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

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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 prosecutorial offices → ↑ sentence length, incarceration rates
  - Spillovers:
    - ↑ Judicial discretion ⇒ ↓ sentence length disparities
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- 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)
Number Sentenced by DA Political Affiliation

![Bar chart showing the number sentenced by DA political affiliation. The chart compares 'Democrat/Independent' and 'Republican' across different ranges of cases.](chart.png)
Sentence Length by DA Political Affiliation

The diagram above illustrates the distribution of sentence lengths by political affiliation, with separate bars for Democrat/Independent and Republican. The x-axis represents different sentence length categories (1-12, 13-36, 37-60, 61-120, >120 words), while the y-axis shows the proportion of sentences within each category. The bars indicate that Republican sentences tend to be shorter than those of Democrat/Independent affiliation, particularly in the 13-36 and 37-60 word categories.
Today

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- Results
Effect of a Republican DA on Number Sentenced

![Graph showing the effect of a Republican DA on the number of prison sentences. The graph plots the number of prison sentences against the Republican DA vote share, with error bars indicating variability.]
Effect of a Republican DA on Sentence Length

Sentence Length (Months)

Republican DA Voteshare
### Discontinuities in Sentence Length

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Male</th>
<th>Female</th>
<th>White</th>
<th>Black</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican DA</td>
<td>57.496**</td>
<td>59.040**</td>
<td>2.805</td>
<td>26.198**</td>
<td>72.774</td>
</tr>
<tr>
<td>[3.87,111.13]</td>
<td>[6.50,111.58]</td>
<td>[-17.03,22.64]</td>
<td>[3.31,49.09]</td>
<td>[-22.65,168.20]</td>
<td></td>
</tr>
<tr>
<td>Bandwidth</td>
<td>0.018</td>
<td>0.018</td>
<td>0.037</td>
<td>0.031</td>
<td>0.021</td>
</tr>
<tr>
<td>N</td>
<td>65397</td>
<td>57555</td>
<td>17503</td>
<td>52376</td>
<td>33772</td>
</tr>
<tr>
<td>Mean</td>
<td>77.282</td>
<td>81.019</td>
<td>44.295</td>
<td>61.775</td>
<td>82.790</td>
</tr>
</tbody>
</table>
Effect of a Republican DA on Jail Population
Effect of a Republican DA on Prison Population
## Discontinuities in Incarceration Outcomes

<table>
<thead>
<tr>
<th></th>
<th>Prison Population</th>
<th>Jail Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican DA</td>
<td>435.744***</td>
<td>37.344</td>
</tr>
<tr>
<td></td>
<td>[83.86, 79.63]</td>
<td>[-71.68, 146.36]</td>
</tr>
<tr>
<td>N</td>
<td>1651</td>
<td>1890</td>
</tr>
<tr>
<td>Bandwidth</td>
<td>0.041</td>
<td>0.040</td>
</tr>
<tr>
<td>Mean</td>
<td>646.720</td>
<td>331.142</td>
</tr>
</tbody>
</table>
Effect of a Republican DA on Violent Crime
Effect of a Republican DA on Property Crime
## Public Safety: Discontinuities in Arrests

<table>
<thead>
<tr>
<th></th>
<th>Violent Crime</th>
<th>Property Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican</td>
<td>-219.474</td>
<td>-277.057</td>
</tr>
<tr>
<td>DA</td>
<td>[-831.11,392.16]</td>
<td>[-2037.76,1483.65]</td>
</tr>
<tr>
<td>N</td>
<td>2547</td>
<td>2006</td>
</tr>
<tr>
<td>Bandwidth</td>
<td>0.048</td>
<td>0.039</td>
</tr>
<tr>
<td>Mean</td>
<td>807.310</td>
<td>5439.345</td>
</tr>
</tbody>
</table>

Judicial discretion  \[\Rightarrow\] sentence length disparities

<table>
<thead>
<tr>
<th></th>
<th>1980-2004</th>
<th>2005-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican DA</td>
<td>26.308***</td>
<td>-35.373</td>
</tr>
<tr>
<td>N</td>
<td>114,107</td>
<td>39,901</td>
</tr>
<tr>
<td>Bandwidth</td>
<td>0.044</td>
<td>0.033</td>
</tr>
<tr>
<td>Mean</td>
<td>61.545</td>
<td>78.444</td>
</tr>
</tbody>
</table>
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