



In the summer of 2014, the Reflective Democracy Campaign compiled race and gender data from a dataset of elected state and county prosecutors in 46 states. Prosecutors are the most powerful figures in the criminal justice system. They alone decide whether to file or drop charges, and how stiff a sentence to seek. Meanwhile, race and gender disparities plague the sector. The notorious “school-to-prison” pipeline translates into disproportionate incarceration for children of color, and studies show people of color face harsher punishment than whites for the same offenses. Meanwhile, more than 85% of women charged with crimes have a history of sexual or domestic abuse.

The data explored in this report helped catalyze a movement for diversity and reform as urgent today as in 2014. For the criminal justice system to make good on the promise of justice, its decision-makers must have first-hand insight into the lives they’re changing forever.

RESEARCH

White Americans hold 95% of elected prosecutor positions. We looked at the 2,437 elected prosecutors across the nation as of the summer of 2014. We found that:

	Female	Male	Total
Prosecutors of Color	1%	4%	5%
White Prosecutors	16%	79%	95%
Total	17%	83%	100%

METHODOLOGY

The number of jurisdictions that elect prosecutors varies greatly by state, but across all 50 states the median number of elected prosecutors per state is 42.¹ While some states also have a number of prosecutors who are appointed, we focused entirely on the positions that are elected directly and are therefore presumed to be accountable to the people they represent. In addition to reviewing voter files and other publicly accessible information, our researchers conducted direct outreach to officials to ensure the accuracy of their findings.²

¹ Kentucky has 161 prosecutors; Rhode Island and Connecticut have one. Alaska and New Jersey have no elected prosecutors. We did not include New Hampshire and Hawaii due to the limited role of their elected prosecutors.

² We were able to match race and gender to 94% of the overall dataset with a match rate consistent across states.

THE DEEPER DIVE

Beyond the core findings, a deeper analysis of the research reveals these significant findings:

- 3/5 of states, including Illinois, have no elected Black prosecutors.
- In 14 states, all elected prosecutors are white, including Washington with 39 elected prosecutors and Tennessee with 31. All but one of Missouri's 113 prosecutors are white.
- Outside of Virginia and Mississippi, only 1% of elected prosecutors are Black.³
- Latinos are 17% of the population, and only 1.7% of elected prosecutors.
- White men make up less than 50% of elected prosecutors in only one state (New Mexico).
- There is only one state (Maine) where the percentage of women prosecutors matches their percentage of the population (50%).

THE UNCHECKED POWER OF PROSECUTORS

In the May 11, 2015 issue of *The New Yorker*, Jeffrey Toobin explained in clear terms the power that prosecutors hold in our criminal justice system:

... in the U.S. legal system prosecutors may wield even more power than cops. Prosecutors decide whether to bring a case or drop charges against a defendant; charge a misdemeanor or a felony; demand a prison sentence or accept probation. Most cases are resolved through plea bargains, where prosecutors, not judges, negotiate whether and for how long a defendant goes to prison. And prosecutors make these judgments almost entirely outside public scrutiny.⁴

Contributing to this unchecked power is the fact that 85% of elected prosecutors run unopposed, in down-ballot elections with minimal public attention and scrutiny.⁵

REPRESENTATION MATTERS

White men make up 31% of the population, yet they control 79% of elected prosecutor positions. The current overrepresentation of white people, and white men in particular, among elected prosecutors, is a structural flaw in a criminal justice system that has:

- Failed to indict or convict police officers for the killing of unarmed Black men and women from Ferguson to Staten Island to Cleveland.
- Failed to secure murder convictions for the killing of unarmed Black men and women from Oakland to Orlando.

³ Mississippi and Virginia have the highest concentration of Black prosecutors, together accounting for more than half (33) of the 61 Black prosecutors nationwide.

⁴ <http://www.newyorker.com/magazine/2015/05/11/the-milwaukee-experiment>

⁵ <http://moritzlaw.osu.edu/students/groups/osjcl/files/2012/05/Wright-FinalPDF.pdf>

- Allowed rogue prosecutions of women who terminated their pregnancies from Indiana to Idaho.⁶
- Perpetuated racial discrepancies in the prosecution of nonviolent drug-related offenses, contributing to an epidemic of mass incarceration.⁷

WDN'S REFLECTIVE DEMOCRACY CAMPAIGN

In October 2014 the Women Donors Network commissioned research revealing the race and gender of 42,000 elected office holders in the U.S. from the President down to the county level (available at WhoLeads.Us). Using that data set, we created the National Representation Index, an interactive tool that ranks each state, based on the degree to which elected leaders reflect the state's demographics. We also conducted a national opinion survey that showed that a bi-partisan majority of the electorate supports measures to bring more women and people of color into political leadership.

At WhoLeads.Us/Justice the campaign presents an array of resources, including infographics and open-source access to the full elected prosecutor data set.

FOR MORE INFORMATION

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<http://wholeads.us/justice/>

⁶ http://advocatesforpregnantwomen.org/blog/2015/05/press_release_federal_appeals.php

⁷ <http://www.prisonpolicy.org/profiles/>