

An Overview of Research Examining Race and Ethnic Differences in Prosecution

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Introduction

- Highlight key findings from one study that examined race differences in case outcomes from initial case filing to final disposition in Florida
 - Compares these findings to a systematic review of the research on race differences in charging and plea bargaining outcomes
- Discuss research on progressive prosecutors and how they affect race disparities in case processing

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- Project Members:
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- **Systematic review** of race differences in case processing was funded by the National Institute of Justice
- Project Members:
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Are There Systematic Racial Differences in Case Processing and Outcomes?

Research Methods

We capitalized on Florida's broad "Sunshine Laws" to gain access to information on case processing and outcomes.

Using this public information, we:

- Drew a 5% random sample of felonies filed in each county in 2017
- Coded court records documenting outcome of each case
- Linked criminal history information to defendants by using DOC data

This process yielded a total of 11,893 coded cases.

Case Processing in Florida

Three substantive stages:

- 1) **Complaint**: initial charges filed; bail determined
- 2) **Information**: prosecutor decides whether to file charges as felony, reduce to misdemeanor, divert from prosecution, dismiss cases
- 3) **Adjudication**: plea agreement specifies type and length of sanction; adjudication can be withheld for “uncoerced plea bargain”

This process and its features give prosecutors great influence on case processing and sentencing outcomes.

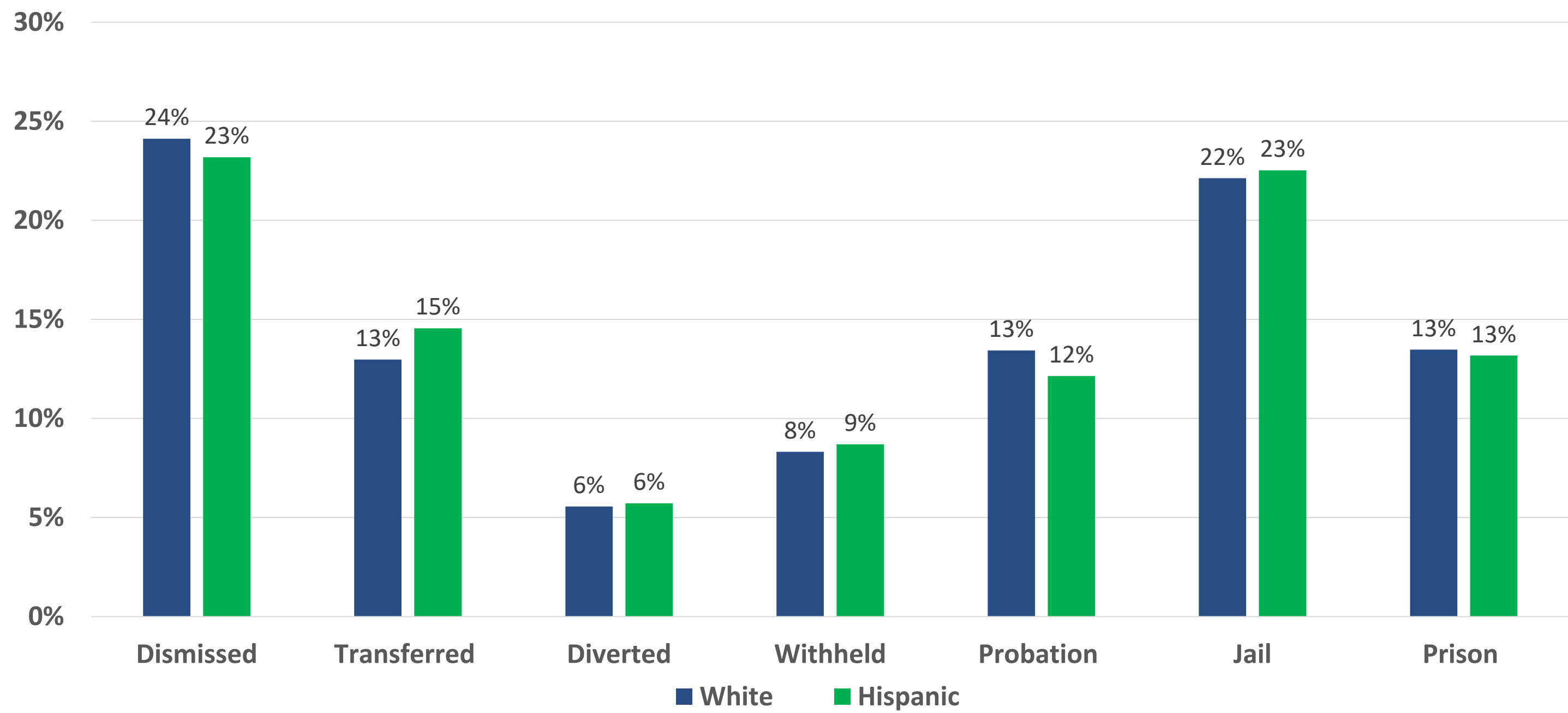
Case Processing in Florida

Process described, typically results in one of the following outcomes:

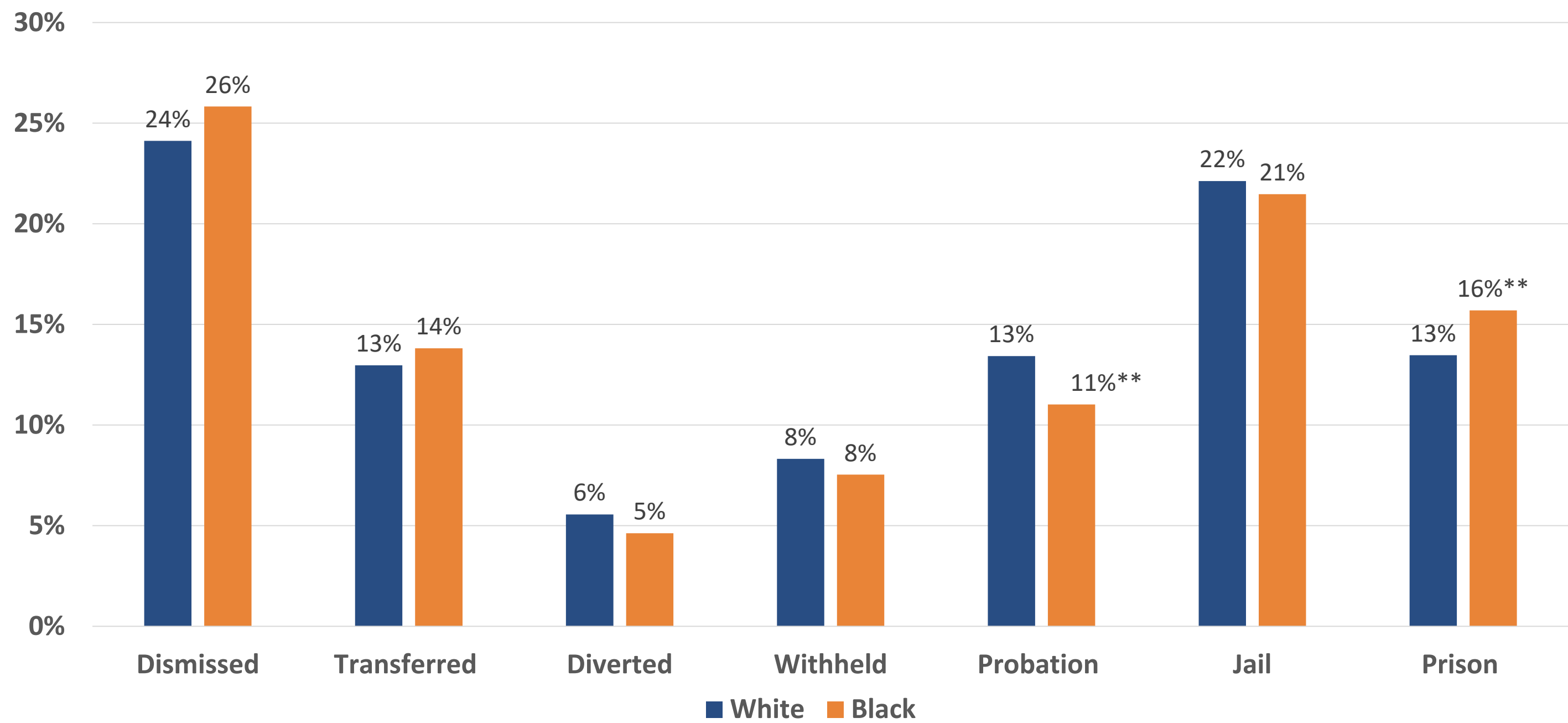
- 1) Case dismissal (“declination”)
- 2) Transfer to lower court (misdemeanor, traffic court)
- 3) Diversion from prosecution (if successful, case dismissed)
- 4) Adjudication withheld
- 5) Probation
- 6) Jail
- 7) Prison

Analyses that follow, display predicted probabilities of receiving these outcomes, **after controlling for case and defendant characteristics**

Hispanic vs. White: Case Outcomes



Black vs. White: Case Outcomes



Key Findings

Relative to White defendants, we found:

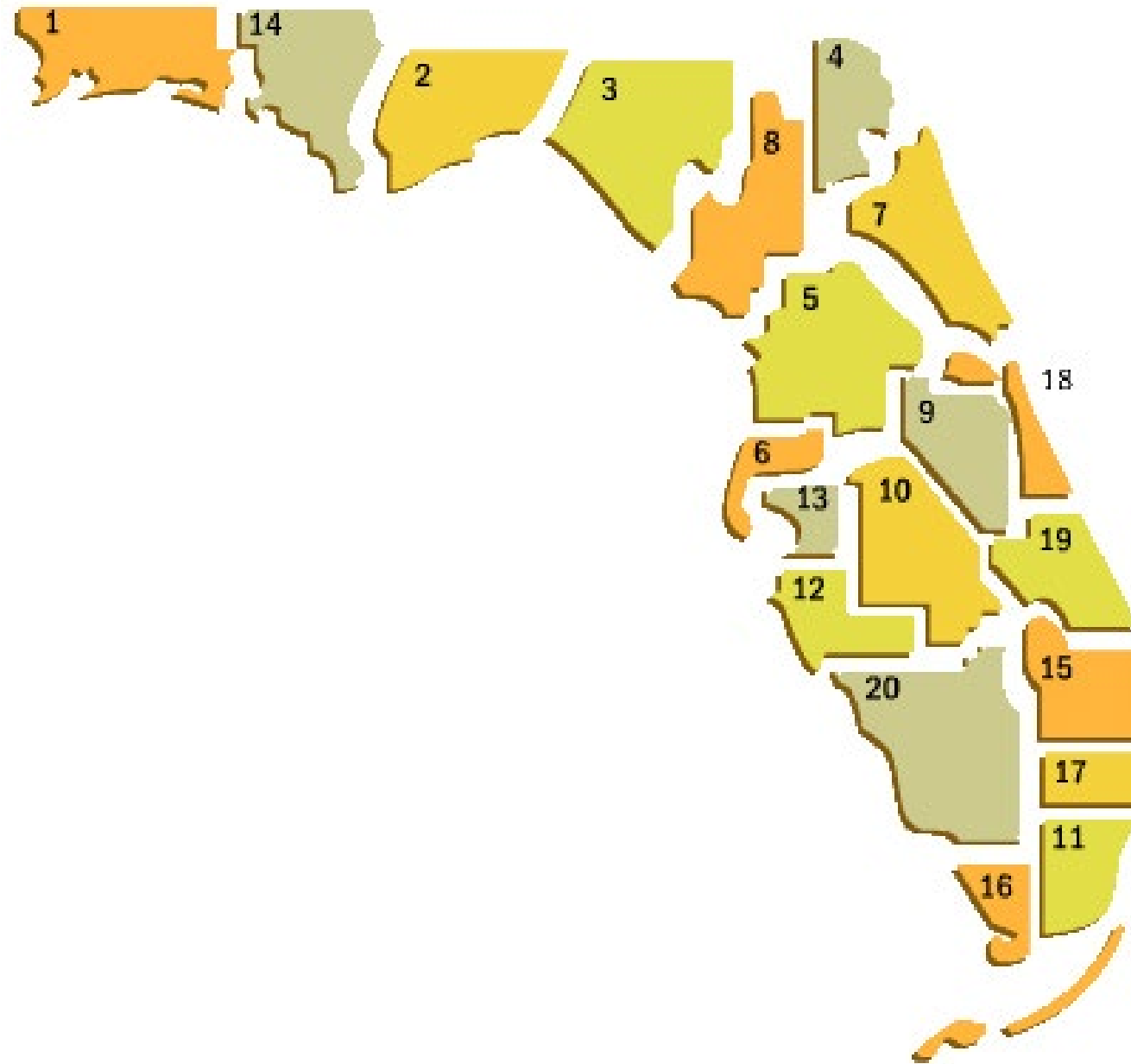
- No evidence of Hispanic disadvantage on pre-conviction or sentencing outcomes
- Black defendants comparable on pre-conviction outcomes, but more disadvantaged at sentencing (more prison, less probation)

These findings generally match the findings of the systematic review. We found, in state courts:

- Small to modest race/ethnic disadvantage in case filing, case dismissal
- Stronger evidence of race/ethnic disadvantage in charge reductions
- Notably, studies that examine full case processing are rare

Do Progressive Chief Prosecutors Reduce Racial Disparities?

Florida's Judicial Districts (Circuits)



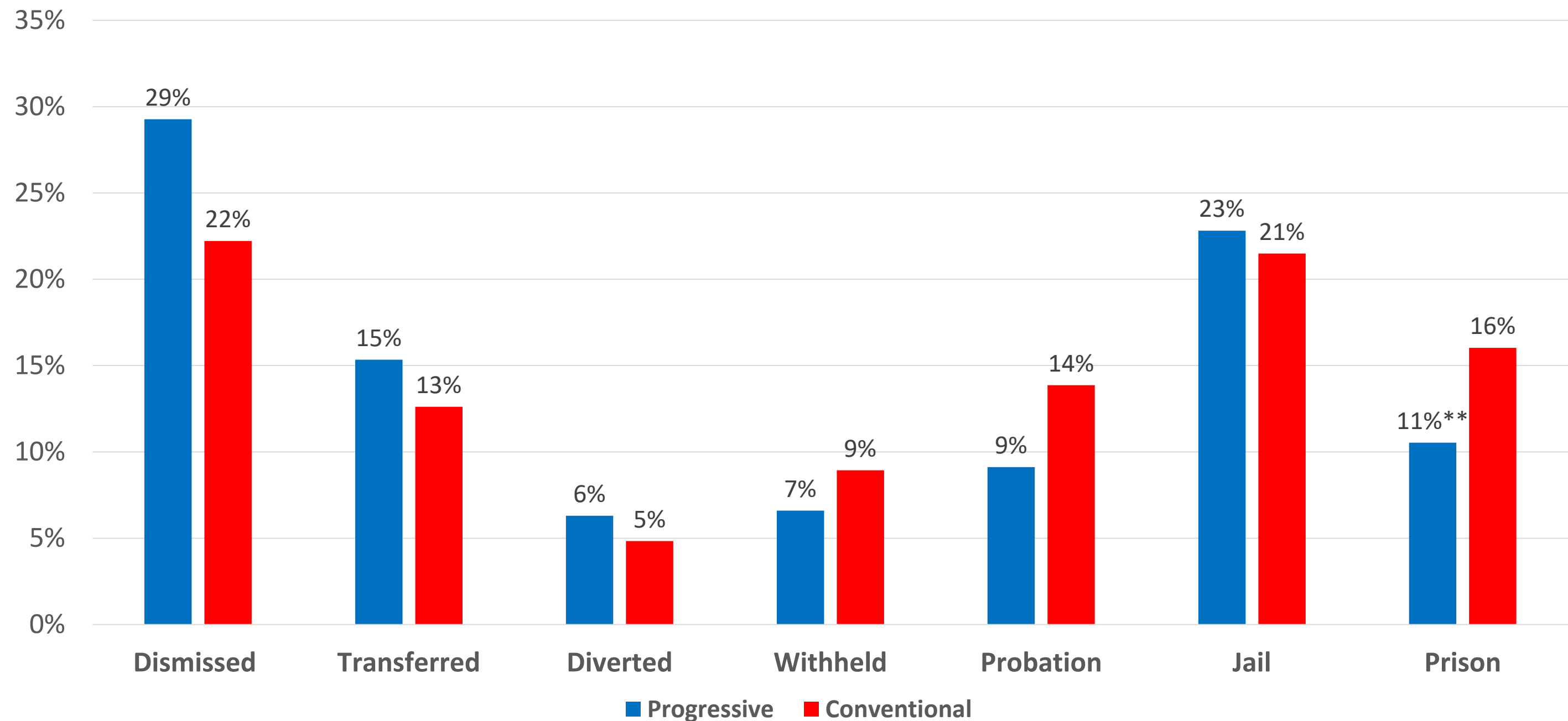
Identifying Progressive Chief Prosecutors

Chief prosecutors (CPs) were classified as “progressive,” **if three or more of the following:**

- 1) Use “smart”/data driven decision-making
- 2) Implement a conviction integrity unit
- 3) Policy categorically declining/diverting certain low-level offenses
- 4) Express commitment to removing “poverty traps”
 - (e.g., cash bail, non-financial DL’s reinstatement)

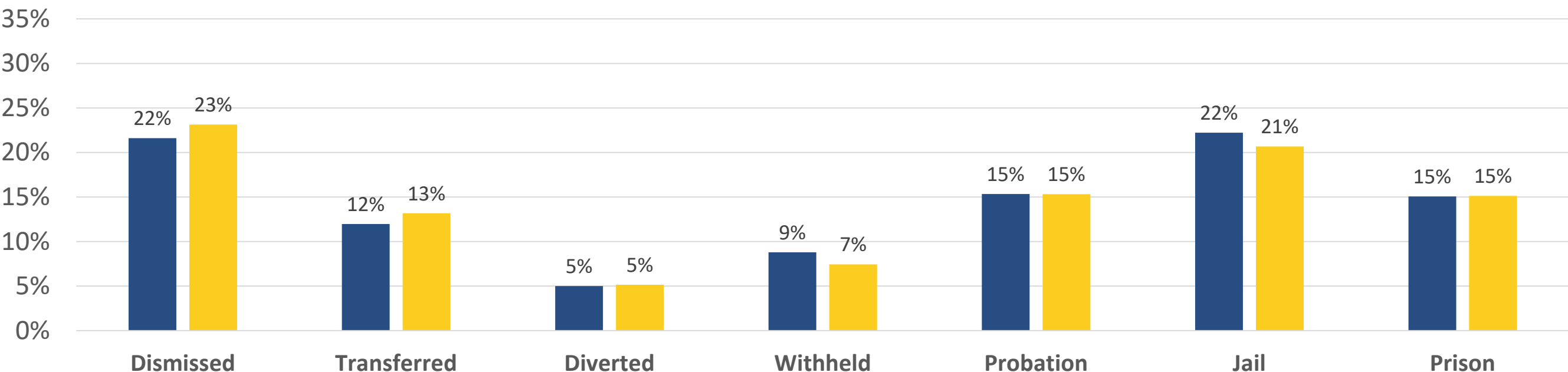
Based on the above, 4 chief prosecutors were deemed “progressive” and remaining 16 classified as “conventional”

Progressive vs. Conventional Prosecutors

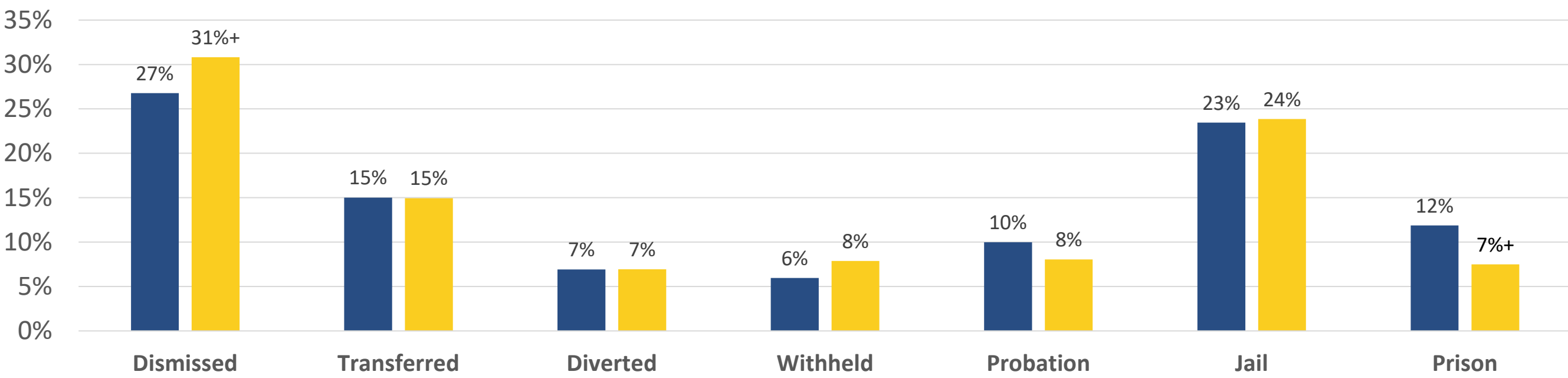


Hispanic vs. White: Case Outcomes

Conventional Chief Prosecutors



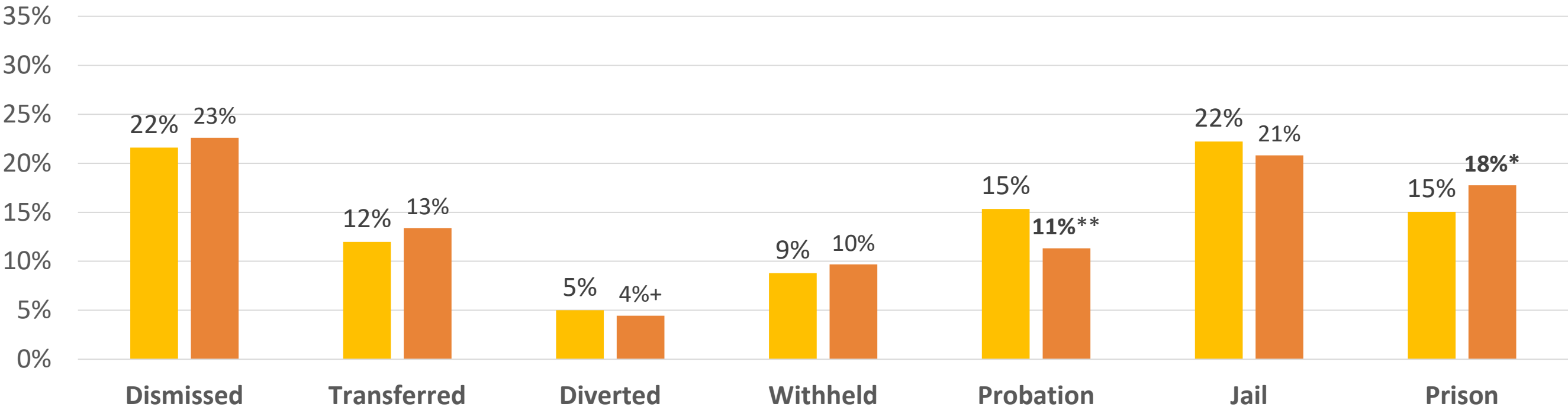
Progressive Chief Prosecutors



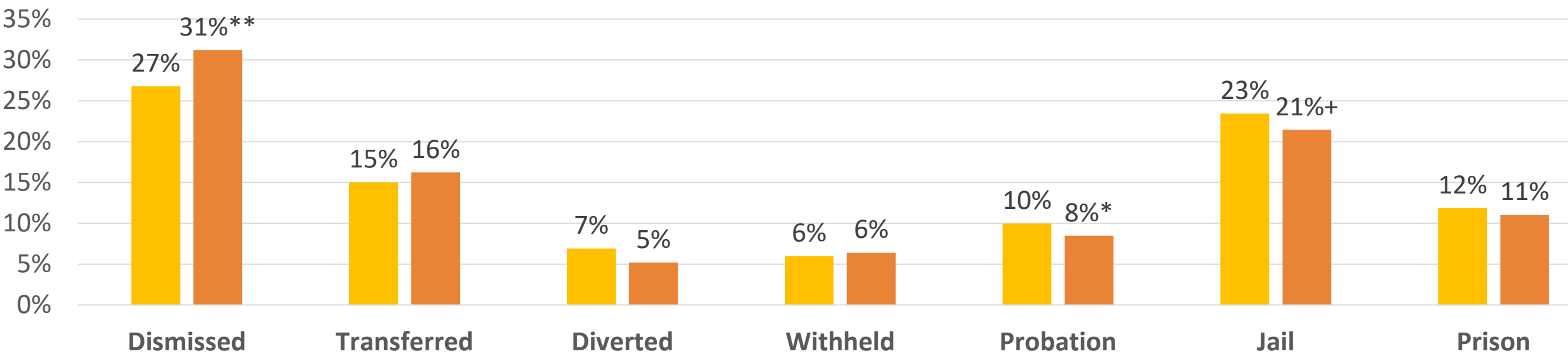
■ White ■ Hispanic

Black vs. White: Case Outcomes

Conventional Chief Prosecutors



Progressive Chief Prosecutors



White Black

Key Findings

- 1) Cases adjudicated in jurisdictions headed by progressive CPs were more likely to be resolved in a manner that did not lead to a felony conviction
- 2) Black defendants were disadvantaged at the sentencing stage in jurisdictions led by a conventional CP (more prison, less probation)
- 3) Black disadvantage in prison sentences was not evident in jurisdictions with progressive CPs and disadvantage in probation was narrowed
- 4) No evidence of Hispanic disadvantage in either kind of jurisdiction

Thank you!

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ORIGINAL ARTICLE

Do progressive prosec
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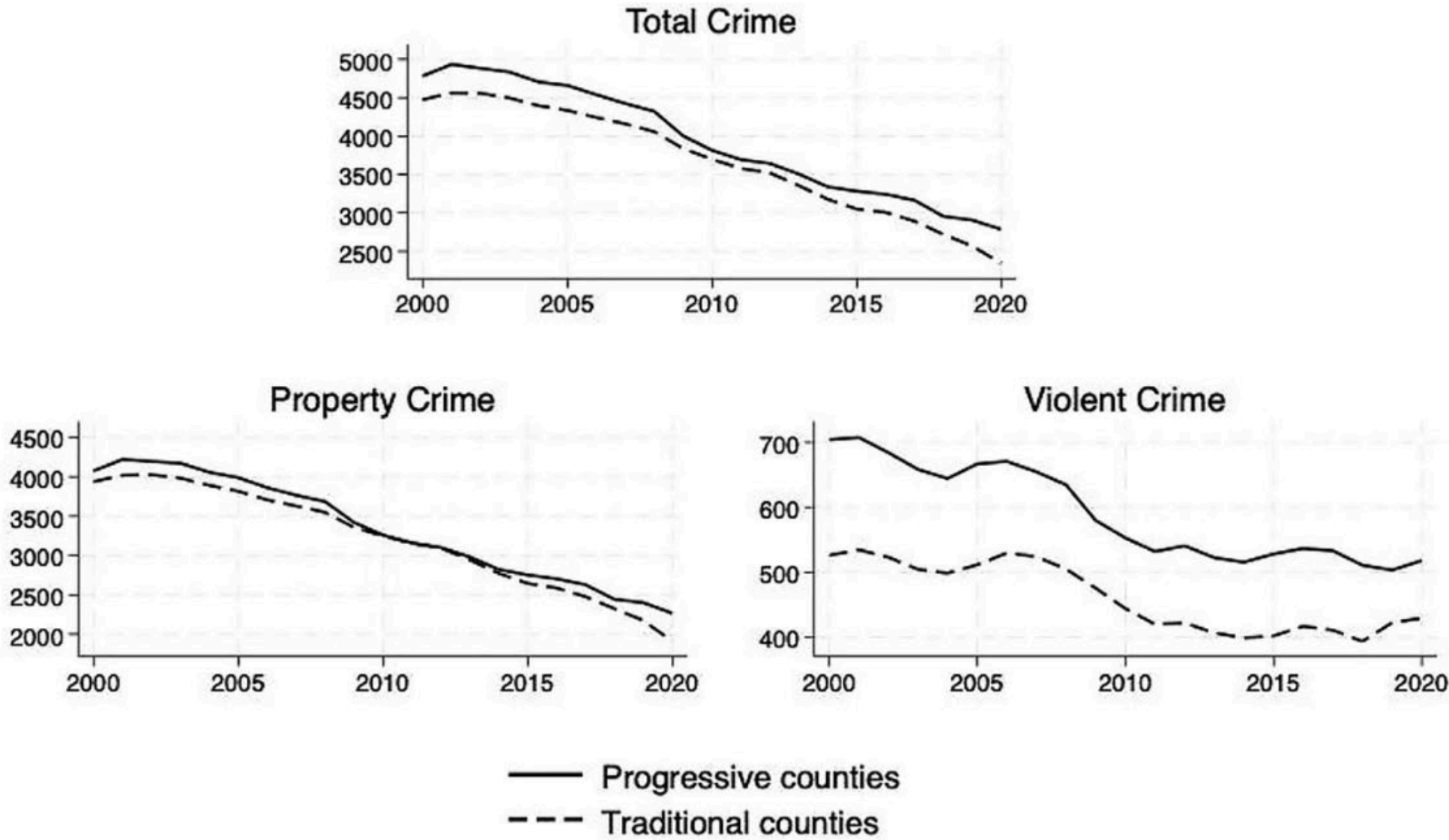


FIGURE 1 Crime by type of chief prosecutor (2000–2020).

