

NISKANEN C E N T E R

Police should solve murders. Congress can help.

Greg Newburn, October 29, 2021

Note: This is an archived post detailing an older iteration of the VICTIM Act. [Access the most up-to-date resources on the VICTIM Act here.](#)

The [Murder Accountability Project](#) recently reported that just 54 percent of homicides in 2020 were “cleared” by an arrest and formal charge of the suspected killer. This represents “the worst single-year drop and the lowest murder clearance rate on record.”

Clearance rates for homicides with Black victims [are particularly low](#). A 2018 [Washington Post report](#) on unsolved homicides found that “an arrest was made in 63 percent of the killings of white victims, compared with 48 percent of killings of Latino victims and 46 percent of the killings of black victims.” According to [one study](#), over the past decade in Oakland, California — one of the most violent cities in the nation — only 40 percent of homicides with a Black victim led to an arrest. Per the same report, the Oakland police department currently has more than 2,000 “cold case” open homicides.

The clearance numbers are even worse for nonfatal shootings. According to [research by criminologist Anthony Braga](#), in 2020 New York City cleared just 32 percent of nonfatal shooting incidents. In the [same paper](#), Braga noted that Chicago cleared between 5 and 11 percent of nonfatal shootings between 2010 and 2016. In 2015, Durham, N.C., cleared just one out of ten nonfatal shootings.

Fortunately, low clearance rates for homicides and nonfatal shootings have recently drawn greater attention from media and policymakers. For example, Jill Leovy’s book [Ghettoside](#) paints a vivid picture of the devastating cost of unsolved homicides for families and communities. The Trace and BuzzFeed News published an investigation in 2019 with the [troubling headline](#), “Shoot Someone In a Major U.S. City, and Odds Are You’ll Get Away With It.” The [Washington Post investigation](#) on unsolved homicides was a finalist for the Pulitzer Prize in 2019.

The attention to the problem of low clearance rates has helped our understanding of what [variables are important to clearing cases](#), and what levers we can use to [help improve clearance rates](#). The evidence suggests resources are a critical factor.

For example, crime analyst Jeff Asher recently summarized some relevant research on clearance rates for the [New York Times](#). According to Asher, when it comes to clearing homicides, “The most important factor is what [retired Los Angeles Police Department homicide detective John Skaggs] calls ‘diligence and manpower.’”

Braga agrees. After analyzing homicide clearance data from Boston, [Braga concluded](#) that there is “rigorous evidence that enhanced investigative resources, improved management structures, and oversight processes can increase homicide clearance rates.” He added that the same factors could improve nonfatal shooting clearance rates.

The VICTIM Act

The Violent Incident Clearance and Technological Investigative Methods (VICTIM) Act, a bill introduced by Rep. Val Demings of Florida and co-sponsored by Reps. Cynthia Axne of Iowa, Dwight Evans of Pennsylvania, Robin Kelly of Illinois, Tom O'Halleran of Arizona, and Lucy McBath of Georgia, aims to fix the problem of low clearance rates.

Specifically, the VICTIM Act would authorize a total of \$1 billion over ten years to fund grants aimed at improving clearance rates for homicides and shootings by:

- Hiring, training, and retaining detectives to investigate homicides and shootings;
- Acquiring and upgrading evidence-processing technology or equipment, and hiring and training additional evidence-processing personnel;
- Allowing police to pilot new investigative methods; and
- Ensuring that shooting victims and family members of homicide victims have access to resources, including convenient mental health treatment, grief counseling, funeral and burial expenses, relocation expenses, emergency shelter and transportation, and lost wage assistance.

Additionally, the bill would require specialized data collection related to clearance rates and crime trends, as well as an evaluation of practices that could, if successful, be replicated and scaled nationwide.

The VICTIM Act will provide several major benefits.

The first is the inherent value of delivering justice to victims’ families and helping them heal after unspeakable tragedy. The second is improving the likelihood of catching and incapacitating murderers. The third is sending a signal to would-be violent criminals that they cannot kill and get away with it, which should deter violence. Importantly, while these are society-wide benefits,

they are concentrated most heavily in traditionally disadvantaged communities that [want protection from law enforcement](#) and [solutions](#) to violent crime.

The fourth benefit is less obvious, but equally important.

Clearance rates and legitimacy

Our nation's current unprecedented homicide spike and record-low clearance rates are both taking place parallel to record-[low confidence in police](#), particularly among Black adults. This is probably not a coincidence. Rather, this confluence of troubling phenomena likely reflects a larger "[crisis of legitimacy](#)."

[Evidence suggests](#) low levels of police legitimacy are linked to higher rates of homicide. In part, that could be because [evidence](#) also suggests low levels of police legitimacy and low confidence in police contribute to cycles of [retaliatory violence](#) in which victims of violent crime opt to "even the score" rather than rely on law enforcement to apprehend and punish those responsible. Low confidence in police also [reduces the likelihood](#) that witnesses will cooperate with police investigations, a particularly pernicious problem in light of [the importance of witness cooperation](#) in clearing cases. (Legitimacy is not the only factor that reduces witness cooperation. Intimidation, fear of retaliatory violence, and "stop snitching" campaigns [are relevant, as well](#). Notably, a [bill by Senator Ben Cardin and Rep. Kweisi Mfume of Maryland](#) addresses this important issue.)

Meanwhile, the failure to solve homicides further reduces trust and confidence in police. As Braga wrote in his [paper for the Manhattan Institute](#), "In mostly minority neighborhoods long-suffering from gun violence problems, unsolved shootings fuel suspicions that the police don't care about black and brown victims. Trust in the police erodes, undermining the willingness of community members to share information on suspected shooters."

The result is a vicious cycle — [impunity for violence](#), retaliation, and reduced confidence in law enforcement — that contributes to "[legal cynicism](#)," which [has been described](#) as a "cultural frame in which the law and the agents of its enforcement are viewed as illegitimate, unresponsive, and ill-equipped to ensure public safety."

In the midst of an unprecedented homicide spike and record-low confidence in law enforcement, breaking this cycle is of paramount importance. We have to start somewhere because lives and entire communities are at stake. Solving some murders that would have otherwise gone unsolved will boost confidence in the police and send a signal to communities that society values their lives and prioritizes their safety. Hopefully, [increased legitimacy](#) will incentivize some people to cooperate with law enforcement who otherwise would have refused. Better cooperation should improve the likelihood that a crime will be cleared by arrest, which should deter retaliatory violence and boost confidence in law enforcement. The result, we hope, will be the opposite of the disturbing and frustrating status quo: stronger, safer communities, and virtuous cycles of peace and well-earned trust.