

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/what-happened-when-boston-stopped-prosecuting-nonviolent-crimes>

Public Facing Advocacy Writing

During Rachael Rollins's 2018 campaign for Suffolk County district attorney in Massachusetts, she made a bold, headline-grabbing pledge: her office would not prosecute people for disorderly conduct, shoplifting, some drug possession charges, and certain other low-level, nonviolent offenses.

Although her victory was hailed by progressives, critics expressed concern that the policy shift could lead to increased crime. Yet, Rollins made her intentions clear: the misdemeanor charges on the decline-to-prosecute list are often driven by poverty, mental health issues, substance use, and social issues more appropriately addressed outside the criminal legal system. In short, prosecution would likely do more harm than good.

An estimated 13 million misdemeanor cases are filed each year around the United States, representing nearly 80 percent of cases processed across the country. Misdemeanors are often seen as lower priority than felony offenses, but they can lead to permanent and stigmatizing criminal records, family and employment disturbances due to jail time or court hearings, [vastly diminished wages over a persons lifetime](#), and financially crippling debt from fines and fees. And given the racialized, gendered, and wealth-based disparities seen across the U.S. criminal legal system, the brunt of these negative impacts is felt most acutely by people of color, people experiencing poverty, and LGBTQ people.

[A new study](#) shows how declining to prosecute nonviolent misdemeanor cases not only minimizes a person's current involvement with the criminal legal system, but also substantially reduces the probability of future involvement. Roughly 67,000 cases from the Suffolk County District Attorneys Office from 2004 to 2018 provide overwhelming evidence that these practices make good on their promise to boost public safety. Compared to those who are prosecuted, for the two years after the arraignment of a case, non-prosecution reduced the rates at which people were subsequently issued any new criminal complaints (58 percent), charged with violent offenses (64 percent), charged with disorderly conduct or property offenses (91 percent), charged with motor vehicle offenses (63 percent), or otherwise marked with criminal records (69 percent).

Researchers also found that Rollins's decline-to-prosecute policies did not increase the related nonviolent misdemeanor crimes reported by the Boston Police Department, showing that intentionally averting prosecution does not boost crime.

What's clear is that progressive prosecutors can have significant positive social effects on those who might otherwise have been thrust into the justice system. As the authors of the study note, We may in fact be undermining public safety by criminalizing relatively minor forms of misbehavior.

The research is unmistakable: shrinking the reach of the criminal legal system by not prosecuting nonviolent misdemeanor cases is a net positive for community safety. All prosecutors' offices have the opportunity to decline cases that criminalize poverty, substance use, and mental illness; use their platform to support funding for social services, such as housing and job assistance programs; and divert a greater proportion of cases to minimize contact with the criminal legal system while maximizing community restorative practices. Community-centered conceptions of safety and prosecutorial accountability [are possible](#).

But true community safety does not discard anyone and instead seeks to address root problems and build accountability to prevent future harm. Although policies that decline prosecution of low-level offenses are undoubtedly steps in the right direction, focusing only on nonviolent offenses will inevitably mark those accused of violent offenses as unworthy of similar restorative support systems. [Further work can be done](#) to expand this analysis to higher-level offenses like firearm charges, felonies, and violent crimes.

Ultimately, we now have even more evidence that shrinking the footprint of the criminal legal system can bolster the wellbeing of our communities. A different, more humane approach to public safety is possible, and we can all continue charting this brave new path forward together.

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