

# ADVANCING PROSECUTORIAL EFFECTIVENESS AND FAIRNESS THROUGH DATA AND INNOVATION

FUNDED BY THE JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION

DECEMBER 11, 2019



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*Preparing people to lead extraordinary lives*

# PROJECT GOALS

1. Improve data and analytical capacity in prosecutors' offices
2. Develop prosecutorial performance indicators to assess progress over time
3. Assess racial and ethnic disparities in prosecutorial outcomes
4. Develop internal and external communication processes in prosecutors' offices

# PROJECT OVERVIEW

## Project Sites

1. Milwaukee County (WI)
2. Cook County (IL)
3. Hillsborough County (Tampa, FL)
4. Duval County (Jacksonville, FL)

## Project Tasks

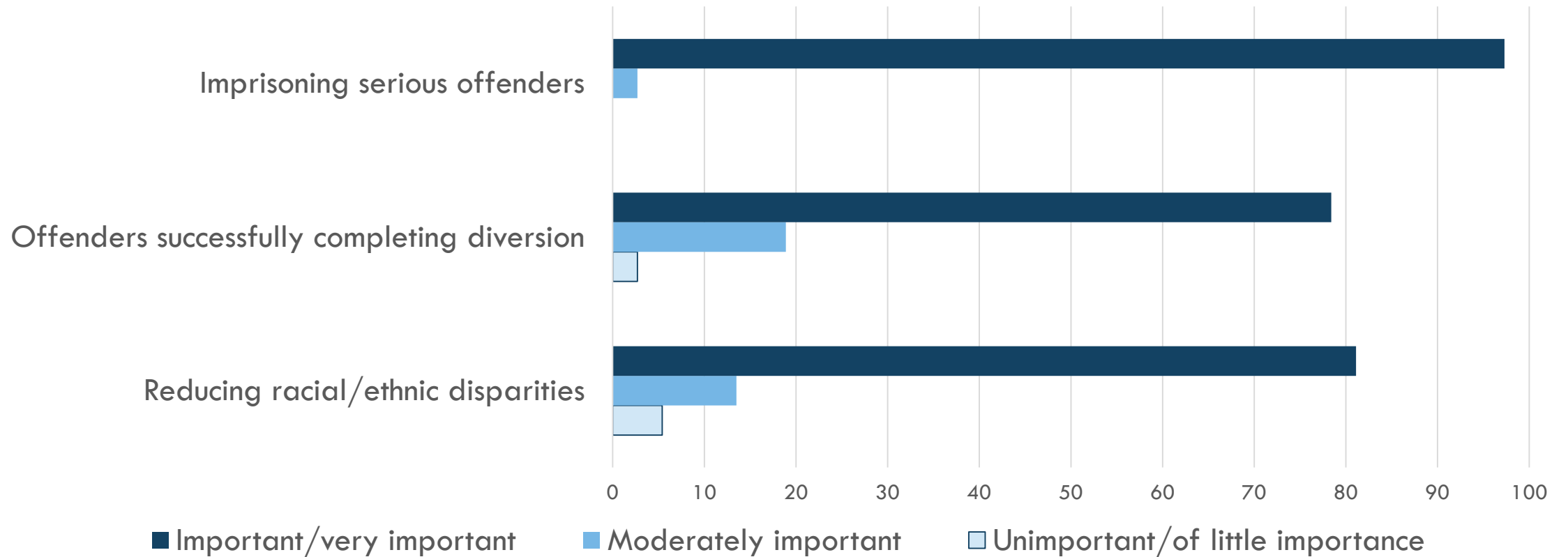
1. Interviews and surveys with prosecutors
2. Analyses of case management and court data
3. Production of performance measurement indicators

*Interviews and surveys with prosecutors in Milwaukee*

# VIEWS ABOUT OFFICE PRIORITIES

- Thoughtful decision making at the front end of the prosecution process
- Addressing violent crime with serious sanctions and addressing non-violent crime with alternatives to prosecution
- Reducing crime by changing behavior
- Focusing on issues of disparity, trauma, and restorative justice

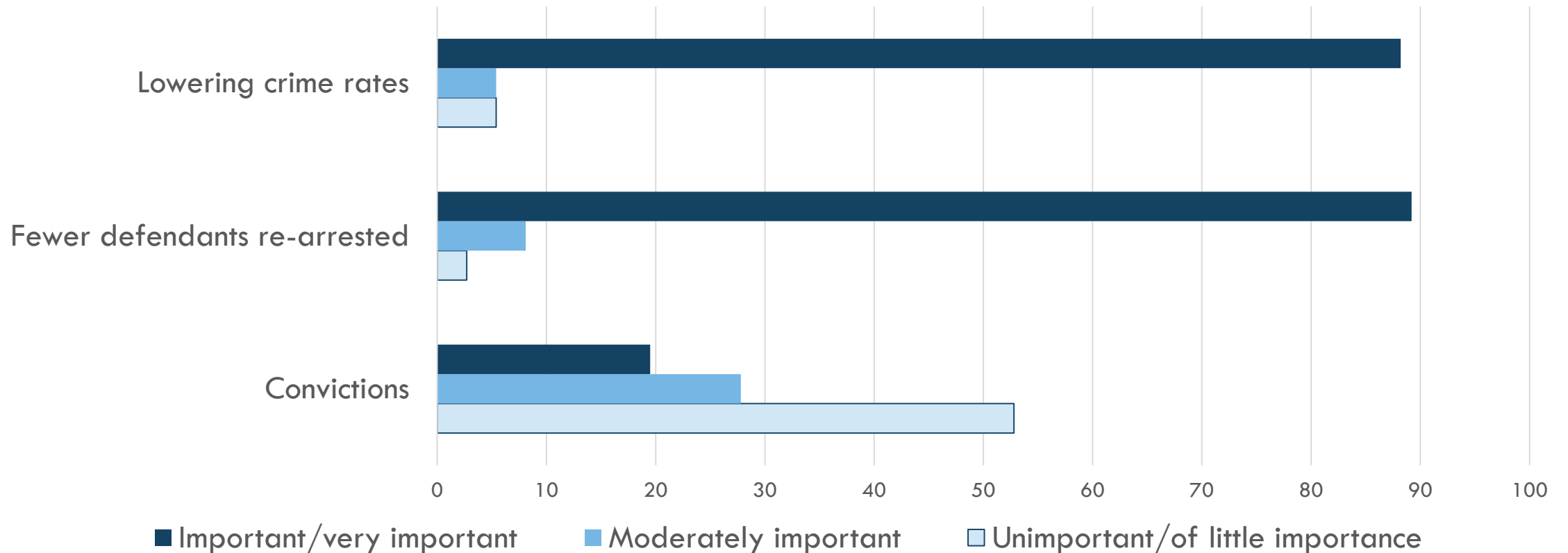
# OFFICE PRIORITIES



# VIEWS ABOUT PROSECUTORIAL SUCCESS

- Success is about doing the right thing, but this is often difficult to define
- Individual success is case-specific and is about ensuring an outcome that is right for the victim, defendant, and community
- Office success is about reducing violent crime and recidivism

# PROSECUTORIAL SUCCESS

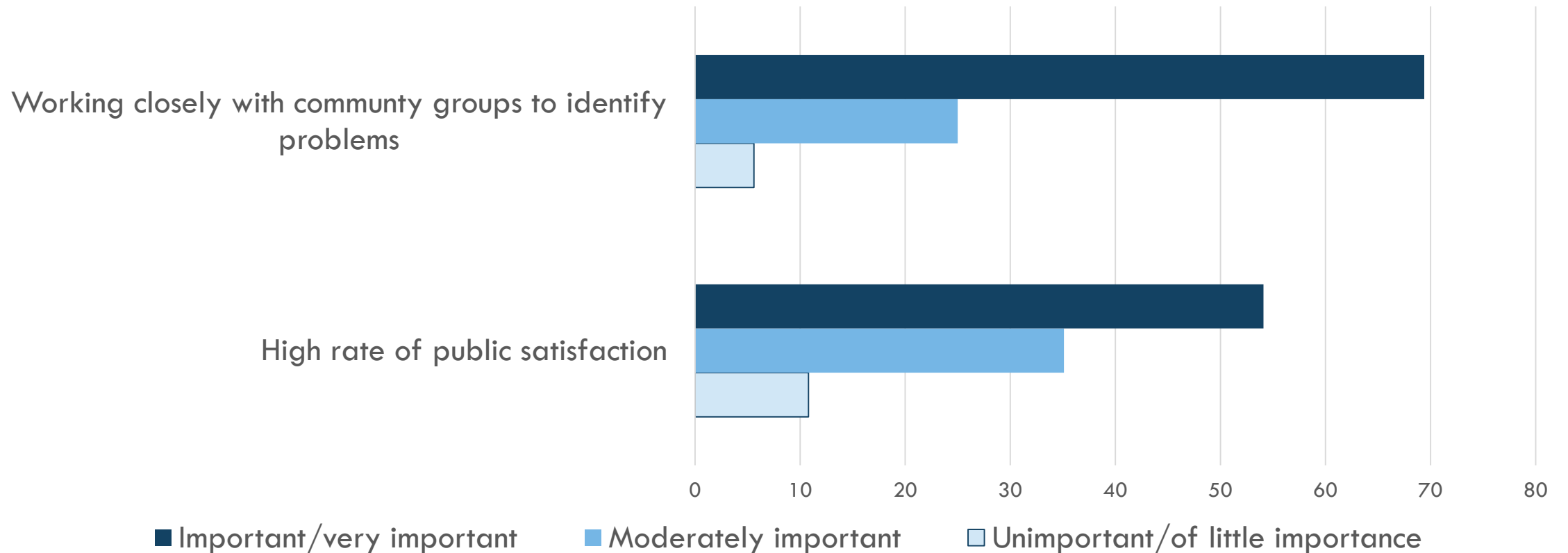




# COMMUNITY ENGAGEMENT

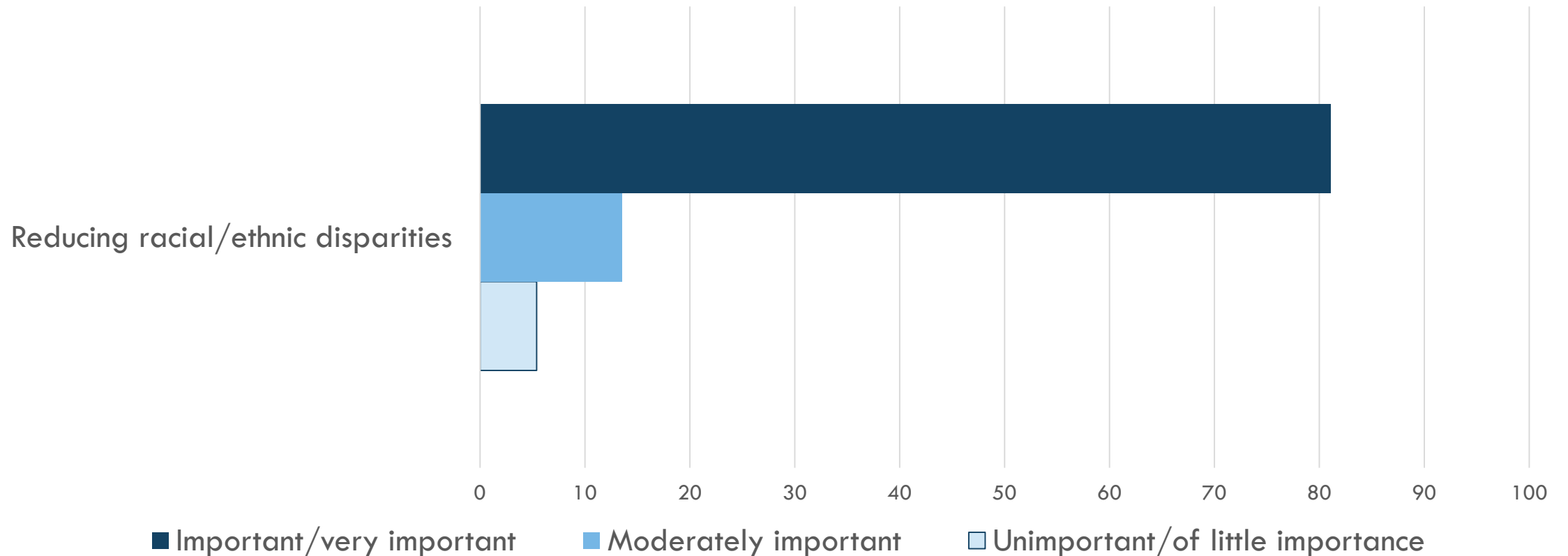
- Community input is valuable and the prosecutors' office could learn from the community
- Community engagement is a way to educate the public about the work of prosecutors and to improve public perceptions

# COMMUNITY ENGAGEMENT



# ***Prosecutorial outcomes in Milwaukee***

# RACIAL DISPARITY IN THE CRIMINAL JUSTICE SYSTEM



# EXAMINING RACIAL AND ETHNIC DISPARITIES IN CASE OUTCOMES

Analyses of racial/ethnic disparities in case outcomes at the following points

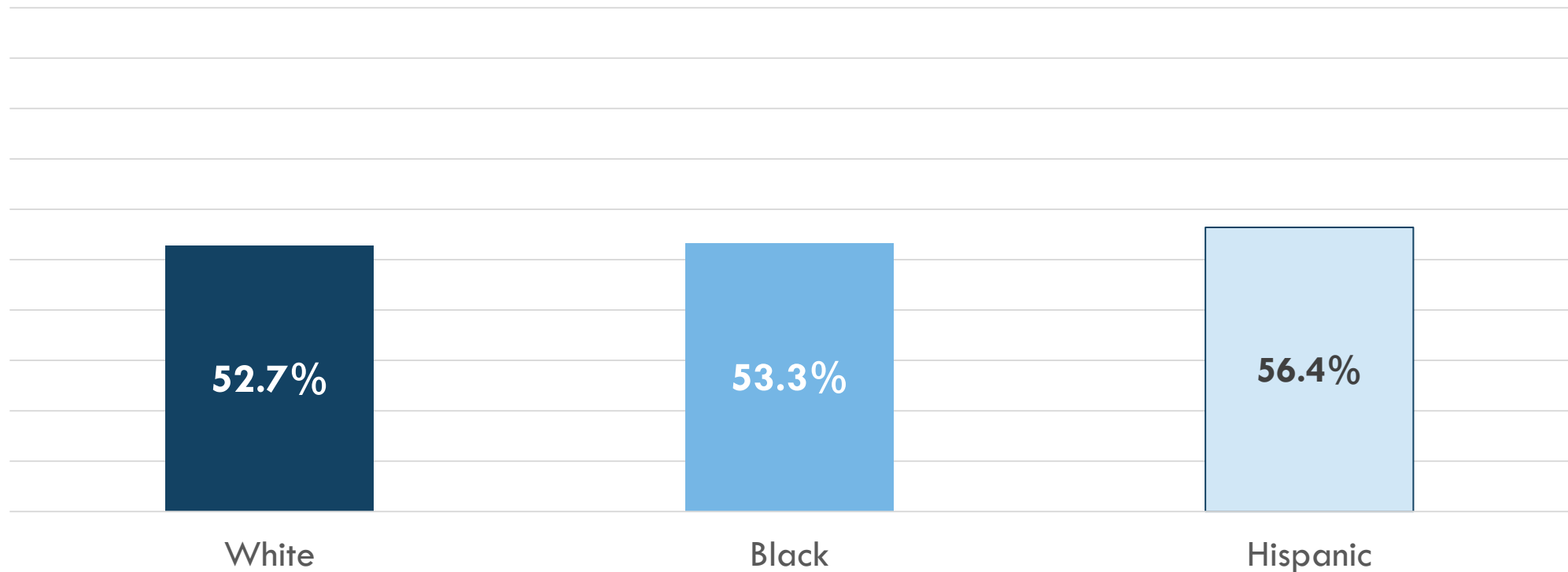
1. Charging
2. Changes in charge severity from arrest to filing
3. Case disposition
4. Changes in charge severity from filing to conviction
5. Imposition of a custodial sentence

Data and outcomes

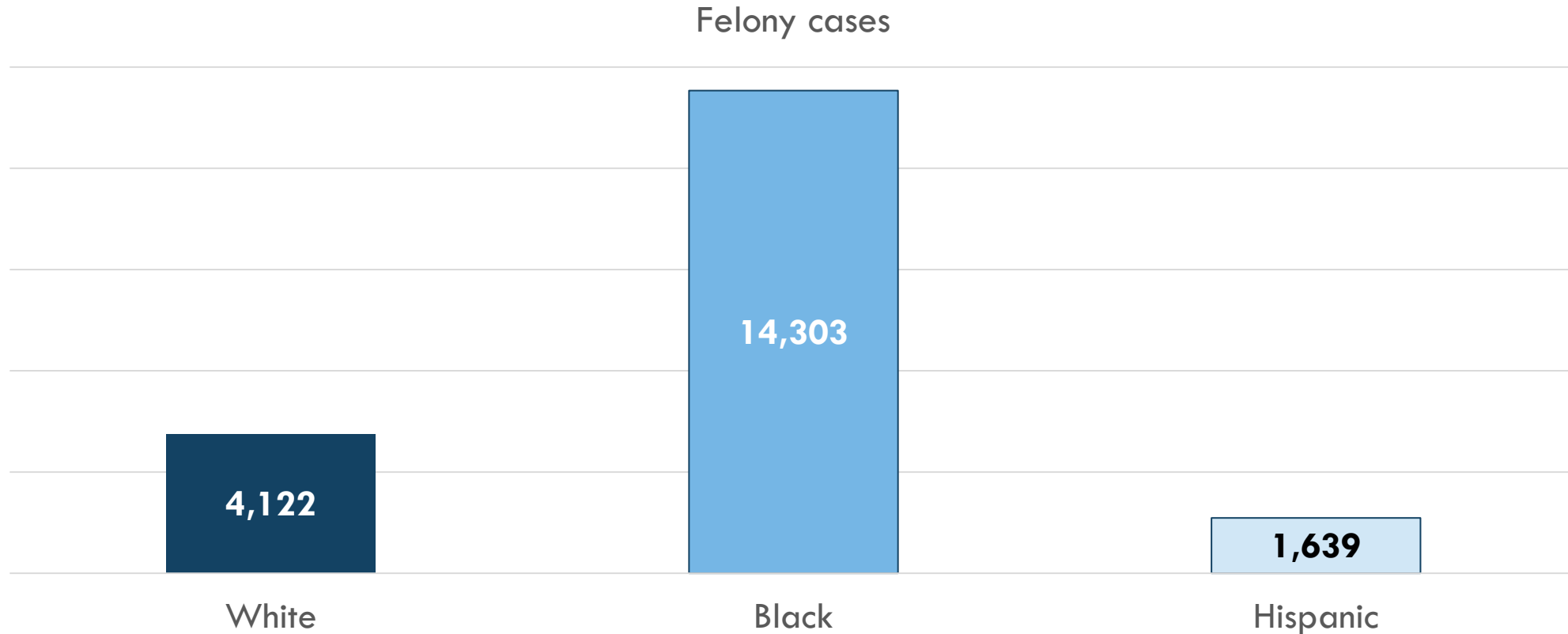
1. All misdemeanor and felony cases referred between 2017 and 2018 (excluding DV and DUI)
2. Examines “predicted probabilities” of case outcomes after controlling for case factors

# PREDICTED CHARGING RATES, MILWAUKEE

Felony cases

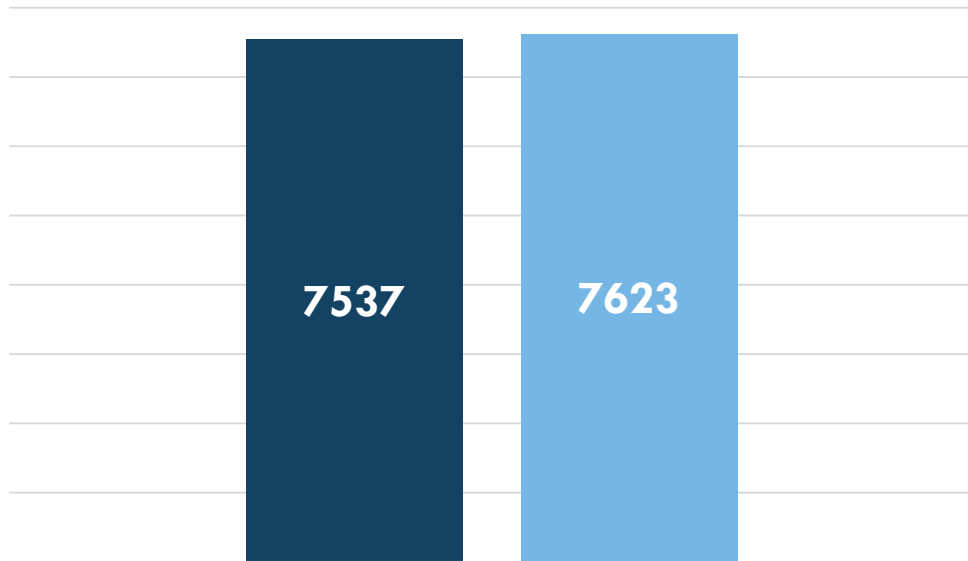


# NUMBER OF PEOPLE REFERRED TO DA FOR CHARGING



# IMPACT OF DIFFERENCES IN CHARGING RATES

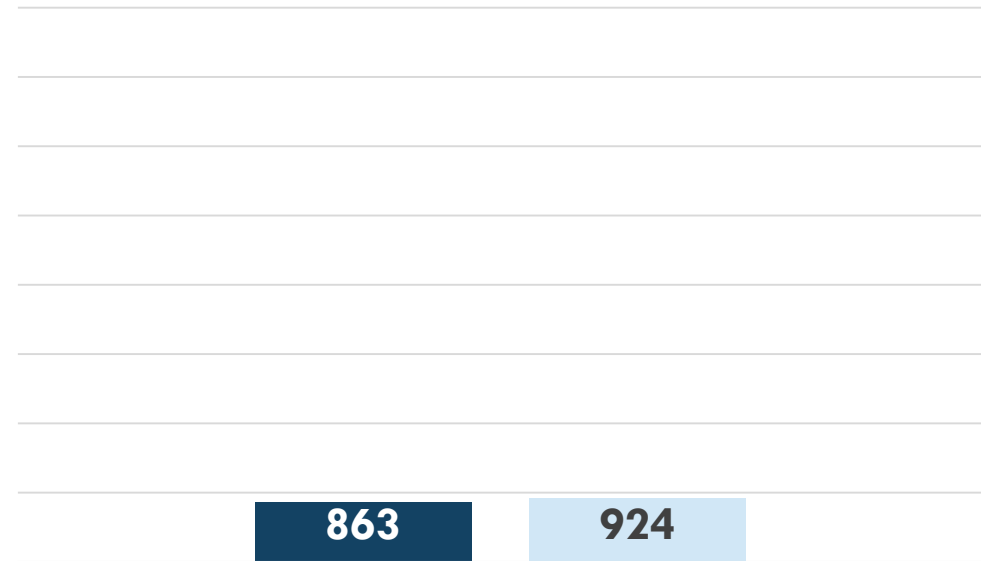
Black Defendants



Black

- If Charged at Same Rate as White Defendants
- At Actual Charging Rate for Black Defendants

Hispanic Defendants



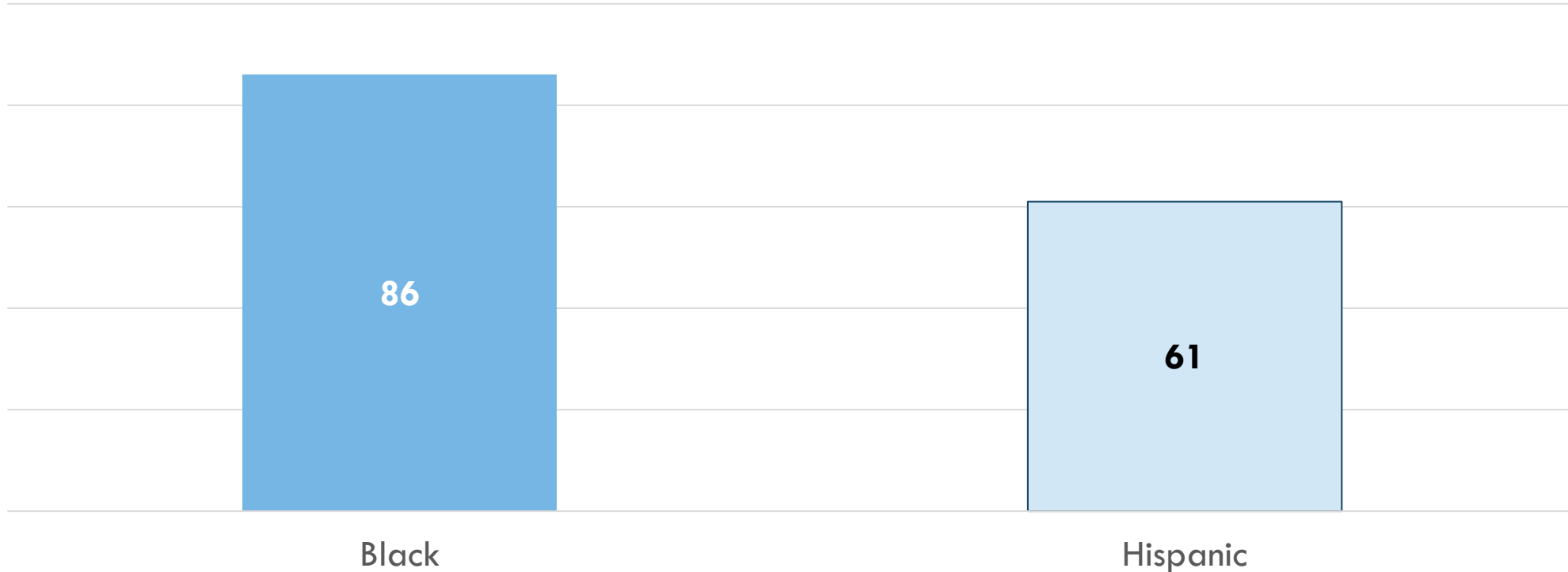
Hispanic

- If Charged at Same Rate as White Defendants
- At Actual Charging Rate for Hispanic Defendants



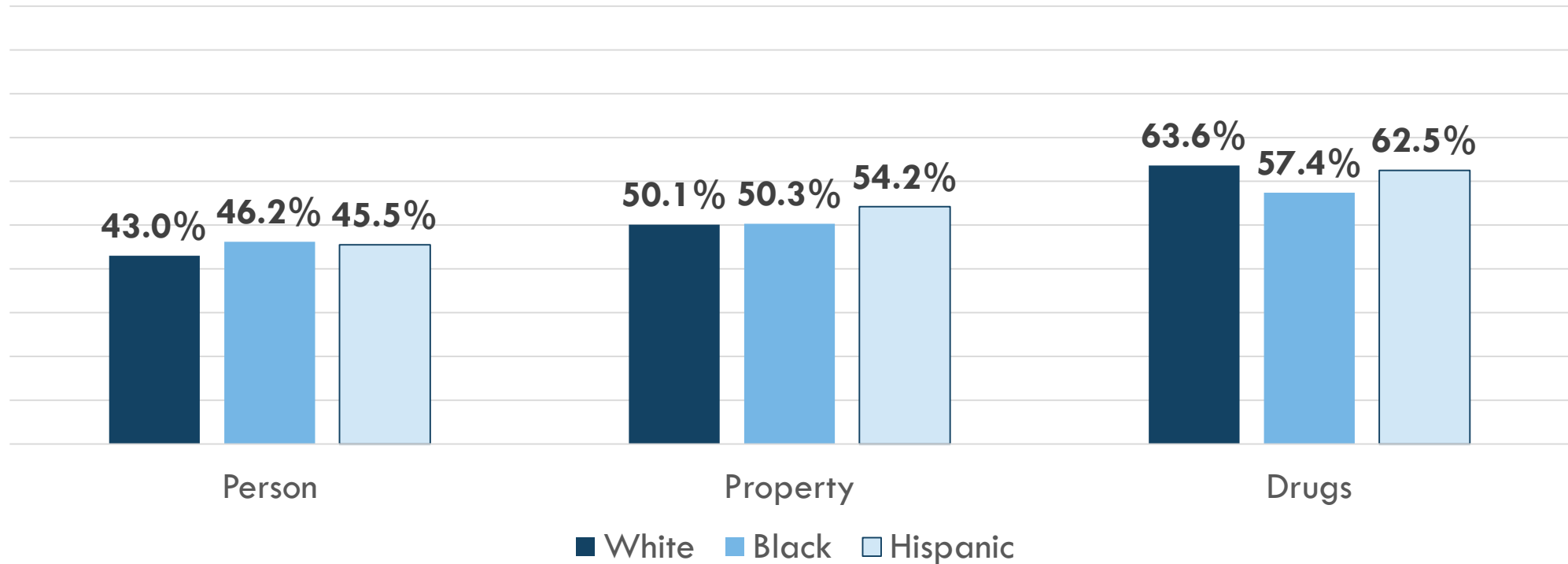
# IMPACT OF DIFFERENCES IN CHARGING RATES

Number of people affected due to racial/ethnic differences in charging rates

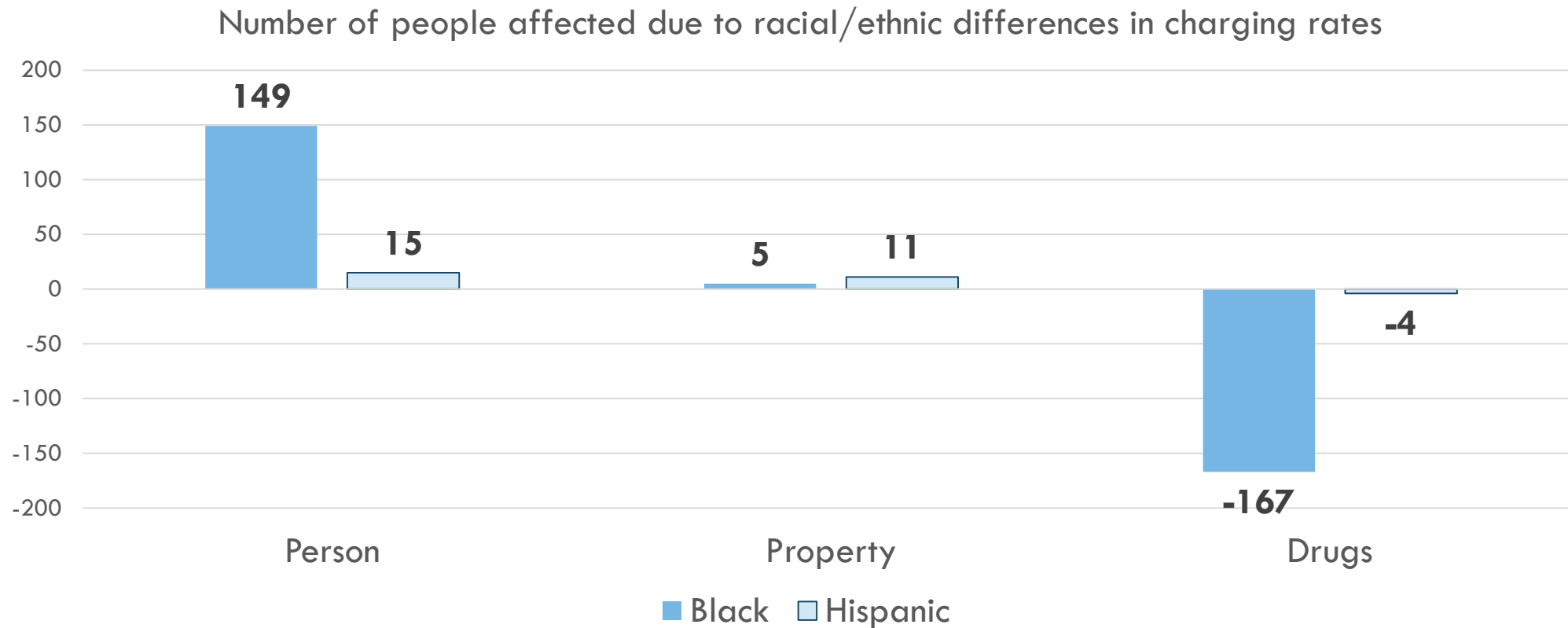


# PREDICTED CHARGING RATES, BY OFFENSE TYPE

Felony cases

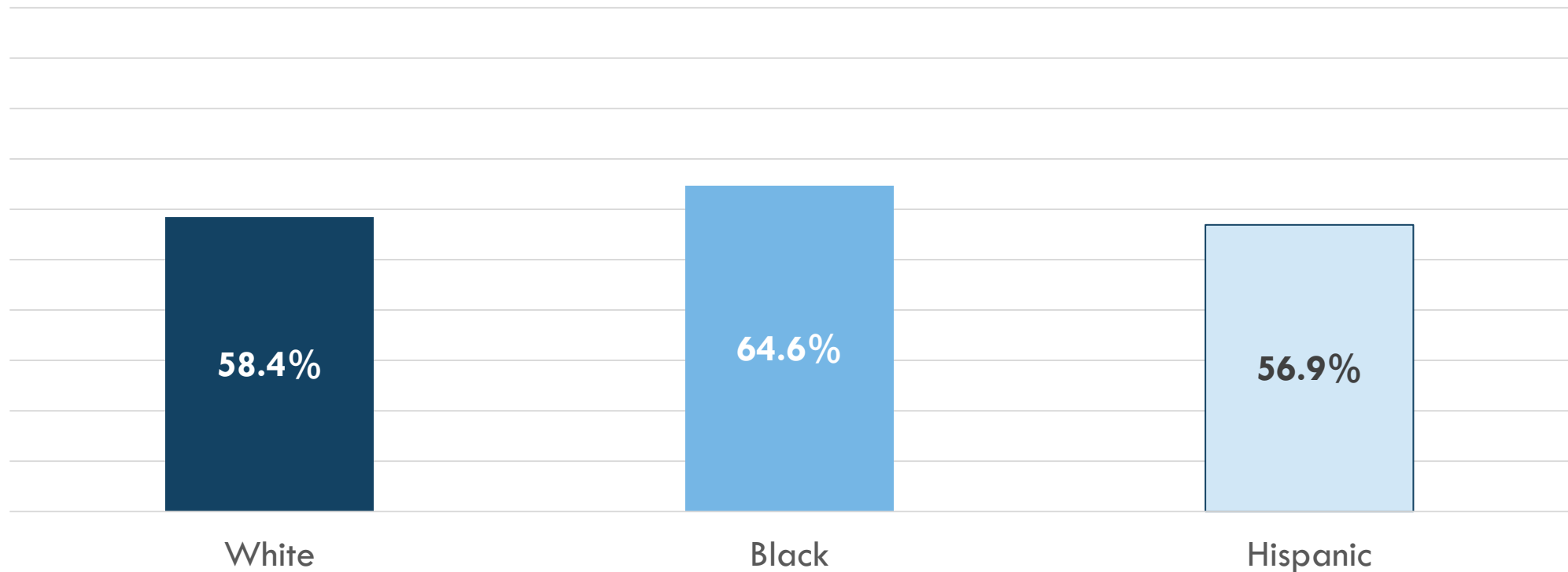


# IMPACT OF DIFFERENCES IN CHARGING RATES



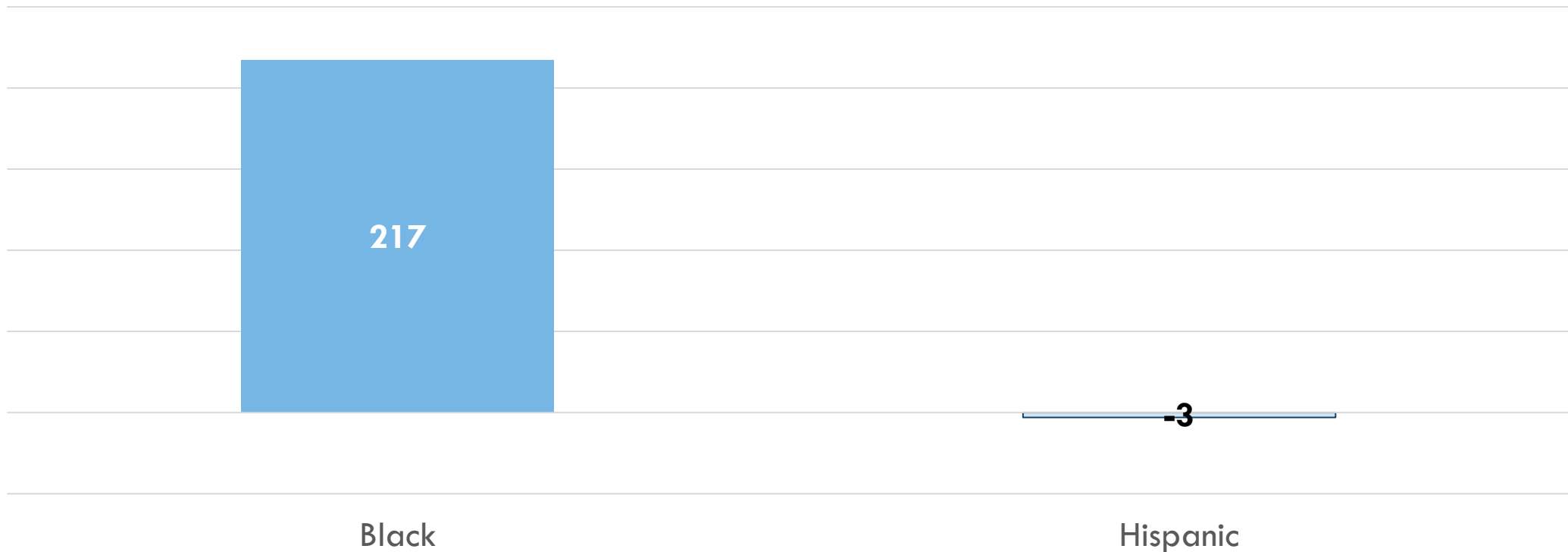
# PREDICTED CUSTODIAL SENTENCE RATES

Felony cases



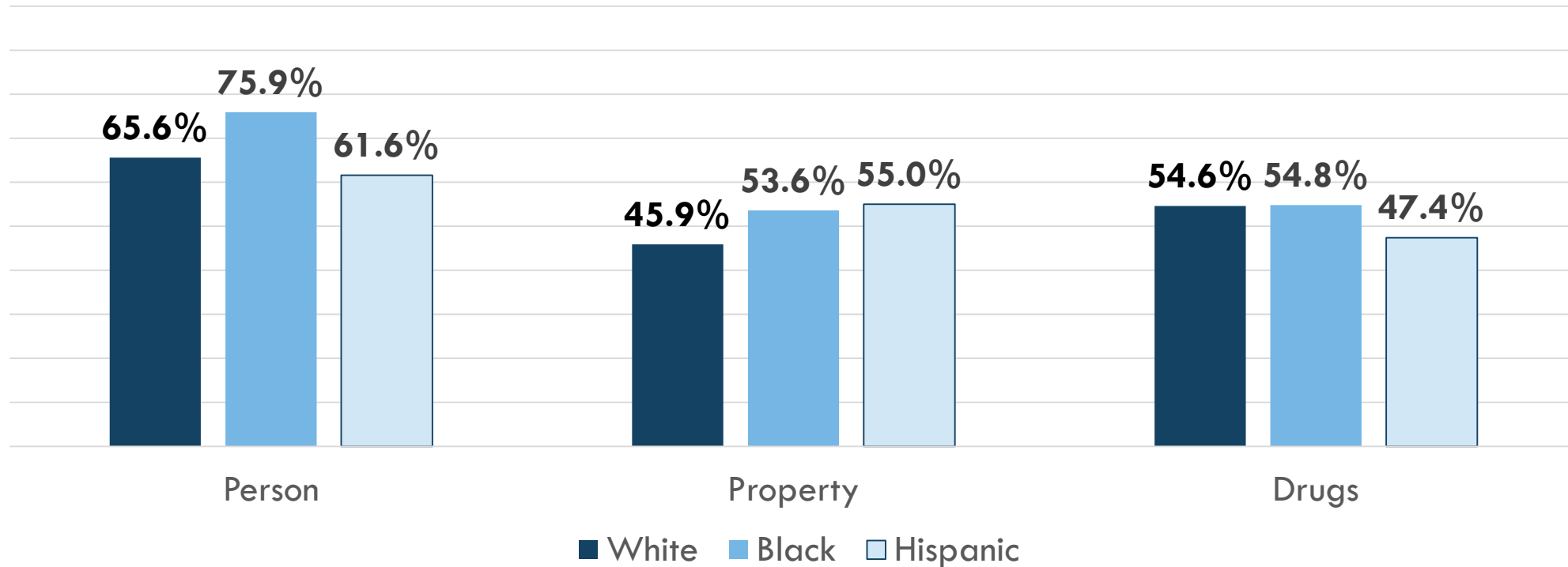
# IMPACT OF DIFFERENCES IN CUSTODIAL SENTENCE RATES

Number of people affected due to racial/ethnic differences in custodial sentence rates



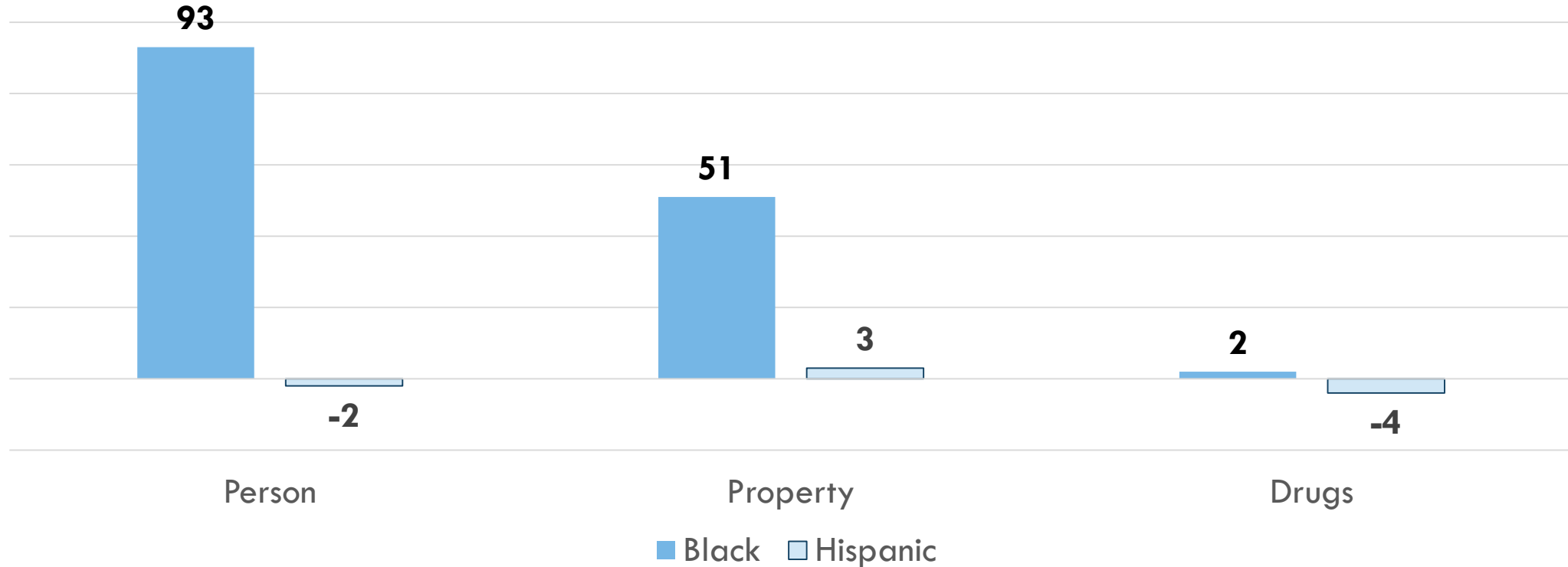
# PREDICTED CUSTODIAL SENTENCE RATES, BY FELONY OFFENSE TYPE

Felony cases



# IMPACT OF DIFFERENCES IN CUSTODIAL SENTENCE RATES

Number of people affected due to racial/ethnic differences in custodial sentence rates



# CONCLUSIONS ABOUT RACIAL/ETHNIC DISPARITIES IN MILWAUKEE

- Overall there is little racial/ethnic disparity in case outcomes in Milwaukee, after controlling for other case factors
- The only significant racial disparities exist in deferred prosecution rates and custodial sentence rates:
  - Cases are less likely to result in a deferral when defendants are black or Hispanic
  - Cases are more likely to result in a custodial sentence when defendants are black
- A note of caution: custodial sentences are impacted by a variety of factors that are not accounted for in these analyses - use of a weapon, extent of injuries, amount of property, nature of criminal history.



# ***Prosecutorial Performance Indicators (PPIs) in Milwaukee***

# WHY PPIs

To expand the measurement of prosecutorial performance beyond traditional things like conviction rates and sentence length in order to meet public demands for greater accountability and impartiality.

# WHAT PPIs DO AND DO NOT MEASURE

PPIs measure various inputs, outputs, activities, and impacts of prosecutorial offices over time at monthly, quarterly, or annual intervals. They do not measure individual prosecutor performance.

# HOW PPIs ARE ORGANIZED

PPIs are organized within three themes: Capacity & Efficiency, Community Safety & Well-Being, and Fairness and Justice. Each of these themes contains three topics (9 topics total).

# INDICATORS START WITH GOALS

Capacity and  
Efficiency

Community  
Safety and  
Well-Being

Fairness and  
Justice

Objectives

Indicators

# GOALS SIGNAL OBJECTIVES

Capacity and  
Efficiency

Community  
Safety and  
Well-Being

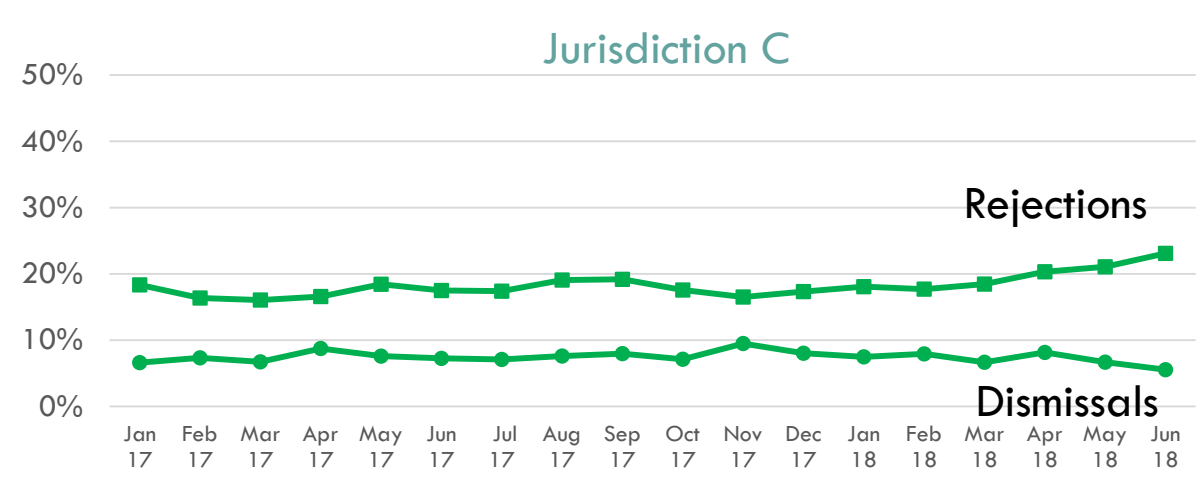
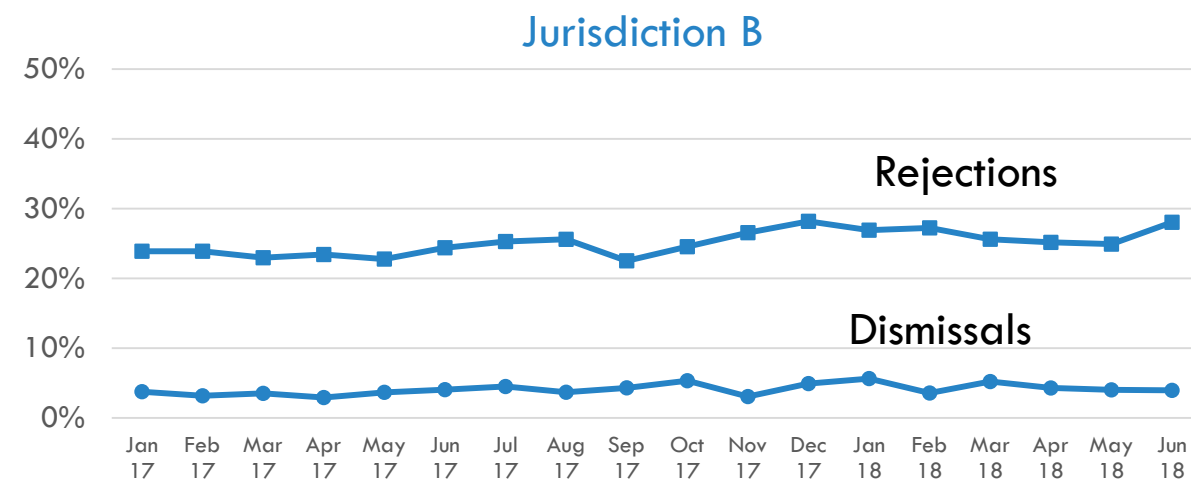
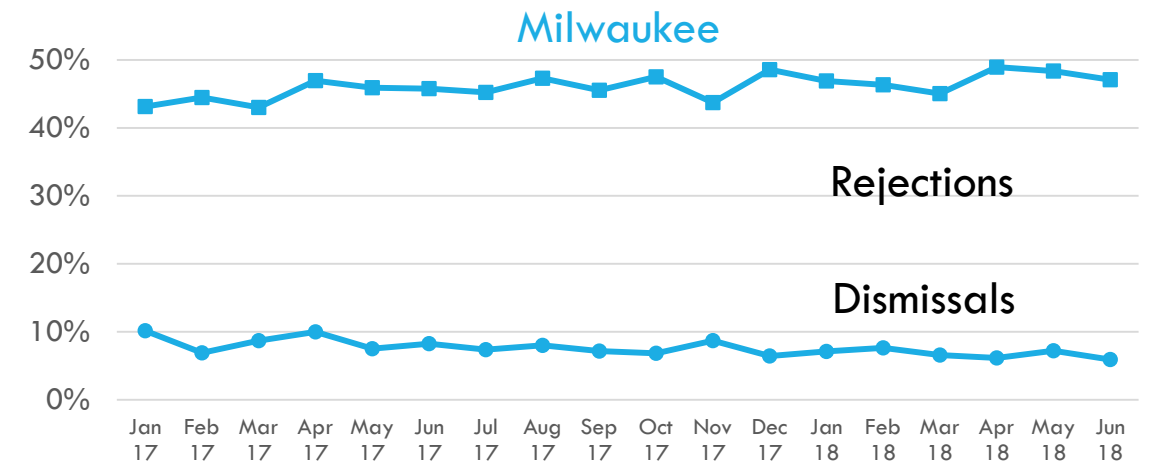
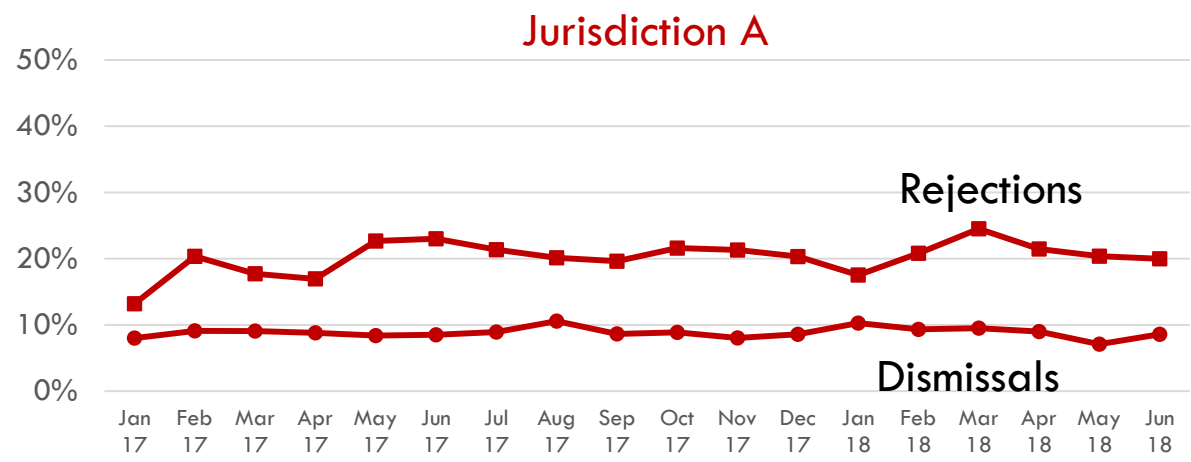
Fairness and  
Justice

Organizational  
& staff capacity

Timeliness of  
case processing

Time & resource  
prioritization

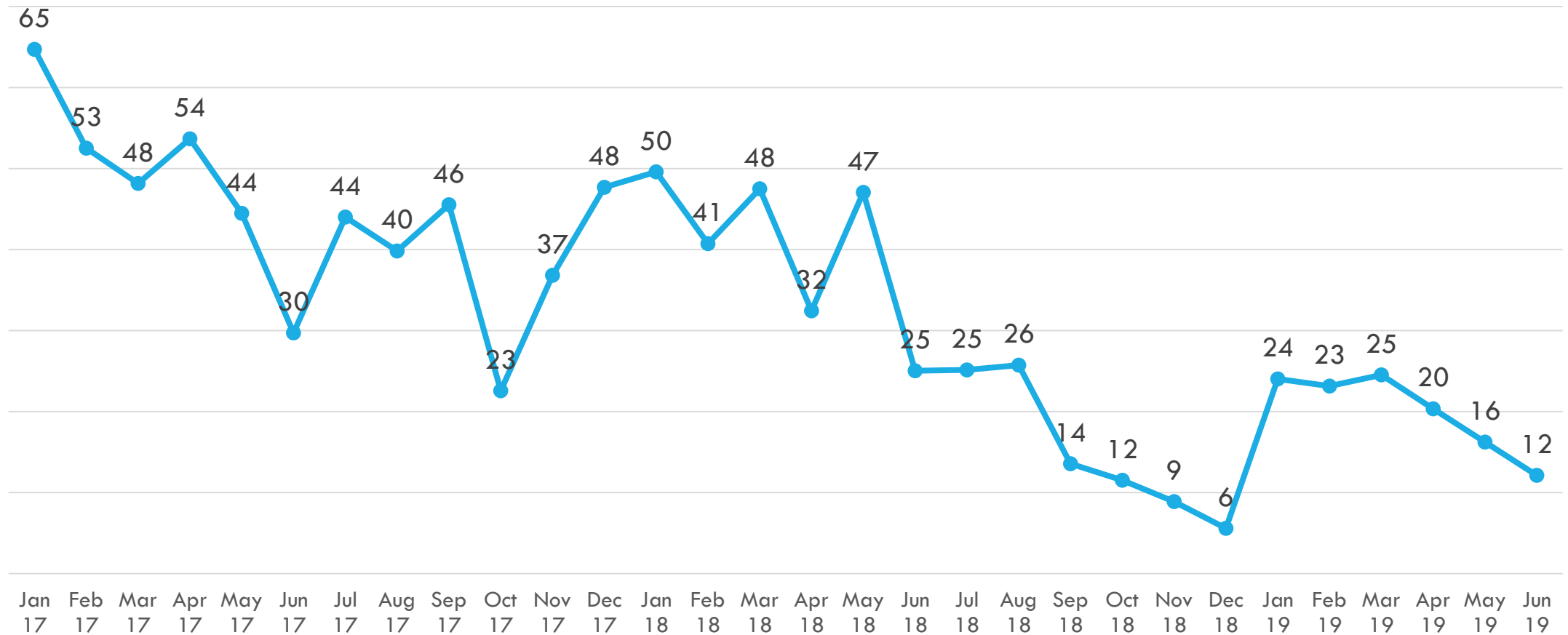
### Percentage of Felony Cases (1) Rejected at Filing and (2) Dismissed after Filing



# GOALS SIGNAL OBJECTIVES



### Average Number of Days from Arrest to First Contact with Victims



# GOALS SIGNAL OBJECTIVES

Capacity and  
Efficiency

Community  
Safety and  
Well-Being

Fairness and  
Justice

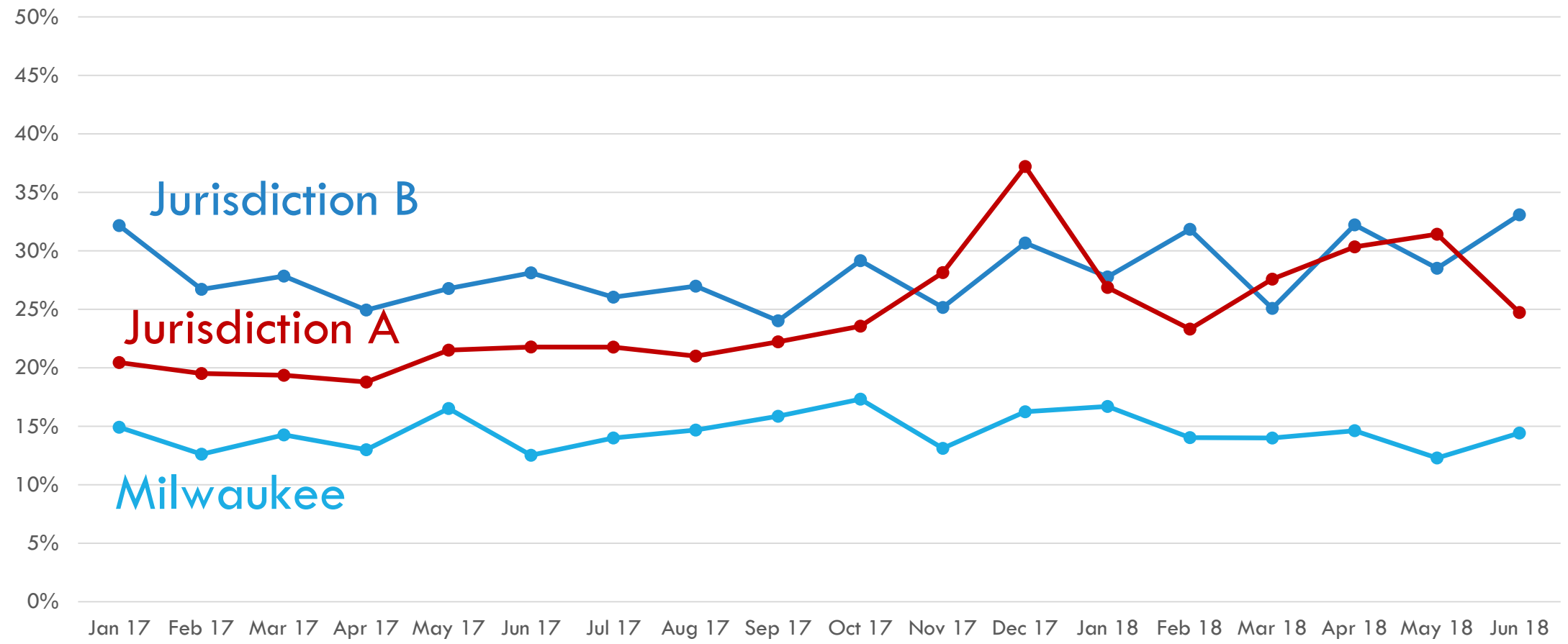
Reducing  
racial/ethnic  
differences

Ensuring  
prosecutorial  
ethics/integrity

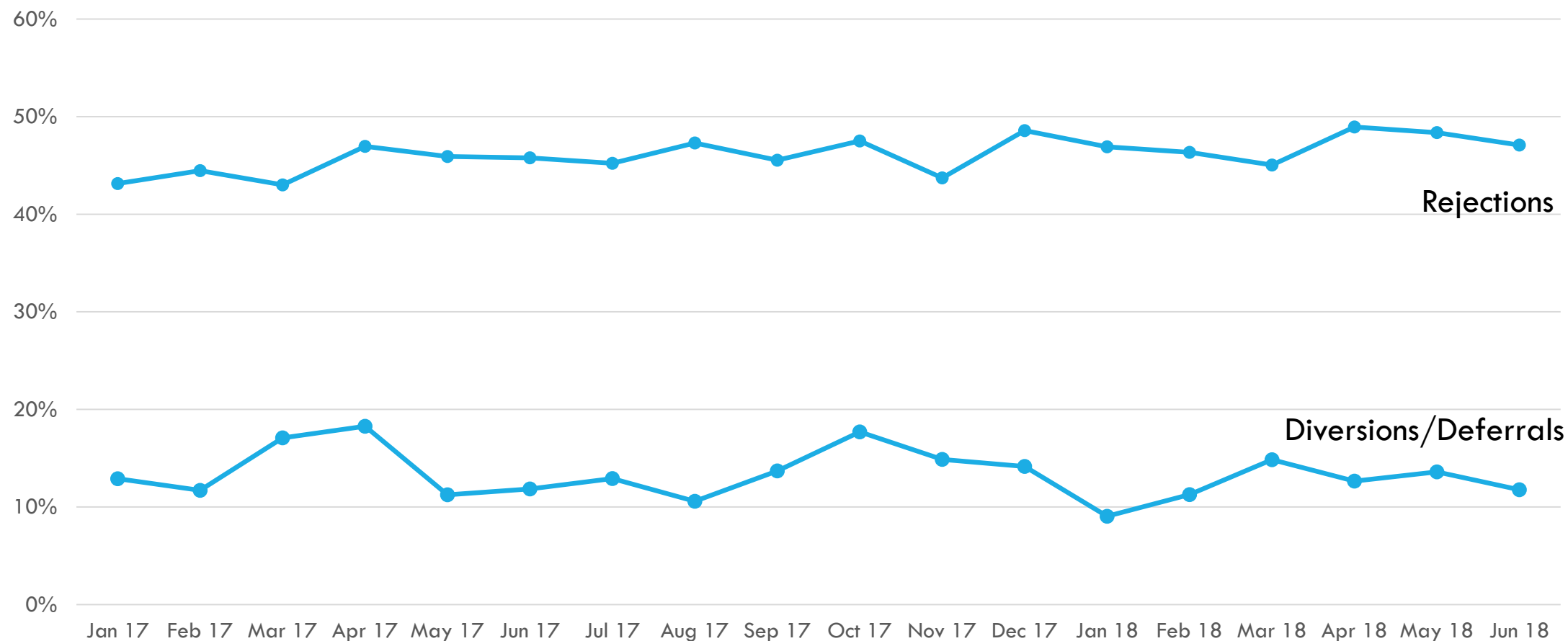
Minimizing un-  
necessary  
punitiveness



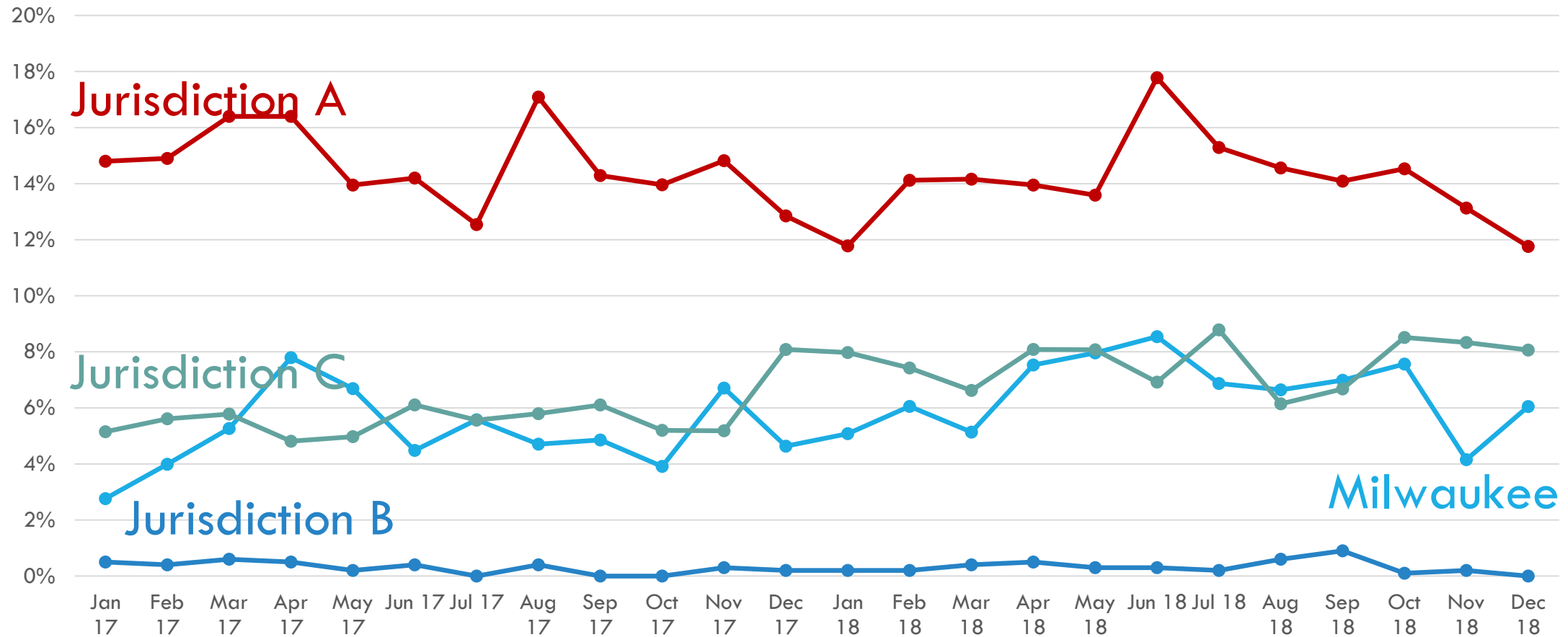
### Percentage of Cases with a Felony Referral that Resulted in Misdemeanor Charges Filed



### Percent of Cases Rejected at Referral and Diverted/Deferred



### Percentage of Cases with Felony Filing Charges that Resulted in Misdemeanor Convictions



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