

Too Tough on Crime?
The Impact of Prosecutor Politics on
Incarceration

Ashna Arora
UChicago Crime Lab

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Research Question

- ▶ Impact of state prosecutors on incarceration
 - ▶ State criminal justice system: 90% of U.S. prison population
- ▶ Current policy debates on U.S. incarceration
 - ▶ State prosecutors may have played key role (Pfaff 2012, 2017)
- ▶ This paper shows
 - ▶ Who occupies the prosecutor role matters
 - ▶ Republican prosecutors on avg. ↑ sentence length, incarceration rates
 - ▶ Spillovers:
 - ▶ In judicial elections, ↑ sentence length, incarceration

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 - ▶ Republican prosecutors offered 1 sentence longer, 1.5 months longer
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 - ▶ Who occupies the prosecutor role matters
 - ▶ Republican prosecutorial offices \uparrow sentence length, incarceration rates
 - ▶ Spillovers:
 - ▶ \uparrow Judicial discretion \implies \downarrow sentence length disparities

Today

- ▶ **Setting, Empirical Strategy**
- ▶ Results

Setting: Prosecutors

- ▶ Widely regarded as most powerful actors in U.S. legal system
 - ▶ Make decisions almost entirely outside public scrutiny
 - ▶ Decide whether to bring a case or drop charges
 - ▶ Charge a misdemeanor or a felony
 - ▶ Recommend probation or a prison sentence
 - ▶ 95% of sentences are determined via plea bargains
 - ▶ Racial disparities in sentencing appear at prosecution stage
 - ▶ Rehavi & Starr (2014)
 - ▶ Limited research: State prosecutors

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Setting

- ▶ Study sample: 2,344 local US prosecutor offices
 - ▶ Handle 2.3 million felony cases each year (Perry 2006)
 - ▶ 95 % of all criminal prosecutions (BJS 2011)
 - ▶ Chief prosecutor is elected in most states
 - ▶ Identification: Close elections
 - ▶ Sharp RD
 - ▶ Calonico et al 2014: Bandwidth selection, point estimates, robust standard errors

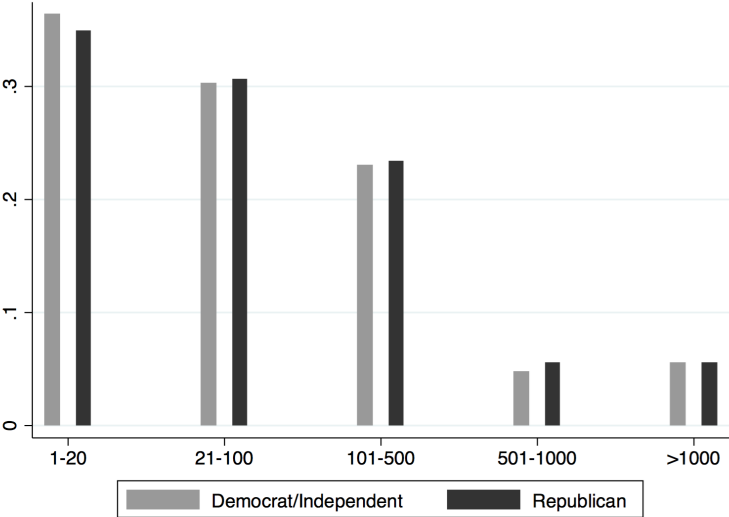
Data

- ▶ Prosecutor Elections
 - ▶ Secretary of State, State Boards of Elections

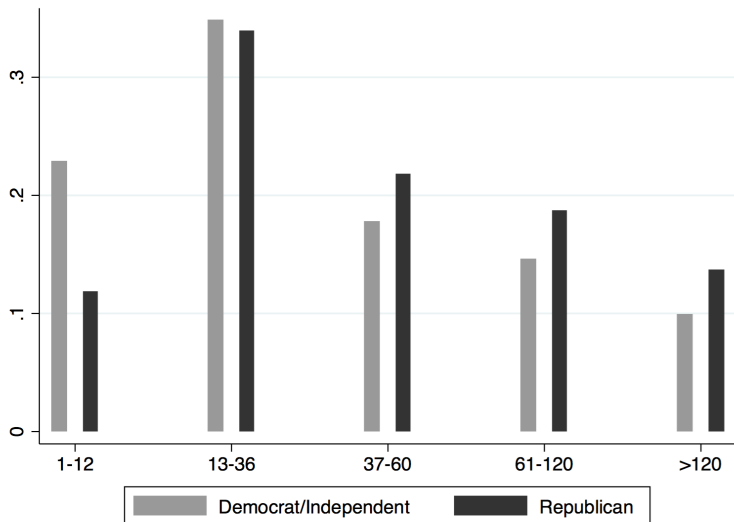
- ▶ Sentencing Outcomes (offender level)
 - ▶ National Corrections Reporting Program 1983-2015
 - ▶ National Judicial Reporting Program: 1986-2006

- ▶ Incarceration Outcomes (county level)
 - ▶ Incarceration Trends (Vera): 1970-2015

Number Sentenced by DA Political Affiliation



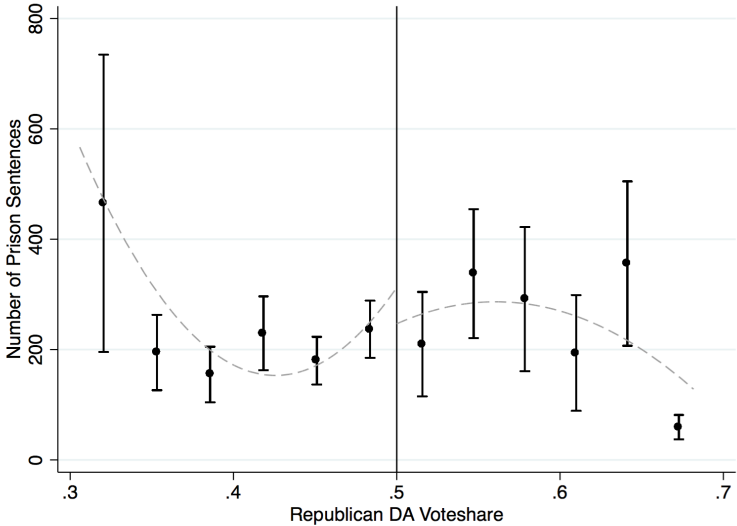
Sentence Length by DA Political Affiliation



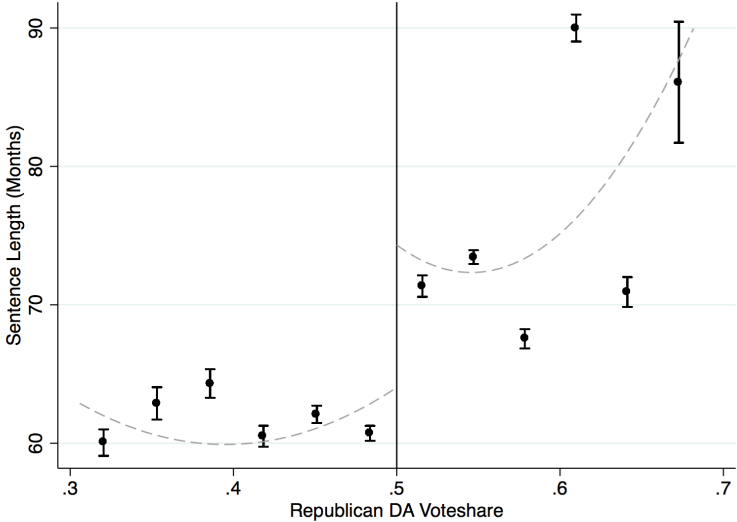
Today

- ▶ Setting, Empirical Strategy
- ▶ **Results**

Effect of a Republican DA on Number Sentenced



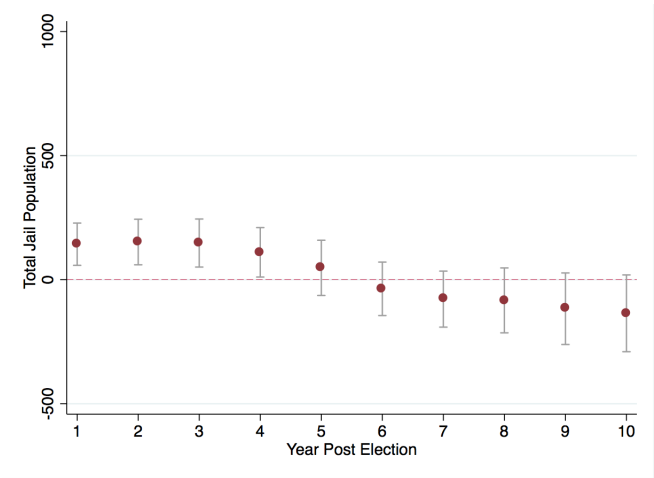
Effect of a Republican DA on Sentence Length



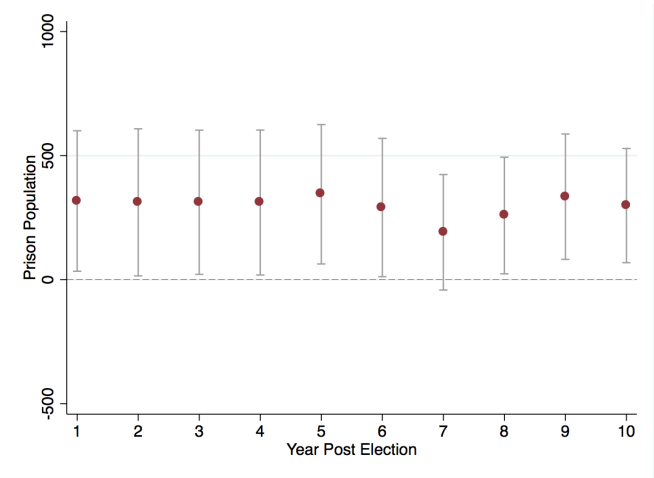
Discontinuities in Sentence Length

	All	Male	Female	White	Black
Republican	57.496**	59.040**	2.805	26.198**	72.774
DA	[3.87,111.13]	[6.50,111.58]	[-17.03,22.64]	[3.31,49.09]	[-22.65,168.20]
Bandwidth	0.018	0.018	0.037	0.031	0.021
N	65397	57555	17503	52376	33772
Mean	77.282	81.019	44.295	61.775	82.790

Effect of a Republican DA on Jail Population



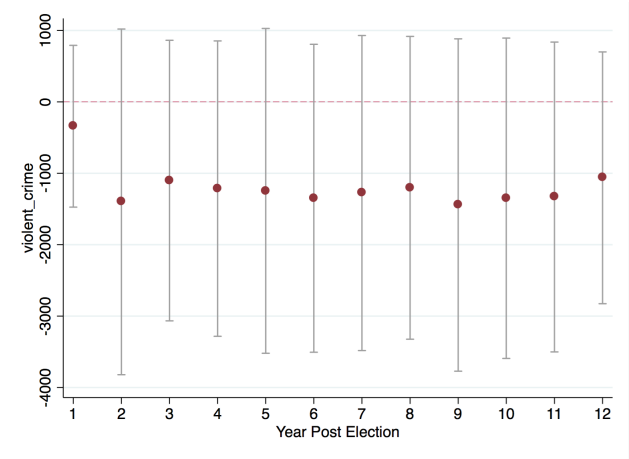
Effect of a Republican DA on Prison Population



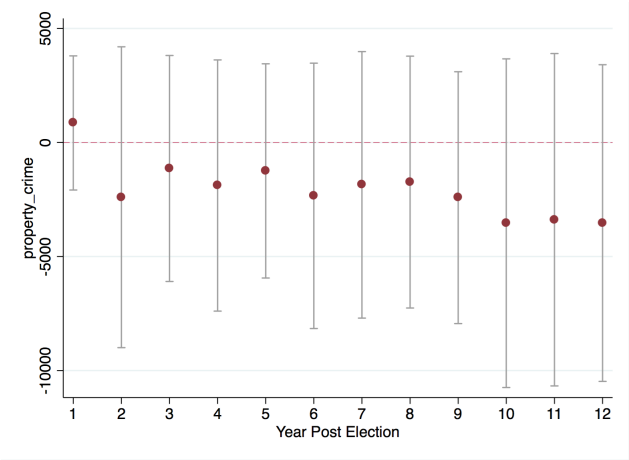
Discontinuities in Incarceration Outcomes

	Prison Population	Jail Population
Republican DA	435.744*** [83.86,79.63]	37.344 [-71.68,146.36]
N	1651	1890
Bandwidth	0.041	0.040
Mean	646.720	331.142

Effect of a Republican DA on Violent Crime



Effect of a Republican DA on Property Crime



Public Safety: Discontinuities in Arrests

	Violent Crime	Property Crime
Republican DA	-219.474 [-831.11,392.16]	-277.057 [-2037.76,1483.65]
N	2547	2006
Bandwidth	0.048	0.039
Mean	807.310	5439.345

Judicial Discretion: Post *Blakely v Washington* (2004)

↑ Judicial discretion \implies ↓ sentence length disparities

	1980-2004	2005-15
Republican DA	26.308*** [13.71,38.91]	-35.373 [-99.26,28.51]
N	114,107	39,901
Bandwidth	0.044	0.033
Mean	61.545	78.444

Summary

- ▶ Who occupies the prosecutor role matters
Republican prosecutorial offices \uparrow sentence length,
incarceration rates
- ▶ Tough-on-crime stance does not appear to improve public safety
- ▶ \uparrow Judicial discretion \implies \downarrow sentence length disparities