020—well before the homicide spikes. Indeed, on close examination of the study, it is interesting to note that actual firearm violence in March and April was not higher than what the study’s model predicted. The only month for which actual firearm violence exceeded what the model predicted was May⁵⁰—when the homicide spikes began. Thus, the model they used is very sensitive to the time periods included.

To look at the trends in firearm purchases more precisely, the Brookings Institute collected daily firearm sales data for January–June 2020.⁵¹ The trends in firearm purchases do not appear to correspond to the homicide spikes, as shown in Figure 15. As is apparent, the biggest increase in firearm sales occurred around mid-March, well before the late-May spike.

Figure 15:
Daily Firearm Sales (2010–20)



Source: Brookings Institute (based on data from NICS database on background checks conducted)

Another significant reason for rejecting the “excess firearms purchased” theory is that, from the relevant reports, firearms were broadly purchased across the entire country following the start of the pandemic.⁵² And yet the homicide spikes appear to usually be concentrated in a few, high-crime urban neighborhoods. For example, in Chicago, many of the homicides have been committed in particular neighborhoods in the city’s South Side and West Side.⁵³ A general increase in firearm purchases across large geographic areas seems unlikely to explain concentrated increases in homicides.

Finally, the United States already has a huge number of firearms in private hands—about 400 million by some measures.⁵⁴ Against this backdrop, a recent increase of 2 million gun sales (about 0.5% of the total) seems like a poor candidate for explaining sudden and dramatic changes in homicides.

E. Rising Unemployment. Another theory for the cause of the homicide spikes is the increase in unemployment caused by the pandemic. The theory is that, as unemployment increased, the result was more homicides. The theory could draw on support from other research, pointing (although not conclusively) to a link between unemployment and crime.⁵⁵

To be sure, the COVID-19 pandemic caused a dramatic increase in unemployment, as shown in Figure 16.⁵⁶ But, once again, the timing of changes in unemployment does not correspond with the homicide spikes. The massive surge in unemployment began in mid-March and continued to be far above average through July. Also, unemployment claims reached their peak in early May and then began declining. As shown by the vertical line in the graph,

this pattern does link to the abrupt spike in homicides and shootings that followed shortly after late May.

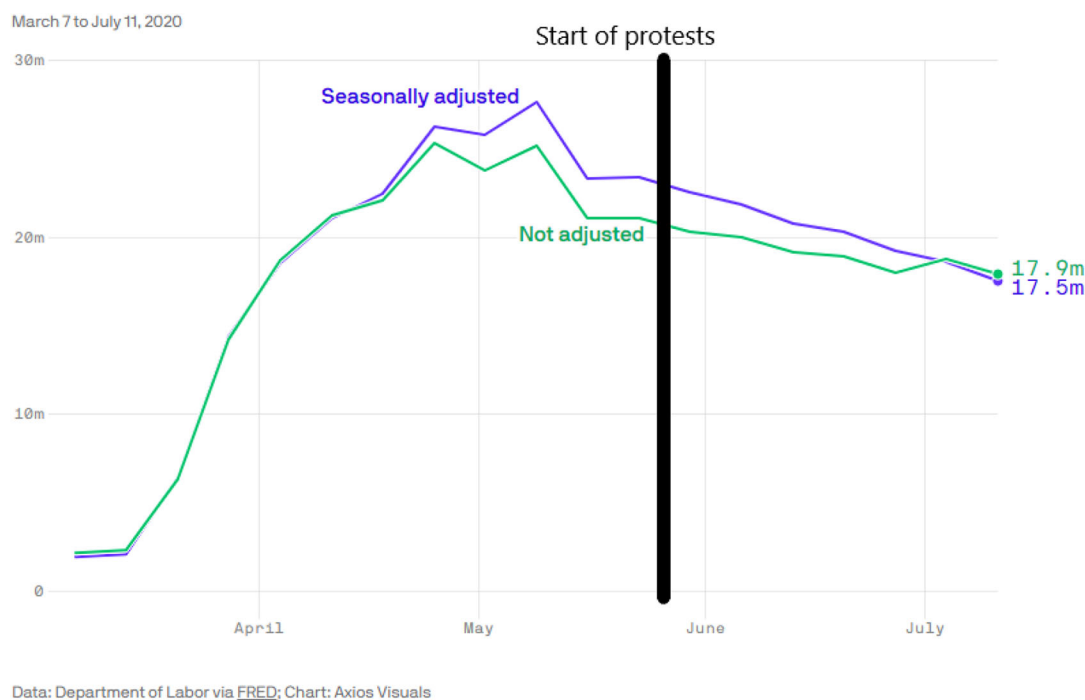
In addition, in an effort to mitigate the economic consequences of the pandemic, Congress enacted federal legislation that provided unemployment assistance: the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The Act provided a \$600 weekly unemployment benefit—a benefit that continued until the end of July, well after the beginning of the homicide spikes. The Act also attempted to protect low-income families from eviction, by providing a 120-day federal eviction moratorium. Although the provision expired in July, landlords were not permitted to begin eviction proceedings for an additional thirty days. And ultimately the moratorium was extended as a public health measure.⁵⁷ These relief measures mitigated the effects of unemployment while homicides were spiking.

Another significant problem with pinning the homicide spikes to unemployment is that increases in unemployment have more often been linked to increases in crime generally or to increases in property crimes—not to increases in homicides and related violent crimes in particular.⁵⁸ No substantial theoretical basis exists for projecting that rising unemployment—even sharply rising unemployment—would uniquely cause gun violence to increase while leaving other forms of crime unaffected.

Finally, it is interesting to note that the last significant economic downturn—the Great Recession of 2008—did not seem to have much of an effect on crime rates. If anything, crime rates went down.⁵⁹

For all these reasons, changes in unemployment rates are a poor candidate for explaining the homicide spikes.

Figure 16:
U.S. Unemployment Claims



Source: U.S. Department of Labor Statistics

VI. Law Enforcement–Related Explanations for the Homicide Spikes

Having eliminated all of the other most plausible (and most commonly mentioned) explanations for the recent homicide spikes, the law enforcement possibility emerges as the most probable candidate. This may seem an unsurprisingly conclusion, since “[i]f we take it as an axiom that the police deter crime, it is natural to think that when the patterns of crime start changing systematically, the police must have played some role.”⁶⁰

This section explains why reduced proactive policing (sometimes referred to in the academic literature as “de-policing”) is the most logical explanation for the recent homicide spikes.

A. De-policing and Delegitimizing of Police as Possible Explanations. The Rosenfeld-Lopez report raises the possibility that changes in law enforcement in the wake of the George Floyd protests caused the homicide spikes. The report compares the recent homicide spikes with the homicide increases that occurred about five years ago in some American cities, including Chicago, Baltimore, and Ferguson, Missouri.⁶¹ These homicide increases also occurred in the wake of widespread protests against police violence—protests initially triggered by the police killing of Michael Brown in Ferguson.

At the time, some observers argued that a “Ferguson Effect” was responsible for the crime increases.⁶² The term “Ferguson Effect” was coined by St. Louis Police Chief Sam Dotson III in late 2014.⁶³ The essential idea was that, in the

wake of antipolice protests after the events in Ferguson, officers were disengaging from discretionary enforcement activities—and criminals felt empowered. Heather Mac Donald further popularized the term in a *Wall Street Journal* op-ed in May 2015.⁶⁴

The theory I will advance here is that a reduction in discretionary law enforcement activities—that is, a “Minneapolis Effect”⁶⁵ akin to the earlier Ferguson Effect—explains the abrupt homicide spikes that have occurred in the last several months. The theory is straightforward to articulate: In the wake of the antipolice protests surrounding George Floyd’s death, less policing has occurred.⁶⁶ For example, police have been redeployed to manage the protests, diverting them from antigun patrols and other activities that deter the carrying of illegal firearms.⁶⁷ And even after protests began to wane, police have pulled back from some kinds of proactive policing—that is, self-initiated policing methods designed to reduce crime by using preventive strategies, such as street stops or antigun patrols.⁶⁸ These reductions have resulted from the protests or other attacks on police, as police have (for various reasons) pulled back from aggressive efforts to combat gun crimes. Likewise, law enforcement capabilities have been diminished by reduced funding and other setbacks (such as increased retirements due to demoralization). The consequence of reducing law enforcement activity directed against gun violence has been, perhaps unsurprisingly, an increase in gun violence.

In contrast to reactive policing (that is, simply responding to a crime that has already occurred), proactive policing may be particularly effective in discovering and removing illegal firearms from the hands of criminals and thus in deterring the illegal carrying of firearms in the first place. In fact, proactive policing is one of a relatively small number of police practices that empirical studies have shown to be likely to reduce gun crimes directly.⁶⁹ Some studies indicate that proactive policing may specifically reduce firearm-related crimes but not other violent crimes or property crimes.⁷⁰

Thomas Abt has recently and thoughtfully discussed a wide range of possible responses to homicides. But one point is particularly relevant to the recent developments. Abt discusses “hot spot” policing, explaining that “[w]hether a hot person carries a hot gun in a hot spot depends on, among other things, supply and demand. To reduce the demand for illegal firearms among dangerous people in dangerous places, the risk of apprehension must be high.”⁷¹ If recent developments have reduced the risk of apprehension for carrying illegal firearms or for commitment of gun crimes, the likely result is that gun crimes have increased (i.e., a Minneapolis Effect occurred).

This straightforward argument suggests that a likely cause of recent homicide spikes might be changes in proactive policing in various forms. To explore this hypothesis, it would be ideal to have comprehensive measures of all forms of policing activity, with subsets of proactive or other types of policing that might be particularly important in fighting gun violence. Unfortunately, such information is not readily available, although some law enforcement agencies do keep track of some forms of policing (e.g., the number of street stops or vehicle stops). These data are typically available only at the city level, which suggests that case studies of particular cities may be required to explore the hypothesis.

The idea that a new Minneapolis Effect (like the earlier Ferguson Effect) might be causing the homicide spikes in Minneapolis and other cities was thoughtfully discussed by Rosenfeld and Lopez. But rather than immediately endorse the conclusion, they pointed to two possible ways of describing the Ferguson Effect. As they explained in connection with the homicide spikes from several years earlier, crime increases might be caused either by “de-policing” or, alternatively, by “delegitimizing” of the police:

Analysts tied the heightened violence [in 2014–16] to two versions of the so-called Ferguson Effect. The first connects the violence to “de-policing,” a pullback in law enforcement. The second essentially turns this explanation on its head and connects the violence to “de-legitimizing,” positing that communities, disadvantaged communities of color in particular, drew even further away from the police due to breached trust and lost confidence. As a result of diminished police legitimacy, fewer people reported crimes to

the police or cooperated in investigations, and more engaged in street justice to settle disputes.⁷²

In their July 2020 report, Rosenfeld and Lopez conclude that “[i]t remains unclear whether either of these theories explains the previous rise in violence, much less today’s increase.”⁷³ They urged further investigation of the topic—and, as they encouraged, this article will now explore the evidence for a Minneapolis Effect, in either its de-policing or its delegitimizing form.

B. De-policing in Specific Cities. To analyze whether changes in law enforcement can explain what is happening today, one approach is to drill into the data from particular cities. It may be useful to look specifically at the five cities we examined above, as case studies for possible changes in policing.

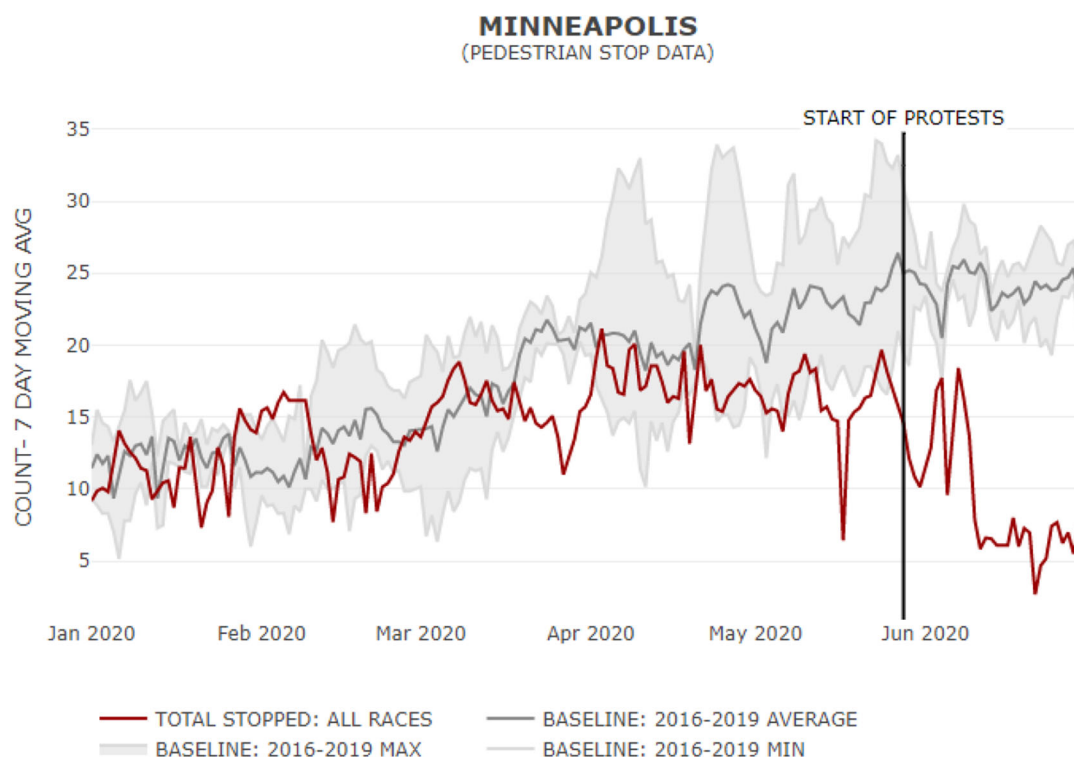
1. Minneapolis. First, consider Minneapolis—the city of origin of the George Floyd protests and thus the city for which the Minneapolis Effect is named. What could explain the pattern of sharp and sustained increases in homicides and shots fired in Minneapolis with no parallel sustained increase in property crimes?

The sequence of relevant events strongly suggests the possibility of a decline in policing. After Floyd’s death, antipolice protests quickly followed, which escalated to the looting of businesses. As the protests turned violent, the Mayor made a decision to surrender the MPD’s Third Precinct headquarters to protesters. Crowds broke in and set fire to the building—which left many police officers feeling abandoned.⁷⁴ Shortly after the initial riots ended, nine members of the Minneapolis City Council pledged to begin the process of abolishing the MPD.⁷⁵ And the police officers involved in Floyd’s arrest were charged with either committing or aiding and abetting murder.⁷⁶

In the wake of these events, some city residents said that officers were pulling back from aggressive police work.⁷⁷ Following the defunding efforts in the City Council (which it approved on June 15), residents reported a notable decrease in police presence—“All you see now is them [the police] with their windows up,” one resident told reporters.⁷⁸ In the two months following Floyd’s death, the MPD lost at least 100 officers, straining department resources.⁷⁹ Some of the officers resigned because they felt a lack of support from city leaders.⁸⁰ Additionally, another seventy-five took medical leave for post-traumatic stress disorder that they identified as coming from the riots after Floyd’s death. Police union leaders reported that Minneapolis police officers “are not going to put themselves out there to get the proactive stops to get the guns off the street . . . [b]ecause they don’t feel supported, after the fact.”⁸¹

In addition, reports emerged of officers’ reluctance to enter certain high-crime areas. For example, the *Minneapolis Star Tribune* noted that homicides began to increase at the same time as (among other things) “the reluctance of some Minneapolis officers to take initiative amid intense scrutiny.”⁸² One Minneapolis City Council member questioned police officers’ apparent reluctance to enter

Figure 17:
Minneapolis Pedestrian Stops (Jan.–Aug. 2020)



Source: Minneapolis Police Department data (accessed through citycrimestats.com)

the area surrounding Floyd’s memorial, an area described by the *Star Tribune* as “a long troubled corner” that was the close to several shootings after Floyd’s death. The council member said that “[p]eople in this area, they’re not experiencing slow response [to calls to police for service], they’re experiencing no response. They’re being told that this is called a no-go zone by MPD.”⁸³ Complaints about slower response times went up, which police attributed to patrol squads throughout the city being increasingly stretched thin.⁸⁴

The number of gunfire incidents also appeared to overwhelm available law enforcement units. In a class-action lawsuit filed against the City in late July, a group of neighborhood residents in a high-crime area alleged that it had been deprived of adequate policing and had regularly been told to call 311, instead of 911, whenever there were shots fired but no victims.⁸⁵

These qualitative suggestions of less policing in Minneapolis clearly show up in the post-protest policing data. Figure 17 depicts the pedestrian stop data; by this measure of policing, Minneapolis policing was substantially below historical averages following the protests. The same pattern of a decline in policing is seen in vehicle stop data, depicted in Figure 18.

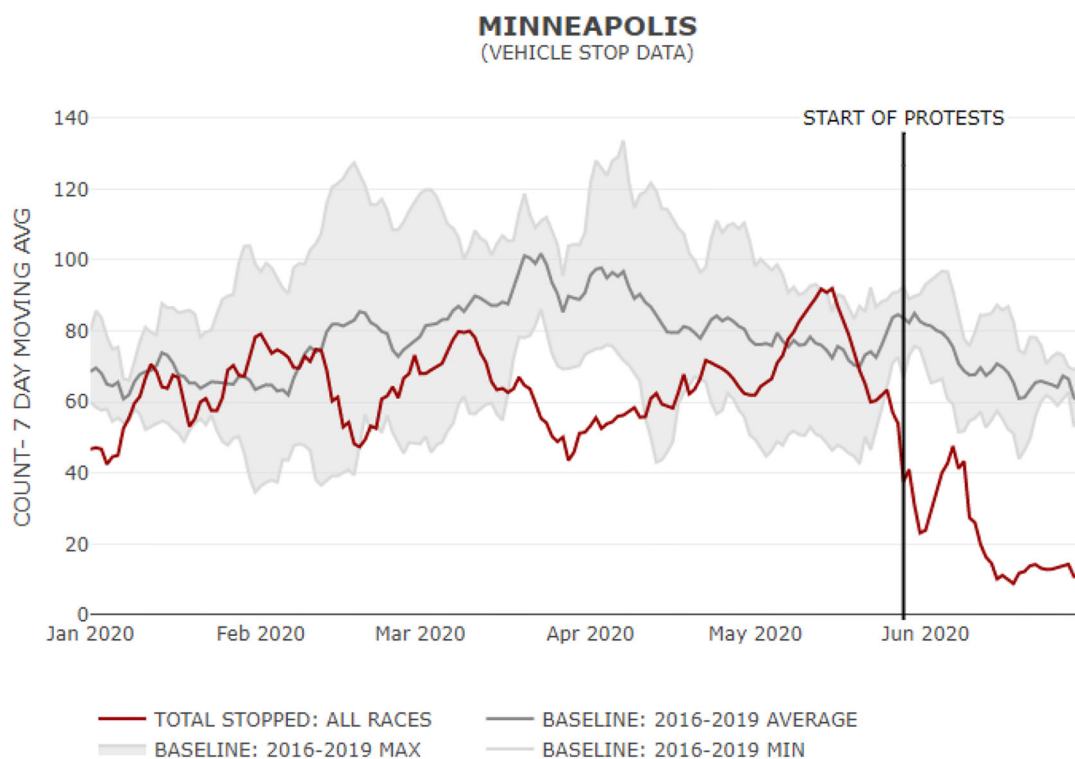
The Minneapolis Effect is thus easy to see in the Minneapolis data. Following the protests (and violence and looting) in the city, proactive policing fell for various

reasons. The apparent consequence was increased homicides and other gun-related crimes.

As this article was being finalized, the *Star Tribune* published a data-driven story that confirmed the decline in policing in Minneapolis. On September 10, 2020, the *Star Tribune* reported that, from June through August, apart from the fact that the National Guard was deployed in response to riots, “nearly every other metric of police activity fell sharply compared to last year, and across every precinct.”⁸⁶ For example, police stops and officer-initiated calls dropped by more than half, use-of-force incidents fell by two-thirds, and traffic-related incidents and patrols became far less common. The dramatic reduction in stops and officer-initiated calls is particularly significant for the thesis of this article, because these data suggest that the MPD became significantly less proactive as shootings and homicides were spiking. Instead, the department focused on simply responding to 911 calls, with law enforcement responses slightly lower than last year’s levels, partially due to staffing shortages (among other causes).

Could this decline in policing—the Minneapolis Effect—be the result of delegitimizing of the police? Obviously, George Floyd’s death raised significant questions about the MPD. But it is also fair to note that the officers involved were swiftly charged with homicide. And the Minneapolis City Council also rapidly considered ways to improve the police department—a department that for

Figure 18:
Minneapolis Vehicle Stops (Jan.–Aug. 2020)



Source: Minneapolis Police Department data (accessed through citycrimestats.com)

several years has been led by its first African American chief, Medaria Arradondo.⁸⁷

Assessing the extent to which any delegitimization of the police affected crime rates requires some way of measuring delegitimization. Professor Rosenfeld's 2017 article helpfully sets out ways in which community alienation from the police can be measured. Pointing to an influential study from Milwaukee, Rosenfeld noted that calls for police service (i.e., 911 calls) can serve as a measure of police-citizen cooperation.⁸⁸ The idea is that, if the delegitimization theory is correct, then calls for police service should decline following a controversial use-of-force incident.

Before turning to the Minneapolis 911 call data, it does appear (particularly in recent months) that the main concern in the city has been that police are not responding to 911 calls quickly enough. For example, Steve Fletcher, a City Council member, recounted that during the first weekend of the civil unrest, he started getting calls on his cell phone from business owners who were being robbed. As Fletcher explained, "I was realizing, oh, my God, people are calling me because they can't get through to 911, and nobody is responding even if they do get through to the police. No one is coming."⁸⁹ The initial unrest produced such substantial problems with 911 calls that, a few days later, the Associated Press in Minneapolis was forced to fact-check a video claiming that no officers were available to respond to 911 calls—a joke video, but carrying

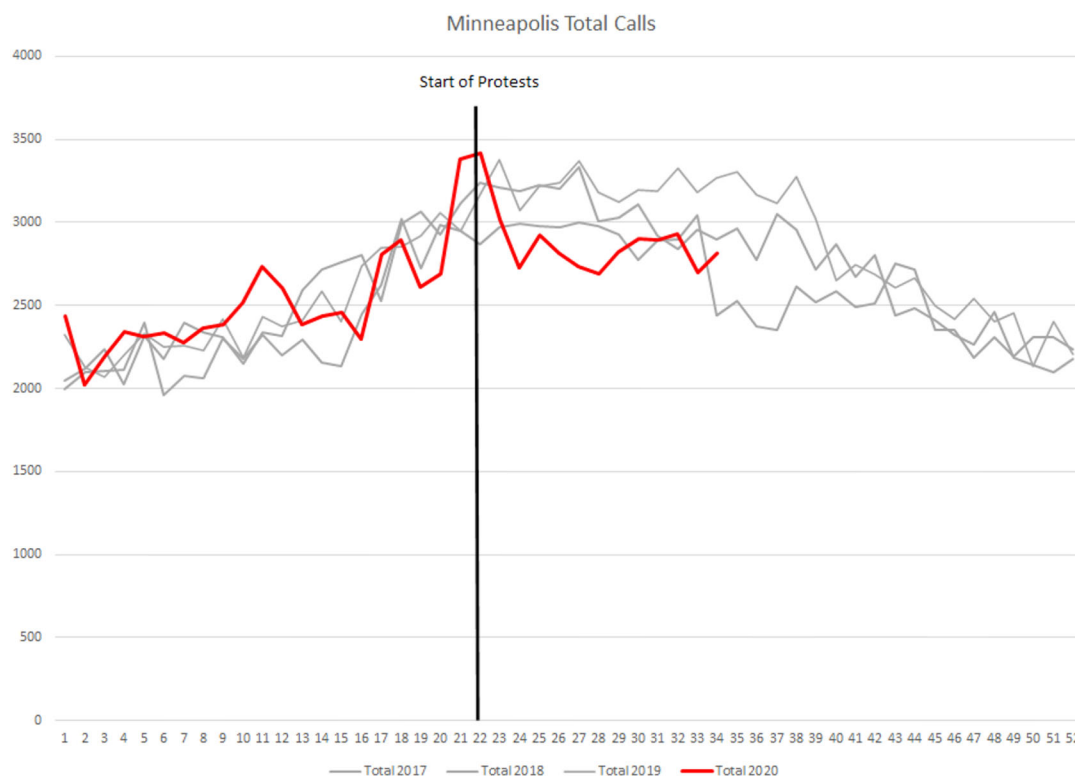
a message that many Minneapolis residents apparently thought was true.⁹⁰

In addition, in one high-crime precinct (the Third Precinct), a community outreach spokesperson for the MPD told residents in mid-July that she was unable to guarantee any pro-active policing for the area: "911 calls will be answered, but temporarily, we cannot count on directed patrols or other proactive measures"—presumably because such measures had become less of a priority in the wake of George Floyd's death and other more urgent matters requiring police attention.⁹¹

Moreover, a recent poll (based on early August 2020 polling responses) in the *Star Tribune* found that most city residents did not want to reduce the size of the police force, with more Black voters (50%) than voters overall (44%) arguing against reducing the size of the force.⁹² One Black respondent was quoted in the story as worrying that fewer officers would mean delayed responses to 911 calls.

The issue of inadequate response to 911 calls even reached the courts. Residents of the East Phillips neighborhood filed a handwritten complaint in federal court, raising a Fourteenth Amendment Equal Protection challenge to inadequate policing in their neighborhood. The complaint alleged that "[w]e as a community have been told to call 311 instead of 911 when bullets fly."⁹³ This qualitative information does not suggest that Minneapolis residents were systemically declining to call the police.

Figure 19:
Minneapolis 911 Calls for Police Service (Jan.–Aug. 2020)



Source: Minneapolis Police Department data (2017, 2018, and 2019 data also depicted)

Turning to the quantitative data, no substantial decrease in 911 calls appears around the time of George Floyd's death and the subsequent protests. The MPD has provided to me their data on weekly calls for police service in 2020 (as well as three previous years, 2017–19, to provide a control for seasonality). The total volume of weekly calls for the first eight months of 2020 is depicted in Figure 19.

Week 22 (Tuesday, May 26, through Monday, June 1) is the critical week of interest. Following Floyd's death on May 25, protests began midday on May 26.⁹⁴ Minneapolis sustained extraordinary damage from rioting and looting during May 27–29. Calls during that week were the highest of the year in Minneapolis—perhaps because of the flood of calls discussed above. Calls then returned to a roughly normal pattern. This pattern does not support the delegitimization theory for the Minneapolis homicide spike, which would predict a sustained decline in 911 calls due to a disaffected citizenry.

One possible criticism of this approach is that, in looking at 911 data for all of Minneapolis, a decline in legitimacy in certain neighborhoods might be obscured by data from other neighborhoods. To test this possibility, more granular data are required. The MPD can disaggregate its 911 call data by police precinct (there are five precincts in the city). Even viewing the precincts separately (for example, comparing the Third Precinct, where George Floyd died and where the precinct headquarters was later burned, with the

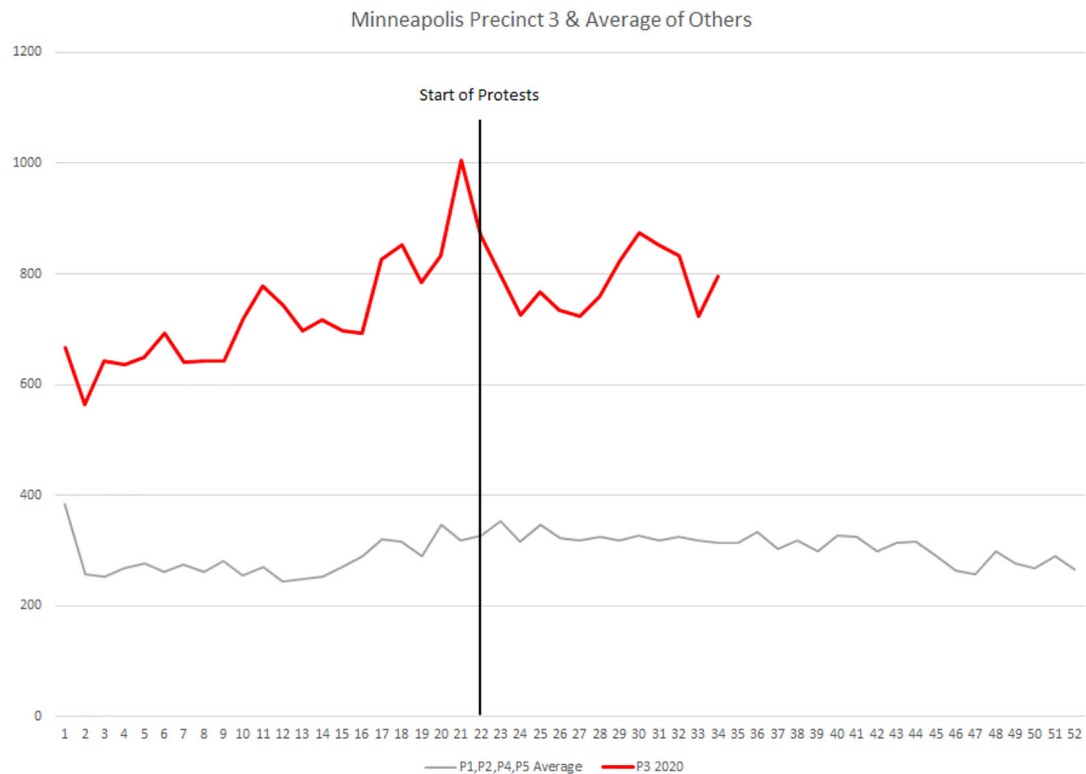
average for other police precincts), no noticeable and sustained decline in 911 calls occurred, as shown in Figure 20.

In addition, recall that the homicide and shooting spikes needing to be explained were sudden, substantial, and sustained. The 911 call data do not fit that pattern—suggesting that some sort of “delegitimizing” of the police does not appear to explain Minneapolis's homicide and shooting spikes.

2. Chicago. Chicago is another large American city where homicides and shootings have spiked substantially—and the spikes began immediately following large antipolice protests in Chicago that required a significant police response.

Like other major cities, Chicago witnessed substantial antipolice protests following Floyd's death on May 25, 2020.⁹⁵ On May 29, demonstrators shut down several downtown streets. On May 30, protests escalated, and one person died and six others were shot. A dozen police officers were injured. Protests “evolved into criminal conduct” (as Mayor Lori Lightfoot put it) and protesters and looters did extensive damage to businesses on Michigan Avenue. The next day, Mayor Lightfoot asked the Illinois Governor to summon the National Guard to Chicago for the first time in fifty-two years (the last time was during the 1968 riots). The economic costs of the protests and looting in Chicago through June 1 were estimated at around \$66 million. And, as noted above, on May 31, eighteen people were murdered in Chicago, making it the single most violent day in six decades.⁹⁶

Figure 20:
Minneapolis 911 Calls for Police Service, Precinct 3 vs. Other Precincts (Jan.–Aug. 2020)



Source: Minneapolis Police Department data (2017, 2018, and 2019 data also depicted)

Antipolice protests continued in Chicago, and a curfew was imposed through June 7.⁹⁷ Protesters marched through a neighborhood where Chicago police officers lived. Protests continued through June and July.⁹⁸ On July 17, eighteen police officers were injured, as police reported “being outnumbered and unprepared.”⁹⁹

Sadly, the looting in Chicago did not end in July. On the evening of August 9–10, after an officer-involved shooting, hundreds of people rioted in downtown Chicago. They targeted Chicago’s famed “Magnificent Mile,” where dozens of stores were looted, at a cost of over \$60 million in damages. And at least thirteen police officers were injured.

In light of these events, the theory advanced here is not that the protests themselves produced murders and shootings. Instead, the theory is that as police have had to respond to the protests and their surrounding violence—and deal with subsequent policing and investigations associated with those protests—day-to-day policing (particularly proactive policing) has suffered.

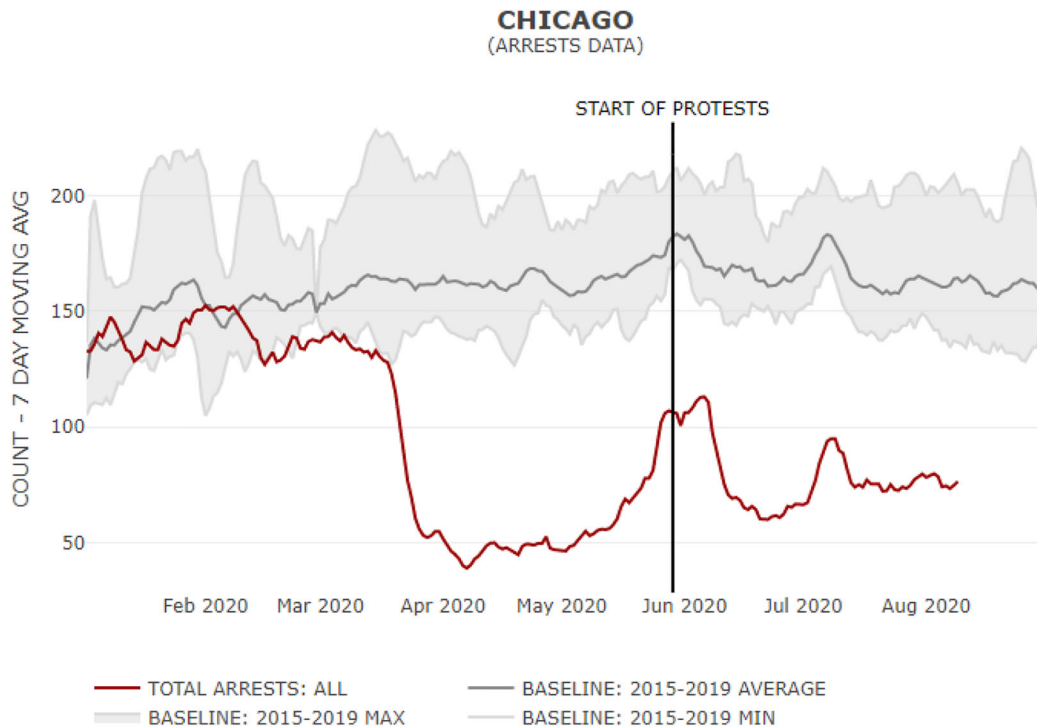
Evidence suggests that proactive policing in Chicago declined during June, dropping substantially below normal levels. For example, during June 1–28, traffic stops dropped by 86%, street stops by 74%,¹⁰⁰ and arrests by 55% compared to the same period in 2019.¹⁰¹ And murders were up in Chicago by a staggering 83% compared to the same period in 2019.

But simply pointing to these changes in policing, by itself, seems unlikely to explain what is going on in Chicago. From mid-March to mid-April, policing was also down substantially. Traffic stops fell by 84%, street stops by 64%, and arrests by 70% compared to that same period in 2019. And murders fell by 13%.

Precisely why policing activity diminished in Chicago from March through July is a point of contention. Chicago Police Superintendent David Brown attributed the decline to reduced social mobility due to COVID-19—arguing that fewer people were on the streets and thus fewer stops and arrests needed to be made.¹⁰² But social mobility appeared to reach its nadir in late March and significantly increased throughout April, May, and June.¹⁰³ Thus, if policing levels dropped to a new low in March and remained low (as the numbers above suggest), then police would have had to gradually increase the number of officers on the streets to maintain constant levels of policing.

But these events involve more gradual trends extending over several months. So what caused the sudden spike in homicides beginning in late May? Here the protests seem like the most likely decisive factor—and the mechanism by which the protests caused the homicide increase is depolicing, which the protests created in a variety of ways. Superintendent Brown offered a very straightforward explanation of the mechanism for his city, explaining that

Figure 21:
Chicago Total Arrests (Jan.–Aug. 2020)



Source: Chicago Police Department data (accessed through citycrimestats.com)

“[e]very time we have to drain our resources for protests, the people on the West Side and the South Side suffer.”¹⁰⁴ In that sense, what is going on might be described not so much as “de-policing” as “redeployed policing”—that is, the protests caused the police to be redeployed from their ordinary day-to-day work and they were instead put to the task of managing protesters or to being placed in positions to deter the looting of businesses.¹⁰⁵ And while they were working on tasks associated with the protests, violence spiked in the areas from which they were missing.

This pattern is suggested by Chicago arrest data. As shown in Figure 21, arrests declined substantially when the COVID-19 lockdowns began, but were returning toward normal levels when the protests started. After that, through June and July, arrests in Chicago were at roughly half of their historical levels.

To be sure, arrest data alone do not provide a perfect measure of policing trends. As Professor Rosenfeld (among others) has observed, other things being equal, police will make more arrests when there are more crimes, and fewer arrests when there are fewer crimes.¹⁰⁶ Accordingly, using a ratio of arrests to crimes is a better indicator of police enforcement. But assembling such a ratio for Chicago might only increase the suggestion of de-policing presented in Figure 21. While arrests (for all crimes) were declining or remaining stable after the start of the protests, shooting offenses were dramatically increasing, which means that the arrest-to-offense ratio could have been declining as well.

De-policing could also have been compounded by other factors. John Catanza, president of the Chicago Fraternal Order of Police, argued that following the protests, the police were moving into a more defensive posture, because they were under attack and not receiving support from the Mayor or other leaders. As he put it, the criticism of police in the wake of the protests is “going to cause officers to pause and say: ‘I want to go home today safe. I want to make sure I keep my job. And I want to make sure I don’t go to jail.’ It’s not going to be ‘react first’ unless it’s a life-and-death situation.”¹⁰⁷

During the summer, Chicago police officers also began retiring at double the normal rate.¹⁰⁸ Because of the timing involved (retirements apparently surged after the start of the protests), this factor would not explain the start of the spike but could have contributed to its continuance.

In addition to factors involving law enforcement, issues surrounding subsequent prosecutions may have played some role in the spike. Police have pointed to the fact that—as a result of changes in Cook County’s pretrial release procedures—even where police made arrests, violent-crime suspects were more likely to be released back into their communities.¹⁰⁹ A study by Professor Richard Fowles and me has confirmed an increase in violent crimes committed by pretrial releasees under the new and more generous release procedures adopted by Cook County in September 2017.¹¹⁰ Given that the new procedures were adopted three years ago, it does not seem logical to consider them a trigger for the spike

Figure 22:
Chicago 911 Call Data (Jan. 1, 2017–July 2020)



Source: Cook County, Illinois

beginning in late May 2020. But they certainly could have compounded the de-policing factors noted above, by making policing less effective in what Police Superintendent Brown has derided as a “catch-and-release” system.¹¹¹

Similarly, a recent analysis by the *Chicago Tribune* found that the new Cook County State’s Attorney (Kim Foxx) has dropped substantially more cases than her predecessor.¹¹² But, again, this seems like a compounding factor, rather than an initiating factor, for the de-policing that appears to have caused the spike in homicides and shootings.

Finally, what about the competing possibility that the Chicago Police Department might have become delegitimized? It is interesting to observe that in April 2020, Chicago hired a new Police Superintendent, David Brown, an African American who was brought in to (among other things) help improve the department’s relationship with the city’s African American communities.¹¹³ It is also worth noting that as homicides spiked in Chicago, some residents of high-crime neighborhoods said that they welcomed more police presence, including the federal strike force that was sent to the city.¹¹⁴

In any event, there are some data that shed light on the possibility of delegitimization. Depicted in Figure 22 are Cook County, Illinois, 911 call volume data. While a decline in calls is evident during March and April 2020, when Chicago (like many other large cities) largely shut down in response to the COVID-19 pandemic, calls returned to normal levels during May, June, and July 2020 (the last three months for which data are available).

To be sure, it would be ideal to have more granular data, perhaps tabulated weekly and disaggregated into particular neighborhoods. But the data that are available provide no support for delegitimization causing the homicide spikes. De-policing seems more likely.

3. Philadelphia. Philadelphia, one of the largest cities in America, is also suffering a terrible homicide and shooting spike. For example, 180 people were shot in May, 201 in June, and 215 in July. The next-highest monthly tally over

the previous five years was in August 2015, when 162 people were shot.¹¹⁵

While homicides and shootings were increasing, Philadelphia police were responding to a series of ongoing protests.¹¹⁶ On May 30, a few days after the protests started, thirteen officers were injured,¹¹⁷ and the city was forced to institute a curfew. Protests continued. In mid-June, a defund-the-police rally took place near the future headquarters of the Philadelphia Police Department. Tensions rose throughout the month and, on June 23, demonstrators tried to remove a Christopher Columbus statue—leading to a clash with counterdemonstrators chanting “U.S.A.”

In early July, Philadelphia Deputy Police Commissioner Melvin Singleton explained how police operations had been hampered by the protests:

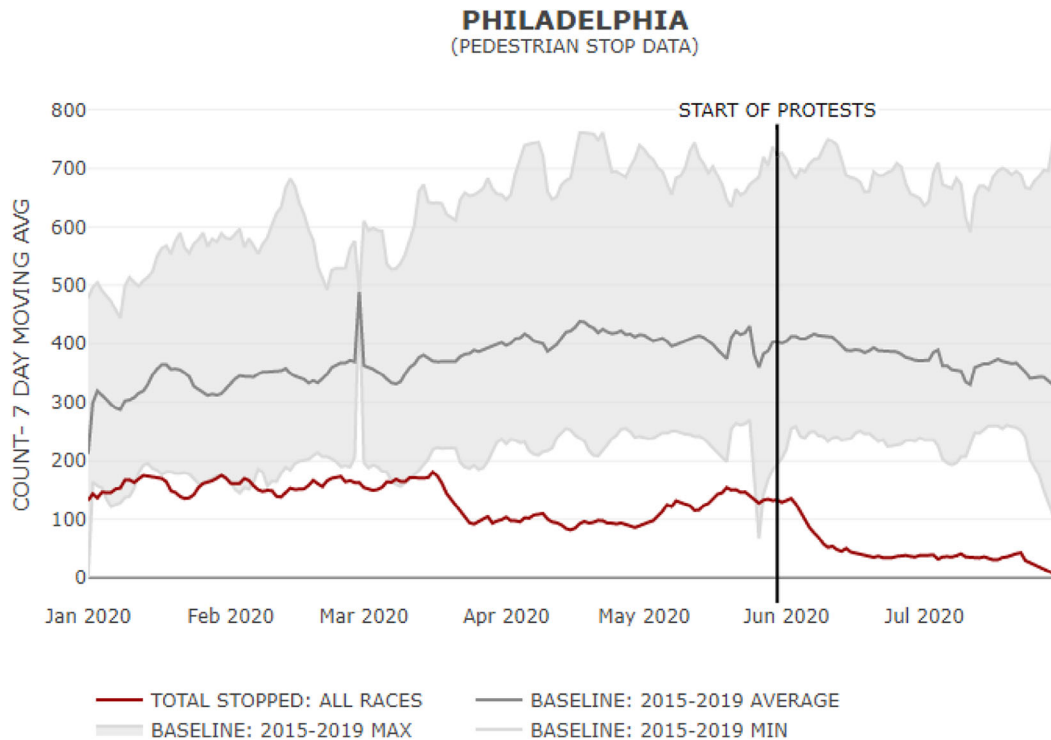
The civil unrest has been constant and ongoing in Philadelphia, and we need heavy deployment to keep opposing groups away from each other. We’ve seen more demonstrations than ever before, and it has lasted from morning into the night. It requires us to consistently pull officers into protest response, and that takes away from the street response.¹¹⁸

Commissioner Singleton also noted that the protests had harmed the city’s hot spot policing, observing that protest responses have “contributed to a reduced number of officers on the street in our pinpoint areas, where we are focusing our data-driven, intelligence-led, offender-focused resources. Some of those areas are not as heavily policed as they should be, and that is impacting our violence.”¹¹⁹

The Deputy Commissioner’s concerns are reflected in Philadelphia policing data. Figure 23 depicts the pedestrian street stop data, illustrating that stops, already below historical trends when the protests started, fell even further in the wake of the protests.

Vehicle stop data show the same general trends for 2020.¹²⁰ Stops declined substantially in March, as the COVID-19 shutdowns began, but after that were generally

Figure 23:
Philadelphia Pedestrian Stop Data (Jan.–July 2020)



Source: Philadelphia Police Department data (accessed through citycrimestats.com)

returning to normal levels. Then the protests started and vehicle stops plunged, as shown in Figure 24.

As noted above in regard to cities, pedestrian stops and vehicle stops are only a part of the overall picture of policing in Philadelphia. But the big picture seems to be clear: in June and July 2020, Philadelphia was unable to police gun violence the way that it had before—and gun violence soared at exactly the same time.

4. Milwaukee. As noted above, Milwaukee is one of the cities that has seen a dramatic increase in homicides since late May. And Milwaukee also saw significant antipolice protests in the wake of George Floyd’s death.¹²¹ On May 29, hundreds of protesters blocked city highways. There were reports of looting and what Wikipedia described as “mild arson.” One police officer was, as described by Wikipedia, “mildly injured by gunfire.” As of June 9, protesters had been demonstrating for twelve days.

While protests were occurring in Milwaukee, proactive policing was declining—and homicides were spiking. During the first month of protests there, the Milwaukee Police Department saw twenty-six sworn members either resign or retire—the general sense was that morale in the department was “terrible.”¹²²

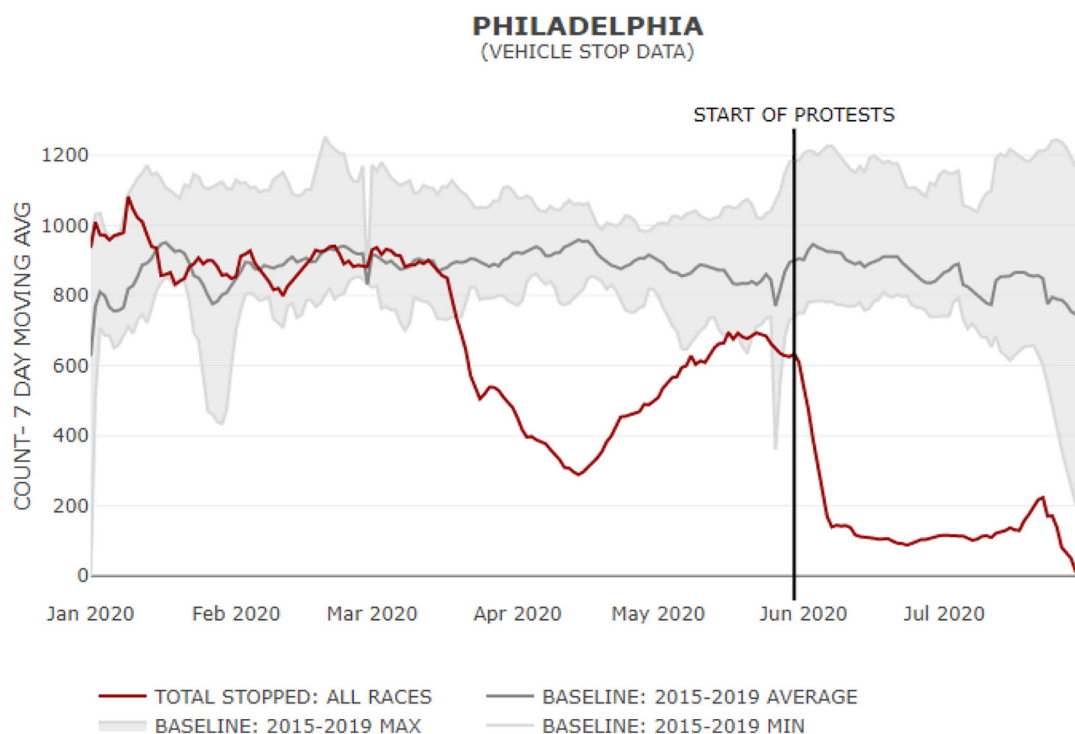
While I have been unable to locate hard data on proactive policing in Milwaukee during June and July, several leaders in the Milwaukee Police Department have discussed the trends. Inspector Leslie Thiele explained that “we’re doing the best we

can. Our officers are still out there taking their assignments, and some are still trying to be proactive. But, overall, I think the feeling is that they’ll do what they have to do but proactive policing is minimal right now.”¹²³ Part of the concern is the fear of officers becoming involved in the next viral incident of alleged police misconduct: “We’ve had younger officers who have been on for a year to ten years, and have resigned because they’re not willing to put their families through any news stories that would come out if they were involved in anything. It has been difficult, and morale is low.”¹²⁴

Similarly, Milwaukee Police Inspector Terrence Gordon noted the role of protests in diverting police: “[T]he fact that police departments in major cities are distracted right now is a contributing factor everywhere. It is definitely an issue here. Our department is distracted with politics, inquiries, demonstrations, everything you can imagine except serving the neighborhood we come to work to serve.”¹²⁵ And Gordon also explained that

[w]e haven’t stopped doing our shoot reviews every week, but our detectives were on the demonstration lines with riot helmets and batons for two weeks. Our police officers who would normally be on patrol were also on the line. I really think that if the city got back to doing what we’re elected and appointed to do, we could get a handle on this. I don’t think we need a new strategy. I just think we need time to do our jobs.¹²⁶

Figure 24:
Philadelphia Vehicle Stop Data (Jan.–July 2020)



Source: Philadelphia Police Department data (accessed through citycrimestats.com)

I have been unable to immediately locate 911 call data from Milwaukee, which could shed further light on possible causes of the homicide spike. But pending further information, there is at least good anecdotal support for the de-policing hypothesis in Milwaukee during June and July 2020. (Note: On August 23, 2020, an African American man, Jacob Blake, was shot by police during an arrest in Kenosha, Wisconsin, about forty miles from Milwaukee, leading to additional anti-police protests.)

5. New York City. In New York City, homicides—and, even more dramatically, shootings—increased in June and July, as noted above. The debate over why this happened has been contentious,¹²⁷ and this article does not purport to definitively resolve it. But, at a minimum, New York City’s experience contains substantial support for the de-policing hypothesis.

There appears to be no debate that shootings increased substantially in New York City beginning shortly after George Floyd’s death in late May and then, after a brief and modest turn toward normal levels, escalated even more dramatically in mid-June (as shown in Figure 13). As described by local media, “gun violence exploded across the city,” with three times as many shootings in the last two weeks of June compared to the same period in 2019.¹²⁸ By the end of June, New York City had suffered 205 shootings, making it the city’s bloodiest June in twenty-four years. July was even worse, with 244 shootings—a 177% increase over

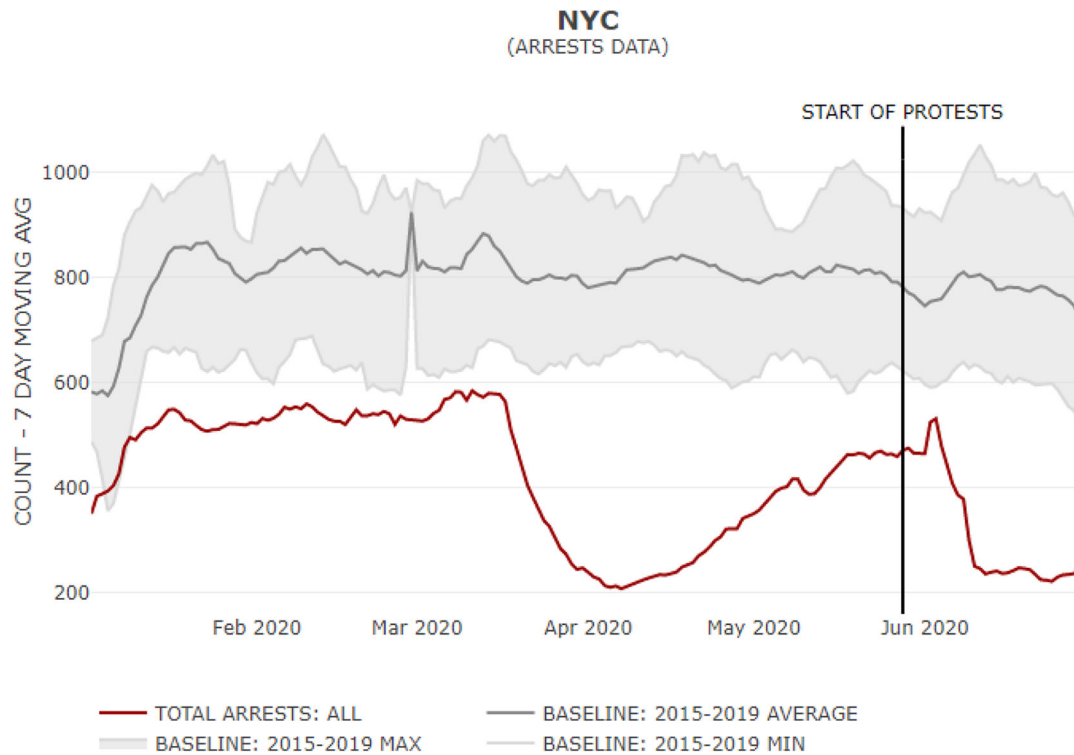
the previous year. New York City had become the “City of Bullets.”¹²⁹

Why the sharp increase in gun violence? The most straightforward answer is that policing declined; and, in particular, proactive policing declined—the very type of policing most needed to fight gun violence. Here again, as with other cities, the evidence of a decline in policing is visually obvious when graphed, as in Figure 25.

Figure 25 shows that the total number of arrests by the New York Police Department (NYPD) began falling during the pandemic in mid-March and early April, but were returning to close-to-normal levels in late April and May—until George Floyd died at the end of May and the antipolice protests began. Within a few days of the protests beginning, total arrests declined substantially—falling by more than 50% in just a couple of weeks in the middle of June, a traditionally high-crime time of year. As shown in Figure 25, they remained lower through June. (Not depicted in the figure are July data, which I have obtained from NYPD. Arrest totals remained lower than those before the start of the protests, although they increased slightly. There were only three days in July with arrests totaling more than 300—and none totaling more than 400.)

The decline in arrests would seem to be an obvious explanation for New York City’s shooting spike that began at exactly the same time. But NYPD officials have also identified other factors.¹³⁰ For example, Police Commissioner Dermot Shea said, “It’s bail reform. It’s COVID. It’s

Figure 25:
New York Arrests (Jan.–July 2020)



Source: New York Police Department data (accessed through citycrimestats.com)

emptying out of the prisons.”¹³¹ He may well be correct that some of these other things have increased overall crime levels in New York City. There are good reasons for believing that, for example, bail reform can increase crime.¹³² Certainly, the possibilities that Commissioner Shea raises are in urgent need of further investigation.¹³³

But the focus of this article is not on explaining general crime rates, but rather on explaining recent spikes observed following George Floyd’s death—that is, the “structural break” upward in, for example, homicide rates that the Rosenfeld-Lopez report identifies. As an explanation for the precipitous spike in shootings beginning in late May and accelerating even more dramatically in mid-June, these other cited reasons do not seem to fit well.

Consider the New York bail reform law. It was enacted in 2019, was implemented in many jurisdictions late in 2019, and officially took effect on January 1, 2020—more than five months before the shooting spike. Thus, the increasing pretrial releases due to the law would have been spread out over months—rather than accelerating in late May and surging in mid-June. And impacts from the bail reform changes were likely already being felt several months earlier.¹³⁴

Similarly, the release of inmates from Rikers due to concerns about COVID-19 also started much earlier than the spike. On March 16, 2020, there were 5,458 inmates in the New York City jail population. By May 7, the population

was down to 3,898.¹³⁵ Jail releases beginning three months before the shooting spike might well have significant public safety implications, but they seem to be a poor candidate for triggering the sudden and sharp spike in shootings starting in late May and surging further beginning in mid-June.

Interestingly, according to the *New York Times*, a confidential analysis of New York City crime data by city officials reached a similar conclusion. The analysis suggested that “the state’s new bail law and the mass release of inmates from city jails in recent months because of the coronavirus outbreak played almost no role in the spike in shootings.”¹³⁶ Instead, the analysis identifies the drop in arrests for gun crimes as the explanatory factor (i.e., depolicing in the form of reduced arrests).

The “decline in gun crime arrests” theory fits within the general patterns identified by this article and makes a great deal of sense in explaining the New York shooting surge. The timing of the decline in arrests essentially fits with the spike in gun shootings. The NYPD arrest data show a small increase around June 2 and 3, presumably reflecting the fact that the NYPD was arresting looters on June 1 and 2.¹³⁷ But then arrests plummeted over the next ten days or so, reaching a new and much lower “normal” around June 12 that was sustained through the rest of June (when the immediately available data series stops) and, reportedly, through the rest of July at somewhat similar lower levels.¹³⁸ And, as arrests declined, shootings

increased—the straightforward and expected cause-and-effect relationship.

To be sure, as noted earlier, arrest data must be viewed with some caution as an explanatory factor for changes in crime, since arrests and crimes can sometimes move in tandem. But in this case, the decline in arrests appears to reflect a decline in proactive policing—or “de-policing” of the type flagged by the Rosenfeld-Lopez report.

One simple explanation for what initially triggered the decline in arrests is that, while police were attending to protests, they were diverted from normal law enforcement. The protests extended from the end of May into the start of June.¹³⁹ As a consequence, as NYPD Chief of Crime Control Strategies Michael LiPetri explained, the pandemic and the need to divert investigators to cover widespread protests set back investigations.¹⁴⁰ Thus, gun arrests dropped off, because the NYPD, already stretched thin because of the pandemic, needed to redeploy officers to cover protests.¹⁴¹

However, in addition to redeployments to cover the protests, other subsequent and compounding factors contributed to declining arrests. For one thing, it is important to underscore the obvious—that the protests in New York in early June were *antipolice* protests on a significant scale, leading to the first curfew in the city in seventy-five years.¹⁴² When the curfew was lifted, Mayor Bill de Blasio stated his support for repealing a law that maintained the confidentiality of recordings concerning officers accused of misconduct (“50-a”), stating that “[i]n New York City, it takes too long for there to be accountability for officers who do the wrong thing.”¹⁴³ The Mayor also said that NYPD funding would be cut.

On June 12, 2020, Governor Cuomo signed state legislation repealing 50-a and taking other reform measures, such as banning chokeholds during arrests.¹⁴⁴

On the next day, June 13, Commissioner Shea disbanded the NYPD’s anticrime units.¹⁴⁵ About 600 officers in the elite unit, created with the mission of ridding the streets of illegal guns and stopping violent crimes, were “immediately” reassigned to other duties. The Commissioner called the redeployment a “seismic” shift.¹⁴⁶

On June 16, the Mayor announced “significant changes” in the way New York City would discipline its officers.¹⁴⁷ The changes included publishing all internal decisions about allegations of misconduct and making disciplinary records, past and present, available online. Also, the Police Commissioner was required, within two days of a case involving substantial injury to a civilian, to determine whether to strip an officer of badge and gun or suspend the officer.

On June 22, a bill was introduced in the New York State Senate that would strip police officers of “qualified immunity” if they were sued for violations of constitutional rights under the New York State Constitution.¹⁴⁸

On June 25, a New York City police officer was criminally charged with using a banned chokehold. (Earlier that month, an officer was charged with assault and other crimes for pushing a protester to the ground during the antipolice protests.)¹⁴⁹

At the end of June, the New York City Council shifted about \$1 billion from the NYPD’s \$6 billion operating budget—in the wake of demands to “defund” the police.¹⁵⁰ While the significance of the cut has been debated, one immediate impact was a cut of \$352 million in overtime pay for NYPD officers.¹⁵¹ The result was to cap work that could be done by detective units that were investigating crimes—including shooting crimes.¹⁵² In other words, the cut in overtime pay had exactly the opposite effect of “hot spot” policing by removing officers from areas where gun crimes were occurring and being investigated.

Meanwhile, in early June, in addition to the state ban on chokeholds, the New York City Council began considering what police called the “diaphragm bill.” The bill banned arrest techniques that would compress a suspect’s diaphragm. The bill did not simply criminalize chokeholds (long banned by the NYPD) but also made it a criminal offense to effectuate an arrest in ways that restricted a person’s diaphragm or ability to breathe, such as sitting, kneeling, or standing on someone’s chest or back. The Mayor’s Office requested that the bill contain a clause excluding “incidental contact that results in compression of the diaphragm.” But proponents rejected that clarification, saying it would “neuter” the bill. On June 17, 2020, Mayor de Blasio announced his support for the diaphragm bill as written.

The existence of the proposed diaphragm bill was widely known within the NYPD. Anticipating passage of the bill, the department developed video training on the law, which became available on June 30, 2020. All officers were directed to watch the video. NYPD leaders attempted to secure a change in the proposal, calling it “dangerous.”¹⁵³ Their position was that “any cop who’s ever fought with someone on the street, trying to get him into cuffs, [knows] there’s a great possibility that your knee is going to end up on that individual’s back, and now this new law is criminalizing it.” Remarkably for a proposed criminal law, the bill’s language did not contain a *mens rea* (criminal intent) provision (i.e., it was “strict liability”). All these police concerns were ignored, and the bill was enacted and signed into law on July 15, 2020.

The new law was enormously controversial. Police alleged that the prohibition was impossible to understand. Ultimately, on August 6, 2020, nearly twenty police unions filed suit challenging the new law.¹⁵⁴ As of this writing (early September 2020), it appears that the New York City Council is seriously considering making changes. As Mayor de Blasio explained, “There have been honest questions and concerns about what police officers can and cannot do and we need our police officers to have clear instruction.”¹⁵⁵

Against this backdrop, it is easy to see why arrests declined in June and July in New York City. Police officers were under attack, had received less funding to engage in proactive policing, and had been given uncertain guidance about the kinds of tactics they could use to make an arrest. This article does not take a position on these criticisms.

Instead, the narrow point made here is that these are precisely the kinds of conditions that would lead police officers to avoid making discretionary decisions that could lead to the need to make a forcible arrest—in other words, conditions that would lead to a decline in proactive policing, particularly in situations involving potentially armed offenders.

To be sure, a full explanation of why arrests declined in New York City in June (and apparently into July)¹⁵⁶ remains to be developed. Some have suggested that NYPD officers were engaged in a work slowdown (the so-called “blue flu”) to protest the controversial criminal law restricting arrest procedures. The empirical support for the slowdown claim is thin. Any alleged slowdown would seemingly have started many weeks earlier, when arrests first declined—and, for example, before the chokehold law was being considered. And recently, gun arrests have increased as the NYPD has placed greater focus on such crimes.¹⁵⁷ But however the debate about causes of the decline in arrests is ultimately resolved, the fundamental point remains that arrests have clearly declined.

While NYPD officers were making fewer arrests in June, on the other side of the equation, offenders began to feel empowered. NYPD Chief of Department Terence Monahan explained that, after the bail reform and COVID-19 releases from Rikers,

[t]hen came the George Floyd incident, the demonstrations, and the antipolice rhetoric that’s going on everywhere and has basically destroyed morale. It’s set off a feeling on the streets right now that it’s okay to carry a gun, settle old disputes, and start shooting at one another. We’re seeing people get sprayed at parties.¹⁵⁸

The result was that criminals were more willing to carry guns because “[t]here’s an opinion out there that the cops aren’t going to stop them. There’s a feeling on the street that it’s safe to carry a gun, and even if you get caught with a gun, you’re not going to go to prison.”¹⁵⁹

A related point is that the clearance rate for shooting crimes has plummeted this summer. Historically, the NYPD’s shooting clearance rate (i.e., the rate at which the NYPD “solves” a shooting, by an arrest or other similar means) has hovered around 30–33%.¹⁶⁰ However, this year, as gun crimes have been skyrocketing, the clearance rate has been falling—as of late August, only about 20% of shootings have resulted in an arrest. Brooklyn, for example, which has suffered the most shootings of any borough, has the lowest clearance rate, around 15%. The declining clearance rates may well be due, in part, to a rising tide of crime simply overwhelming the ability of law enforcement to respond.¹⁶¹ But the key point remains that would-be shooters would have felt increasingly empowered to carry firearms as the odds of being apprehended declined.

Compared to this substantial evidence of de-policing as the cause of the shooting spike, what about the alternative explanation of delegitimization of the police? As mentioned

above, one place to search for empirical support for that claim would be in 911 police call data. Following that methodology, Figure 26 depicts 2020 weekly call data to the NYPD for “critical incidents”¹⁶² (with calls in 2019 in the background for comparison).

As is readily apparent in the figure, numbers of 911 calls did not fall during or after the protests. To the contrary, there was a large spike upward in a single week around June 1—the week of the violent protests and attempted looting in the city¹⁶³—followed by a return to ordinary levels.¹⁶⁴

While further investigation is obviously warranted, it seems difficult to make an empirical case that the best explanation for the sharp New York City shooting spike is delegitimization of the police. The available evidence supports de-policing as the best explanation.

6. Other Cities. Having reviewed data from five cities in depth, it is worth briefly thinking about whether the experience of these cities is typical or unusual. Further research is needed, of course, but there are at least anecdotal reasons for thinking that the reductions in proactive policing discussed in this article are occurring nationwide.

Similar reports of increasing homicides and shootings coinciding with declining proactive policing can be found from other cities. For example, Las Vegas Metropolitan Captain James LaRochelle explained that murders had increased in Las Vegas in early June 2020 at the same time that “[w]e moved cops to the protests from patrol and kept detectives focused on detective work. Our Violent Crime Initiative teams, which we usually put in our most challenged neighborhoods, have been pulled to the protest line.”¹⁶⁵ LaRochelle also noted that “[w]e’ve seen a significant decrease in officer-initiated activity over the past month. Our person stops are down 28% and our car stops are down 32%. That speaks to how many patrol officers are attending to protests.”¹⁶⁶

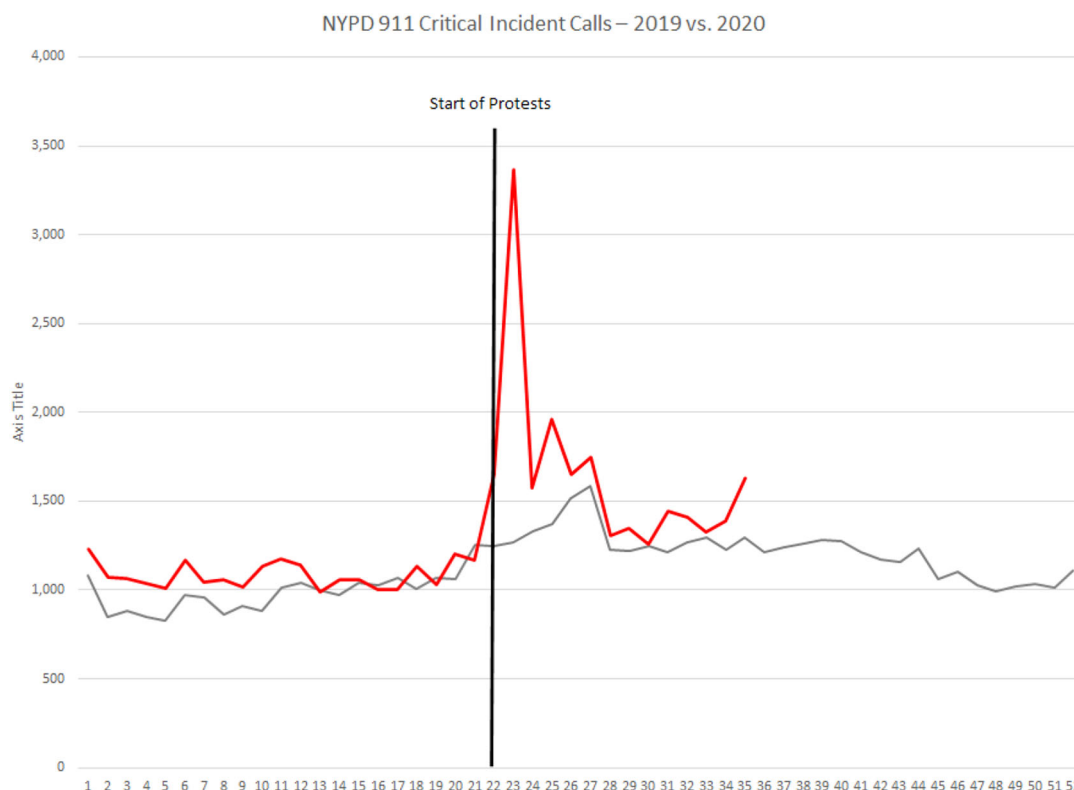
Similarly, homicides in Syracuse, New York, are up 33% in comparison to the previous year.¹⁶⁷ And Deputy Chief Derek McGork gave a similar explanation for homicide increases in his city:

In the beginning of all this, we dedicated a significant amount of manpower to safeguarding protesters. Those protests and marches were a daily occurrence and lasted for well over a month. While that task is certainly important, it does detract from our ability to deploy those officers where we might otherwise, such as our problem-oriented policing areas.¹⁶⁸

He added:

A number of our officers have expressed a hesitancy to be proactive. There seems to be a very legitimate concern by the officers and detectives engaging in proactive details that, given the view of the police at the moment, if they’re involved in a lawful use of force or arrest that doesn’t look good, their jobs may be in jeopardy and their families may be dragged into media coverage. We have noticed a significant

Figure 26:
New York 911 Critical Incident Calls (Jan.–July 2020)



Source: New York Police Department

decrease in proactive stops year-to-date this year compared to last year. That was certainly the case while we had the temporary operating procedures in place for COVID, but also after we rescinded those procedures and told everyone to go back to normal operations with personal protective equipment.¹⁶⁹

And in Ohio, as of early August, Cincinnati is on pace for its deadliest year ever.¹⁷⁰ Assistant Chief Michael John noted a connection to protests:

The manpower taken away to deal with protestors is very difficult. There's also the natural pullback by officers based on what we're seeing in mainstream media and social media. For the last couple months, it's almost as if policing in general has been vilified. That's very difficult, the officers are dealing with that, and I think the proactive work has slowed down. We haven't asked people to slow down, but I think it's natural.¹⁷¹

In sum, just as substantial evidence exists from Minneapolis, Chicago, Philadelphia, Milwaukee, and New York City that protests following George Floyd's death reduced proactive policing—and thereby increased homicides and shootings—it is also possible to find evidence that other cities appear to have suffered the same fate.

VII. Delegitimization and Public Opinion Data

In considering the de-policing and delegitimization hypotheses, one additional source of information is what public opinion polling data tell us. It is difficult to see anything in the available data suggesting that sudden, substantial, and sustained changes in views about police caused the homicide spikes over the last several months.

A good example of the polling data comes from a recent Gallup poll based on a survey in late June and early July 2020—several weeks after the start of the Floyd protests. When asked whether they wanted police to spend more time, less time, or about the same time in their area, 86% of U.S. adults wanted the same or more police presence, including 81% of Black Americans and 83% of Hispanic Americans.¹⁷² (At the same time, however, most Americans want major reform of policing, as a separate and earlier Gallup survey found.)¹⁷³

It is not hard to understand why most Americans, including Black and Hispanic Americans, would want to maintain police presence in the areas where they live. Police presence is commonly understood as preventing crime and thus improving quality of life. For example, in Chicago, residents were asked about the possibility of bringing in more federal law enforcement officers to fight crime; while many Chicagoans opposed the idea, in the South and West Side neighborhoods hit hardest by the

homicide spike, some residents welcomed the move.¹⁷⁴ Similarly, when calls to “defund” the police were considered by the New York City Council in August, a Councilwoman from the West Bronx said that her constituents “want to see cops in the community.”¹⁷⁵

While some time-trend data suggest that public perceptions of police have changed, those changes have apparently occurred over several years, not several weeks.¹⁷⁶ For example, a few polls have asked roughly similar questions about whether police killings of African American men were isolated incidents or signs of a broader problem. When the question was asked in December 2014 in the wake of the Michael Brown killing in Ferguson, only 43% of Americans saw a broader problem, while 51% saw isolated incidents.¹⁷⁷ When a similar question was asked in September 2016, the majority view had shifted, with 60% seeing a broader problem and 39% isolated incidents. In early June 2020, an even larger majority—increasing from 60% to 69%—saw a broader problem, with only 29% seeing isolated incidents. Another, similar poll taken at a similar time had 74% agreeing there was a broader problem. These polls, taken in 2014, 2016, and 2020, suggest that the recent protests reflect a continuing evolution of views about police over years, not an abrupt delegitimization that would lead to significant homicide spikes across the country beginning suddenly in late May 2020.

Similarly, since 1994, Gallup has asked about Americans’ confidence in police. The percentage of Americans who expressed “a great deal” or “quite a lot” of confidence was 52% in 1994, moving to a high of 64% in 2004, then declining to 52% in 2014, up to 56% in 2016, down to 53% in 2018, and dropping to 48% in June–July 2020—a record low, but not a dramatic change that could explain sudden homicide spikes.¹⁷⁸

VIII. De-policing in 2020 and Parallels from the 2014–16 Homicide Spikes

The conclusion that the 2020 homicide spikes were caused by de-policing is supported by evidence from similar homicide spikes that occurred in Chicago in 2016 and perhaps in other cities circa 2014 to 2016—spikes that appear to have been caused by reduced policing.

As noted earlier, the recent Rosenfeld-Lopez report suggests comparing the 2020 homicide spikes to homicide increases that occurred in 2014 to 2016 in cities such as Chicago, Baltimore, and Ferguson. Some analysts, including Professor Rosenfeld, raised the possibility that those earlier homicide increases were due to a “Ferguson Effect” (i.e., to de-policing in some form, perhaps caused by protests after the Michael Brown killing). In his important November 2017 paper, Professor Rosenfeld and several colleagues discussed whether either version of the Ferguson Effect could explain the 2014–16 homicide spikes.¹⁷⁹ The paper noted the difficulties in measuring both policing levels and community alienation and called for using city- and neighborhood-level case studies to help resolve the issue.¹⁸⁰

Since Professor Rosenfeld’s call for city-specific studies on de-policing during 2014–16, arguably the single most extensive study on the subject is my 100-page coauthored paper on the 2016 Chicago homicide spike.¹⁸¹ In that paper, my University of Utah colleague Richard Fowles and I reviewed data showing that in Chicago in 2016, homicides and shootings increased dramatically while most other crimes did not. Specifically, in Chicago in 2016, homicides spiked by 58% compared to the previous year. There were also large (more than 20%) increases in robbery and aggravated assault—but not such large increases in other index crimes. Focusing specifically on gun crimes, shootings spiked in Chicago in 2016. Fatal shootings increased by 66% and nonfatal shootings by 44%.¹⁸²

Professor Fowles and I explained at length in our paper that the most likely cause of the 2016 Chicago homicide spike was de-policing—specifically, a reduction in street stops (often referred to as “stop-and-frisks”). We called this reduction the “ACLU Effect” because an agreement between the Chicago Police Department and the ACLU was implemented in December 2015, leading to about an 80% reduction in street stops conducted by Chicago police officers in 2016. Our argument was straightforward: As a result of the ACLU agreement, police significantly reduced the number of street stops they made, leading to more illegal guns on the streets of Chicago, leading to more shootings and homicides. Using multiple regression analysis to control for potentially confounding variables, we estimated that the reduction in street stops in Chicago led to about 245 additional victims killed and about 1,108 additional victims shot during 2016.¹⁸³

Our paper also addressed the possibility raised by Professor Rosenfeld that delegitimizing of police might explain the 2016 Chicago homicide spike. As noted earlier, Rosenfeld had suggested that one way to empirically detect community alienation from police is through data on citizen calls for police service.¹⁸⁴ We collected 911 call data from Cook County for the relevant time period and saw no evidence that reduced calls explained the homicide spike.¹⁸⁵

Our finding that the reduction in stop-and-frisks in 2016 played a prominent role in the 2016 Chicago homicide spike is supported by important research in progress by Professor Emeritus Wesley Skogan of Northwestern University. He has collected neighborhood-level data from Chicago, extending both earlier and later than our data. He has found that stop-and-frisks played an important role in reducing homicides, although his effect sizes were substantially lower than ours.¹⁸⁶

Professor Skogan also examined the same delegitimization issue that Professor Fowles and I explored in our paper. He concluded that declining police legitimacy was an unlikely explanation for triggering the sudden spike in homicides in 2016. While deteriorating legitimacy potentially could have played a role in the crime spike, resistance to police (as measured by arrests for obstructing officers) peaked most noticeably during 2011–15, in advance of the Chicago homicide spike. And unlike the hypothesis that

delegitimized policing might be reflected in declining calls for police service, 911 shooting reports *increased* following Laquan McDonald's shooting by Chicago police, from about 240 per summer month in 2015 to over 300 per month in 2016. In fact, 911 calls tracked the increase in recorded shootings imperfectly because they rose more sharply than did recorded crime during the period.¹⁸⁷

The Cassell-Fowles analysis of what happened in Chicago in 2016 is also supported by a recent paper by Tanaya Devi and Professor Roland Fryer (a professor of economics at Harvard). Devi and Fryer analyzed federal "pattern-or-practice" investigations of police by the U.S. Justice Department or similar state authorities.¹⁸⁸ Devi and Fryer found that when an investigation was preceded by a "viral" incident of deadly force, the result was a large and statistically significant increase in homicides and total crime. They concluded that the leading hypothesis for why these investigations lead to an increase in homicides and in total crime was an abrupt change in the quantity of police activity. For example, examining declines in self-initiated police activities in Chicago in 2016, as well as in several other cities around that time (including St. Louis and Baltimore),¹⁸⁹ Devi and Fryer found that these declines in policing—rather than any change in community trust for police—best explained the subsequent increase in homicides. While there are reasons for questioning Devi and Fryer's specific linkage of pattern-or-practice investigations to subsequent declines in policing activity,¹⁹⁰ the overarching connection between declines in self-initiated policing activity and subsequent crime increases supports the Minneapolis Effect theory developed here.

These three papers finding Ferguson Effects (i.e., depolicing) in Chicago 2016 should be contrasted with two papers finding no national Ferguson Effect in 2015. Professor David Pyrooz and several colleagues published a paper in February 2016, examining crime data from eighty-one large U.S. cities.¹⁹¹ They compared crime trends one year before and one year after August 2014 (the month when the Ferguson protests began) to determine whether there was any general redirection in crime trends. They concluded that there was no systematic change in overall crime trends, although a few cities did suffer increases in homicides. They concluded that these findings were consistent with "longstanding criminological knowledge that changes in crime trends are slow and rarely a product of random shocks."¹⁹² A more recent paper, written by Professor Rosenfeld and Joel Wallman in 2019, likewise found no national Ferguson Effect reflected in data from fifty-three large cities.¹⁹³

One interpretation of the Pyrooz et al. and Rosenfeld-Wallman papers is that they investigated a phenomenon (post-Ferguson changes in policing) that was simply insufficiently widespread to increase crime rates across the country. Pyrooz et al. found, for example, that between August 2014 and August 2015, homicide rates spiked in St. Louis (where Ferguson is one of the suburbs) and in Baltimore (where a separate viral event, the death of Freddie

Gray while in police custody, took place). Both of these cities experienced an anomalous increase in homicides in 2015—while other cities did not. Similarly, the Rosenfeld-Wallman paper found that the lower arrest rates in 2015 increased homicide rates. But that association was driven by a few "outlier" cities¹⁹⁴ (including Baltimore, scene of Freddie Gray protests, and Cleveland, scene of protests following the acquittal of a police officer in May 2015 for shooting an unarmed black man and woman).¹⁹⁵

If this interpretation of the Pyrooz et al. and Rosenfeld-Wallman papers is correct, they can be read as consistent with a Minneapolis Effect in 2020. These earlier papers suggest that localized events caused localized depolicing and a consequent localized increase in citywide homicide rates. Thus, when a comparable phenomenon occurred on a national scale—widespread depolicing in the wake of the George Floyd protests—it led to an increase in homicides across the country. In other words, the 2020 Minneapolis Effect is simply a more pervasive and powerful recurrence of localized Ferguson Effects from several years ago.¹⁹⁶

The 2016 Chicago homicide spike also provides two extremely important pieces of information about the 2020 homicide spike. The first is an explanation for the puzzling pattern seen across America in the summer of 2020. This past summer in major urban areas, homicides and gun-related crimes uniquely and starkly increased while other crimes did not. The 2016 Chicago pattern looks eerily similar: unique and stark increases in homicides and gun-related crimes. The 2016 Chicago pattern thus provides a key for unlocking an answer to why some rates for some crimes are spiking while others are not. As Chicago's earlier experience demonstrates, proactive policing (e.g., stop-and-frisks) plays a uniquely important role in deterring the carrying of illegal guns and, thus, the commission of firearm crimes. When stop-and-frisks plummeted in Chicago in 2016, gun violence spiked. So, too, in the summer of 2020, as proactive policing declined across the country, gun violence increased.

Second, the 2016 Chicago homicide spike also helps explain an arguable difference between the criminology literature on proactive policing and the size of current homicide spikes. While the empirical studies on proactive policing demonstrate clear crime control gains, the size of those gains is sometimes described as "modest."¹⁹⁷ But those modest effect sizes come from research involving relatively modest changes in the levels of proactive policing. What would happen if proactive policing were to change dramatically? The earlier Cassell-Fowles paper finds that during 2016, Chicago policing practices aimed at gun violence (e.g., stop-and-frisks) declined suddenly and sharply—by about 80% in a matter of a month or so.¹⁹⁸ This dramatic decline in an important form of law enforcement activity targeting gun violence produced a dramatic increase in gun violence.¹⁹⁹ So, too, in the summer of 2020, proactive policing declined not modestly, but rather suddenly and sharply, producing significant spikes in gun violence.

IX. The “Big Picture” Probability of a Minneapolis Effect

Having drilled into specific data from specific cities, from both June–July 2020 and 2014–16, it is useful to step back and examine the proverbial big picture. Doing so will show that the Minneapolis Effect is far and away the strongest candidate for explaining the recent homicide spikes.

Above, I identified four features of the recent homicide spikes that the causal factor would need to explain: (1) homicide and shooting crimes have suddenly and sharply increased across the country; (2) other crime categories have remained generally stable; (3) the spikes began in the last week of May; and (4) the homicide and shooting increases are apparently an urban, not rural, phenomenon.²⁰⁰ A Minneapolis Effect—that is, reduced proactive policing and other de-policing—explains these four facts better than other possible explanations.

It is easy to explain the logic for homicide spikes nationally. Following George Floyd’s death on May 25, antipolice protests took place in more than 400 cities across the country.²⁰¹ Indeed, the recent protests are some of the largest and most widespread in American history.²⁰² An estimated 15 million to 26 million Americans have taken to the streets to protest police violence and advocate for Black lives.²⁰³ While details no doubt vary in particular cities, the overarching fact is that such extensive protests initially required police officers in many urban areas to significantly divert their attention to those protests. And in the aftermath of protests against aggressive police tactics, officers became increasingly hesitant to engage in proactive policing. The predictable result: gun violence has abruptly and starkly increased across the country, particularly in urban areas where the protests were concentrated.

This theory was recently noted by a keen observer of crime trends. Alec MacGillis, a ProPublica reporter, had previously written about de-policing in Baltimore in the wake of Freddie Gray’s death, a viral incident that led to the (unsuccessful) prosecution of the officers involved and a decline in policing in that city.²⁰⁴ More recently, in September 2020, MacGillis wrote that the widespread protests following Floyd’s death “may have given rise to something relatively new, the equivalent of a viral incident in each individual city. And in some cities where municipal leaders have supplied the other ingredient researchers identified—signaling their support for broad reforms—police pullbacks appear well under way.”²⁰⁵

This pullback theory fits the data well. Many observers have been puzzled by increases in murders and shootings while other violent crimes have decreased. For example, on July 6, 2020, the *New York Times* ran an article headlined “It’s Been ‘Such a Weird Year.’ That’s Also Reflected in Crime Statistics,” noting that no cogent explanation had emerged for the divergent trends.²⁰⁶ However, as I have argued above,²⁰⁷ the explanation seems to be de-policing (and particularly reductions in proactive policing), which can be expected to have pronounced effects on homicides and shootings but not, at least in the short term, on other

crimes. The same pattern was the observed consequence of the “ACLU Effect” during Chicago’s 2016 homicide spike, a pattern in crime surges that is tragically playing out across a much broader stage in 2020.

The Minneapolis Effect also provides an explanation for the geographic concentration of the 2020 homicide spikes, which are appearing in American cities but (apparently) not in rural areas. Because the protests are centered in cities, the resulting spikes are found in cities.

It is important to understand that this article is not simply arguing that “protests produce homicides.” Instead, the argument being made here is that the protests served as a trigger for de-policing, which then occurred in various ways in cities across the country—the causal mechanism for the homicide spikes in the wake of protests. This trigger of protests beginning in the last week in May is easy to see in Figure 27, which tabulates the number of protests associated with Black Lives Matter on a weekly basis, beginning on May 4 and extending through late August.²⁰⁸

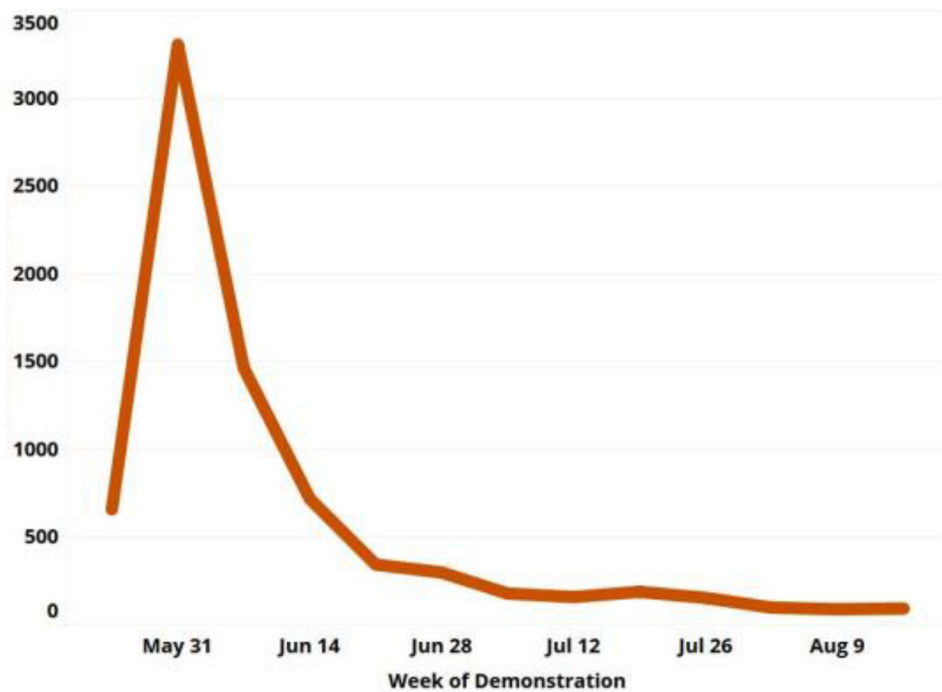
As shown in Figure 27, during the end of May and the beginning of June, America’s police departments were dealing with more than 3,000 protests distributed in cities across the country. To be sure, the vast majority of these protests were peaceful. But a nontrivial percentage (7%) turned violent. And the possibility of a protest turning violent at each demonstration resulted in significant police resources being shifted to monitoring the demonstrations.

As American police forces were diverted to dealing with the antipolice protests, homicides and shootings began to increase, setting off a cascading series of events. The nature of the protests—antipolice—made law enforcement officers more reluctant to engage in proactive policing. That decline is often visible in such metrics as declining street stops and vehicle stops in some cities, as discussed at length above. And those metrics declined not just on the days when the protests were occurring, but for weeks (or more) afterward.

Whether the pullback is some sort of deliberate action is a matter for speculation. The declining police metrics seem to reflect department-wide decisions. And a decline in police morale is also evident in indicators other than policing metrics. For example, police officers across the country are making the decision to resign or retire early.²⁰⁹ In addition, applications to become police officers are declining.²¹⁰

It is also important to understand that simple policing data categories may not fully measure the decline in proactive policing that has taken place in the last few months. At its core, proactive policing involves officer-initiated activities—that is, a willingness by law enforcement to step forward to start a street stop or to engage a (potentially armed) gang member. Against a backdrop of fiery protests based (in part) on the premise that American police are engaging in overly aggressive tactics, it would hardly be a surprise to find police officers pulling back to some degree. It is a commonsense conclusion that with police officers under attack (in some cases, quite literally), the

Figure 27:
Number of Demonstrations Associated with Black Lives Matter
(May 4–Aug. 22, 2020)



Source: Armed Conflict Location & Event Data Project

result was a natural reluctance to pursue difficult and sometimes contentious policing activities to the same extent as before.

And compounding all these issues, as homicides and shootings increased, police resources began to be stretched even thinner. For example, each additional shooting requires significant crime-scene processing and ballistics efforts, diverting even more officers from proactive policing that might have prevented the next shooting. In other words, a rising spiral of gun violence created the conditions for even more gun violence, by making it progressively more difficult for law enforcement to respond.²¹¹ And on top of all this, as a result of calls to “defund” the police, some law enforcement agencies (such as the NYPD) did suffer substantial budget cuts.

While a de-policing Minneapolis Effect is a straightforward proposition, the theoretical and empirical foundations for the counter-theory of delegitimization of police are less clear. It is true that, at some overarching level, police legitimacy is important to maintaining social order and controlling crime.²¹² But developing that abstract concept into a practical explanation for specific changes in crime rates remains an uncompleted project. As Professor Rosenfeld sagely noted in 2017, “Much speculation, but little empirical research, exists regarding the mechanisms linking police legitimacy, as reflected in public attitudes and perceptions, to crime rates.”²¹³

The commonly cited process for how changes in police legitimacy increase crime is that some communities—particularly disadvantaged communities of color—draw even further away from the police because of breached trust and lost confidence. As a result of diminished police legitimacy, fewer people report crimes to the police or cooperate in investigations, and more engage “in street justice to settle disputes.”²¹⁴

This idea of escalating “street justice” is an interesting academic theory for how delegitimization might drive crime rates higher. But that theory seems divorced from the realities of the bullets flying in urban areas today. The surge in shootings does not involve disputes that previously would have been resolved peacefully. For example, reporters from the *New York Times* recently analyzed the spike this summer in homicides in Kansas City, Missouri, where homicides have increased by 35%.²¹⁵ The reporters concluded that “[m]uch of the violence in Kansas City has had little rhyme or reason, often stemming from petty arguments that boil over.”

Moreover, the delegitimization hypothesis still needs to link changes in police legitimacy to mechanisms that cause shooting spikes. It should be remembered that (like other criminal activity) gun crimes are committed by a tiny fraction of the population in any particular neighborhood.²¹⁶ Thus, even if hundreds of protesters are marching to show their distrust of police, that tells us little about what is driving firearm crime rates higher (i.e., why the criminals who

previously did not resort to armed violence feel free to do so now). The shooters' decisions would seem to be more responsive to changes in street stops, gun patrols, and policing directed at them rather than to more remote assessments of procedural fairness and law enforcement legitimacy.

Ultimately, the big-picture explanation of the recent homicide spikes is also the simplest one: as a result of the protests and their fallout, policing focused on gun crimes declined, producing an increase in gun crimes. This is not an unexpected conclusion but the logical one.

X. A Tentative Estimate of the Size, Distribution, and Duration of the Minneapolis Effect

If the analysis presented here is correct, homicides and shootings have increased since late May through June and July 2020 in major cities in this country as a result of the Minneapolis Effect. Two questions naturally arise: What is the size of that effect (i.e., how many people have been shot or murdered), and how long will it last? This section offers some tentative thoughts on these issues.

Regarding the size of the effect, one might begin (as a conservative estimate) with the 37% increase that the Rosenfeld-Lopez report identifies through June 2020 and assume that the same increase extended through July.²¹⁷ It is important to understand that this is what economists call the “delta”: the change from the baseline of homicides that would otherwise exist. To reiterate, this article is focused on explaining the recent homicide spikes that have occurred since late May, not the underlying levels of homicides or violent crimes. As a measure of the size of the delta, 37% seems like a reasonable starting estimate for the Minneapolis Effect.

Obviously, this conclusion about a Minneapolis Effect rests on a series of assumptions, each of which could be challenged. Specifically, with respect to the size of the effect, this estimate may ultimately prove to be too expansive—or too narrow. In particular, in making the causal inference that de-policing is responsible for the homicide (and shooting) spikes, I do not want to assert that it is the *exclusive* factor responsible for all aspects of the increase. The more limited claim advanced here is that de-policing is the primary factor, because it best explains the pattern of increases (essentially homicides and shooting crimes), their timing (occurring after May 25, 2020), and their location (urban areas). To be cautious in estimating the size of this factor and to leave room in the estimate for the possibility of other factors, I will reduce the estimate by 20%, on the basis that other factors may have contributed to the homicide spike—that is, I estimate the size of the effect to be a 29.6% increase in homicides (80% of the 37% increase). This appears to be a conservative hedge against the possible influence of other factors, given that the spikes appeared so suddenly after a structural break in a two-month period. By way of comparison, in Chicago in 2016, following a structural break in the homicide trend, the

change in stop-and-frisks by police explained about 90% of the increase through the following year.²¹⁸

From these premises, it is then straightforward to estimate the size of the Minneapolis Effect. First, it is necessary to determine the baseline monthly number of homicides in this country to which this increase would apply. The most recent year for which the FBI has complete data is 2018, during which 16,214 homicides were reported throughout the United States.²¹⁹ Assuming that the Minneapolis Effect applies only in the nation's metropolitan statistical areas (MSAs) and does not affect cities outside these areas or nonmetropolitan counties, then the relevant homicide figure (i.e., homicides within MSAs) drops to 14,575 for 2018,²²⁰ which means an average of about 1,200 homicides per month.²²¹ A 29.6% increase from this baseline for two months would mean about an additional 355 homicides per month—or a total of 710 additional homicides during June and July 2020.²²²

The reasonableness of this estimated figure can be assessed in several ways. As noted at the outset of this article, on August 2, 2020, the *Wall Street Journal* reported on a sharp rise in homicides among the nation's fifty largest cities, reporting that homicides were up 24% so far this year, to 3,612 (compared to 2,912 in 2019).²²³ Much of the increase appears to have come in the last two months, because homicides were spiking then (the “structural break” identified by Rosenfeld and Lopez). The year-to-year increase of 700 homicides reported by the *Wall Street Journal* for the nation's fifty largest cities corresponds roughly with the estimate of 710 homicides for the larger population area identified above.

Another cross-check can come from data from several of the cities discussed above. Chicago has the largest number of homicides among the cities discussed. In June 2020 it suffered eighty-nine murders, compared to fifty in June 2019.²²⁴ In July 2020 it suffered 105 murders, more than double the forty-four in July 2019.²²⁵ Thus, in those two months, Chicago alone suffered 100 additional murders from what appears to be the Minneapolis Effect. If we assume that 10% of the nationwide Minneapolis Effect occurred in just this one city, then the figure of 710 offered above is (once again) a conservative one.

It is also possible to estimate the number of additional shootings from the Minneapolis Effect. A simple (and conservative) calculation is simply to assume that the Minneapolis Effect operates to produce the same ratio of homicides and shootings as exists in cities today. For example, in Chicago, the ratio of homicides to shootings is more than four to one.²²⁶ Based on a 4:1 ratio, a reasonable estimate of the number of additional shootings caused by the Minneapolis Effect is 2,840 in June and July 2020 (i.e., 710×4).

Another issue is the distribution of the Minneapolis Effect. As noted above, the increase in homicides is not spread evenly across residents of the cities analyzed above but rather appears to be disproportionately concentrated in Black and Brown communities. Based on the cities for

which I have been able to find data, it appears that more than 80% of the victims of the increase in homicides are minority victims. This concentration of victims is consistent with the position, which some observers have advanced, that “demonizing the police” will disproportionately harm the poor and minorities.²²⁷

Beyond the size of the Minneapolis Effect, another significant question is how long the effect will last. The apparent triggering event—the protests following George Floyd’s death—will presumably dissipate, at least to some degree, over time (as shown through mid-August in Figure 27). But it is also possible that protests will continue as new instances of alleged police violence against Black men occur, such as the police shootings in 2020 of Tony McDade in Tallahassee, Florida, on May 27; Momodou Lamin Sisay in Snellville, Georgia, on May 29; Kamal Flowers in New Rochelle, New York, on June 6; Rayshard Brooks in Atlanta on June 12; Kevan Ruffin in Sheboygan, Wisconsin, on July 2; David Earl Brooks in Roxboro, North Carolina, on July 27; Salaythis Melvin in Orlando, Florida, on August 7; Anthony McClain in Pasadena, California, on August 15; Trayford Pellerin in Lafayette, Louisiana, on August 21; and Jacob Blake in Kenosha, Wisconsin, on August 23—each of which led to subsequent antipolice protests.

Another factor to consider is possible police responses to de-policing, such as efforts to ramp up enforcement efforts against gun violence. In Chicago, for example, at the end of July, the Chicago Police Department began deploying a “Community Safety Team” designed specifically to combat the rise in shootings and homicides.²²⁸ This team was designed to focus on shooting “hot spots” in an attempt to prevent gun violence. The team will not only supplement existing law enforcement efforts but will also engage in regular community projects. At the same time, a new Critical Incident Response Team was developed to handle large protests, avoiding the need to redeploy officers from other areas. The early results of these responses appear to be positive. While July 2020 was the deadliest month in recent Chicago history, with 107 murders, in August 2020 homicides declined to 63—still 28.5% above August 2019 but still a significant improvement compared to the previous month.²²⁹ To be clear, a month in which 503 people were shot, 63 of them fatally, is still a horrific toll. But the positive trend is important to recognize.²³⁰

For another example, in New York City, beginning on August 31, police increased weekend patrols citywide, in response to the rise in shootings.²³¹ Police Commissioner Shea indicated that the new staffing policy would give the department flexibility to place more officers on street patrols when they were most needed, an “all-hands-on-deck” approach. How well this will work remains to be determined.

Not all of the countermeasures to spiking gun violence have involved on-the-street policing. For example, in Philadelphia at the beginning of August, a Group Violence

Intervention program was launched, targeting the small number of city residents viewed as responsible for the shootings.²³² The program attempts to get gang members to sit down for small group discussions with police, probation officers, and community leaders. The discussions are designed to interrupt a cycle of deadly violence by sending a message that shootings must stop. At the same time, the discussions threaten collective enforcement if the violence does not stop. As of this writing, it is unclear whether the program will be successful.

This article has focused on local policing, but in some cities a federal response may also be involved. On July 8, 2020, the Justice Department announced the launch of “Operation Legend,” named after a four-year-old boy, LeGenD Taliferro, who was killed by gunfire while asleep in his Kansas City home. The operation involves bringing a surge of federal agents, working closely with local police, to focus on violent crime in nine U.S. cities (including, with particular relevance to this article, Chicago and Milwaukee). Again, it is hard to tell what the ultimate impact on homicide and shooting rates will be, but the effort has resulted in 1,000 arrests (including suspects in ninety homicides) as of August 19, 2020.²³³ And beyond Operation Legend, federal-state “task forces” have been formed or expanded, also leading to an increase in federal (and state) prosecution of gun offenders.²³⁴

With all of these conflicting forces in play, it is difficult to say how long the Minneapolis Effect may last. And, of course, since many of the forces in play—particularly the countermeasures—will vary from city to city, it may be that a Minneapolis Effect lingers much longer in some cities than in others. Hopefully, of course, the Minneapolis Effect will disappear quickly. But only time will tell.

XI. Cautions About the Minneapolis Effect

The analysis offered above must necessarily be tentative, for multiple reasons. Of course, to the extent that this analysis relies on the Rosenfeld-Lopez report (and other, similar analyses, such as that prepared by the *Wall Street Journal*), the cautions applicable to those sources are equally applicable here. For example, the Rosenfeld-Lopez report draws on a limited number of cities for the study sample, raising the issue of whether the trends observed in the sample extend to other cities as well.

All of the usual cautions about crime and policing data also necessarily apply to the data on which this article relies. Of particular salience, it has often been observed that we lack good information about what police officers really do while they are on the job and how what they do affects crime rates.²³⁵ This article thus necessarily relies on imperfect data for measuring “proactive” policing. More precise (and comprehensive) measures are unavailable. This article also relies on the general thrust of research about the effects of proactive policing on gun crimes. But that research is not definitive and does not yet give law enforcement agencies or the public precise guidance on how effective proactive policing is.

It is also important to underscore the limited focus of this article, which contends that a Minneapolis Effect is the cause of the recent homicide spikes. Even assuming that it has argued successfully for that explanation, this article does not attempt to adumbrate all the reasons why policy makers might nonetheless be concerned about proactive policing and the consequences that can ensue from aggressive police work—for example, the possibility of increasing distrust of the police in minority communities.

In addition, the Minneapolis Effect discussed here began to manifest itself only a few months ago—a very limited time in which to collect data and discern trends. And the effect manifested itself in the middle of the ongoing COVID-19 pandemic, a major disrupter that complicates an already difficult enterprise of identifying trends over time.

Carefully recognizing these problems, the Rosenfeld-Lopez report presents its data on the homicide spikes (through June 2020) and then warns that “[i]t is too early to draw strong inferences about the causes of the recent rise in urban violence.”²³⁶ At some general level, this caution is surely correct. The data that are streaming in from the nation’s cities have yet to be fully analyzed, and trends that may seem obvious today may disappear with the arrival of new data tomorrow.

Finally, perhaps the major caution that necessarily applies to this article is that causality of events is very difficult to prove. This article collects evidence that de-policing in the wake of George Floyd’s death caused homicides of more than 700 people and led to the shooting of more than 2,800 others. As with other social science research,²³⁷ drawing such an inference necessarily involves a combination of quantitative and qualitative methods that will never be able to “prove” causation beyond a reasonable doubt. All the conclusions in this article are necessarily tentative—and subject to a need for further research, as discussed in the next section.

But the fact that the conclusions here are necessarily subject to debate should not serve as an excuse for policy paralysis, a point also made in the conclusion of the Rosenfeld-Lopez report. Important decisions are being made daily in this country about policing, and particularly about responding to the tragic homicide spikes. These decisions can have, quite literally, life-or-death impacts depending on whether they are successful.²³⁸ And these decisions need to be made *now*—based on what we know *now*. The implications for policy makers of the evidence collected here are discussed in the next section.

XII. Policy Implications

The data presented here suggest several important policy implications. The first is an obvious one—that we need more research on the current homicide spikes and whether a Minneapolis Effect or something else is causing them. It is hard to think of a criminal justice issue in recent years that has greater importance than this one. In just the last several months, hundreds of additional homicides and

thousands of additional shootings have been committed across the country. The suddenness and abruptness of these widespread spikes appear to be more substantial than any crime surge that the nation has suffered recently.²³⁹ To be sure, even after the recent spikes, overall homicide levels may end up being below the levels suffered in some earlier years, particularly during the early 1990s, when America’s homicide levels were near all-time highs.²⁴⁰ But for criminal justice researchers, understanding why lethal gun violence is accelerating so dramatically in America right now should be a top priority—indeed, *the* top priority.

The questions that need to be researched include determining the size of the homicide spikes—and comparing those increases to other crime categories, including shootings, aggravated assaults, and other violent crimes. The distribution of the spikes, in terms of communities affected and geographic distribution (urban versus rural), may shed light on the causal factors.

Another important research topic is the countermeasures that are being deployed in various cities. These countermeasures may provide something of a natural experiment about how to combat homicides and shootings. For example, as just discussed, some cities are looking to “hot spot” policing while others are trying to interrupt violence through social interventions. For another example, federal law enforcement task forces have been deployed to nine cities where homicide spikes have been particularly high. These varying approaches may provide some sense of which options are most effective in dealing with lethal gun violence. Policy makers need to know whether any of these programs are working to reduce gun violence.²⁴¹

In researching these questions, investigators should take advantage of recent improvements in data sharing. In fact, one of the remarkable things about the recent homicide spikes is how quickly data are being made available. The Rosenfeld-Lopez report, for example, was published in July 2020 with data current through (for many cities) June 2020. Public data portals are available in many cities, and aggregators of those data also exist (such as citycrimestats.com, from which many of the figures in this article are drawn). We seem to have entered a new age of nearly instant data availability, which hopefully should also lead to quicker understanding of developing crime trends. Previously, articles like this one simply could not have been written so soon after the events they described. Criminal justice researchers should take advantage of this explosion in available data to rapidly determine what is happening and pass along their conclusions to policy makers.

A second implication is also a seemingly straightforward one: the nation’s homicide spikes need to be more widely discussed, with an acknowledgment that difficult trade-offs may exist.²⁴² For example, antipolice protests, designed to help protect residents of minority communities, may in fact be leading (at least indirectly) to increased homicides and shootings within those communities.²⁴³ This article has collected evidence that, as police have been redeployed to the protests—and as they have pulled back from proactive

policing—the result has been an increase in homicides and shootings. To be sure, as emphasized above, this suggestion is necessarily tentative. But it appears that some media and policy makers may be unwilling to candidly raise this possibility in discussions about the protests, preferring instead to focus exclusively on instances of alleged police violence. While the focus of this article has not been on examples of police misconduct, nothing here should be taken as minimizing concern about that issue or discouraging a robust national conversation about the best ways of policing the police. But that said, surely it is in the best interests of the country to also have a full discussion about the trade-offs that may result from de-policing if police are redeployed or step back from vital anti-gun-crime efforts²⁴⁴—that is, the possibility that more people may be shot or killed, particularly in disadvantaged minority communities.

There seems to have been a similar reluctance to discuss pros and cons in Chicago, during the months leading up to and surrounding the 2016 homicide spike. As Professor Fowles and I discuss in our earlier article, the Chicago Police Department (CPD) and the ACLU entered into an agreement designed to, among other things, reduce the number of stop-and-frisks in the city. In the wake of that agreement, the number of stops declined precipitously and the CPD may have pulled back from “hot spot” policing focused on gun crimes in minority neighborhoods.²⁴⁵ Proceeding from some premises, these results could be regarded as “success.” But the resulting lethal homicide spike in Chicago certainly must be weighed in the balance of any realistic cost-benefit calculation. So too, in recent months, more fulsome discussion about the expected benefits—and costs—of police officers pulling back needs to be part of the public discourse.

A final and important implication of the analysis presented here is that caution is warranted before any “defunding” of police occurs that could reduce proactive policing. To be sure, advocates of police defunding may have been saddled with an unfortunate term that fails to properly describe their objectives. Defunding of police is an umbrella concept that can capture a variety of reforms, such as recognizing that some tasks assigned to police (e.g., dealing with persons with mental illness) may be better assigned to other social service agencies.²⁴⁶ But some defunding advocates have urged significant reductions in traditional policing efforts—reductions that would reinforce and make permanent the kind of de-policing that appears to have recently taken place across America’s cities. The consequences of that de-policing—the Minneapolis Effect—appear to have been shocking increases in homicides and shootings. These consequences need to be carefully considered in any calculus weighing costs and benefits of reducing policing efforts.

XIII. Conclusion

Homicides and shootings have spiked across the country, beginning in late May and continuing through June and

July 2020. Why this has happened is a vital criminal justice issue with truly life-and-death implications. This article takes advantage of the fact that crime data and other information from public agencies is now readily available in “real time.” The quantitative data and qualitative evidence strongly suggest that a “Minneapolis Effect” has struck—that is, in the wake of antipolice protests following George Floyd’s death in Minneapolis, police officers are being redeployed from antigun efforts and are retreating from proactive law enforcement tactics. This reduction in law enforcement efforts targeted at firearm crimes has led, perhaps predictably, to an increase in firearm crimes.

This article attempts to quantify the size of the Minneapolis Effect, estimating that about 710 more homicides and 2,800 more shootings occurred because of reduced policing in June and July alone. And the victims of these crimes are disproportionately Black and Brown, often living in disadvantaged and low-income neighborhoods.

While these estimates are stated in the cold precision of an economic calculation, it must be remembered that behind these grim numbers lies a tremendous toll in human suffering—lives lost, futures destroyed, and families left grieving. Understanding the nation’s recent—and ongoing—homicide spikes requires urgent attention. And even more urgently, the nation needs to consider all possible responses to this tragedy, including responses that involve increased and proactive law enforcement efforts directed at combating gun violence.

XIV. Postscript

After this article was submitted for copyediting (in September 2020), several new developments have occurred. Rather than try and incorporate them into the text of the article, it seemed to make sense to discuss them briefly in this postscript (written in October 2020).

First, crime data have continued to accumulate regarding the nation’s homicide spikes. Perhaps most notably, Richard Rosenfeld and Ernesto Lopez updated their earlier report, extending the data through August 2020. Sadly, the homicide spike that they identified in data through June 2020 persisted in the data through July and August. Rosenfeld and Lopez found the same structural break in the data—the homicide rate increased sharply beginning at the end of May 2020.²⁴⁷ Thereafter, the average city homicide rate between June and August of 2020 increased by 53% over the same three-month period the year before. The increase was particularly pronounced in July.

The 53% increase is higher than the increase they found in their earlier report (which reflected a somewhat lower homicide increase of 37% through June). Relying on the more current 53% figure, it is possible to calculate an updated estimate of the size of the Minneapolis Effect for the three months of June through August. This is done by substituting 53% in the calculations made above and extending the calculations through August. This calculation produces the estimate that, during June, July, and August, the reduced policing that occurred from the Minneapolis

Effect produced about 1,520 additional homicides²⁴⁸ and 6,100 additional shootings.

Second, the editors of the *Federal Sentencing Reporter* contacted Professor Rosenfeld about replying to my article, and he kindly agreed. Readers will find his comment immediately below.²⁴⁹ I very much appreciate his willingness to review my work and engage on these questions.

Rosenfeld agrees that there is much support for de-policing as a possible contributor to this past summer's rise in violence. Ultimately, however, he finds my argument that it is the primary contributor to be "inconclusive," contending that we do not know what explains the recent homicide spikes. At some general level, his position has some force. Social science research can rarely provide unequivocal answers to complex criminal justice issues. But real-world policy decisions are being made today on issues related to proactive policing and how to respond to the homicide spikes. Policymakers need guidance on what the current evidence shows. For the reasons I have articulated at length above, my view is that the best available evidence points to de-policing as the dominant (but not necessarily exclusive) factor in the ongoing surge in gun violence. As Rosenfeld highlights, he and I agree that explaining this significant spike is *the* critical issue facing criminologists today, and we both hope that other researchers will quickly explore this important subject.

Third and finally, Professor Lawrence Rosenthal also agreed to write a response to my article, which readers can also find below.²⁵⁰ He capably draws on a wide variety of sources to develop the "law and economics" of de-policing (i.e., the incentive structure facing police officers), concluding that it provides a "ready mechanism" for why policing has fallen so significantly so swiftly. Perhaps even more importantly, he offers an explanation for why the homicide spikes would have resulted so quickly. He draws on the literature regarding "contagion effects" to explain rapidly escalating gun violence.²⁵¹ His explanation seems like a useful one to me, which I accept as a friendly amendment to my underlying de-policing theory of the Minneapolis Effect.

Ultimately, all three of us agree that homicides spiked dramatically this summer—and that de-policing deserves serious exploration as a possible candidate for the trigger. The stakes are enormous. The investigation should begin immediately.

Notes

- * I appreciate the assistance of Richard Fowles, my colleague at the University of Utah, who provided structural break analyses and answered related statistical questions. I also appreciate helpful comments from Shima Baughman, Doug Berman, Teneille Brown, Patricia Cassell, Amos Guiora, Sean Kennedy, Richard Rosenfeld, Emily Salisbury, Matt Tokson, Elizabeth Kronk Warner, and participants in a faculty workshop at the S. J. Quinney College of Law at the University of Utah. Michael Morris, Tamara Lemmon, and Kenneth Peterson provided excellent research assistance. All errors are mine alone.
- ¹ Trevor Hughes, *Record Wave of Deadly Shootings Hits US Cities. More Police Aren't the Answer, Activists Say*, USA Today (Aug.

- 15, 2020), <https://www.usatoday.com/story/news/nation/2020/08/15/shootings-chicago-denver-and-across-us-bring-new-wave-violence/3364812001/>.
- ² Richard Rosenfeld & Ernesto Lopez, Council on Criminal Justice: National Commission on COVID-19 and Criminal Justice, Pandemic, Social Unrest, and Crime in U.S. Cities (July 2020), *reprinted in* 33 Fed. Sent'g Rep. 72–82 [hereinafter cited as Rosenfeld-Lopez report]. Disclosure: I am a member of the Council on Criminal Justice but was not involved in the drafting of the report.
- ³ *Id.* at 6.
- ⁴ Paige Fry, *Nearly 40 People Shot in Chicago over the Weekend as July Goes Down as the Most Violent Month in 28 Years*, Chi. Trib. (Aug. 3, 2020), <https://www.chicagotribune.com/news/breaking/ct-weekend-shooting-20200803-xkev64unvdijfzboyyn4vowly-story.html>.
- ⁵ See Jon Hilsenrath, *Homicide Spike Hits Most Large U.S. Cities: Journal Analysis Shows Double-Digit Increases in 36 of the 50 Biggest Cities amid Pandemic, Though Other Types of Violent Crime Fell*, Wall St. J. (Aug. 2, 2020), <https://www.wsj.com/articles/homicide-spike-cities-chicago-newyork-detroit-us-crime-police-lockdown-coronavirus-protests-11596395181>.
- ⁶ Jack Fink, *Dallas Mayor Calls Sharp Rise in Murders, Aggravated Assaults in July "Unacceptable"*, CBS DFW (Aug. 4, 2020), <https://dfw.cbslocal.com/2020/08/04/dallas-mayor-eric-johnson-rise-murders-aggravated-assaults-unacceptable/>.
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- ⁸ Jeff Asher & Ben Horwitz, *It's Been "Such a Weird Year." That's Also Reflected in Crime Statistics*, N.Y. Times (July 6, 2020), <https://www.nytimes.com/2020/07/06/upshot/murders-rising-crime-coronavirus.html>.
- ⁹ Rosenfeld-Lopez report, *supra* note 2, at 6.
- ¹⁰ The facts in this paragraph are taken directly from the Wikipedia entry "George Floyd protests." See also Derrick Bryson Taylor, *George Floyd Protests: A Timeline*, N.Y. Times, July 10, 2020, <https://www.nytimes.com/article/george-floyd-protests-timeline.html>.
- ¹¹ Richard Rosenfeld et al., *Assessing and Responding to the Recent Homicide Rise in the United States*, NIJ 51067 at 23–24 (Nov. 2017).
- ¹² *Id.* at 6.
- ¹³ CBS Minnesota, *Man Dies in South Minneapolis Shooting; City's 41st Homicide of 2020*, WCCO-4 (Aug. 1, 2020), <https://minnesota.cbslocal.com/2020/08/01/man-dies-in-south-minneapolis-shooting-citys-41st-homicide-of-2020/>.
- ¹⁴ See Anthony R. Harris et al., *Murder and Medicine: The Lethality of Criminal Assault 1960–1999*, 6 Homicide Stud. 128 (2002).
- ¹⁵ Libor Jany, *Minneapolis Police Face Staffing Challenges as Violence Rises*, Minn. Star Trib. (Aug. 1, 2020), <https://www.startribune.com/minneapolis-police-face-staffing-challenges-as-violence-rises/571982152/>.
- ¹⁶ Libor Jany, *Minneapolis Continues to Contend with Unprecedented Gun Violence amid Police Debate*, Minn. Star Trib. (July 25, 2020), <https://www.startribune.com/record-mpls-gun-violence-comes-amid-policing-debate/571900122/>.
- ¹⁷ Vincent Barone, *Minneapolis Sees \$55M in Building Damage, Looting During George Floyd Protests*, N.Y. Post (June 4, 2020), <https://nypost.com/2020/06/04/minneapolis-sees-55m-in-building-damage-looting-during-protests/>.
- ¹⁸ John H. Boman IV & Owen Gallupe, *Has COVID-19 Changed Crime? Crime Rates in the United States During the Pandemic*, 45 Am. J. Crim. Just. 537, 541 (2020).
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- See, e.g., Armed Conflict Location & Event Data Project (ACLED), *Demonstrations & Political Violence in America* (Sept. 2020) (concluding that in more than 93% of all demonstrations connected to the Black Lives Matter movement, demonstrators have not engaged in violence or destructive activity), https://acleddata.com/acleddatanew/wp-content/uploads/2020/09/ACLED_USDataReview_Sum2020_SeptWebPDF.pdf.
- Rosenfeld-Lopez report, *supra* note 2, at 16 (citing Taylor, *supra* note 10).
- See Hilsenrath, *supra* note 5.
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- See, e.g., Emily Leslie & Riley Wilson, *Sheltering in Place and Domestic Violence: Evidence from Calls for Service During COVID-19*, 189 J. Pub. Econ. 1 (2020); Lin-chi Hsu & Alexander Henke, *The Effect of Social Distancing on Police Reports of Domestic Violence*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3646299; see also Boman & Gallupe, *supra* note 18, at 541–42 (finding that, as of May 2020, homicides were not increasing in the United States but intimate partner batteries were increasing).
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- One study has reviewed changes in social distancing in cities that experienced Black Lives Matter protests and found, based on cell phone tracking data, an increase in distancing—perhaps because, on average, people in the general population choose to remain home more often. See Dhaval Dave et al., *Black Lives Matter Protests, Social Distancing, and COVID-19*, IZA Inst. Lab. Econ. (June 22, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3631599.
- Indeed, it is interesting to consider the fact that the COVID-19 pandemic has extended worldwide. And yet it does not appear that the pandemic—or pandemic countermeasures and cessation of countermeasures—has produced homicide spikes in other countries. See the Wikipedia entry “Impact of the COVID-19 Pandemic on Crime” (mentioning increases in cybercrime and domestic violence in other countries due to reduced social mobility from the pandemic, but not mentioning general homicide increases). This apparent absence of similar spikes elsewhere provides further evidence against a COVID-linked trigger for the American homicide spikes—although, given American exceptionalism on multiple fronts (e.g., the

widespread available of firearms), this line of reasoning must be approached with caution.

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- 50 See *id.* at 22 fig.1B.
- 51 Phillip B. Levin & Robin McKnight, *Three Million More Guns: The Spring 2020 Spike in Firearm Sales*, Brookings (July 13, 2020), <https://www.brookings.edu/blog/up-front/2020/07/13/three-million-more-guns-the-spring-2020-spike-in-firearm-sales/>.
- 52 See Keith Collins & David Yaffe-Bellany, *About 2 Million Guns Were Sold in the U.S. as Virus Fears Spread*, N.Y. Times (April 2, 2020), <https://www.nytimes.com/interactive/2020/04/01/business/coronavirus-gun-sales.html>; see also Bree Lang & Matthew Lang, *Pandemics, Protests and Firearms* (finding that new firearm purchases were broadly distributed) (July 12, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3593956.
- 53 See Dan Hinkel & Jeremy Gerner, *As Violence Surges, Chicago Police Try a New Version of an Old Solution*, Chi. Trib. (July 31, 2020), <https://www.chicagotribune.com/news/criminal-justice/ct-chicago-police-strike-force-20200731-xwgm73impzvlhfhvf6suea7u-story.html>. For more precise data showing specific high-crime neighborhoods where homicides are concentrated, see the Chicago Data Portal at <https://data.cityofchicago.org/Public-Safety/Homicide-Map/53tx-phyr>.
- 54 See Aaron Karp, *Estimating Global Civilian-Held Firearms Numbers*, Small Arms Survey (June 2018), <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf>.
- 55 See, e.g., Oliver Roeder, Lauren-Brooke Eisen & Julia Bowling, Brennan Ctr. for Justice, *What Caused the Crime Decline?*, 48–49 (2015), <https://www.brennancenter.org/publication/what-caused-crime-decline> (finding decline in unemployment reduced crime); but see, e.g., Gary Kleck & Dylan Jackson, *What Kind of Joblessness Affects Crime? A National Case-Control Study of Serious Property Crime*, 32 J. Quant. Criminology 489 (2016).
- 56 See <https://www.axios.com/traditional-unemployment-seasonal-adjustments-070c1459-ea23-4dcf-bd2c-e5e7b3e58e1b.html>.
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- 58 See, e.g., Mikko Aaltonen et al., *Examining the Generality of the Unemployment-Crime Association*, 51 Criminology 561 (2013) (finding positive effects of unemployment on property crime but not other types of crime); Chester L. Britt, *Reconsidering the Unemployment and Crime Relationship: Variation by Age Group and Historical Period*, 13 J. Quant. Criminology 405 (1997) (linking unemployment and property crime among youth and young adults).
- 59 See Richard Rosenfeld, *Studying Crime Trends: Normal Science and Exogenous Shocks*, 56 Criminology 5, 10 (2018).
- 60 John M. MacDonald, *De-policing as a Consequence of the So-Called "Ferguson Effect,"* 18 Criminology & Pub. Pol'y 47, 47 (2019).
- 61 Rosenfeld-Lopez report, *supra* note 2, at 16.
- 62 See "Ferguson Effect," Wikipedia, https://en.wikipedia.org/wiki/Ferguson_effect. For a helpful summary, see Richard Rosenfeld, *Documenting and Explaining the 2015 Homicide Rise; Research Directions*, Nat'l Inst. of Justice (June 2016), <https://www.ncjrs.gov/pdffiles1/nij/249895.pdf>.

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- 71 Thomas Abt, *Bleeding Out: The Devastating Consequences of Urban Violence—and a Bold New Plan for Peace in the Streets* 136 (2019).
- 72 Rosenfeld-Lopez report, *supra* note 2, at 17. See generally Tom R. Tyler et al., *The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement*, 16 *Psychol. Sci. Pub. Int.* 75 (2015) (on legitimacy-based models of policing authority).
- 73 Rosenfeld-Lopez report, *supra* note 2, at 17.
- 74 Libor Jany & Liz Navratil, Kroll, *Minneapolis Police Union Head, Blasts City’s Riot Response in Letter to Officers*, Minn. Star Trib. (June 1, 2020), <https://www.startribune.com/kroll-minneapolis-police-union-head-blasts-city-s-riot-response-in-letter-to-officers/570928532/>.
- 75 Liz Navratil, *Most of Minneapolis City Council Pledges to “Begin the Process of Ending” Police Department*, Minn. Star Tribune (June 8, 2020), <https://www.startribune.com/mps-council-majority-backs-dismantling-police-department/571088302/>. Ultimately, due to complicated government approval processes, a final decision on the issue of dismantling the police department was delayed and remains under consideration.
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- 81 See Brandt Williams & Jon Collins, *Minneapolis Police Union Open to Community Demands, but Kroll Staying Put*, MPR News (June 23, 2020), <https://www.mprnews.org/story/2020/06/23/police-union-leader-minneapolis-cops-scapegoated-for-incompetent-leadership>.
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- 83 Jany, *supra* note 15.
- 84 *Id.*
- 85 *Id.*
- 86 Jeff Hargarten & Kim Hyatt, *How Minneapolis Policing Changed During a Historic Summer of Turmoil*, Minn. Star Trib. (Sept. 10, 2020), <https://www.startribune.com/how-minneapolis-policing-changed-during-a-historic-summer-of-turmoil/568966731/>.
- 87 Aamer Madhani, *Minneapolis Mayor Looks to New Police Chief amid Firestorm over Fatal Shooting*, USA Today (July 23, 2017), <https://www.usatoday.com/story/news/2017/07/23/minneapolis-mayor-betsy-hodges-justine-damond-shooting/503201001/>.
- 88 Rosenfeld et al., *supra* note 11, at 20–21 (citing Matthew Desmond et al., *Police Violence and Citizen Crime Reporting in the Black Community*, 81 *Am. Soc. Rev.* 857 (2016)). Rosenfeld et al. also suggest that complaints against police might serve as a similar measure of delegitimization. I don’t pursue this intriguing suggestion because police complaint data involve a smaller number of data points than 911 calls and may be more subject to exogenous fluctuations related to administrative difficulties in filing the complaint. Cf. Emily R. Siegel et al., *He Reported Being Assaulted by Cops to Minneapolis PD. Why Did Nobody Investigate?*, NBC News (Aug. 7, 2020) (explaining difficulties in filing police complaints in Minneapolis), <https://www.nbcnews.com/news/us-news/he-reported-being-assaulted-cops-minneapolis-pd-why-did-nobody-n1236128>.
- 89 Benjamin Wallace-Well, *Can Minneapolis Dismantle Its Police Department?*, New Yorker (Aug. 8, 2020), <https://www.newyorker.com/news/annals-of-activism/can-minneapolis-dismantle-its-police-department>; see also Torey Van Oot, *“This Is Our Livelihood”: Minnesota Senate Hears from Businesses Damaged by Unrest*, Minn. Star Trib. (July 2, 2020), <https://www.startribune.com/minn-senate-hears-from-metro-businesses-damaged-by-unrest/571592272/> (noting complaints of “days” to respond to 911 calls).
- 90 Amanda Seitz, *Minneapolis Police Still Accepting 911 Calls*, Associated Press (June 8, 2020), <https://apnews.com/afsc:Content:9016750032>.
- 91 Libor Jany, *Trouble South Minneapolis Block Renews Calls for Help from Police, City Hall*, Minn. Star Trib. (July 13, 2020), <https://www.startribune.com/troubled-south-mpls-block-calls-for-help-from-police-city-hall/571742412/>.
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- 94 For a description of the sequences of events, see “George Floyd Protests in Minneapolis-Saint Paul,” Wikipedia, https://en.wikipedia.org/wiki/George_Floyd_protests_in_Minneapolis%E2%80%93Saint_Paul.
- 95 The facts in this paragraph are taken from the Wikipedia entry “George Floyd protests in Chicago.”
- 96 Schuba et al., *supra* note 19.
- 97 *George Floyd Fallout: Lightfoot Lifts Chicago Curfew, Peaceful Protesters March Through Southside Police Neighborhoods*, Chi. Trib. (June 7, 2020), <https://www.chicagotribune.com/news/breaking/ct-george-floyd-chicago-protests-20200606-ee4mdvafvbfhfcpr7lrzfayypu-story.html>.
- 98 See, e.g., Fry, *supra* note 4 (noting “continued” protests related to George Floyd’s death); Hinkel & Gerner, *supra* note 54 (noting “months” of protests against Chicago police).
- 99 Madeline Holcombe, *18 Police Officers Were Hurt in a Chicago Protests. “We Were Outnumbered and Unprepared,” One Says*, CNN (July 18, 2020), <https://www.cnn.com/2020/07/18/us/chicago-protest-18-police-injured/index.html>.

- ¹⁰⁰ These percentage figures are less significant than they would have been several years ago, since the number of street stops in Chicago fell to low levels in 2016 and has apparently remained at those low levels since. See generally Cassell & Fowles, *supra* note 39.
- ¹⁰¹ Frank Main & Fran Spielman, *Chicago Police Activity Slowed amid June's Steep Rise in Murders; Union Blames Morale*, Chi. Sun-Times (July 1, 2020), <https://chicago.suntimes.com/politics/2020/6/30/21308935/chicago-police-activity-slowed-june-murder-rise-fop-union-blames-morale-john-catanzara>.
- ¹⁰² *Id.*
- ¹⁰³ See <http://covid19.healthdata.org> (data for Illinois regarding "social distancing").
- ¹⁰⁴ Don Babwin, *Chicago Police: Violence Drops After 2 New Units Rolled Out*, KMOV-4 (July 27, 2020), https://www.kmov.com/news/chicago-police-say-violence-dropped-after-2-new-units-rolled-out/article_92dce412-ee1a-51f7-95a8-eb5ff9675511.html.
- ¹⁰⁵ See, e.g., NBC5 Chi., *Chicago Police Deploy 1,000 Additional Officers After Downtown Looting* (Aug. 14, 2020), <https://www.nbcchicago.com/news/local/chicago-police-deploy-1000-additional-officers-after-downtown-looting/2322295/>; see also John J. Donohue, *Comey, Trump, and the Puzzling Pattern of Crime in 2015 and Beyond*, 117 Colum. L. Rev. 1297, 1341 (2017) (noting that de-policing can be "the consequence of a police response to a riot in which police may be reassigned from other tasks to confront a mob").
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- ¹⁰⁷ Main & Spielman, *supra* note 101.
- ¹⁰⁸ Frank Main & Fran Spielman, *Chicago Cops Are Retiring at "Unheard of" Twice the Usual Rate*, Chi. Sun-Times (Aug. 17, 2020), <https://www.chicago.suntimes.com/politics/2020/8/17/21372795/chicago-police-department-retirements-policemens-annuity-benefit-fund-michael-lappe>.
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- ¹¹⁰ See Paul G. Cassell & Richard Fowles, *Does Bail Reform Increase Crime? An Empirical Assessment of the Public Safety Implications of Bail Reform in Cook County, Illinois*, Wake Forest L. Rev. (forthcoming 2020); see also David Jackson et al., *Bail Reform Analysis by Cook County Chief Judge Based on Flawed Data, Undercounts New Murder Charges*, Chi. Trib. (Feb. 13, 2020), <https://www.chicagotribune.com/investigations/ct-cook-county-bail-bond-reform-tim-evans-20200213-tk0dxeivyp7k66q2v2ahboi4-story.html>.
- ¹¹¹ WBBM News Radio, *Chicago Top Cop Laments "Catch-and-Release" Court System* (Sept. 8, 2020), <https://www.radio.com/wbbm780/articles/chicago-top-cop-laments-catch-and-release-court-system>.
- ¹¹² See David Jackson et al., *Kim Foxx Drops More Felony Cases as Cook County State's Attorney than Her Predecessor*, Tribune Analysis Shows, Chi. Trib. (Aug. 10, 2020), <https://www.chicagotribune.com/investigations/ct-kim-foxx-felony-charges-cook-county-20200810-ldvrmqv6bd3hpsuqha4duehmu-story.html>.
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- ¹¹⁴ Brendan O'Brien & Tom Polansek, *On Chicago's South Side, Some Violence-Weary Residents Open to Federal Investigators*, Reuters (July 27, 2020), <https://www.reuters.com/article/us-global-race-protests-chicago/on-chicagos-south-side-some-violence-weary-residents-open-to-federal-investigators-idUSKCN24S1A6>.
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- ¹¹⁹ *Id.*; see also CBS3-Phila., *supra* note 27 (Philadelphia Police Commissioner notes redeployment of officers during the height of civil unrest).
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- ¹²³ Police Executive Research Forum, *PERF Daily Critical Issues Report* (June 23, 2020), <https://www.policeforum.org/criticalissuesjune23>.
- ¹²⁴ *Id.*
- ¹²⁵ *Id.*
- ¹²⁶ *Id.*
- ¹²⁷ See, e.g., The Daily, *A Surge in Shootings*, N.Y. Times (Aug. 24, 2020), <https://www.nytimes.com/2020/08/24/podcasts/the-daily/gun-violence-new-york.html>.
- ¹²⁸ Sara Dorn & Dean Balsamini, *Shootings Soar 205 Percent After NYPD Disbands Anti-crime Unit*, N.Y. Post (July 4, 2020), <https://nypost.com/2020/07/04/shootings-soar-205-percent-after-nypd-disbands-anti-crime-unit/>.
- ¹²⁹ Davenport, *supra* note 31.
- ¹³⁰ *Id.*
- ¹³¹ Tina Moore, *NYPD Commish, Chief of Department Blame Shooting Spike on Bail Reform, Coronavirus, Protests*, N.Y. Post (June 30, 2020), <https://nypost.com/2020/06/30/nypd-chief-blames-shooting-spike-on-bail-reform-coronavirus-and-protests/>.
- ¹³² See Cassell & Fowles, *supra* note 110 (reanalyzing data on Chicago bail reform to find subsequent increase in recidivism by pretrial releasees). The Cassell-Fowles analysis of the Chicago bail study also calls for careful attention to expanded releases for shooting crimes, because of the high cost to victims of those crimes. *Id.* at 34.
- ¹³³ I hope to be able to investigate New York's bail reform efforts in the near future.
- ¹³⁴ See Ben Chapman & Katie Honan, *New York City Police Commissioner Blames New Bail Law for Rising Crime*, Wall St. J. (Feb. 4, 2020).
- ¹³⁵ Weekly Update, *New York City Jail Population Reduction in the Time of COVID-19*, <https://criminaljustice.cityofnewyork.us/>

- wp-content/uploads/2020/05/COVID-factsheet_MAY-7-2020.pdf.
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- ¹³⁷ See *After Curfew, Police Arrest Dozens of Protesters in New York City*, N.Y. Times (June 3, 2020), <https://www.nytimes.com/2020/06/03/nyregion/nyc-protests-george-floyd.html>.
- ¹³⁸ See Feuer, *supra* note 136 (discussing gun arrests).
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- ¹⁵⁴ Molly Crane-Mewman, *NYPD Unions Sue NYC over Anti-chokehold Law, Claim "Ordinary Police Officer" Is Unable to Understand It*, N.Y. Daily News (Aug. 6, 2020), <https://www.nydailynews.com/new-york/manhattan/ny-chokehold-ban-police-union-sue-20200806-l3jfrvccbfxfcoaxbhfbsbe-story.html>.
- ¹⁵⁵ Julia Marsh & Carl Campanile, *Mayor Bill de Blasio Backs Controversial Changes to Chokehold Law for Police*, N.Y. Post (Aug. 27, 2020), <https://nypost.com/2020/08/27/de-blasio-backs-controversial-chokehold-law-changes-amid-shootings/>.
- ¹⁵⁶ According to the *New York Times* article discussed here, during the week of May 24, there were 113 gun arrests; in the week of June 7, there were 71 gun arrests; and in the week of June 28, there were 22 gun arrests. When this decline surfaced as an issue, NYPD reported redeployed officers to areas where gun crimes were spiking, and gun arrests increased. They climbed back to 54 arrests during the week of July 27—but still well below where things stood as of May 24. Feuer, *supra* note 136.
- ¹⁵⁷ Mairead McArdle, *NYPD Hit 25-Year High in Gun Busts in First Week of September*, N.Y. Post (Sept. 8, 2020), <https://www.nationalreview.com/news/nypd-hits-25-year-high-in-nyc-gun-busts/>.
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- ¹⁵⁹ *Id.*
- ¹⁶⁰ Craig McCarthy & Aaron Feis, *NYPD Data: Only About 20 Percent of NYC Shootings Ended in Arrests This Year*, N.Y. Post (Sept. 6, 2020), <https://nypost.com/2020/09/06/nypd-shooting-arrest-rate-barely-tops-20-percent-as-gunplay-surges/>.
- ¹⁶¹ See Cassell & Fowles, *supra* note 139, at 1656 n.422.
- ¹⁶² The data shown are from the NYPD. Call data are also available on the New York City data portal, but the relevant series appears to be defective.
- ¹⁶³ See, e.g., Michael Corkery & Sapna Maheshwari, *Macy's Damage Is Limited, but Looting Deals a Symbolic Blow*, N.Y. Times (June 2, 2020), <https://www.nytimes.com/2020/06/02/business/macys-herald-square-protests.html>.
- ¹⁶⁴ The 911 call data are interesting to look at during this time in relation to another event—the Central Park birdwatching incident, when a white woman (Amy Cooper) apparently attempted to capitalize on possible police suspicion of Black people, by filing a false police report of a threat by an African American man. As a result of this event, in early June publicity swirled around these events and in mid-June the New York legislature enacted a new law, which created potential civil damages for calling the cops on a Black person or any other member of a “protected class” when there was “no reason to believe a crime or offense, or imminent threat to person or property is occurring.” As a result, it has been suggested that New York’s law might create a “Ferguson effect for civilians” (i.e., fewer calls going to 911 because of fear of possible repercussions). Stephen Eide, *Why New York's New "Anti-Karen" Law Will Backfire*, N.Y. Post (Aug. 8, 2020), <https://nypost.com/2020/08/08/why-new-yorks-new-anti-karen-law-will-backfire/>. On quick examination, the graph here does not show any such Ferguson effect.
- ¹⁶⁵ Police Executive Research Forum, *Critical Issues Report* (Aug. 26, 2020), <https://www.policeforum.org/criticalissuesaugust26>.
- ¹⁶⁶ *Id.*
- ¹⁶⁷ Chris Libonati, *Syracuse Crime and Coronavirus: Shootings Soar, Murders Rise, Overall Crime Drops*, Syracuse.com (Aug. 18, 2020), <https://www.syracuse.com/crime/2020/08/syracuse-crime-and-coronavirus-murders-shootings-up-but-overall-crime-plummets.html>.
- ¹⁶⁸ *Id.*
- ¹⁶⁹ *Id.*
- ¹⁷⁰ Jennifer Edwards Baker, *Cincinnati on Pace for Its Deadliest Year Ever*, FOX-19 (Aug. 4, 2020), <https://www.fox19.com/2020/08/04/cincinnati-pace-its-deadliest-year-ever/>.
- ¹⁷¹ Police Executive Research Forum, *supra* note 165.
- ¹⁷² Lydia Saad, *Black Americans Want Police to Retain Local Presence*, Gallup (Aug. 5, 2020), <https://news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx>; see also Shira Angert, Benenson Strategy Group, *The*

- Intersection of Gun Violence, Policing and Mass Incarceration in Communities of Color: Research Results (Apr. 28, 2016) (in 2016 poll, 62% of African Americans and 80% of Hispanics said that the police make their communities safer and fewer than one in ten said the police make things “less safe”), http://www.joycefdn.org/assets/images/Memo_on_Communities_of_Color_Survey_Results_FIN.pdf.
- ¹⁷³ Steve Crabtree, *Most Americans Say Policing Needs “Major Changes,”* Gallup (July 22, 2020), <https://news.gallup.com/poll/315962/americans-say-policing-needs-major-changes.aspx>.
- ¹⁷⁴ O’Brien & Polansek, *supra* note 114.
- ¹⁷⁵ Jeffrey C. Mays, *Who Opposes Defunding the N.Y.P.D.? These Black Lawmakers*, N.Y. Times (Aug. 10, 2020), <https://www.nytimes.com/2020/08/10/nyregion/defund-police-nyc-council.html>.
- ¹⁷⁶ See Roman, *supra* note 45, <https://johnkroman.substack.com/p/summer-of-rage-summer-of-discontent> (“While policing quality varies, what does not vary much, or at all, over short periods of time are citizen attitudes about the police.”). Cf. Paul H. Robinson, *Intuitions of Justice and Utility of Desert*, ch. 8 (2013) (discussing many varying factors that influence the perceived legitimacy of the criminal justice system).
- ¹⁷⁷ The Washington Post-Schar School Poll, <https://context-cdn.washingtonpost.com/notes/prod/default/documents/6dae3525-b4e3-4b5c-9c26-18901aa10c25/note/0916a9ff-27b5-4671-b4d9-3a13db879199>.
- ¹⁷⁸ Megan Brennan, *Amid Pandemic, Confidence in Key U.S. Institutions Surges*, Gallup (Aug. 12, 2020), <https://news.gallup.com/poll/317135/amid-pandemic-confidence-key-institutions-surges.aspx>.
- ¹⁷⁹ Rosenfeld et al., *supra* note 11. For other interesting discussions of the Ferguson Effect, compare Ronald T. Hosko, *Through Police Eyes—The Ferguson Effect Scare*, 23 Berkeley J. Crim. L. 9, 20–23 (2018) (pointing to de-policing occurring in various locations in 2015) with Edward R. Maguire, Justin Nix & Bradley A. Campbell, *A War on Cops? The Effects of Ferguson on the Number of U.S. Police Officers Murdered in the Line of Duty*, 33 Just. Q. 1, 13 (2016) (finding no evidence of a Ferguson Effect on the number of police officers murdered in the United States).
- ¹⁸⁰ Rosenfeld et al., *supra* note 11, at 26.
- ¹⁸¹ Cassell & Fowles, *supra* note 39.
- ¹⁸² *Id.* at 1600–01.
- ¹⁸³ *Id.* at 1613–18. The Chicago homicide spike is also thoughtfully, albeit somewhat briefly, analyzed in Jeffrey Fagan & Daniel Richman, *Understanding Recent Spikes and Longer Trends in American Murders*, 117 Colum. L. Rev. 1235, 1277–78 (2017). The Cassell-Fowles paper, published after the Fagan-Richman paper, analyzes the various competing explanations for the Chicago homicide spike more thoroughly, by controlling for changes in (for example) temperature, unemployment rate, arrests, and 911 calls.
- ¹⁸⁴ Rosenfeld et al., *supra* note 11, at 26.
- ¹⁸⁵ Cassell & Fowles, *supra* note 39, at 1619–25.
- ¹⁸⁶ Wesley Skogan, *Chapter 7 – The Great Crime Spike of 2016, in Stop & Frisk and the Politics of Crime in Chicago* (forthcoming 2021) (manuscript on file with author). The Cassell-Fowles paper focuses exclusively on explaining the role of stop-and-frisk on the Chicago homicide spike of 2016, while Professor Skogan more ambitiously attempts to analyze the impact of stop-and-frisk over a much longer time span. We suspect that the differences in the effect sizes between our paper and his may come down to this fact—his longer time frame introduced more “noise” into the data that reduced the impact of the stop-and-frisk variables in his equations on the crime spike of 2016.
- ¹⁸⁷ *Id.*
- ¹⁸⁸ Tanaya Devi & Roland G. Fryer, Jr., *Policing the Police: The Impact of “Pattern-or-Practice” Investigations on Crime*, NBER Working Paper (June 2020), <https://www.nber.org/papers/w27324>.
- ¹⁸⁹ For more information about the homicide spike in Baltimore, see Stephen L. Morgan & Joel A. Pally, *Ferguson, Gray, and Davis: An Analysis of Recorded Crime Incidents and Arrests in Baltimore City, Marcy 2010 through December 2015*, <http://socweb.soc.jhu.edu/faculty/morgan/papers/MorganPally2016.pdf>.
- ¹⁹⁰ For example, with regard to Chicago, Devi and Fryer refer to their Chicago data as reflecting “the number of police-civilian contacts in Chicago by month,” describing these data as including “mostly traffic stops, suspicious behavior, gang/narcotics related, crime victim and dispersal.” Devi and Fryer, *supra* note 188, at 27 (emphasis added). In fact, the data should be described as involving “street stops” rather than all police-civilian contacts. See Cassell & Fowles, *supra* note 39, at 1603 (collecting street stop data), 1658 (separately collecting traffic stop data). The reason that this description is important is that we provide significant evidence that the reduction in street stops triggered the Chicago homicide spike, and that DOJ’s pattern-and-practice investigation was not the cause of the decline in street stops. Instead, as part of the ACLU consent decree, the CPD redeployed their officers from doing stop-and-frisk to doing traffic stops. See *id.* at 1649–59. Devi and Fryer argue that the Justice Department’s initiation of a pattern and practice investigation (PPI) involving CPD’s *deadly force policy* somehow explains changes in CPD’s stop-and-frisk policy. That mismatch makes the PPI (which was ultimately dropped by the Department) a much weaker candidate for explaining a decline in street stops than the ACLU agreement—which dealt specifically with street stops. See *id.* at 1625–27.
- ¹⁹¹ David C. Pyrooz et al., *Was There a Ferguson Effect on Crime Rates in Large U.S. Cities?*, 46 J. Crim. Justice 1, 5 (2016).
- ¹⁹² *Id.* at 1, 4. This received wisdom may be tested in the wake of the speedy shock that is causing homicide spikes in this country this summer.
- ¹⁹³ Rosenfeld & Wallman, *supra* note 106.
- ¹⁹⁴ *Id.* at 62.
- ¹⁹⁵ *Cleveland Protests Erupt After Officer Found Not Guilty*, CNBC (May 24, 2015), <https://www.cnbc.com/2015/05/24/cleveland-protests-erupt-after-officer-was-found-not-guilty.html>.
- ¹⁹⁶ Cf. MacDonald, *supra* note 61, at 48 (“The lack of evidence for a ‘Ferguson Effect’ does not imply that if the policy systematically disengaged from proactive policing that crime rates would not rise to a concerning level. . .”).
- ¹⁹⁷ See, e.g., Braga et al., *supra* note 70, at 658 (“Hotspots policing programs generate modest crime control gains”). But cf. Rosenfeld et al., *supra* note 71, at 440 (finding hot spot policing intervention “reduced the rate of firearm violence by two thirds from the level expected without the intervention”).
- ¹⁹⁸ See Cassell & Fowles, *supra* note 39, at 1608.
- ¹⁹⁹ See *id.* at 1607 n.120 (explaining that as levels of stop-and-frisks decline, each stop may have increasing marginal utility, and thus significant reductions in the scale of stop-and-frisks may significantly harm law enforcement efforts).
- ²⁰⁰ See note 33 and accompanying text.
- ²⁰¹ For a listing of the cities, see Jiachuan Wu et al., *Map: Protests and Rallies for George Floyd Spread Across the Country*, NBC News (June 1, 2020), <https://www.nbcnews.com/news/us-news/map-protests-rallies-george-floyd-spread-across-country-n1220976>; see also ACLED, *supra* note 35, at 2 (protests have taken place in over 2,400 distinct locations around the country).
- ²⁰² Michael Tesler, *Support for Black Lives Matter Surged During Protests, but Is Waning Among White Americans*,

- FiveThirtyEight (Aug. 19, 2020), <https://fivethirtyeight.com/features/support-for-black-lives-matter-surged-during-protests-but-is-waning-among-white-americans/>.
- ²⁰³ *Id.* (citing Larry Buchanan et al., *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. Times (July 3, 2020)).
- ²⁰⁴ See Alec MacGillis, *The Tragedy of Baltimore: Since Freddie Gray's Death in 2015, Violent Crime Has Spiked to Levels Unseen for a Quarter Century. How Order Collapsed in an American City*, ProPublica (Mar. 12, 2019), <https://www.propublica.org/article/the-tragedy-of-baltimore>.
- ²⁰⁵ MacGillis, *supra* note 78.
- ²⁰⁶ See Asher & Horwitz, *supra* note 8.
- ²⁰⁷ See note 70 and accompanying text.
- ²⁰⁸ See ACLED, *supra* note 35 at 3.
- ²⁰⁹ Jocelyn Grzeszczak, *As Police Officers Across America Quit, Homicide Rates Rise in America's Biggest Cities*, Newsweek (Aug. 12, 2020), <https://www.newsweek.com/police-officers-across-america-quit-homicide-rates-rise-americas-biggest-cities-1524648>.
- ²¹⁰ *Id.*
- ²¹¹ Cf. Lawrence Rosenthal, *Pragmatism, Originalism, Race, and the Case Against Terry v. Ohio*, 43 Tex. Tech. L. Rev. 299, 315 (2010) (discussing a "contagion effect" from firearm violence).
- ²¹² See Rosenfeld et al., *supra* note 11, at 17–19 (citing, e.g., Tyler et al., *supra* note 72).
- ²¹³ *Id.* at 20.
- ²¹⁴ Rosenfeld-Lopez report, *supra* note 2, at 17.
- ²¹⁵ John Eligoin et al., *In the Wake of COVID-19 Lockdowns, a Troubling Surge in Homicides*, N.Y. Times, Aug. 11, 2020, <https://www.nytimes.com/2020/08/11/us/homicides-crime-kansas-city-coronavirus.html>.
- ²¹⁶ See David M. Kennedy, *Pulling Levers: Chronic Offenders, High-Crime Settings, and a Theory of Prevention*, 31 Valparaiso Univ. L. Rev. 449, 449 (1997).
- ²¹⁷ See Rosenfeld & Lopez, *supra* note 2, at 6. This assumption is likely a conservative one. See, e.g., Fry, *supra* note 4 (noting acceleration of homicide spike in Chicago during July).
- ²¹⁸ See Cassell & Fowles, *supra* note 39, at 1585–86 (estimating that of 274 homicides in the year-over-year increase from 2015 to 2016, 245 could be explained by declining stop-and-frisks—i.e., 89.4% (245/274)).
- ²¹⁹ U.S. Dept. of Justice, Fed. Bureau of Investigation, Uniform Crime Reports: Crime in the United States-2018, tbl.2, <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/tables/table-2>.
- ²²⁰ *Id.*
- ²²¹ Since homicides increase seasonably in the summer, this is a conservative assumption.
- ²²² This calculation assumes, conservatively, that there were no increased homicides in the last week of May. And, of course, the calculation does not include months following July, an issue discussed several paragraphs below.
- ²²³ See Hilsenrath, *supra* note 5 (reporting that the total of 3,612 was up 24% from 2019, from which the figure of 2,912 is derived).
- ²²⁴ Emmanuel Camarillo & Sam Kelly, *Murder, Shooting Up, Overall Crime Down Halfway Through 2020*, Chi. Sun-Times (July 1, 2020), <https://chicago.suntimes.com/crime/2020/7/1/21309399/june-crime-stats-chicago-police-david-brown-homicides-murders>.
- ²²⁵ Fry, *supra* note 4.
- ²²⁶ See Eric Levenson & Jasan Hanna, *Chicago's Homicide Rate Decreases for the Third Straight Year*, CNN (Dec. 31, 2019) (reporting Chicago suffered about 490 homicides and 2,139 shootings in 2019, a ratio of 4.36 shootings for every homicide), <https://www.cnn.com/2019/12/31/us/chicago-murders-drop-2019/index.html>.
- ²²⁷ See, e.g., Paul H. Robinson, *Demonizing Police Costs Black Lives*, Newsweek (June 28, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3638553.
- ²²⁸ Hinkel & Gorner, *supra* note 53.
- ²²⁹ Carly Behm & Jermaine Nolen, *Summer Violence Drops in August, but Murders Up 50% from 2019: CPD*, Chi. Sun-Times (Sept. 1, 2020), <https://chicago.suntimes.com/crime/2020/9/1/21409706/chicago-monthly-crime-stats-august-2020>.
- ²³⁰ The decrease might also be due to increased federal law enforcement efforts as part of "Operation Legend," as discussed below.
- ²³¹ Ben Chapman, *New York City Police to Increase Weekend Patrols in Response to Violence*, Wall St. J. (Aug. 26, 2020), <https://www.wsj.com/articles/new-york-city-police-to-increase-weekend-patrols-in-response-to-violence-11598467848>.
- ²³² Aaron Moselle, *When It Comes to Its Gun Violence Epidemic, Philly Is Struggling to Control the Spread*, WHYY-PBS (Sept. 3, 2020), <https://whyy.org/articles/when-it-comes-to-its-gun-violence-epidemic-philly-is-struggling-to-control-the-contagion/> (reporting that during July and August, 156 illegal firearms were seized and 22 individuals charged with federal firearm violations and related crimes by the federal-state Twin Cities Violent Crime Task Force in the Minneapolis area).
- ²³³ Kevin Johnson, *Barr Announces 1,000 Arrests, Including Suspects in 90 Murder Under Operation Legend*, USA Today (Aug. 19, 2020), <https://www.usatoday.com/story/news/politics/2020/08/19/william-barr-operation-legend-arrests-murder-suspects-cities-kansas-city/3399127001/>.
- ²³⁴ See, e.g., U.S. Attorney's Off. for the Dist. of Minn., Update on Twin Cities Violent Crime Task Force (Aug. 7, 2020), <https://www.justice.gov/usao-mn/pr/update-twin-cities-violent-crime-task-force-0>.
- ²³⁵ For a recent account of the issues in popular media, see Jeff Asher & Ben Horwitz, *How Do the Police Actually Spend Their Time?*, N.Y. Times (June 19, 2020), <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>; Baughman, *supra* note 67 (discussing the low crime solving rates of police—less than 10% arrest and clearance rates in several years—when accounting for unreported crimes).
- ²³⁶ Rosenfeld & Lopez, *supra* note 2.
- ²³⁷ See generally David A. Freeman, *Statistical Models and Causal Inference: A Dialog with the Social Sciences* (2010).
- ²³⁸ Of course, to the extent that those responses increase the risk of a lethal response by police, the issues involved become even more complicated.
- ²³⁹ Cf. Andrew P. Wheeler & Tomislav V. Kovandzic, *Monitoring Volatile Homicide Trends Across U.S. Cities*, 22 Homicide Stud. 119 (2017) (cautioning that high percentage rate changes in particular cities are not necessarily unusual in the United States).
- ²⁴⁰ See generally Barry Latzer, *The Rise and Fall of Violent Crime in America* (2016).
- ²⁴¹ See Moselle, *supra* note 232 (noting that city officials were unable to provide Philadelphia council members with specific information about the success of antiviolence programs).
- ²⁴² Cf. Thomas Abt, *supra* note 71, at 169 ("When it comes to violent crime in America's cities, the reality is that most people are woefully unaware of what actually keeps the peace in urban America.").
- ²⁴³ Cf. Ronald J. Allen & Larry Laudan, *Deadly Dilemmas*, 41 Tex. Tech. L. Rev. 65, 68 (2008) (discussing trade-offs between advantages and disadvantages of criminal prosecution).
- ²⁴⁴ Cf. Erika R. George, *The Fourth Amendment's Forcing of Flawed Choices: Giving Content to Freedom for Residents of Public*

Housing, 30 Harv. C.R.-C.L. L. Rev. 577 (1995) (discussing importance of full and fair discussion of trade-offs in public housing context).

²⁴⁵ Cassell & Fowles, *supra* note 39, at 1650–59.

²⁴⁶ See, e.g., Taleed El-Sabawi & Jennifer J. Carroll, *Defund and Replace the Police: A Model Act for a Behavioral Health Crisis Response Team*, <https://www.ssrn.com/abstract=3683432>. Cf. Rashawn Ray, *What Does “Defund the Police” Mean and Does It Have Merit?*, Brookings Inst. (June 19, 2020) (describing objectives of “defund the police” reform effort), <https://www.brookings.edu/blog/fixgov/2020/06/19/what-does-defund-the-police-mean-and-does-it-have-merit/>.

²⁴⁷ Richard Rosenfeld & Ernesto Lopez, Council on Criminal Justice: National Commission on COVID-19 and Criminal Justice,

Pandemic, Social Unrest, and Crime in U.S. Cities: August 2020 Update (September 2020), at 6.

²⁴⁸ This figure is derived by taking the 53% homicide increase and attributing 80% to the Minneapolis Effect (42.4%), and then multiplying that figure across 1,200 homicides a month for three months.

²⁴⁹ Richard Rosenfeld, *Is De-policing the Cause of the Spike in Urban Violence? Comment on Cassell*, 33 Fed. Sent’g Rep. 142–43.

²⁵⁰ Lawrence Rosenthal, *The Law and Economics of De-policing*, 33 Fed. Sent’g Rep. 128–41.

²⁵¹ *Id.* at 133 (citing, e.g., Ben Green, Thibaut Horel & Andrew V. Papachristos, *Modeling Contagion Through Social Networks to Explain and Predict Gunshot Violence in Chicago, 2006 to 2014*, 177 JAMA Intern. Med. 326 (2017)).