



TIPPING THE SCALES

Challengers Take On the Old Boys' Club of Elected Prosecutors

October 2019

The [Reflective Democracy Campaign](#) maintains the country's only comprehensive database of candidates and elected officials by race and gender, offering ground-breaking insights on the demographics of power in America. Our findings measure how far we've come — and how far we have to go — to achieve a democracy that reflects all Americans, where women of all races and men of color have a fair share of seats at the table of power.

The Demographics of Elected Prosecutors: 2019

After someone gets arrested, a prosecutor holds the power over what happens next. Charge the defendant, or release them? Charge them with a felony, or a misdemeanor? Since the vast majority of cases don't go to trial, it's mostly prosecutors – not judges – who determine whether defendants go to prison and for how long. In the words of Supreme Court Justice Robert Jackson, a prosecutor “has more control over life, liberty, and reputation than any other person in America.”

In 2014, as a prosecutor in Ferguson failed to indict the police officer who killed Michael Brown, we were conducting our historic study of the race and gender of prosecutors. What we found made headlines: 95% of prosecutors were white, and 79% were white men. Perhaps most alarming, most prosecutors ran for office unopposed, leading to an entrenched status quo which is highly resistant to bipartisan calls for criminal justice reform.

With race and gender inequality baked into the criminal justice system, repairing the broken demographics of prosecutorial power is an urgent goal, and the data are clear: When voters have a choice, they reject the white male status quo. Competitive elections for prosecutor can fix the demographic crisis and level the playing field for system reform.

Five years after our initial analysis of elected prosecutors, we returned to see how their demographics have—and haven't— changed. Here's what we found:



White control of elected prosecutor positions has not changed

In 2015, prosecutors were 95% white. In 2019, they are still 95% white.

The gender (im)balance of elected prosecutors is changing

While nearly 75% of prosecutors are white men, women have increased at a rate of 34% since 2015, from 18% to 24% of prosecutors.

Change is possible - when there is competition

Prosecutors run unopposed 80% of the time, but in competitive races, the old boys' club starts to give away. White male over-representation is rampant, but not unsolvable.

When women of all races and men of color run for prosecutor in competitive elections, they're more likely to win than white men

In competitive 2018 elections, white men were 69% of candidates, but only 59% of winners. Women and people of color were 31% of candidates and 41% of winners.

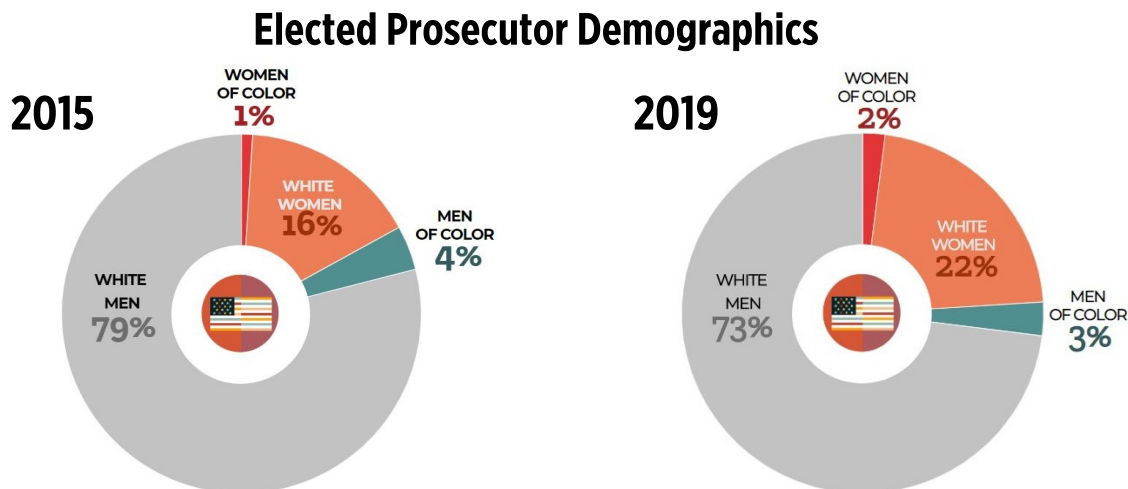
Despite overall low numbers, women of color are making notable gains

There are nearly 50% more women of color prosecutors today as in 2015.



White control of prosecutor seats holds fast at 95%

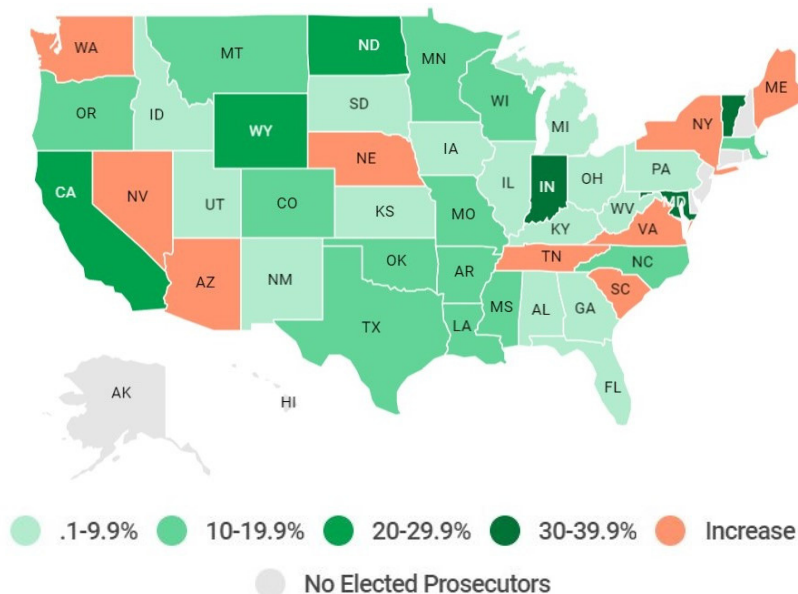
Despite some notable victories by candidates of color in cities such as Chicago, Baltimore, Boston, and Ferguson, prosecutors nationwide are as overwhelmingly white as they were in 2015.



Women increase, challenging white male overrepresentation

The past four years have seen a significant drop in male prosecutors and a concurrent rise in women. In fact, in 34 states, the over-representation of white male prosecutors decreased.

Rate of Decrease in White Male Prosecutors, 2015-19

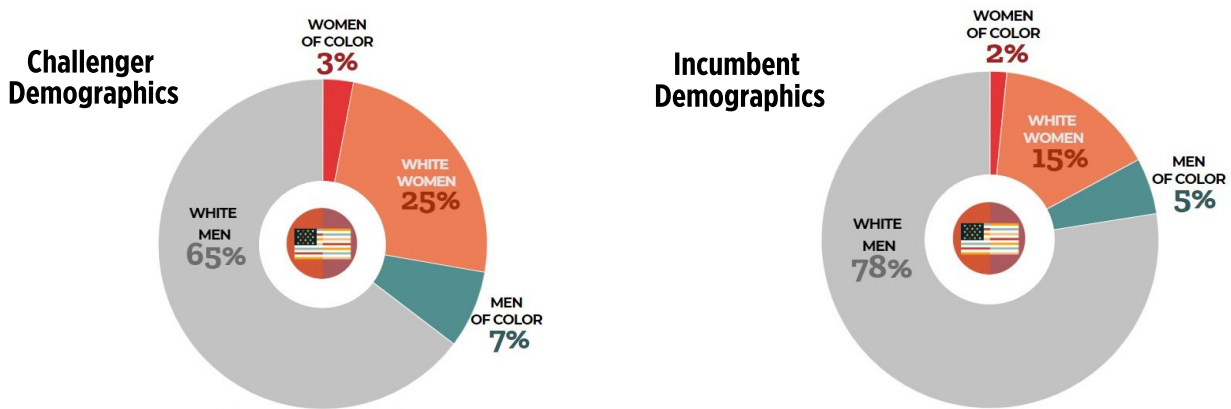


In competitive races, the white male status quo shifts

The driver behind this shift is competitive elections. When women of all races and men of color compete for prosecutor seats, they win at higher rates than white men. However, competition is rare. We found that 80% of prosecutors run for office unopposed. This stagnant playing field explains a lot about the broken demographics of the system.

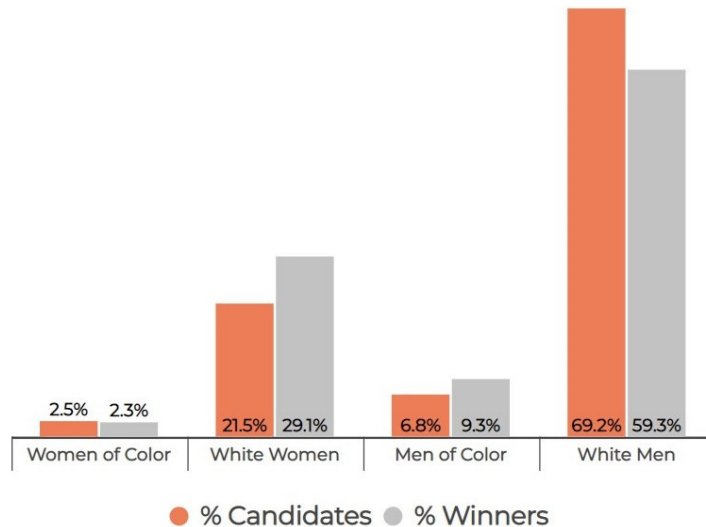
- In the 2018 election, incumbent prosecutors were over 75% white men and 93% white.
- Their challengers were 28% women of all races and nearly 8% men of color, looking a lot less like the typical old boys' club.

2018 Prosecutor Elections



When given a choice, voters often select prosecutors who better reflect both the nation's demographics and the populations most vulnerable to prosecutorial bias. Despite being nearly 70% of prosecutor candidates in the 2018 election, white men were under 60% of winners, while men of color and women of all races either over-performed or broke even as winners. Women and people of color are standing up and challenging the white male status quo.

Contested Prosecutor Elections in 2018: Who Ran and Who Won?



Prosecutors are a study in minority rule

Across the country, prosecutors in 2019 are 95% white – just as they were in 2015. Only one state – New Mexico – comes close to having prosecutors who reflect its people; with a population that is 62% people of color, New Mexico’s prosecutors are 47% people of color. No other state even approaches reflective representation, a crisis most significant in states with large populations of color.




















- In California, whose population is 63% of color, elected prosecutors are 90% white.
- Nevada’s population is essentially evenly split between white people and people of color, yet fewer than 6% of its prosecutors are of color.
- Arizona, New York, and Florida are each over 40% people of color, and in all three states, elected prosecutors are less than 10% of color. Of the three states, New York is the least reflective, with fewer than 5% prosecutors of color.

Despite their near exclusion from prosecutor seats, women of color have significantly increased their share of offices across the country in just four years. This increase was offset by an actual decrease in prosecutors who are men of color. Since 2015, the portion of men of color dropped from 4% to 3%. And yet, when men of color challenge incumbents, they win at a higher rate than white men do.

Out of Balance

POC Populations vs POC Prosecutors

States with 30%+ POC Populations:

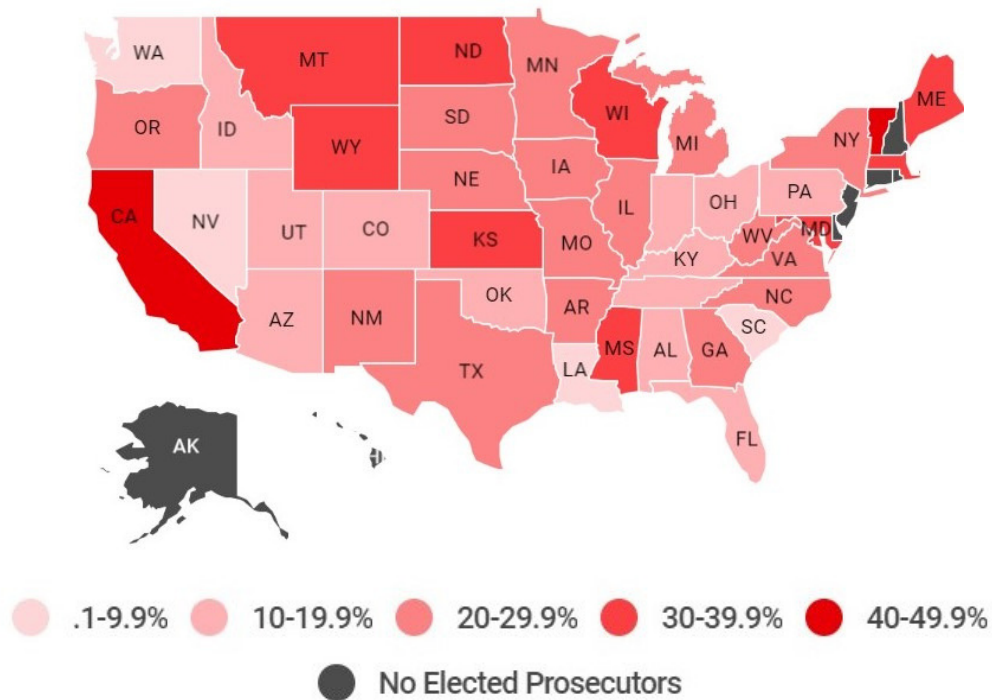
	State	% POC Population	% POC Prosecutors
	California	63%	10%
	New Mexico	62%	47%
	Texas	58%	13%
	Nevada	51%	6%
	Maryland	49%	19%
	Georgia	47%	10%
	Florida	46%	10%
	New York	45%	5%
	Arizona	45%	6%
	Mississippi	43%	22%
	Louisiana	41%	7%
	Illinois	39%	9%
	Virginia	38%	13%
	North Carolina	37%	12%
	South Carolina	36%	12%
	Oklahoma	34%	4%
	Alabama	34%	7%
	Washington	32%	2%
	Colorado	32%	4%

Women are on the rise as prosecutors, but men still dominate

Nationally, women constitute a mere 24% of prosecutors. Meanwhile, since 1980, the population of women in prison has grown 700%, from 26,000 to 214,000. Only California comes close to gender parity among prosecutors: 44% of its prosecutors are women.

- Four states – Washington, Nevada, Louisiana, and South Carolina – have fewer than 10% female prosecutors.
- 12 states have fewer than 20% female prosecutors, including Oklahoma, whose female incarceration rate, at double the national average, is the highest in the United States.
- Although women of color are disproportionately targeted by the criminal justice system, only 2% of prosecutors are themselves women of color.

Percentage of Elected Women Prosecutors by State, 2019



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 48.* We looked at the 2,442 elected prosecutors across the nation as of the summer of 2019. 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. To gather this information, our researchers reviewed voter files and other publicly accessible data.**

To identify incumbents and challengers in the prosecutorial elections of 2018, we first separated unopposed and opposed races. In our 2018 general election database, if a prosecutorial office had only one candidate listed, that race was designated as unopposed. The remaining elections were designated as opposed. In total, 396 candidates were identified as participating in opposed elections. Through primary research using local newspapers and governmental websites, candidates were identified either as incumbent, i.e., currently holding the office they were running for, or as a challenger. In some instances no incumbent was identified, as some incumbents did not run for re-election.

The winners analysis was performed by comparing the demographic breakdown of all contestants in opposed elections to the demographic breakdown of contestants who won their elections.

This analysis is built on top of the Ballot Information Project and Governance Project datasets maintained by the Center for Technology and Civic Life (CTCL). Race and gender data for candidates and elected officials has been aggregated since 2014 by CTCL in partnership with Reflective Democracy Campaign.

*Kentucky has 178 prosecutors; Rhode Island, Connecticut, and Delaware 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. States with one or fewer elected prosecutors were also not included in state by state analysis.

**We were able to match race and gender to 98% of the overall dataset with a match rate consistent across states.



We fund and spearhead innovative efforts to help women and people of color gain their fair share of seats at the table.

The [Reflective Democracy Campaign](#) investigates and disrupts the demographics of power in the United States. Our groundbreaking research and analysis have led the national conversation about race, gender, and politics, shining a light on both the stark imbalances distorting our democracy and the current wave of victories by candidates who reflect the American people.

Our data and opinion research have generated coast-to-coast headlines and sparked activism against the structural barriers keeping people of color and women from the halls of power. Our data, reports, infographic toolkit, and other resources are freely available at [WhoLeadsUs](#).

Our Reflective Democracy Innovator grants support a wide range of organizing, activism, and capacity-building by leaders and organizations committed to changing the face of power. Our 2019 grants focus on building political power in local communities to realize the potential of leaders who reflect their communities. Our research grants have yielded break-through findings about the systemic barriers that maintain the status quo— and innovative strategies for dismantling them.

The Reflective Democracy Campaign was founded by the [Women Donors Network](#) in 2014 on the belief that we won't achieve democracy until all of us are reflected in the halls of power. Now we're at the forefront of the growing movement for leaders who truly reflect the American people.

To learn more about the Campaign and to access our data, reports, infographics, and other resources go to [WhoLeadsUs](#).

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The Reflective Democracy Campaign is a project of the Women Donors Network

