

DIVERSITY IN PROSECUTION

A PPI Research and Policy Brief

December 2024

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**Prosecutorial
Performance
Indicators**



This report is part of the Prosecutorial Performance Indicators (PPIs), which is a research and technical assistance project launched in 2017 by researchers from Florida International University and Loyola University Chicago. The project supports local prosecutors to build data and analytical capacity, examine and address racial and ethnic disparities, and produce public facing dashboards. PPIs are an office management, performance measurement, community engagement, and transparency and accountability tool. With a menu of 55 indicators, PPIs measure performance toward three goals: Capacity & Efficiency, Community Safety and Well-being, and Fairness and Justice.



Funders:

National Institute of Justice

The John D. and Catherine T. MacArthur Foundation

The Microsoft Justice Reform Initiative

Charles and Lynn Schusterman Family Philanthropies

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WHY DIVERSITY MATTERS

Prosecutors' offices increasingly serve diverse communities, and both leadership and line prosecutors should reflect this diversity. Doing so would enable them to better represent local residents and understand their unique problems, needs, and priorities. The Prosecutorial Performance Indicator (PPI) 1.3 measures the percentage of prosecutors in a given jurisdiction who are underrepresented racial and ethnic groups. Collecting and publishing this statistic could incentivize local prosecutorial offices to build greater diversity among their staff.

In this brief, we present the findings based on interviews with 67 elected chief prosecutors across the United States. The office diversity information is based on their perceptions (see Methods and Data). We use the term 'District Attorney' (DA) throughout this document to refer to locally elected chief prosecutors. We acknowledge that not all local prosecutors are elected, and that titles vary, including State Attorneys, Prosecuting Attorneys, County Attorneys, and Commonwealth Attorneys. We use the term 'Line Prosecutors' to refer to attorneys within prosecutors' offices who regularly handle individual criminal cases, manage their own caseloads, and have the authority to exercise their discretion in key decisions of their cases. Finally, throughout the report, we refer to line prosecutors as either 'White' or 'Black, Latine, Asian, or another non-White race or ethnicity'.

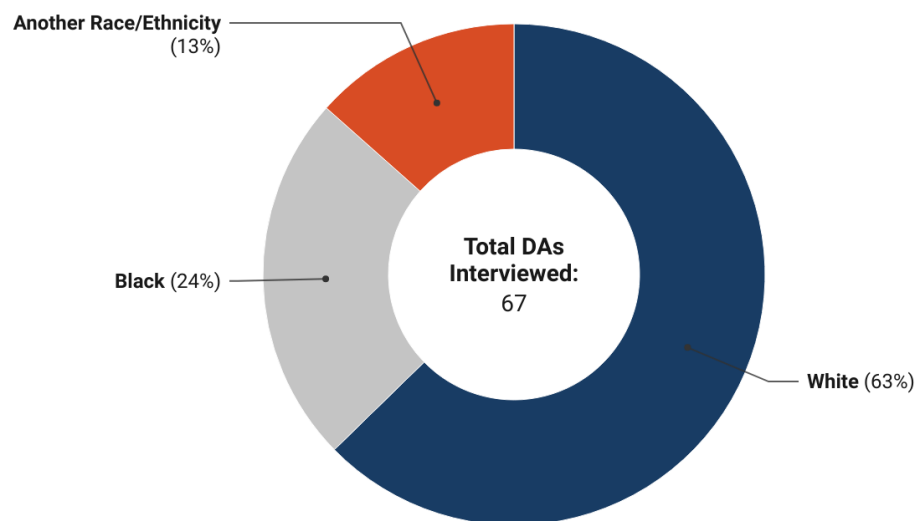
Key Findings

- Larger prosecutorial offices tend to have more racial and ethnic diversity among line prosecutors than smaller ones.
- Offices led by non-White or female District Attorneys also generally exhibit greater racial and ethnic diversity among line staff.
- Offices in diverse communities tend to be more diverse. In contrast, in predominantly White communities, diversity among line prosecutors is often lacking.

DIVERSITY IN PROSECUTORS' OFFICES

Out of the 67 District Attorneys in the interview sample, 63% of DAs identify as White, 24% as Black, 3% as Asian, 2% as Hispanic/Latino/a, with the remaining respondents identifying as multi-race or another race or ethnicity. In terms of the gender, 64% of DAs identify as male and 36% as female.

Among elected DAs interviewed, the majority identify as White.



Like elected DAs, line prosecutors are predominately White. Approximately 71% of DAs noted that less than half of their line prosecutors are Black, Latine, Asian, or another race or ethnicity. Conversely, just 29% of DAs noted that more than half of their line prosecutors are Black, Latine, Asian, or another race or ethnicity. Overall, approximately 46% of DAs said that at least three quarters of their line attorneys are White.

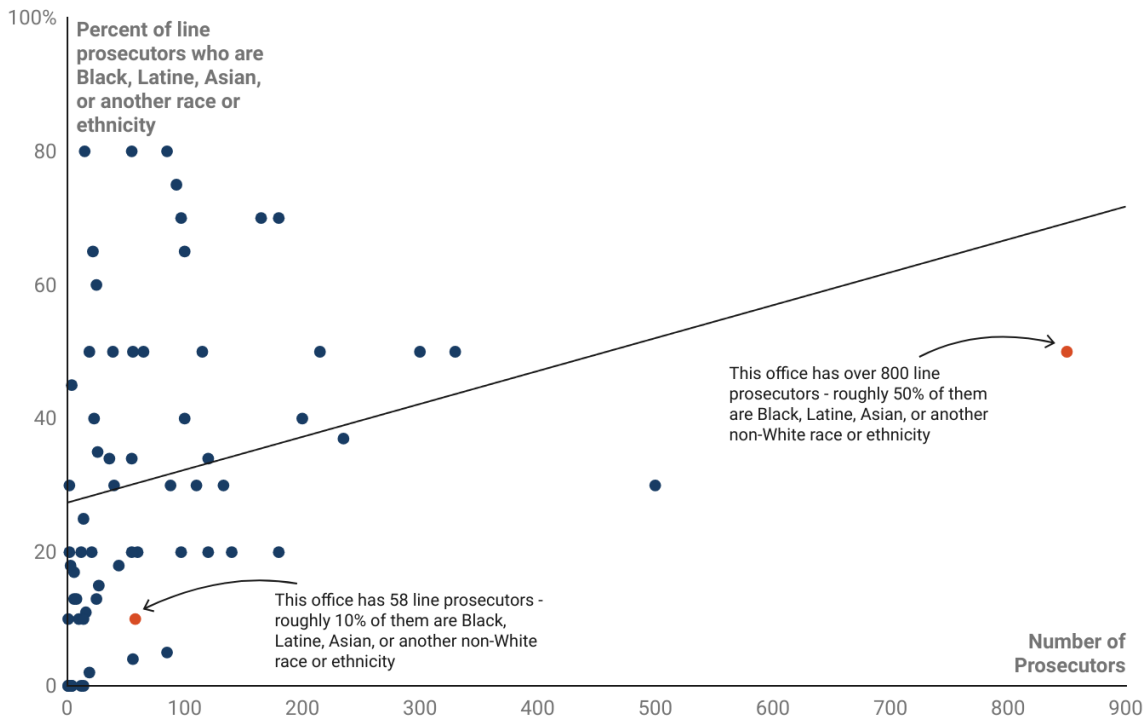
In the large majority of offices, less than 50% of line prosecutors are Black, Latine, Asian, or another non-White race or ethnicity.



This chart shows the percent of DAs who noted that more or less than half of their line prosecutors were Black, Latine, Asian, or another non-White race or ethnicity.

While line prosecutors are predominantly White, as the office size increases, the racial and ethnic diversity of line prosecutors also increases (although this correlation is not strong, Pearson $R=-.284$, $p<.05$).

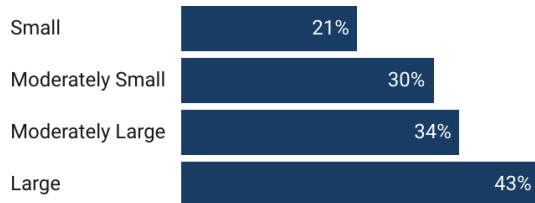
Offices with more line prosecutors tend to be more diverse.



When comparing across *small* (fewer than 25 prosecutors), *moderately small* (25-50 prosecutors), *moderately large* (51-75 prosecutors) and *large* (more than 75 prosecutors) offices, we see consistent results ($F=4.6$, $p=.006$).

Larger offices tend to be more diverse.

On average, just 21% of line prosecutors in small offices are Black, Latine, Asian, or another non-White race or ethnicity, compared to 43% of line prosecutors in large offices.



This chart shows the average percent of line prosecutors who are Black, Latine, Asian, or another non-White race or ethnicity in an office as estimated by the elected DAs.

Data suggest that in offices with non-White DAs, there is greater racial and ethnic diversity ($F=12.4, p<.001$). Data also suggest that offices led by female prosecutors also tend to be more racially/ethnically diverse than those led by male DAs.

Offices with non-White elected DAs tend to be more diverse.

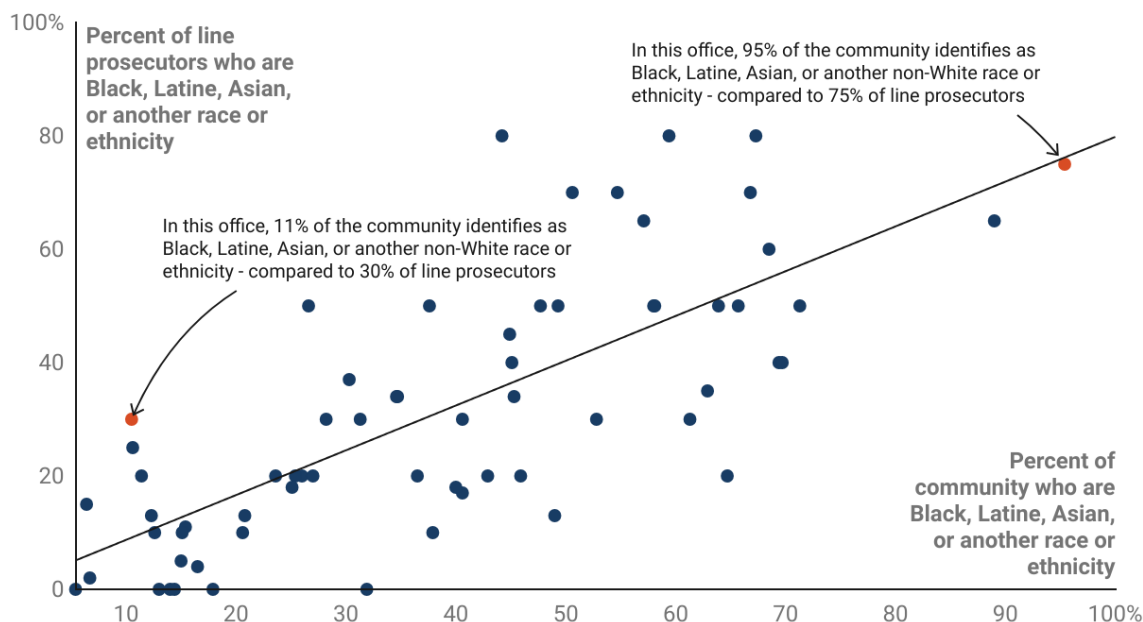
On average, just 25% of line prosecutors in offices headed by White elected DAs are Black, Latine, Asian, or another race or ethnicity, compared to 44% of line prosecutors in offices headed by non-White DAs.



This chart shows the average percent of line prosecutors who are Black, Latine, Asian, or another non-White race or ethnicity in an office as estimated by the elected DAs.

Finally, data show that jurisdictions with larger Black, Latine, Asian, or other racial or ethnic populations (based on US Census data) also tend to have more prosecutors who are Black, Latine, Asian, or another race or ethnicity. While this relationship is not very strong (Pearson $R=.301, p=.01$), data also suggest that predominately White jurisdictions have little diversity among line staff (see the lower right corner of the graph).

Offices located in more diverse communities tend to be more diverse.



POTENTIAL DRIVERS OF DIFFERENCES IN STAFF DIVERSITY

Salary

Larger offices often have greater funding than smaller ones, enabling them to offer higher salaries, attract more diverse applicants, and invest in staff training and retention. They may also employ grant writers to secure additional funds specifically for staff compensation. Larger budgets from county, city, or state sources contribute to this. However, higher salaries may be tempered by the high cost of living in urban areas, which may not be apparent to candidates initially. Once hired, diverse line prosecutors may remain in these positions despite financial strain, striving to make ends meet.

Reputation

Prominent offices, particularly those with strong reputations for career advancement, may attract more diverse applicants. This is especially true if alumni have moved into influential roles, such as judgeships or federal positions as Assistant U.S. Attorneys. A well-regarded office can create a clear path for career growth within and beyond the organization.

Visibility

Over the past decade, certain elected prosecutors have gained significant public recognition for their “progressive” or “reform” approaches, drawing attention to their offices. This visibility and alignment with progressive values may appeal to a new generation of prosecutors seeking to make a social impact. The “star power” of such offices can attract a more diverse talent pool.

Housing

While salaries may be competitive, housing costs often remain a challenge. Larger jurisdictions may offer a variety of housing options or allow commuting from more affordable surrounding areas, mitigating this issue to an extent.

Community

Many prosecutors seek a workplace where they don’t feel isolated. Larger jurisdictions with more diverse populations enable line prosecutors to find community among peers with similar racial, ethnic, or cultural backgrounds, contributing to higher job satisfaction and retention.

STRATEGIES FOR DIVERSIFYING AND RETAINING DIVERSE STAFF

Employee Resource Groups (ERGs)

Establishing ERGs based on shared affinities can provide vital support for development and retention. These groups assist line prosecutors navigate workplace challenges, find solidarity, and address any unique issues affecting specific demographic groups. ERGs foster a sense of belonging and support in the workplace.

Intentional Recruitment

Offices must expand their reach by attending recruitment fairs focused on diverse communities, such as those hosted by the National Black Prosecutors Association, the National Hispanic Prosecutors Association, and law schools at Historically Black Colleges and Universities (HBCUs) and Hispanic Serving Institutions (HSIs). Actively recruiting from these spaces signals a genuine commitment to diversity.

Conference Attendance

Providing opportunities for line prosecutors to attend diverse legal conferences beyond standard state bar or prosecutor association events is crucial. Networking with peers who share their backgrounds and seeing others succeed in the field reinforces a sense of community and ambition. These prosecutors can also serve as ambassadors for the office, enhancing recruitment efforts.

Membership Sponsorships

Offices should consider sponsoring memberships in diverse legal organizations for their prosecutors. Given relatively lower public sector salaries, some prosecutors might otherwise forgo networking or professional development opportunities due to membership costs. Covering these dues can support diverse staff in building vital industry connections.

CONCLUSIONS

Racial and ethnic diversity can significantly enhance the effectiveness and fairness of prosecutorial decision-making and case outcomes. Diverse prosecutorial offices may develop a more nuanced approach to community safety, informed by broader perspectives and lived experiences. Prosecutors from historically underrepresented racial and ethnic groups may also be better equipped to connect with victims of crime, encouraging reporting, cooperation, and help-seeking behaviors that build community trust.

Our data indicate that larger offices, as well as those led by non-White District Attorneys, tend to have greater racial and ethnic diversity among line prosecutors compared to smaller offices or those led by White District Attorneys.

While racial and ethnic diversity are particularly important, given the demographics of defendants and victims across U.S. jurisdictions, the diversity conversation should not end here. Prosecutorial offices must also prioritize recruiting, retaining, and promoting individuals from other underrepresented backgrounds, including religious minorities and LGBTQ+ individuals. Broadening diversity in all its forms can further strengthen the prosecutorial system, making it more inclusive and reflective of the communities it serves.

METHODS AND DATA

We employed a multi-stage sampling strategy to generate a nationally representative sample of district attorneys (DAs). Our goal was to build a sample that reflects variations in criminal justice policies and practices across U.S. regions and states, in urban, suburban, and rural areas, and with differing frequencies of reported hate crimes. We also considered office characteristics such as size and DA demographics, including gender and race/ethnicity, to ensure a diverse and inclusive sample. Additionally, we aimed to conduct a sufficient number of interviews to enable analysis disaggregated by these characteristics.

First, we stratified our sampling approach to ensure representation across six U.S. regions: Northeast, Southeast, Midwest, Rockies/Mountain, Southwest, and Pacific Coast. Within each region, we sought to avoid over-representation from a single state (e.g., California). In total, respondents represented offices in 28 of the 50 U.S. states.

Within each region, we conducted outreach to both large and small jurisdictions. For larger jurisdictions, our sampling frame included at least 20 of the largest metropolitan areas in each region. For smaller jurisdictions, where a complete census of offices was not feasible, we used a combination of snowball sampling and partnerships with organizational contacts to compile a list of potential respondents. We then collected similar data for these smaller jurisdictions as we did for larger ones.

Selected DAs received individualized email invitations to participate in a Zoom interview, with follow-up emails sent to non-responders after 1-2 weeks. For those who did not respond, were unavailable, or declined to participate, we reached out to alternate DAs from our list. Through this effort, from October 2023 to August 2024, we contacted a total of 332 DAs, successfully reaching 319. Of these, 91 responded, 70 accepted, and 67 participated in an interview, resulting in an acceptance rate of 20.2%.

Three key questions relative to this analysis we asked the DAs are:

- How do you describe your race and ethnicity? Your gender?
- Based on your perception, approximately what percent of your staff are White (non-Hispanic)? Male?
- How many prosecuting attorneys are there in your office?

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