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UNDERSTANDING PROSECUTORIAL DISCRETION IN FLORIDA FELONY COURTS

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A Final Report for the W.E.B. Du Bois Scholars in Crime Submitted to the National Institute of Justice

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Executive Summary

For decades scholars have called for research that examines how race and other indicators of social inequality affect the full course of case processing from initial filing to final disposition (Baumer, 2013; Blumstein, Cohen, Martin, & Tonry, 1983; Hagan, 1974; Smith, 1986; Thomson & Zingraff, 1981). A lack of accessible data, however, has largely frustrated researchers' efforts meet this challenge. Unlike sentencing data, which has been made readily accessible to researchers by the courts and sentencing commissions, prosecutors almost always hold pre-conviction data privately. This lack of pre-sentencing data is particularly problematic as there is growing interest in understanding how line prosecutors use their broad and, typically, unreviewable discretion. This growing interest stems from the fact that line prosecutors have been made more powerful by sentencing reforms, which constrained the discretion of judges and parole boards.

Despite the power and prominence of chief prosecutors, their discretionary influence on case outcomes has been neglected in the existing research. Chief prosecutors develop varying policies and practices to guide the case processing decisions of the line prosecutors under their supervision. The organizational policies and practices established by chief prosecutors are arguably the purest form of prosecutorial discretion, as policy variations between chief prosecutors may lead to identical kinds of cases prosecuted by different state attorney's offices *systematically* receiving distinctly different sanctions. Variations in the philosophies and practices of chief prosecutors have been thrust into stark relief by the rise of "progressive prosecutors," who campaign on system reforms often designed to reduce pretrial detention, mass incarceration, and racial disparities in incarceration. To achieve these goals, progressive,

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reformist prosecutors de-emphasize the application of punitive punishments for low-level offenses (e.g., drug possession, driving offenses) in favor of non-prosecution or diversion. Yet, the existing empirical research largely neglects the role of chief prosecutors in shaping case outcomes and racial disparities therein and little research examines variations in case outcomes between progressive and traditional chief prosecutors. To help address this gap in the literature, we distinguished progressive SAs from traditional SAs by using public statements made by each SA to identify which SAs endorsed policies central to progressive prosecutors (e.g., diverting/declining to prosecute low-level offenses, establishing conviction integrity units). Based on our measure, 4 of the 20 SAs in Florida are progressive prosecutors and the other 16 SAs are traditional prosecutors.

While prosecutors are clearly the most influential of court actors, they work collaboratively with other court actors to make decisions. In Florida, judges, prosecutors, and public defenders are usually assigned to specific courtrooms and, as a result, they work together repeatedly in what is known as court "working groups." These court working groups are hypothesized to develop distinctive practices and routines; however, little existing research assesses whether racially/ethnically diverse working group reach more equitable decisions leading to egalitarian outcomes. In this research project, we attempt to fill these gaps.

Research Questions and Hypotheses

This study sought to use quantitative and qualitative data to understand patterns in felony case processing outcomes across Black, White, and Hispanic defendants, and to identify the policies and practices that may be generating differences in case processing between jurisdictions. We focused on the following general research questions:

1) Do similarly situated Black or Hispanic defendants receive more punitive outcomes

than White defendants at each stage of the trial process? And do these disadvantages accumulate through the case process?

2) Are similar cases processed differentially at each major case processing decision point between jurisdictions with progressive chief prosecutors relative to cases adjudicated by more traditional state attorneys?
3) Do case outcomes differ between Black, Hispanic, and White defendants at each major case processing decision point based on the racial diversity of court working groups?
4) What factors may play a role in racially disparate outcomes?

Based on the sentencing theories and prior research, we put forth and tested several hypotheses. We hypothesized that:

1) Similarly situated Black or Hispanic defendants receive more punitive outcomes than White defendants at each stage of the trial process and that these disadvantages accumulate through the case process.
2) Case outcomes are less punitive in jurisdictions with progressive chief prosecutors relative to cases adjudicated by more traditional state attorneys.
3) Racial and ethnic disparities are smaller in progressive jurisdictions.
4) Racial and ethnic disparities are smaller in more diverse court working groups.
5) Race and ethnic differences on important case features such as prior convictions and hiring of a private attorney are potent indirect sources of racially disparate outcomes.

Methods

In this study, we capitalized on Florida's expansive open records law to construct a large random sample of non-murder felony cases filed in 2017. Data was manually extracted from

each case by reading and coding online documents from each of Florida's 20 judicial circuits. We analyzed a large racially and ethnically diverse random sample of criminal cases initially filed as felonies in the state of Florida (*N*=11,414). This allows comparisons between multiple jurisdictions while operating under the same set of state laws and other statewide factors. The data include information on the defendant (including criminal history), criminal case including race of attorneys and judge(s), county, and case processing outcomes from initial charge to pretrial release, final disposition and sentence. We supplemented the quantitative analyses with semi-structured interviews with 11 out of 20 or 55% of State Attorneys (SA) or their representatives about the policies and practices within their jurisdiction; the other 9 SAs declined to participate in this research.

To examine differences in individual case processing outcomes, we used logistic regression models, while the cumulative case outcome analysis utilized multinomial logistic regression to assess racial/ethnic disparities across the full course of the cases. These analyses included the calculation of predicted probabilities and tests of race/ethnic differences in these probabilities. To examine court actor diversity and racial and ethnic disparities in presentencing and sentencing outcomes, we estimated multilevel mixed effects logistic regressions. We use multilevel models to account for the structure of the data as individuals (level 1) are nested within courtroom workgroups (level 2) within court communities (level 3) (Raudenbush & Bryk, 2002). These research methodologies allow us to examine cumulative disadvantage by race/ethnicity, its individual, institutional, and organizational sources, and delve more deeply into understanding how prosecutors use their discretion through the full case processing from filing charges to disposition.

Results

The results of our analyses yield six central findings that provide mixed support for these hypotheses. First, we generally did not find evidence of Hispanic–White disadvantage. Hispanic and White defendants generally received comparable individual and cumulative case outcomes in both pre-sentencing and sentencing phases—a finding that conflicts with our expectation of Hispanic-White individual and cumulative disadvantage. When ethnic differences were revealed, most of these differences worked to the advantage of Hispanic defendants. For example, Hispanic defendants were more likely to have their cases dismissed for violent offenses and were more likely to have their cases diverted or receive adjudication withheld than White defendants. The only instances in which Hispanic defendants were disadvantaged relative to Whites is a lower probability of having drug or property cases dismissed.

Second, we find inconsistent evidence that Black defendants are disadvantaged relative to Whites. For instance, the analyses of individual outcomes indicate that prosecutors were less likely to file felony charges against Black defendants, which in turn led to Black defendants having lower probabilities of being found guilty; however, Black defendants were less likely to be diverted from prosecution or sentenced to probation, but were more likely to receive prison sentences than White defendants. Likewise, evidence of cumulative racial disadvantage was generally mixed and varied by charge type/seriousness. Patterns of racial disparities consistent with the notion of cumulative disadvantage were stronger in less serious case types, drugs (a category overwhelmingly comprised of possession offenses) and “other” felonies, and less apparent in more serious case types, violent and property offenses. Thus, these findings do not offer strong support for our hypotheses of individual and cumulative racial disadvantage.

The finding that racial disparities vary markedly by offense type has implications for

explaining Black defendants' higher rates of case dismissal. In particular, the overall analysis that includes all offense types, Blacks had higher rates of case dismissal. Given the historic and contemporary evidence of over-policing of Black or disadvantaged neighborhoods (see e.g., Braga, Brunson, & Drakulich, 2019), it would be logical to assume that this finding is attributable to Black defendants being arrested in situations where the evidence did not support prosecution (i.e., cases based on weak or flawed evidence). However, Black defendants' higher rates of case dismissal were isolated to violent and property offenses. This is significant because aggressive, proactive policing is most likely to inflate the number of arrests for drug possession, weapons carrying, and minor offenses—not violent or property offenses. Therefore, it seems unlikely that aggressive, proactive policing explains the higher rate of case dismissal among Black defendants observed in cases with violent or property charges. It is more likely that victim characteristics, victims' preferences in case outcomes, and circuit of prosecution are the most likely explanations for Black defendants' relatively high rate of case dismissal.

Third, our results provide some support for our expectation that cases processed in jurisdictions headed by progressive SAs receive less punitive outcomes. Cases handled in the four jurisdictions with progressive SAs were more likely to be closed without a finding of guilty; that is, cases in these jurisdictions were more likely to be dismissed altogether, diverted from prosecution, or transferred to lower courts than cases adjudicated in other jurisdictions. There were corresponding differences in the post-guilt stages with cases handled by progressive prosecutors having lower probabilities of withholding of adjudication and sentences of probation or prison. However, only the difference in the probability of receiving a prison sentence was statistically significant. Thus, prison sentences were substantially less common in jurisdictions

headed by progressive prosecutors. The differences between progressive and traditional SAs are not confined only to low-level felony cases; these differences were evident across offense types.

Fourth, cumulative minority disadvantage was less evident in jurisdictions with progressive SAs. To illustrate, for all offense types, Black defendants in circuits with traditional chief prosecutors had higher probabilities of receiving a prison sentence and much lower probabilities of receiving a probation sentence than Whites. However, in jurisdictions headed by progressive SAs, there was no race difference in likelihood of being sentenced to prison and the race gap in probation sentences was substantially narrowed. In fact, relative to White defendants, the probability of receiving a prison sentence was comparable or lower for Black and Hispanic defendants for each offense type in jurisdictions with progressive prosecutors.

Fifth, the diversity of courtroom working groups did not predict any of the case outcomes or the magnitude of racial/ethnic disparities in these outcomes. Notably, court actors were overwhelmingly White, which lead to most court working groups being all-White. Thus, there was little racial/ethnic diversity in Florida's felony courts and the little diversity that was evident do not predict the outcomes of interest.

Sixth, in contrast to existing cumulative disadvantage research, our analyses found limited evidence of indirect effects, and once again more so for Black defendants than Hispanic. We found that pretrial detention and retaining a private attorney explained relatively little of Black-White differences on case outcomes. However, we also found that criminal history was a powerful predictor of more punitive individual and cumulative case outcomes, and criminal history was correlated with race (i.e., on average, Blacks had more prior convictions). Indeed, all qualitative interviews revealed that charging decisions and plea offers were consistently based on defendant criminal history. As a result, the use of prior convictions in court decision-making

served as a potent indirect source of racial disparities, but not ethnic disparities as Hispanics had the smallest mean number of prior convictions.

Plan of the Final Report

The Final Report proceeds as follows. First, we present information on the overall research project design. We provide relevant background literature and theory and delineate the research questions and hypotheses driving the research. We also discuss the general methodology of the research and the data and include information on Florida's criminal justice context and open access "sunshine" laws. We also provide an introduction to the quantitative and qualitative analysis methodologies specifically. Second, we detail a study, *Individual, Institutional, And Organizational Sources of Racial/Ethnic Disparities in Florida's Felony Courts*, emanating from this research. Third, we detail a second study from this research, *Racial/Ethnic Disadvantage and Courtroom Diversity*. Fourth, we provide overall conclusions with a discussion of research project limitations and implications for future research.

List of Grant Artifacts

The following is a current list of grant artifacts.

List of Products

Mitchell, Ojmarrh, Daniela Oramas Mora, Tracey Sticco, and Lyndsay N. Boggess. 2022. "Are Progressive Chief Prosecutors Effective in Reducing Prison Use and Cumulative Racial/Ethnic Disparities? Evidence from Florida." *Criminology & Public Policy* 21(3): 535-565.

Bowman, Rachel, Daniela Oramas Mora, Ojmarrh Mitchell, and Cassia Spohn. Accepted. "Gender in the Courtroom Workgroup: Understanding the Relationship between the Composition of Workgroups and the Gender Gap in Punishment." *Criminal Justice & Behavior*.

Brown, Katharine L. and Ojmarrh Mitchell. 2023. "Homeless Defendants in Felony Court: Cumulative Case Outcomes and Institutional Bias." Pp. 9-30 in *Division of Corrections & Sentencing's Handbook, Volume 7: Inequalities in Sentencing and Corrections among*

Marginalized Populations, edited by E. M. Ahlin, O. Mitchell and C. A. Atkin-Plunk. New York: Routledge.

Oramas Mora, Daniela, and Ojmarrh Mitchell. Under Review. "Punitive Excess in Monetary Sanctions: Examining Racial and Ethnic Treatment and Impact Disparities in Monetary Sanctions in the State of Florida."

Bowman, Rachel, Ojmarrh Mitchell, Daniela Oramas Mora, and Lyndsay Boggess. Under Review. "Court Communities, Courtroom Workgroups, and Individual Court Actors: Where Does Diversity Matter?"

Oramas Mora, Daniela, Ojmarrh Mitchell, and Anthony Peguero. In Progress. "Examining the Cumulative Disadvantage Effect of Hispanic Immigrant Destinations on Case Processing and Outcomes Among Hispanic Defendants."

Data Sets Generated

Two forms of data were generated by this project and archived with National Archive of Criminal Justice Data (NACJD). First, the quantitative data collected by this project along with a codebook describing the data have been archived with NACJD. Second, transcripts of the qualitative interviews with prosecutors were redacted to preserve confidentiality and archived with NACJD.

Dissemination Activities

Mitchell, Ojmarrh, Daniela Oramas Mora, Tracey L. Sticco, and Lyndsay N. Boggess. (Sep. 21, 2022). “Are Progressive Chief Prosecutors Effective in Reducing Prison Use and Cumulative Racial/Ethnic Disadvantage? Evidence from Florida” *Criminology & Public Policy*’s Webinar on Progressive Prosecution. www.youtube.com/watch?v=arAM8LraZpo

Oramas Mora, Daniela, Ojmarrh Mitchell, and Anthony Peguero. 2022. "Examining the Cumulative Disadvantage Effect of Immigration Destinations of Case Processing and Outcomes Among Hispanic Defendants." in Paper presented at the *Annual Meetings of the American Society of Criminology*. Atlanta, GA.

Boggess, Lyndsay, Tracey Sticco and Ojmarrh Mitchell. 2022. "Philosophical and Organizational Differences between State Attorney Offices in Florida: Comparing Progressive and Traditional State Attorneys." Paper presented at the *Annual Conference of the Academy of Criminal Justice Sciences*. Las Vegas, NV.

Brown, Katharine L. and Ojmarrh Mitchell. 2022. "Homeless Defendants in Felony Court:

Cumulative Case Outcomes." Paper presented at the *Western Society of Criminology*. Honolulu, HI.

Mitchell, Ojmarrh, Daniela Oramas Mora, Tracey Sticco and Lyndsay N. Boggess. 2021. "Cumulative Racial and Ethnic Disadvantage in the Courts." Paper presented at the *Annual Meetings of the American Society of Criminology*. Chicago, IL.

Bowman, Rachel, Ojmarrh Mitchell and Daniela Oramas Mora. 2021. "Do More Diverse Courtroom Working Groups Reduce Racial/Ethnic Bias in Case Processing and Outcomes?" Paper presented at the *Annual Meetings of the American Society of Criminology*. Chicago, IL.

Oramas Mora, Daniela and Ojmarrh Mitchell. 2021. "How Much Does the Prosecutor Matter? Examining Variation in Case Processing and Outcomes between Prosecutors." Paper presented at the *Annual Meetings of the American Society of Criminology*, Chicago, IL.

Sticco, Tracey, Lyndsay L. Boggess, and Ojmarrh Mitchell. 2021. Prosecutorial Policies and Practices Affecting Pre- Conviction Case-Processing Decisions in Florida. Paper presented at the *Annual Meetings of the American Society of Criminology*, Chicago, IL.

Mitchell, Ojmarrh, Tracey Sticco, Daniela Oramas Mora, and Sarah Harper. 2019. "Understanding Prosecutorial Discretion in Florida Circuit Courts: Cumulative Effects of Social Disadvantage on Case Outcomes." Paper presented at the *Annual Meetings of the American Society of Criminology*. San Francisco, CA.

UNDERSTANDING PROSECUTORIAL DISCRETION IN FLORIDA FELONY COURTS

A massive body of research assesses the relationships between measures of social inequality such as race, gender, and socio-economic status and sentencing decisions in American criminal courts (for reviews of this research see Baumer, 2013; Mitchell, 2005; Spohn, 2000; Ulmer, 2012; Zatz, 2000). In comparative terms, little research assesses these variables' effects on pre-conviction outcomes such as prosecutors' decisions to initially file criminal charges, later dismissal of charges, pretrial detention, and reductions in charges/sentence in exchange for a plea of guilty. Likewise, very little research estimates the cumulative effects of social disadvantage across the major case processing decisions. This myopic focus on the sentencing phase concentrates attention on sentencing decisions of judges and obscures the many important decisions made by prosecutors. As a result, the field's understanding of how social inequality ultimately affects criminal court outcomes across the entire process has been undermined by the heavy focus on post-conviction sentencing outcomes.

For decades scholars have called for research that examines how race and other indicators of social inequality affect the full course of case processing from initial filing to final disposition (Baumer, 2013; Blumstein, Cohen, Martin, & Tonry, 1983; Hagan, 1974; Smith, 1986; Thomson & Zingraff, 1981). A lack of accessible data, however, has largely frustrated researchers' efforts meet this challenge. Unlike sentencing data, which has been made readily accessible to researchers by the courts and sentencing commissions, prosecutors almost always keep pre-conviction information and decision-making closely held. This lack of pre-sentencing data is particularly problematic as there is growing interest in understanding how prosecutors use their broad and, typically, unreviewable discretion. This growing interest stems from the fact that

prosecutors have been made more powerful by sentencing reforms, which constrained the discretion of judges and parole boards.

Recently, a relatively small number of studies have successfully met the challenge of tracking large numbers of criminal cases from beginning to end (Chen, 2008; Kutateladze, Andilorio, & Johnson, 2016; Kutateladze, Andilorio, Johnson, & Spohn 2014; Schlesinger, 2007; Stolzenberg, D'Alessio, & Eitle, 2013; Sutton, 2013; Wooldredge, Frank, Goulette, & Travis, 2015). These studies have significantly expanded and deepened the field's knowledge of how prosecutors use their discretionary powers and how indicators of social disadvantage affect various pre-conviction outcomes. Yet, these studies have been limited by several shortcomings. First, three of these studies (Schlesinger, 2007; Stolzenburg et al. 2013; Sutton, 2013) utilize State Court Processing Statistics data from the 75 most populous counties in the United States (Bureau of Justice Statistics, 2014). These data are valuable for providing a basic overview of case processing outcomes; however, these data do not include important measures detailing the specific laws and procedures affecting these case processing outcomes (e.g., mandatory pretrial detention for a certain offense, mandatory prison sentence for a certain offense). Second, the remaining two studies (Kutateladze et al., 2016; Wooldredge et al., 2015) provide the kind of detailed data governing case processing, but do so in a single jurisdiction. Limiting analyses to a single jurisdiction allows researchers to understand the extent to which similarly situated defendants in the same jurisdiction are treated differently; this is one important form of prosecutorial discretion. However, single jurisdiction studies do not allow researchers to examine the extent to which similarly situated defendants in different jurisdictions operating under the same state laws are treated differently. In many ways, this may be the purest form of prosecutorial discretion as identical kinds of cases processed in neighboring judicial districts may

routinely receive distinctly different sanctions based on the philosophy and practices of the chief prosecuting attorney. Third, collecting data from a single jurisdiction prevents researchers from examining whether the magnitude of racial disparities vary by the racial composition of distinct courthouse communities. This is a significant shortcoming as recent research indicates that diverse courthouse communities exhibit lower levels of unwarranted racial disparities in sentencing outcomes (King, Johnson, & McGeever, 2010; Ward, Farrell, & Rousseau, 2009). Nonetheless, no such analysis has been conducted on pre-conviction case processing outcomes. Fourth, all of these case processing studies with the exception of Wooldredge et al. (2015) only assess the direct or total effects of race/ethnicity on case processing. This is problematic as race/ethnicity may have meaningful indirect effects on severity of case processing outcomes via other measures of social inequality such as type of attorney and being detained pretrial; that is, racial/ethnic minorities are more likely to be indigent, which increases the likelihood of being represented by public defenders, and decreases the likelihood of having the financial means to post bond. These factors in turn lead to unfavorable court outcomes.

In this current study, we attempt to expand the knowledge base in important ways. We use interlocking quantitative and qualitative components to expand upon the limited corpus of research examining the cumulative effects of social disadvantage across criminal court case processing and remedy the shortcomings evident in existing studies. The quantitative component comprises a large random sample of cases initially filed as felonies in the state of Florida. The analyses of these data focus on understanding the commonalities and differences in major case outcomes between counties and judicial circuits. Above and beyond describing how prosecutors use their discretionary power, we seek to understand the cumulative effects of race/ethnicity across case processing outcomes including the indirect effects of these variables. The qualitative

component of the current research involves semi-structured interviews with chief prosecutors or their designee. These interviews focused on understanding the philosophies and practices guiding felony case processing in local courtrooms. Notably, interviews were conducted with several reformist, progressive prosecutors and several chief prosecutors with more traditional philosophies. After discussing these issues, we asked prosecutors to give their opinions on the factors causing racial/ethnic disparities in case processing and outcomes. Taken together, the quantitative and qualitative components of this research are a significant addition to the evidence base concerning prosecutorial discretion and it has salient policy implications on these issues.

The Rise of Prosecutors in American Criminal Courts

Public concern about racial disparities in sentencing outcomes as well as perceived leniency by judges and parole boards sparked the sentencing reform movement beginning in the late-1970s and accelerating in the 1980s (see e.g., Tonry, 1996). A central goal of this movement was to standardize sentencing by curtailing judicial and parole board discretion in order to make criminal sentences more predictable and thereby reduce racial/ethnic disparities in sentencing outcomes. In pursuit of this goal, states replaced indeterminate sentencing systems with various structured sentencing mechanisms such as sentencing guidelines, mandatory minimums typically for drugs and violent offenses, and "three strikes" laws (see Murakawa, 2014; Western, 2006). Likewise, numerous states abolished discretionary parole release and/or adopted truth-in-sentencing laws that required some persons, typically persons convicted of violent offenses, to serve 85% of their pronounced term of incarceration (see e.g., Tonry, 1996; Western, 2006). All of these mechanisms made sentencing more predictable and arguably reduced disparities in sentencing outcomes by restricting the discretionary powers of judges and parole boards (Tonry, 2006).

These changes not only made sentencing more predictable, but also increased the power of prosecutors (Nagel & Schulhofer, 1992; Pfaff, 2017). None of the commonly employed means of structured sentencing affected the discretion of prosecutors. Then and now, prosecutors have the power to dismiss charges against defendants, reduce felonies to misdemeanors, offer defendants plea deals (i.e., reductions in charges and/or sanctions in exchange for a plea of guilty), pursue charges associated with sentencing enhancements (e.g., longer terms of imprisonment for possessing a firearm, mandatory prison sentences), and so forth. Given that most states have some form of structured sentencing that ties sentences to conviction offense (and criminal history) and more than 95% of convicted defendants plead guilty (Reaves, 2013), prosecutors effectively control sentencing by dictating the conviction charge in the plea agreement (Davis, 2017). Additionally, in jurisdictions with and without structured sentencing, prosecutors heavily influence sentencing via the terms of the negotiated plea agreements that often specify the sentence to be imposed (King & Wright, 2016; Lynch, 2016). These powers make prosecutors "the most powerful officials in the criminal justice system bar none" (Davis, 2017, p. 178).

The importance of chief prosecutors has been underscored by the rise of "progressive" chief prosecutors across the country. In stark contrast to traditional chief prosecutors who played a considerable role in causing mass incarceration (Pfaff, 2017), these progressive prosecutors have made curtailing the perceived punitive excesses of the tough-on-crime era and reducing racial/ethnic disparities in case outcomes central planks in their campaign platforms. These reformist prosecutors have called for a more just legal system that pursues harsh penalties for defendants who have committed offenses repeatedly and/or the most serious offenses, while diverting or declining to prosecute defendants accused of low-level offenses and/or defendants

with limited criminal history. To correct past injustices, progressive prosecutors have called for and created conviction integrity units to review dubious previously resolved cases. In short, progressive, reform-minded prosecutors have promised voters to use their immense decision-making authority in less punitive and more discerning fashions.

Despite the power and prominence of prosecutors, their discretionary decision-making largely goes unexamined. Unlike sentencing decisions, which occur in public, are potentially appealable, and largely attributed to judges, prosecutors' pre-sentencing decisions occur behind closed doors and are not generally reviewable by courts. Chief prosecutors, who are elected locally in 45 states, are only accountable to the electorate (Wright, 2017). And whereas sentencing data is routinely collected by state-level administrative agencies, data on the pre-conviction processes and outcomes are not readily accessible. As a result, the electorate and researchers generally do not have access to the kinds of data capturing the performance of prosecutors, despite the central role of prosecutors in the American criminal justice system.

Sentencing Theory and Research

Criminological and social psychological theories indicate that prosecutors' discretionary decisions are affected by markers of social disadvantage. Numerous theories, such as the focal concerns perspective (Kramer & Steffensmeier, 1993; Steffensmeier, Ulmer, & Kramer, 1998; Ulmer, 1997), implicit bias theory (Greenwald et al., 2002), and Black's (1976) cultural distance hypothesis, predict that racial/ethnic minorities will be sanctioned more punitively than Whites in many situations. While these theories make a common prediction, they explain these racial/ethnic disparities using different underlying mechanisms.

The focal concerns perspective posits that race/ethnicity influences court outcomes primarily by affecting court actors' perceptions of dangerousness and culpability. According to

this perspective, court actors' decisions are shaped by three focal concerns: blameworthiness (culpability), protection of the community (dangerousness), and practical constraints (e.g., prison overcrowding, racial composition of prison population). The first two of these focal concerns, blameworthiness and dangerousness, are problematic as court actors often have limited information to guide their assessments and even when ample information is available, accurate assessments of individuals' character and predictions about future recidivism are inherently difficult (Albonetti, 1991; J. Ulmer & Johnson, 2004). This ambiguity opens the door for court actors' to rely on imputations and internalized cultural stereotypes characterizing Blacks and Hispanics, especially young Black and Hispanic males, as dangerous and attribute their criminality to internal defects as opposed to external pressures (see e.g., Bridges & Steen, 1998).

Similarly, a burgeoning body of social psychological research finds that individuals who neither hold conscious racial bias nor believe in the veracity of racialized criminal stereotypes make racially biased decisions due to implicit racial bias. Implicit racial bias refers to the internalization of attitudes and stereotypes linking racial groups to certain characteristics that affect one's cognitions and actions (Greenwald et al., 2002). Stereotype internalization is not a thoughtful, deliberate process; it occurs as the result of an inundation of images and depictions of criminals as dark-skinned. A common finding in this body of research is that mere knowledge of racialized criminal stereotypes lead to racially biased views and actions, especially if research subjects' implicit racial biases are triggered by subtly introducing stimuli associated with race or crime (Correll, Judd, & Wittenbrink, 2002; Devine, 1989; Sommers and Ellsworth, 2001; and for larger reviews of this research see Greenwald and Krieger, 2006; Staats & Patton, 2013). Given the pervasiveness of implicit bias, it should come as no surprise that research finds that judges exhibit implicit bias favoring Whites over Blacks (Levinson & Young, 2009; Rachlinski,

Johnson, Wistrich, & Guthrie, 2008). By extension, it is likely that even well-meaning prosecutors tend to make racially biased decisions, and this risk is greatest in cases involving defendants who fit prevailing racialized criminal stereotypes (i.e., young minority males) and thus spurring unconscious processes equating race to dangerousness.

Racial bias in court actors' decision-making also varies by courthouse and courthouse characteristics. In particular, the magnitude of racial disparities in local court outcomes is hypothesized to be largest in courthouses with low levels of racial diversity (King et al., 2010; Ward et al., 2009). This hypothesis was derived by combining Black's (1976) social distance hypothesis that predicts punishments are more severe when the parties involved are socially distant (e.g., different races, different cultures) with the community court perspective that argues counties within the same state have distinctive "courthouse communities" that differ in organizational arrangements, culture, and informal rules (Eisenstein, Flemming, & Nardulli, 1983). Recent research supports this hypothesis as both Ward and colleagues (2009) and King and colleagues (2010) find that courthouse communities with greater proportions of cases involving attorneys and judges who belong to disadvantaged racial minority groups display smaller unwarranted racial disparities in sentence outcomes.

Taken together, these theories predict that prosecutors and other court actors will make more punitive decisions in cases involving socially marginalized groups and detail the circumstances in which social inequality affects the decisions rendered. These ideas, unfortunately, have rarely been applied to pre-conviction case processes and outcomes.

Research on Pre-Conviction Case Processing

Post-conviction, sentencing studies find ample support for the prediction that racial minorities receive more punitive sanctions than Whites in certain types of cases. While a full

review of this body of research is not possible in the limited space available, several, excellent reviews summarize this body of research (Baumer, 2013; Mitchell, 2005; Spohn, 2000; Ulmer, 2012; Zatz, 2000). These reviews find that Blacks, and to a lesser extent Hispanics, are more likely to be sentenced to a term of incarceration and slightly longer terms of incarceration than Whites, even after controlling for legally relevant factors such as offense seriousness and prior criminal history. The magnitude of these racial disparities is typically substantively small but meaningful and statistically significant. Yet, the magnitude of these unwarranted racial disparities is substantially larger in cases involving young minority males (see e.g., Chiricos & Bales, 1991; Nobling, Spohn, & DeLone, 1998; Spohn & Holleran, 2000; Steffensmeier et al., 1998). Black and Latino disadvantages in sentencing outcomes are also more pronounced in cases involving drug and/or violent offenses (see e.g., Mitchell, 2005).

A growing body of research examines a limited number of pre-conviction decision points such as initial case screening, bail amount/release, or charge reduction. Kutateladze et al. (2012) reviewed 34 pre-conviction studies published in academic journals between 1990 and 2011. These authors found that race/ethnicity generally exhibited inconsistent effects across case processing stages. Despite the inconsistent effects of race, few studies examined more than one decision point in order to estimate and explain these inconsistent effects. In fact, only four of the 34 studies included in the review examined more than one case processing outcome and none of the reviewed studies assessed the effect of race/ethnicity across all six decision points (initial screening, bail, dismissal, charge reduction, guilty plea, and sentencing).

After more than 40 years of calls for examining the full case process (e.g., Hagan, 1974; Hagan & Bumiller, 1983), a small but growing number of these studies have assessed cumulative racial disadvantage across major case processing decision points (see e.g., Chen, 2008;

Kutateladze et al., 2014; Rehavi & Starr, 2012; Schlesinger, 2007; Stolzenburg et al. 2013; Sutton, 2013; Wooldredge et al., 2015). Generally, these studies find sizeable racial disparities in case processing before including statistical controls for legally relevant variables, especially for Blacks in comparison to Whites. And after the inclusion of these control variables, the magnitude of racial disparities shrinks dramatically at each decision point and cumulatively, yet race/ethnicity still has a statistically significant effect with African Americans receiving the most punitive sanctions followed by Hispanics and then Whites.

As noted in the introduction, these studies make valuable and important contributions to the knowledge base but have significant shortcomings that must be remedied. First, one of these studies used aggregate data (Chen, 2008), and therefore was unable to control for individual-level case factors. Second, three of these studies analyzed State Case Processing data (Schlesinger, 2007; Stolzenburg et al. 2013; Sutton, 2013), which does not include the kinds of detailed explanatory variables necessary to carefully model case processing outcomes. Third, only one of the existing studies (Wooldredge et al., 2015) includes analyses focusing on the racial/ethnic subgroups theorized to be most likely to be treated with enhanced punitiveness—young Black and Hispanic males. Fourth and most significantly, none of studies assessing cumulative racial disadvantage analyze detailed data from multiple jurisdictions operating under the same state laws. As a result, existing studies are unable to determine the extent to which similar cases processing under different chief prosecutors and different courtroom working groups are treated dissimilarly, and whether variation in racial disparities between jurisdictions can be explained by factors such as the racial composition of local court working groups. Thus, the existing literature has essentially only examined prosecutors' treatment of similar cases processed within the same jurisdiction but fail to consider prosecutors' treatment of similar cases

processing in different jurisdictions operating under the same state law. The latter is arguably a more important form of discretion, as it potentially affects entire classes of cases (e.g., drug cases) and decision-points (plea bargaining) as opposed to individual cases.

Research Questions and Hypotheses

This research extends the knowledge base by remedying each of the shortcomings evident in the existing research. In particular, the current research analyses a large, racially and ethnically diverse random sample of criminal cases initially filed as felonies in the state of Florida. Data from each of Florida's 20 judicial districts were created by leveraging Florida's public records policy. Information was extracted from online documents and coded to create variables about the defendant, criminal case including race of attorneys and judge(s), county, and case processing outcomes from initial charge to final disposition and sentence. Analyses examined outcomes according to defendant characteristics such as race/ethnicity and type of chief prosecutor (i.e., progressive vs. traditional prosecutors), while controlling for case characteristics (e.g., type of alleged offense, seriousness of offense, pretrial detention, retention of private attorney). These data were used to address the following research questions. To what extent,

1) Do racial and ethnic minorities receive more punitive decisions at each major case processing decision point? (These major decision points are described below.)
2) Does racial/ethnic disadvantage accumulate across major decision points?
3) Do chief prosecutors with different philosophies (i.e., progressive vs. traditional chief prosecutors) vary in their decision-making by treating similar cases differently across jurisdictions?
4) Is the magnitude of unwarranted racial/ethnic disparities smaller in jurisdictions with

progressive chief prosecutors in comparison to jurisdictions with traditional chief prosecutors?

5) Does the magnitude of unwarranted racial/ethnic disparities decrease as the racial diversity of county courts increase?
6) Do institutional factors tied to socio-economic factors and community disadvantage indirectly contribute to racial/ethnic disparities in case outcomes?
7) Does the magnitude of unwarranted racial/ethnic disparities decrease as the racial diversity of county courts increase?

These research questions are addressed in the two distinct studies reported herein. Study #1 focuses on racial/ethnic disparities in individual and cumulative case outcomes. As part of study #1 we examine whether there are meaningful differences in case outcomes between jurisdictions headed by progressive and traditional chief prosecutors as well as whether racial/ethnic disparities in case outcomes are smaller in jurisdictions with progressive chief prosecutors. Institutional sources of racial/ethnic disparities also are examined in study #1. Study #2 whether racial/ethnic disparities in case outcomes are smaller in more diverse working groups. This issue is examined in a separate sub-study as the sample size and analytic strategy are distinct from study #1.

Before presenting the results of these two studies, we describe in detail the general methods and data collected for this research. Each study frames the issues to be addressed and summarizes the existing research. Finally, each study provides details on methods and data specific to that study.

General Methodology

The current research uses quantitative data to address the research questions posed above

and qualitative data to understand the policies and practices generating differences in case processing between jurisdictions. In this section, we begin by describing the context for the proposed study to provide important background information on the organization of Florida courts and typical case processing in these courts. In this section, we also briefly discuss Florida's open records laws, which make court records available to the public. We then describe the quantitative data collection and analyses. This discussion is followed by a description of qualitative data collection analyses.

The Research Context: Criminal Courts and Court Case Processing in Florida

The State of Florida has 67 counties, which are organized into 20 Judicial Districts (see Appendix A for a map and listing of counties to Judicial Districts). Each Judicial District has its own elected State Attorney (SA), who is the chief prosecutor. The State Attorney establishes the policies and practices guiding criminal prosecution, appoints and supervises all Assistant State Attorneys (ASAs), and typically makes key case decisions in high profile cases (e.g., whether to seek lengthy mandatory minimum sentence in an eligible case) in that District. Most, but not all, Judicial Districts include more than one county. Each county generally has at least one circuit court that handles criminal felony cases (among other matters). ASAs and judges typically handle cases assigned to a particular circuit court; thus, circuit courts most closely correspond to local courthouse groups as conceptualized by Eisenstein et al. (1998).

The typical felony case begins with arrest. After initial arrest and booking, jail personnel set bond(s) on each charge based on the degree of offense alleged. Unless the defendant posts bond immediately, the defendant must be brought before a judge for a bond hearing within 24 hours. The presiding judge determines whether to increase or reduce the bond set by jail booking personnel, whether to release the defendant on his or her own recognizance, or whether to allow

the original bond amount to remain unchanged. This decision is based upon the defendant's prior record, the defendant's history of failure to appear, the potential danger the defendant may pose to the community, ties to the community, and the facts articulated in the Probable Cause Affidavit (also known as "Complaint/Advisory" or "Arrest Affidavit"). Typically, after the defendant's bond hearing, the case is assigned to an ASA, who after reviewing and investigating the case, makes a recommendation as to whether to file the charge(s) or "No-File" ("No-Info") the charge(s). If the ASA elects to proceed with the charge, a Felony Information is filed with the Clerk of the Court, and an Arraignment date is set. At Arraignment, the defendant enters a plea to the formal charge(s) filed by the State; typically, defense counsel will not allow defendants to enter a plea of "Guilty" or "No Contest" (nolo contender) at Arraignment. Almost always, the Court accepts the plea of "Not Guilty" and the case is then set for a Pre-Trial Conference hearing. In the weeks between Pre-Trial Conference dates, defense attorneys will take depositions of witnesses and may begin negotiations with the State Attorney. Defense is generally first to extend an offer to resolve, the State either accepts or counter-offers, and plea negotiations ensue. If no agreement can be reached, the case proceeds to trial, although the overwhelming majority of cases are resolved by a negotiated plea of "Guilty" or "No Contest."

Felony sentencing in Florida is guided by the Criminal Punishment Code (CPC). The CPC is a structured sentencing system. Unlike most sentencing systems, the CPC does not use a two-dimensional grid to arrive at the recommended sentence. Instead, the CPC uses a point system and a worksheet to calculate or "score" various aspects of the case. Points are assessed for a number of factors including the severity of the offense, victim injury or death, use of a weapon, prior criminal record, legal status at the time of the offense. These scores are totaled and the total sentence points determine the "lowest permissible sentence," which guides "the

minimum sentence that may be imposed by the trial court, absent a valid reason for departure (Florida Department of Corrections & Office of the State Courts Administrator, 2012, p. 13). If the defendant in a particular case "scores" more than 44 total sentence points, then a prison sentence is the lowest permissible sentence; and defendants in cases with total sentence points of 44 or lower, the lowest permissible sentence is a non-prison sanction. Furthermore, total sentence points are used to derive a recommended term of imprisonment for those with a score greater than 44 points. Specifically, the recommended sentence is total sentence points minus 28, and this difference is reduced by 25% (e.g., if total sentence points equals 45, then the recommended minimum sentence is 12.75 months [i.e., (45-28)*.75= 12.75 months]).

In order to circumvent these guidelines, the authorized ASA must agree to depart from the sentencing guidelines, or defense must persuade the court to exercise its discretion to do the same. The court has limited bases for "downward departures" from mandatory sentences, including minimum-mandatory sentences, all of which require a Departure Hearing. A Departure Hearing is an evidentiary hearing where the burden is on defense to proffer testimonial evidence in support of the applicable grounds for departure. Some of the mitigating circumstances under which a departure may be justified include, but are not limited to: the defendant was a "youthful offender"; the defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct; the capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired; or the defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment. Should the court make a finding that defense has satisfied its burden for establishing grounds for departure, the court is no longer bound by minimum-mandatory or

guideline sentences, and is effectively free to sentence the defendant as the court sees fit.

Florida's "Sunshine" Laws

The processing of each felony case is carefully documented by each county's Clerk of the Court. The Clerk holds original copies of all records pertaining to the case and including, but not limited to, the Probable Cause Affidavit, Felony Information/Amended Information, Case History, Progress Docket, Plea Form, Scoresheet, Judgement & Sentence, and even copies of witness depositions. Remarkably, most of these documents are publicly available in Florida. Florida has a broad and expansive set of "Sunshine" laws, which requires governmental agencies to provide open records and conduct open meetings. These laws reflect a philosophy that government agencies should operate in the open or "sunshine." This open records philosophy was codified into the Florida Constitution in 1992 and covers the vast majority of state and municipal government records including most documents filed with the Clerk of the Court in criminal proceedings. In fact, each county Clerk of the Court has created a website that allows individuals to access documents detailing criminal court case processing and outcomes. Thus, case processing records are readily available by law in Florida.

Quantitative Research Methods

Sampling

The current research study drew a simple random sample of felony cases filed in 2017 in Florida's Circuit Courts.[1] Case dockets detailing case events as well as court documents filed with the court clerk are public records, which are accessible in electronic form on each Clerk of

[1] Calendar year 2017 was chosen to allow sufficient time for cases to reach disposition, as cases can take months to years to be resolved.

the Courts' website with the exception of two small counties.[2] To maximize the likelihood of obtaining a representative sample from each circuit, we drew a five percent random sample of cases initially filed as felonies from each county within each circuit. To do so, we first enumerated cases filed in 2017, then we assigned each case a random number, and finally, we selected the five percent of cases with the highest random number. We excluded murder cases because of their rarity, atypically long durations of case processing, and to prevent these cases from disproportionately influencing the statistical analyses.[3]

Trained coders recorded relevant measures by reviewing each case's docket and court records (see Appendix B for an example of the coding instrument).[4] The measures, which are described below, were primarily coded from the court docket, criminal complaint, the felony information (prosecutors' formal charging document), and, if the defendant was found guilty, the plea agreement, judgement and sentence, and CPC scoresheet. To ensure inter-rater consistency in coding, the first author audited case coding. Any coding errors were resolved by the first author, and reoccurring errors were discussed with individual coders as well as in group project meetings. Notably, we coded each case by manually. We did not employ any data scraping techniques because many of the records included handwritten text, which would be difficult to scrap accurately, and because our reading of the user agreement listed on many of the clerk of the court websites prohibits data scraping.

The coded information included personal identifiers that were used to obtain defendants' prior criminal history. Specifically, we cross-referenced each defendant's personal identifiers

[2] Two counties, Suwannee and Taylor, did not post relevant court records online. These two counties had very small number of felony cases and are part of the 3rd Circuit. We requested copies of relevant documents from these counties but the records were missing key information; consequently, cases from these counties were excluded.
[3] We also excluded extradition-related cases (e.g., fugitive cases) as they are fundamentally different from the cases of interest in this study.
[4] To ease and speed the coding process, coding forms were tailored to accommodate the flow of information provided by each county clerk's website.

with publicly available data from Florida's Department of Corrections (DOC) to find the DOC number for individuals previously convicted of a felony. The DOC number was then used to identify each defendant's prior felony convictions as recorded in the DOC data. It is important to note that the DOC data include alias names and dates of birth, which limits measurement error in the prior felony convictions variable due to the use of aliases.

It is also worth noting that the court records did not consistently report several relevant factors. The coded documents do not reliably list information about the victim(s). Information on the quantity and strength of the evidence against the defendant also was not available. Our inability to measure these factors is not surprising, as such measures are very rarely available in research of this kind.

A total of 11,895 felony cases were initially coded. For the current study, we excluded only 4% of cases. We excluded coded cases from Suwannee and Taylor counties due to a large portion of missing data (n = 37; 0.3%), cases that were still pending disposition (n = 189; 1.6%), had limited information available due to the court clerk restricting access to these cases (n = 29; 0.02%), or had missing data on key measures (n = 26; 0.05%). We also excluded from this study cases that had case outcomes that were too rare to permit statistical analysis such as cases in which the defendant was found mentally incompetent (n = 69; 0.05%) and cases that were resolved by trials (n = 36; 0.30%).[5] Finally, we dropped cases from these analyses in which the defendant's race was coded as "other" (n = 95; 0.79%). After these exclusions, the sample for this study is comprised of 11,414 cases initially filed as felonies in which the defendant was Black, Hispanic, or White, and the case was not adjudicated by trial.

[5] Cases resolved via trial were dropped for two reasons. First, prior research concludes that cases resolved via plea bargaining are fundamentally different than cases resolved via trial (see Blumstein, Cohen, Martin, & Tonry, 1983). Second, the number of cases resolved via trial (n = 36) was too small to permit meaningful statistical analysis.

Key Measures and Their Coding

Demographic Variables

The primary demographic variables of interest are defendants' race and ethnicity. We coded defendants into three categories: Black (non-Hispanic), Hispanic (of any race), and White (non-Hispanic). We then created dummy variables for Black and Hispanic defendants, with White defendants serving as the reference category. One of the limitations of using court documents was that information on defendants' ethnicity often was not listed. To solve this issue, last names were cross-referenced with the U.S. Census data to recode defendants as Hispanic if at least 50 percent of individuals with their last name were classified as Hispanic by the U.S. Census (Word, Coleman, Nunziata, & Kominski, 2008). This method of identifying individuals of Hispanic ethnicity has been found to dramatically increase the accuracy of identifying Hispanics (Wei, Virnig, John, & Morgan, 2006), and much of the prior research of sentencing in Florida has identified Hispanic defendants based on the defendant's surname (Arazan, Bales, & Blomberg, 2019; Bontrager et al., 2005; Omori & Petersen, 2020). We also experimented with using higher thresholds (e.g., 70%), but the number of defendants classified as Hispanic decreased only slightly, and our results were substantively unchanged.[6]

[6] To verify that these defendants were indeed Hispanic, we drew a random sample of 100 cases in which we coded the defendant as Hispanic and was convicted of a felony. Then we searched for a picture of these defendants primarily on Florida's DOC website and secondarily on other sources (e.g., county jail inmate searches). We then coded these pictures using three categories: (1) *clearly appears Hispanic, (2) ambiguously Hispanic in appearance,* or (3) *does not appear Hispanic.* Furthermore, if the information on the source website(s) confirmed the defendant's ethnicity as Hispanic, they were coded as *clearly appears Hispanic*. Overall, in 65% of cases the defendant was clearly Hispanic, in 22% of cases ambiguously Hispanic, and in 13% of cases the defendant did not look Hispanic. Thus, 87% of the randomly sampled cases were clearly Hispanic or ambiguously Hispanic in appearance. Based on these results, we believe our measure of Hispanic ethnicity has adequate measurement validity.

We also coded defendants' gender and age. For gender, males served as the reference and females were the coded category. We measured age at time of case filing in years and, in the regression models, we include age squared to capture non-linear relationships. These demographic data were typically obtained primarily from the court docket and criminal affidavit.

Case Characteristics

A host of variables measuring relevant case characteristics were coded. Several variables were created to measure offense seriousness at each stage of case processing (i.e., complaint, information, and disposition).[7] These measures include the *number of charges,* the specific criminal offenses as well as their corresponding statutes for the top three charges.[8] This information was used to calculate the precise offense seriousness in accordance with the CPC; in particular, the CPC categorizes offenses into 10 levels, and each level has a specified number of offense points (e.g., offense level 1 = 4 points, level 2 = 10 points, level 3 = 16 points). We summed the offense points for the top three charges to create *total offense points*. We also used offense points to identify the most serious offense (i.e., the offense with the greatest number of points under the CPC), which in turn was used to identify the felony degree level of the most serious offense. *Most serious offense degree* is measured using a series of binary variables that distinguish cases by their felony degree level; specifically, dichotomous variables were coded that identify cases by their most serious felony degree level including first-degree with the possibility of a life sentence (first-life), first-degree, second-degree, and third-degree felony offenses, which serves as the reference category. Notably, the total offense points variable is a more precise measure of offense seriousness than the felony degree level as some third-degree

[7] Information on charges was obtained from the case docket, the criminal affidavit, bond records, felony information, and judgment and sentence documents, as well as the CPC scoresheet.
[8] The vast majority of cases (94%) had no more than three charges; however, some charges had dozens of charges. To preserve the project's limited resources, we coded only the top three charges.

felonies, for example, have greater offense seriousness points than some second-degree felonies. Last, we created a *most serious offense type* variable using four categories: drug, property, violent, and other offenses. These categories were dummy coded with drug offenses serving as the reference category.

As previously mentioned, we used *prior felony convictions* as our measure of criminal history. We view this variable as the most appropriate measure of prior record because the CPC calculates prior record points based almost exclusively on prior felony convictions. To be clear, prior misdemeanor convictions are scored but affect prior record scores relatively little due to their light weighting. For instance, the maximum points scored for a prior misdemeanor is 0.2; whereas, the most common prior felony convictions are scored as 1.6 points or more.

Information on bail and pretrial detention were also coded. The *initial bond amount* is operationalized in two ways. First, the initial bond amount was measured as a continuous variable. Second, due to the fact that some defendants' bonds were not tied to financial conditions (i.e., they were released on their own recognizance or under supervision) or were denied bail, we categorized bail outcomes into a series of variables representing the various bond outcomes including: 1) being released on recognizance (ROR) or pretrial supervision, 2) receiving a bond amount less than $2,000, 3) between $2,000 and $4,000, 4) between $4,001 and $6,000, 5) between $6,001 and $15,000, 6) greater than $15,000, 7) having bond denied, or 8) bond information is unknown. The categories expressed as bond dollar ranges were formed around common initial bond amounts, which are guided by bail schedules in Florida; that is, each category encompasses a common bond amount.[9] *Pretrial detention* is coded as "1" if the

[9] We also measured *final* bond amount. In the analyses, we include measures of initial bond amounts because judges take financial means into consideration when determining final bond amounts and thereby may make race/ethnicity endogenous to final bail amount.

defendant was detained during the entirety of the pretrial period and "0" otherwise. In other words, defendants who were released at any point during the pretrial period are coded as "0."

Court Actors

We coded information about the prosecution and defense attorneys as well as the judge. First, we recorded the name of each of these court actors, which we used to find additional information (e.g., gender, race, ethnicity) to use in the racial diversity analyses. Furthermore, we coded type of defense counsel with defendants represented by *private attorneys* at the time of case disposition coded as 1 and all publicly funded defense counsel as the reference. And we recorded in which jurisdiction each case was prosecuted to examine the effects of chief prosecutors (SAs); in particular, we coded the 20 circuits, each with a different SA, into dummy variables with the SA in the 1st Circuit serving as the reference category.

Individual Case Outcomes

Felony cases typically can be disposed at either the information or disposition stage. At the information stage, prosecutors have four distinct decisions. First, prosecutors have the authority to drop all charges and dismiss the case by declining to file charges (*no charges filed*). Second, prosecutors may *divert* a case from prosecution. If the defendant completes the conditions of the diversion agreement, the case is dismissed. The third potential information outcome is to *transfer* all charges to a lower court (e.g., misdemeanor or traffic court) and thereby end the case as a felony. Fourth, prosecutors can continue to prosecute the case as a felony by filing a "felony information." We dummy coded each of these options with a variable coded "1" for the particular decision of interest and a "0" otherwise.

Cases in which a felony information was filed are resolved at the disposition stage. Here cases are disposed by the defendant changing their plea to guilty or no contest (hereafter "guilty" for simplicity), or much more rarely, cases are dismissed after the felony information has been filed. For defendants pleading guilty, the court may find the defendant guilty but choose to *withhold adjudication*; in lieu of being adjudicated guilty, the defendant is required to complete a term of supervision, and if successful, the charge is held in permanent abeyance—leaving the defendant without a conviction and its collateral consequences. Defendants adjudicated guilty are typically sentenced to *probation, jail,* or *prison*, which may not be mutually exclusive if the defendant is convicted of multiple charges. We dummy coded each of these sentencing outcomes based on the most punitive sentence imposed: *prison*, *jail*, *probation,* or *adjudication withheld*.

Cumulative Case Outcomes

We combined the above case outcomes at the information and disposition stages to create seven distinctive case outcomes, loosely ranked in severity: 1) all charges were dropped either at the information or disposition stage, 2) diverted from prosecution, 3) transferred to a lower court, 4) guilty but adjudication was withheld, 5) sentenced to probation, 6) sentenced to jail, and 7) sentenced to prison. This measure is designed to capture the collective case outcomes made by court actors. Notably, our measure differs from those used in some prior research such as Kutateladze and colleagues (2014) and Sutton (2013), which include pretrial detention in combination with other case outcomes (e.g., incarceration) as distinctive cumulative case outcomes. We, however, conceptualize pretrial detention as a potentially potent indirect source of racial disparities in case outcomes—partially decided by court actors with defendants' financial resources ultimately determining pretrial detention. For these reasons, we consider pretrial detention as a predictor of case outcomes but not as a case outcome.

Quantitative Analyses

We began each study by presenting descriptive statistics for the variables of interest. Then we conducted a series of analyses to test our research hypotheses. The analyses of individual case processing decisions use logistic regression models to estimate the probability of binary (yes/no) or categorical (multiple discrete) outcomes while accounting for the control variables. The cumulative case outcome analysis utilizes multinomial logistic regression to assess racial/ethnic disparities across the full course of the cases. All of the logistic and multinomial logistic regression models are estimated with robust standard errors to account for clustering (i.e., unmeasured correlation between cases) at the circuit level. For the logistic regression analyses, we report the results using log-odds ratios (how that variable changes the odds of a given outcome) and their robust standard errors. For the multinomial regression analysis, however, we report predicted probabilities by race/ethnicity instead of log-odds ratios due to the fact that log-odds ratios and tests of their statistical significance are sensitive to which category of the dependent variable is used as the reference; predicted probabilities are invariant to this choice. Moreover, reporting the results of the multinomial regression models in this manner is much more parsimonious than displaying the full regression table. (The full results of the multinominal logistic regression model are reported in the appendices.) The predicted probabilities and tests of race/ethnic differences of the probabilities were estimated using the *Stata's margins* commands.

Qualitative Research Methods

Sampling and Data Collection

We planned to conduct in-person, semi-structured interviews of either the SA or a prosecutor in supervisory role in each of Florida's 20 judicial districts. However, the Covid-19

pandemic forced us to conduct these interviews via Zoom. We contacted via letter and email each State Attorney's Office. The initial contact summarized the purposes of the research project, introduced the investigators working on the project including their contact information, and requested to schedule an interview of a supervisory prosecutor. The initial contact noted that participation in this research is voluntary. If the initial contacts did not produce a response, the research team contacted the State Attorney's Office by telephone. The research team continued to contact each State Attorney's Office by telephone and/or email until the Office either scheduled an interview, declined to meet with the research team, or were non-responsive after repeated attempts.

Interviews were successfully scheduled with either the SA or a supervisory state attorney in 11 out of the 20 jurisdictions. These interviews were conducted between September of 2020 and April of 2021. Those approached for interviews were informed that their identity would be kept confidential. All interviewees were advised of the goals and purposes of this research and were allowed to ask questions about the research and interview subject matter before being asked to participate in this research. Verbal consent was obtained by all participants before the interview began. Finally, we asked interviewees for consent to audio record the interview for transcription purposes. All but one of the interviews were audio recorded; in the remaining interview the interviewers took notes by hand. All interviewees were men. Eight (8) of the 11 interviews were conducted with the elected SA (i.e., chief prosecutor) and the three remaining interviews were conducted with SAs in supervisory positions (e.g., deputy chief prosecutors), who served as the representative of the elected SA (i.e., they were assigned the task of being interviewed for this project by the SA). This project (#Pro0003528) was reviewed by USF's Institutional Review Board on June 15, 2018. It was approved by the full Board on that date.

All interviews were conducted via Zoom by Lyndsay Boggess, Ph.D. She was most often joined by Tracey Sticco, Esq. and sometimes by Ojmarrh Mitchell, Ph.D.[10] Ms. Sticco is a member of the Florida Bar and current Ph.D. student in Criminology at USF. She has extensive knowledge of Florida criminal law and procedure. Notably, Ms. Sticco has worked as an ASA in Pinellas County as well as a defense attorney in private practice in various circuit courts/judicial districts. These experiences provided her with knowledge of the formal and informal culture of Florida's court houses, which she often shared with the research team.

The purpose of these interviews was three-fold. First, we sought to gain knowledge and understanding of the philosophies and practices guiding prosecutorial discretion in each district. Second, we sought to understand which policies and practices may account for some of the differential patterns of outcomes based on the quantitative component specific to that judicial district. Third, we wanted to understand how prosecutors explain racial/ethnic disparities in court outcomes. (The full interview instrument is included below.)

To address the first purpose, we used generic questions regarding office policies and practices. These questions revolved around several key topics including plea bargaining, mechanisms to induce guilty pleas, pursuit of mandatory minimum sentences, and bail bonds (see Table 1 below for example questions). This information is useful in its own right, but also informed the quantitative analyses by identifying salient factors that were potentially not available for the quantitative analysis (e.g., the impact of victims' wishes in case outcomes).

To address policies and practices, we applied the information gained from the quantitative component to develop questions relating to salient differences between case outcomes in this district in comparison to other districts. For example, if a particular district had

[10] Dr. Mitchell was the original Principal Investigator on this NIJ grant awarded to the University of South Florida.

higher than average rates of case dismissal at the information stage, we asked interviewees to about office policy's regarding case dismissal and to offer an explanation about why this district was unusually high pretrial detention rates. Questions were specifically tailored to the judicial district and, therefore, varied by jurisdiction.

Questions for Qualitative Interviews

Opening Question: Please tell me about your background? Why did you choose to become a State Attorney?
Office Structure: How many felony line assistant state attorneys (ASAs) handle cases in this Circuit? How are they assigned to cases? How many supervisors review felony cases? Are ASAs assigned to particular court divisions or units within the SA's Office?
Pretrial Release/Detention: If a defendant cannot make the initial bond amount, which factors are most important in your office's decision to reject or agree to a modification to the initial bond?* Some Florida counties have begun to use pretrial risk assessments to release more defendants without financial conditions. Has your Circuit considered using pretrial risk assessments in this manner?* Do you plan to do so in the future?* (And why?)*
Charging: Once a felony case is assigned to a particular ASA walk us through the process for making a charging recommendation? (Who makes the final recommendation?)
Plea Bargaining: Prosecutors have considerable discretion in case processing, especially plea negotiations. In your opinion, how should prosecutors use their discretion? What are the most important goals to be achieved?* What factors about each case or each defendant affect dispositions?* (Prior prison sentence?) How influential are other parties in shaping your sentence recommendations (e.g., victims, arresting police officers)? Do you typically consult with arresting officers before agreeing to a plea bargain? Describe the typical plea negotiation process (e.g., which party typically makes an initial offer)?* How often does the judge get involved in these negotiations (and to what extent?) In what kinds of cases is your office likely to agree to depart below the guidelines, withhold adjudication, diversion, etc.?
Mandatory Minimums: Does your office typically pursue mandatory minimums from start to finish for eligible cases (e.g. drug trafficking, firearms offenses)?* If you had to guesstimate, what percentage of eligible cases actually receive a mandatory minimum sentence?* (Why so low/high?) Which factors affect the likelihood of pursuing mandatory minimum sentences?*
Sentencing Disparities: There is a large body of research that finds female defendants receive less punitive court outcomes than males. Likewise, minorities, particularly

African Americans, receive more punitive court outcomes than whites. In your opinion, what are the primary factors driving these disparities?* Do you think prosecutors ever consider a defendant's gender when deciding how to prosecute a case?* (In which kinds of cases or situations does gender affect case outcomes?) Do you think prosecutors ever consider race/ethnicity when deciding how to prosecute a case?* (Or factors associated with race/ethnicity like particular neighborhoods?)

* The prosecutor's response will be followed-up with a question probing previous response.
[1] These questions were derived from similar questions posed by Clair and Winter (2016).

The third purpose of the qualitative interviews was to understand how prosecutors explain racial/ethnic or gender disparities in criminal court outcomes. After the addressing the general and jurisdiction specific factors affecting case processing, we asked interviewees a set of questions concerning racial/ethnic and gender disparities to assess how prosecutors explain these disparities in the criminal justice system overall.

Qualitative Analyses

The audio recording of 10 interviews and the notes from the remaining interview were uploaded into *NVivo* for transcription, coding, and analysis. The 10 audio recorded interviews were transcribed in *NVivo* and then reviewed and cleaned by Dr. Boggess. These analyses were guided by best practices from grounded theory (Corbin & Strauss, 2008). Analysts first read the cleaned transcribed interviews and the notes for the single unrecorded interview to identify relevant themes and concepts related to SAO policies and procedures. The coders met and discussed disagreements and similarities in themes to reach a consensus, and identified an exhaustive list of themes. We note there was very little disagreement in the identification of themes. Frequency data were used to determine the strength of the theme and differences between progressive and traditional prosecutors. Throughout the coding process, analysts identified relevant quotes that best reflected each theme.

STUDY #1: INDIVIDUAL, INSTITUTIONAL, AND ORGANIZATIONAL SOURCES OF RACIAL/ETHNIC DISPARITIES IN FLORIDA'S FELONY COURTS

Racial fairness in the U.S. criminal justice system has re-emerged as a central political issue (Barkow & Osler, 2017; Beckett, 2018; Long & Fingerhut, 2020). Critics of the current criminal justice system cite large and persistent racial disparities in America's criminal justice system as evidence of racial bias in the system (see e.g., Alexander, 2007; Tonry, 2011). Reformers have put forth policy changes aimed at ending "mass incarceration" and reducing racial disparities in the criminal justice system. These reform efforts largely target institutional sources of racial bias such as ending money bail, reforming drug laws, and eliminating mandatory minimum sentences (see e.g., Porter, 2021; Subramanian et al., 2020). Voters in numerous jurisdictions recently have elected "progressive prosecutors" to implement these reforms and wield their enormous powers in more discerning, "smarter" fashions (Davis, 2019). Thus, reformers and voters increasingly recognize that racial equities in the criminal justice system are rooted in biased *institutional* laws and *organizational* policies established by chief prosecutors. By contrast, the massive body of research on racial disparities in the criminal justice populations primarily investigates racial bias in the discretionary actions of *individual* criminal justice actors at *individual* case decision points, typically at sentencing (see e.g., Baumer, 2013; Blumstein, Cohen, Martin, & Tonry, 1983; National Research Council, 2018; Sampson & Lauritsen, 1997; Spohn, 2015; Ulmer, 2012). This myopic focus on the discretionary decision-making of court agents at the sentencing stage obscures the many important earlier decisions controlled by prosecutors, variation in prosecutorial decision-making between chief prosecutors, and removes from inspection institutional sources of biases.

For decades scholars have called for research that examines how race affects the full course of case processing (Blumstein et al., 1983; Hagan, 1974; Hagan & Bumiller, 1983). Hagan (1974) famously noted that what is required to accurately assess race differences in case outcomes is data that tracks "defendants' experiences in transit through the criminal justice system…. [As the sequence of events] may operate cumulatively to the disadvantage of minority group defendants" (p. 379). This notion of cumulative disadvantage, thus, implies that the unfavorable outcomes minority defendants receive at multiple stages of court processing accrue across stages resulting in substantial cumulative effects. Despite repeated pleas for research assessing cumulative disadvantage (see e.g., Baumer, 2013; Johnson, 2015; Spohn, 2015; Ulmer, 2012), only a handful of studies have tracked the full court process to measure cumulative disadvantage—mainly due to a lack of accessible data on pre-conviction decision-making.

The limited access to data on prosecutors' decision-making not only undermines efforts to estimate cumulative racial disadvantages but also removes from scrutiny the many important decisions made by prosecutors. This is a significant shortcoming as prosecutors have the unilateral authority to decide which initial charges to file, downgrade initial charges to lower-level offenses, negotiate plea bargains and sentence discounts, recommend diversion from prosecution, or dismiss charges against defendants altogether (Davis, 2017; Johnson, King, & Spohn, 2016; Shermer & Johnson, 2010). Given that many states have some form of structured sentencing that ties sentences to conviction offense and more than 95% of convicted defendants plead guilty (Reaves, 2013), prosecutors have an inordinate amount of control over sentencing by dictating the charges, especially conviction charges during plea bargaining (Davis, 2017). Additionally, in jurisdictions with and without structured sentencing, prosecutors heavily influence sentencing via the terms of the negotiated plea agreements that often specify the

sentence to be imposed (King & Wright, 2016; Lynch, 2016). These powers make prosecutors "the most powerful officials in the criminal justice system, bar none" (Davis, 2017, p. 178).

Chief prosecutors, the vast majority of whom are elected officials (Davis, 2017; Sklansky, 2018), develop varying policies and practices to guide the case processing decisions of the line prosecutors under their supervision. The organizational policies and practices established by chief prosecutors are arguably the purest form of prosecutorial discretion, as policy variations between chief prosecutors may lead to identical kinds of cases prosecuted by different state attorney's offices (SAOs) *systematically* receiving distinctly different sanctions. Variations in the philosophies and practices of chief prosecutors have been thrust into stark relief by the rise of progressive prosecutors, who campaign on system reforms often designed to reduce pretrial detention, mass incarceration, and racial disparities in incarceration. Existing empirical research, however, largely neglects the role of chief prosecutors in shaping practices that may lead to systematic differences between jurisdictions in case outcomes and racial disparities therein. And, none of the existing studies assessing cumulative disadvantage in criminal courts have estimated organizational variations in cumulative racial disadvantage between similar cases with different chief prosecutors, nor estimated the effect of progressive prosecutors on racial disparities.

Institutional sources of bias in court processing also have been under-researched, as scholars have employed conceptual perspectives that define bias strictly in terms of the discretionary decisions of court actors (Engen, 2009; Lynch, 2011, 2016; Omori & Petersen, 2020). The bulk of contemporary courts and sentencing research has been guided by theoretical perspectives which posit that cultural stereotypes linking minorities to crime affect the actions of criminal justice agents in ways that result in enhanced punitiveness for minorities (see e.g., Albonetti, 1991; Bridges & Steen, 1998; Eberhardt, 2019; Steffensmeier, Kramer & Ulmer,

1998). These perspectives omit from examination institutional law as a source of racial/ethnic disadvantage, above and beyond the discretionary decision-making of court actors. This is a salient omission as theories of modern racism posit that contemporary racism has been institutionalized into ostensibly race-neutral laws, policies, and practices that systematically disadvantage minorities and simultaneously preserve the privileged socio-economic status of Whites (see e.g., Bonilla-Silva, 1997; Haney López, 2000; Murakawa & Beckett, 2010). In the current context, such perspectives are buoyed by empirical research that finds the primary causes of the racialized explosion in the population under the control of America's criminal justice system was intimately tied to *policy changes* that increased the probability of imprisonment, time served in prison, and shifted discretion to prosecutors (Beck & Blumstein, 2012; National Research Council, 2014; Neal & Rick, 2016; Pfaff, 2017; Raphael & Stoll, 2013; Western, 2006).

The current research examines cumulative disadvantage by race/ethnicity as well as its individual, institutional, and organizational sources in Florida's felony courts. Florida's expansive open records law allows us to use publicly available court records to track a large, random sample of felony cases from arrest to disposition. We use these data to address three broad research questions: 1) Do Blacks or Hispanics have higher risks of receiving more punitive outcomes at individual stages and collectively in comparison to Whites who were similarly situated at case filing? 2) Are cumulative racial/ethnic disparities smaller in jurisdictions with progressive prosecutors? 3) To what extent are racial/ethnic disparities in case outcomes attributable to institutionalized policies that indirectly transmit race effects through "legally relevant" factors? By addressing these questions, this research makes several salient contributions to the knowledge base. Most fundamentally, the current study responds to calls for research that tracks cases in transit through the criminal justice system (Baumer, 2013; Hagan,

1974; Kurlychek & Johnson, 2019; Spohn, 2015; Ulmer, 2012). This project also expands the scope of the investigation to include not only the direct effects of race/ethnicity on the discretionary decisions of court actors but also the indirect effects of race/ethnicity via institutional practices, and variation in cumulative racial/ethnic disadvantage between judicial circuits with different chief prosecutors. To our knowledge, this project is the first to examine these issues in a state-wide sample, which allows for each of these three potential sources of racial/ethnic bias to be estimated and studied.

Theorizing Cumulative Disadvantage

At its core, cumulative disadvantage is the notion that "the relative positions of specific groups or individuals diverge as preferential treatment, economic, social, and political resources and other tangible and intangible rewards or punishments differentially accumulate" (Kurlychek & Johnson, 2019, p. 292). One form of cumulative disadvantage concerns the additive hardships that accrue across sequences of interlocking decisions in various ways. Group membership status may work more to one group's detriment via direct and indirect effects. In the current research context, decisions in later case processing stages are affected by earlier decisions leading to the possibility of snowballing inequities across stages in several ways. First, disadvantages directly related to race/ethnicity at single decision points may sum to greater disparities across the whole case process. (Or alternatively, inequities at one decision point may be offset by countervailing disparities at another point.) Furthermore, indirect disadvantages accumulate across decision points through other important predictors. For instance, several recent studies have found that the primary sources of racial disparities in prison sentences were indirect via race differences in pretrial detention, hiring of private defense counsel, and/or prior imprisonment (Donnelly &

MacDonald, 2018; MacDonald, Arkes, Nicosia, & Pacula, 2014; MacDonald & Donnellly, 2019; Wooldredge et al., 2015).

While the conceptual definition of cumulative disadvantage is clear, the conceptualization of racial disparities or disadvantages is a matter increasingly in dispute. Prevailing explanations of racial disparities in court outcomes concentrate attention on the discretionary decision-making of individual court actors (e.g., judges, prosecutors) at individual case processing stages, which leads to racial disparities being characterized as the residual, direct effects of race after accounting for legally relevant factors. The most prominent of such theories is the focal concerns perspective (Steffensmeier et al., 1998; Ulmer, 1997; Ulmer & Kramer, 1996). According to this perspective, the discretionary actions of court actors are guided by three focal concerns: blameworthiness (e.g., defendant culpability, offense seriousness, victim harm), protection of the community (e.g., defendant dangerousness, recidivism risk), and practical constraints on the organization (e.g., maintenance of courtroom working relations, efficient case flow, court/correctional resources) and in individual cases (e.g., defendant's "ability to do time," disruption to ties to children, case evidentiary problems). Court actors primarily base their assessments of blameworthiness and dangerousness on prescribed factors such as offense seriousness and criminal history. Court actors do not apply the formal legal policies prescribed in law mindlessly; instead, court actors tailor case outcomes to fit each defendant's character and likelihood of re-offending (i.e., substantive rationality). Court decision-makers, however, operate under continual time pressures and information deficiencies regarding defendants' character and future behavior, which complicates these assessments. In the face of these constraints, court actors may impute missing information using perceptual shorthands that are based in part on

racial stereotypes that characterize racial/ethnic as crime-prone, dangerous, and more culpable than White defendants (see e.g., Albonetti, 1991; Bridges & Steen, 1998; Hawkins, 1981).

The focal concerns perspective is often combined with the community court perspective to provide theoretical direction for empirical investigations into individual-level and between-court variations in case outcomes. Courtrooms are viewed as workgroups or "court communities" that share goals such as preserving healthy working relations within the group, avoiding unnecessary delays in case processing, and upholding local court norms that reflect the larger communities' values and expectations (Eisenstein, 1977; Eisenstein, Flemming, & Nardulli, 1999; Nardulli, Eisenstein, & Flemming, 1988). The dynamics of the court community are an informal localized guide to court actors' decision-making that produce between-court variation in case outcomes largely by affecting the local "going rate" of sanction severity for a particular offense. The community court perspective notes the importance of chief prosecutors in shaping local court communities and going rates (see e.g., Eisenstein et al., 1999; Nardulli et al., 1988). The role of chief prosecutors and their policies have been made more salient by the rise of progressive prosecutors, who have campaigned on platforms calling for criminal justice reform aimed at ending mass incarceration and increasing fairness in the system, often by opposing cash bail and declining to prosecute or diverting low-level offenses (e.g., simple drug possession, driving on suspended licenses) (Davis, 2019; Wright, 2020; Wright, Yates, & Hessick, 2021). Prosecutors pursuing these reforms are likely to change local going rates and perhaps racial disparities in case outcomes. Notably, the focal concerns and community courts perspectives lend themselves to a common focus on the discretionary decision-making of court actors, which in turn leads to an orientation that conceptualizes racial disparities as race differences on case outcomes, after accounting for other case factors.

Contemporary theories of racial bias, by contrast, posit that racial inequities have become institutionalized and predominantly operate through "race-neutral" factors (see e.g., Bonilla-Silva, 1997; Haney Lopéz, 2000; Small & Pager, 2020). Racial disparities in modern society are more rooted in larger social structural forces that privilege Whites across an array of systems than in the biases of individuals. The socio-economic cleavages persistently associated with race in the U.S. allow institutional policies that are race-neutral on the surface to favor the privileged, and in the process, reinforce the racial status quo. In the current context, institutional theories of racism assert that the Nation's larger racial inequities allow the criminal justice system to operate in ways that reserve the most punitive treatment for minorities and minority communities, while Whites rarely are affected by these punitive policies. For example, racial and economic residential segregation allows Whites and White communities to systematically avoid the most aggressive forms of policing that are commonly employed in impoverished, minority communities (Cole, 1999; Epp et al., 2014; Gaston & Brunson, 2020; Lynch, 2011). This phenomenon is highly relevant to the current research as many of the tough-on-crime era's policies sharply escalated sanction severity with criminal history, and the most punitive court sanctions are reserved for defendants with extensive and serious prior records, resulting in these policies being disproportionately applied to minorities. Similarly, criminal justice policies apply the most draconian sanctions for crimes associated with minorities, such as distribution of crack cocaine (Gaston, 2019; Lynch & Omori, 2018). Racial bias also can be institutionalized within local court cultures through the normal use of "racialized scripts" (Clair, 2020; Van Cleve, 2016). The most essential contribution of institutional explanations of racial bias is that racial discrimination need not emanate from individuals' implicit or explicit biases; instead, formal and informal institutional practices are sufficient to generate race differences (Small & Pager, 2020).

This framework requires the interrogation of not only racial bias in discretionary decision-making but also in the prescribed case factors that guide decisions, such as criminal history.

In the current context, strong support for the modern racism perspective is offered by a recent study by Omori and Petersen (2020). These authors used decomposition models to identify the factors contributing to racial/ethnic disparities in Miami-Dade County. These authors first demonstrate using logistic regression models that race and ethnicity affect each of four outcomes (pretrial detention, conviction, imprisonment, jail incarceration) to the disadvantage of Black defendants. The decomposition analysis then traces the source of these disparities and the authors conclude that, "half to three quarters of the White non-Latino and Black inequality in pretrial detention, conviction, and prison is explained through differences in 'legal' or case factors, such as criminal history and, in some cases, pretrial detention and charging…suggesting that legal and case factors contributing to disparities are themselves racialized" (p. 23).

Research Cumulative Disadvantage

These different conceptualizations of racial disparity are evident in the scant existing research empirically investigating cumulative racial disadvantages in the criminal justice system. We define such studies as research that utilized a sample of criminal defendants regardless of eventual conviction status (i.e., convicted and non-convicted defendants), analyzed at least one pre- *and* post-conviction outcome, and the results of the analyses were integrated across outcomes to calculate the accumulated effect of race/ethnicity in some manner. By this definition, there are only four studies examining cumulative disadvantage in criminal courts (Kutateladze et al., 2014; Stolzenberg et al., 2013; Sutton, 2013; Wooldredge et al., 2015).[11]

[11] Our definition of cumulative disadvantage excludes several important studies that assess the process generating cumulative racial inequality, because they studies do not estimate the accumulated effect of race/ethnicity across outcomes (e.g., MacDonald et al., 2014; MacDonald & Donnellly, 2019; Martinez, Petersen & Omori, 2020; Omori,

Three of these studies employed analyses consistent with the prevailing approach that examines racial disparity in discretionary decision-making of court actors. In one of the earliest of these studies, Sutton (2013) utilized data from the State Court Processing Statistics data series to assess cumulative racial/ethnic disparities across three outcomes: pretrial detention, guilty pleas, and sentence severity. After controlling for relevant case factors, the analyses found that Black and Latino males were more likely to be detained and received more severe sentences than their White counterparts. Additionally, Latino men were least likely to plead guilty. Cumulatively, Black and Latino men were 26% more likely than White men to be sentenced to prison. Yet, these disparities were moderated by pretrial detention status; both minority groups were detained at much higher rates than Whites, and among these men, racial/ethnic disparities were most pronounced. By contrast, there were no meaningful differences by race or ethnicity among released defendants. Stolzenberg and colleagues (2013) also used SCPS data to examine cumulative disadvantage but examined a longer time period and included female defendants. These authors separately estimated the cumulative likelihood of Black and Latino defendants receiving more punitive outcomes across eight outcomes (financial release on bail, bail was denied, bail amount, whether bail was made, pretrial incarceration, whether the case was adjudicated as a felony, whether the defendant was incarcerated, and length of incarceration) using meta-analytic methods. While Black and Latino defendants exhibited typically small disadvantages at each decision point, the average cumulative likelihood of disadvantage was substantial; these differences averaged to a 42% higher odds of disadvantage, which was statistically significant for Blacks, and a 77% higher odds of disadvantage for Latinos that was not statistically significant due in part to the limited number of Latino defendants in the data. The

2019). Our focus on felony courts also excludes research concerning juvenile court processing (Zane, Welsh, Mears & Zimmerman, 2021).

third study investigated racial/ethnic disparities in a very large sample of felony and misdemeanor cases adjudicated in New York County (Kutateladze et al., 2014). Notably, this data included several measures capturing the charging decisions of prosecutors (case acceptance, case dismissal, plea offer including a term of incarceration) in addition to sentence outcomes. Black and Latino defendants had higher odds of pretrial detention, custodial plea offers, and receiving incarcerative sentences than Whites, even after controlling for legal factors. These differences resulted in Black and Latino defendants receiving the most punitive combinations of case outcomes (e.g., detained pretrial, case not dismissed, incarceration). Like Sutton, these authors found minorities were more likely to be incarcerated during the pretrial period, and racial/ethnic disparities were largely confined to these cases. Offense-specific analyses revealed that cumulative disadvantage was most pronounced in drug cases—a finding that comports with patterns in the larger literature on sentencing (Mitchell, 2005; Spohn, 2015).

The remaining study employed a broader conceptualization of race effects that include both the direct and indirect effects. Specifically, Wooldredge et al. (2015) estimated direct race and indirect race effects via pretrial detention, hiring a private defense counsel, and prior imprisonment using data from a large, northern county. Direct race effects disadvantaging Blacks were found on bond amount, pretrial detention, and prison sentences using multilevel models that nested cases into prosecutors for pretrial outcomes and judges for sentencing outcomes. Indirect and direct race effects were estimated using path models. These models found that Blacks had higher probabilities of prison sentences than Whites, and most of this race effect was indirect via hired attorney, prior imprisonment, and pretrial detention; in fact, the direct race effect in these path models was not statistically significant.

Several commonalities are apparent from this body of research. First, each study finds evidence of accumulating racial disparities across decision points. Second, pretrial detention is a key mechanism that moderates race effects (Kutateladze et al., 2014; Sutton, 2013) or mediates race effects indirectly (Wooldredge et al., 2015). Third, the common finding of accumulating racial disparities reinforces and validates calls for additional research assessing cumulative disadvantage. As a recent example of these calls, Kurlychek and Johnson (2019), after reviewing the existing research, conclude "future research is needed to expand scholarship in this area, incorporating broader perspectives on inequality and punishment, expanding from single to multistage studies of criminal case processing, working to clearly define and test theoretically derived research questions, and developing improved statistical models to investigate the different forms of cumulative inequality that can occur in the criminal justice system" (p. 310).

The Current Research

This study expands the knowledge base on cumulative disadvantage by responding to these calls and extends the knowledge base in several salient ways. First and most fundamentally, we abandon the approach of seeking access to administrative datasets for every jurisdiction; instead, we capitalized on Florida's expansive open records laws to track a large random statewide sample of cases filed as felonies from arrest to disposition to create a unique data set. These original data allow us to examine prosecutors' charging decisions in a more detailed fashion than is evident in the existing research. In fact, with the notable exception of the work of Kutateladze and colleagues (2014), the existing cumulative disadvantage studies examine prosecutors' charging decisions in a limited fashion (e.g., whether a case was adjudicated as a felony). Second, we investigate organizational sources of cumulative racial disparities. Past research either examines data in a single jurisdiction or uses SCPS data that

provides basic case measures from large urban counties operating under a variety of state laws. These methodologies do not allow comparisons of jurisdictions processing cases under a common set of state laws to investigate organizational sources of racial disparities (e.g., philosophical orientation of the chief prosecutor, diversity of courtroom work groups). Third, we conceptualize racial disparities broadly to include institutional sources of bias that operate indirectly through ostensibly "legally relevant" factors. Thus, this research investigates individual, organizational, and institutional factors that may contribute to cumulative racial disadvantage and variation in these disparities.

Specifically, based on the focal concerns perspective, we hypothesize that:

(1) Black and Hispanic defendants receive more punitive outcomes on each individual case processing decision than Whites who were similarly situated at complaint/arrest.

(2) Black and Hispanic defendants receive more punitive cumulative case outcomes than Whites who were similarly situated at complaint/arrest.

Stated differently, we expect minority defendants to receive harsher outcomes relative to Whites due to court actors perceiving minorities as more culpable, dangerous, and likely to re-offend, and these effects compound throughout case processing resulting in cumulative disadvantage.[12]

Based on the community court theoretical framework, we expect the magnitude of racial/ethnic disparities on cumulative case outcomes to differ across *organizations* due to chief prosecutors' policies on court culture/norms and local "going rates." Thus, we hypothesize:

[12] It is important to note that while these hypotheses are informed in a heuristic manner by the focal concerns perspective, this research is not a formal test of this perspective due to the fact that we lack direct measures of court actors' attributions of each defendant (for a discussion of this issue, see Lynch, 2019).

(3) Cases adjudicated in jurisdictions with progressive state attorneys are less likely to receive the most punitive outcomes in comparison to cases adjudicated by traditional state attorneys, especially for low-level felony offenses.

(4) Cumulative racial and ethnic disadvantages are smaller in jurisdictions with progressive chief prosecutors; that is, minorities in such jurisdictions are less likely than Whites to receive the most punitive outcomes.

Guided by modern racism theories that ground minority disadvantage into institutional forces, we predict that institutional features of Florida's laws and court operations systematically disadvantage minority defendants by tying case outcomes to socio-economic factors, namely the ability to hire private attorneys and to make bail, and extent of prior criminal record, which is positively related to community disadvantage. That is, we hypothesize:

(5) Black and Hispanic defendants receive more punitive outcomes at each individual stage of case processing and cumulatively due to racial/ethnic group differences on pretrial detention, privately retained defense counsel, and prior felony convictions.

Case Processing and Sentencing in Florida[13]

Case processing and sentencing outcomes throughout the U.S. including in the current research context of Florida, are collaboratively shaped by court actors. Prosecutors in Florida, however, undeniably wield the greatest influence throughout case outcomes and even in sentencing. The manner in which line prosecutors exercise their enormous powers is guided by the *organizational* policies and practices established by supervising chief prosecutors. Florida's

[13]The information and statistics reported in this section come from our review of approximately 12,000 cases coded as part of this study, review of Florida law, interviews with prosecutors, and one of the author's experiences as an assistant state attorney and private defense counsel in Florida.

67 counties are organized into 20 judicial circuits; each has its own elected chief prosecutor ("State Attorney"). The State Attorney (SA) creates office policies and practices that suit their philosophical orientation, appoints and supervises all ASAs, and typically makes key case decisions in high-profile cases. The philosophies of SAs, as expressed in statements posted on their webpages, news stories, and campaign materials, reveal stark differences. While nearly all SAs called for tough sanctions for individuals convicted of violent crimes and repeated law breaking, several chief prosecutors touted policies consistent with progressive prosecutors. The commonalities among these SAs were promises to implement "reforms" such as moving away from tough-on-crime era policies (e.g., transferring juveniles to criminal courts), using their authority to achieve "smart" outcomes (e.g., diversion and rehabilitation programs for suitable individuals), and increasing fairness by ending cash bail for individuals accused of non-violent offenses, creating driver's license restoration programs, and implementing conviction integrity units. By contrast, more progressive SAs touted their record of high conviction rates, use of juvenile transfer to adult criminal courts, and a law-and-order approach that emphasized accountability for lawbreakers.

The policies and practices directing decision-making may *institutionalize* racial/ethnic disadvantages in several ways. Court practices allow defendants with the financial means to bond out of jail quickly and avoid pretrial detention, which facilitates crafting sound legal defenses as well as maintaining employment and/or continuing education. In line with previous research examining Florida courts (Williams, 2013), we expect defendants with the means to hire private attorneys to receive more favorable outcomes for two distinct reasons. First, defendants in cases that receive diversion or withholding must complete terms of supervision and pay supervision fees to be successfully discharged from these sanctions. The wherewithal to hire a private

attorney is an indication that a defendant has the financial means to pay the required supervision fees; thus, hiring a private attorney may be a proxy for ability to pay. Second, private attorneys, because they typically have smaller caseloads than publicly funded defense counsel, are able to conduct thorough case investigations *prior* to the filing of the information and aggressively attempt to influence information decisions towards less punitive options (e.g., diversion, reducing charges to misdemeanors). Court decisions from bond setting to final disposition are routinely based in part on criminal history. Notably, unlike in other sentencing guideline systems that categorize prior record into discrete categories (e.g., Pennsylvania's prior record score has six regular categories and two special categories) and thereby cap the effect of criminal history, in Florida criminal history points are unbounded leading to defendants convicted of low-level felonies being sentenced to prison due to the accumulation of criminal history points. All of these institutional factors are likely to be correlated with race/ethnicity due to larger social inequalities.

Methodology

The general methodology for this study was presented earlier. For brevity's sake, we do not repeat these details. In this section, we provide key details on the sample, measures to be used, and the analyses to be employed.

Sample

Information on a total of 11,893 felony cases were initially extracted from online documents and coded. For the current study, we excluded only 4% of cases. We excluded cases that were still pending disposition (n = 189; 1.6%), had limited information available due to the court clerk restricting access to these cases (n = 29; 0.02%), or had missing data on key measures (n = 61; 0.05%). We also excluded from this study cases that had case outcomes that were too rare to permit statistical analysis such as cases in which the defendant was found mentally

incompetent (n = 69; 0.05%) and cases that were resolved by trials (n = 36; 0.30%).[14] Finally, we dropped cases from these analyses in which the defendant's race was coded as "other" (n = 95; 0.79%). After these exclusions, the sample for this study is comprised of 11,414 cases initially filed as felonies in which the defendant was Black, Hispanic, or White, and the case was not adjudicated by trial.

In addition to the measures described earlier, we classified State Attorneys (SAs) into *progressive* or traditional categories based on information obtained about each SA. In particular, we reviewed the information posted on each SAO's website, 2016 campaign materials, and news stories about the SA. Using these materials, we inductively classified SAs onto progressive or traditional groups based on four distinguishing policy variations: "smart"/data driven decision-making, establishing conviction integrity review units, non-prosecution or diversion of low-level offenses, and removing "poverty traps" (e.g., ending cash bail, non-financial driver's license reinstatement programs) (see Appendix C for this classification matrix). Two of the twenty SAs were unambiguously progressive as they self-identified as "progressive" or "progressive-minded." These two SAs were Ayala Aramis of the 9th Circuit and Andrew H. Warren of the 13th Circuit. Two other SAs were classified as progressive due to their support of unconventional ideas and initiatives such as moving away from the tough-on-crime era policies that called for increasing punitiveness (e.g., prosecuting juveniles as adults) towards more discerning use of available sanctions, establishing conviction integrity units, creating driver's license restoration programs for individuals with suspended/revoked licenses. These two SAs were Melissa Nelson of the 4th Circuit and Katherine Fernandez Rundle of the 11th Circuit. Both of these SAs are

[14] Cases resolved via trial were dropped for two reasons. First, prior research concludes that cases resolved via plea bargaining are fundamentally different than cases resolved via trial (see Blumstein, Cohen, Martin, & Tonry, 1983). Second, the number of cases resolved via trial (n = 36) was too small to permit meaningful statistical analysis.

characterized as reformers, who are "smart" on crime by being "evidence-based" (Fernandez Rundle) and making "data-driven decisions" (Nelson), and each established conviction integrity units. Notably, SA Nelson and Fernandez Rundle appear to be less progressive than SA Aramis or Warren, but they clearly support unconventional positions, which distinguished them from other chief prosecutors in the state. Thus, we group these four SAs together into the *progressive* category, and the remaining SAs were classified as "traditional," which serves as the reference category for this variable.

Analyses

After reporting descriptive statistics for the variables of interest by race/ethnicity, we conducted a series of analyses constructed to estimate the direct effects of race and ethnicity. We supplement each of the quantitative analyses with information from the qualitative interviews. The analyses of individual case processing decisions use logistic regression models while controlling for a common set of independent variables. The cumulative case outcome analysis utilizes multinomial logistic regression to assess racial/ethnic disparities across the full course of the cases. All of the logistic and multinomial logistic regression models are estimated with robust standard errors to account for clustering (i.e., unmeasured correlation between cases) at the circuit level. For the logistic regression analyses, we report the results using log-odds ratios and their robust standard errors. For the multinomial regression analysis, however, we report predicted probabilities by race/ethnicity instead of log-odds ratios due to the fact that log-odds ratios and tests of their statistical significance are sensitive to which category of the dependent variable is used as the reference; predicted probabilities are invariant to this choice. Moreover, reporting the results of the multinomial regression models in this manner is much more parsimonious than displaying the full regression table. (The full results of the multinominal

logistic regression model are reported in the Appendix D.) The predicted probabilities and tests of race/ethnic differences of the probabilities were estimated using the *Stata's margins* commands.

Organizational associations between progressive vs. progressive SAs on case outcomes are estimated via a separate set of multinomial regression models. To assess the relationship between case outcomes and type of SA, in these models, we continued to use robust standard errors to account for circuit-level clustering but we replaced the SAO dummy variables with our measure that distinguished progressive SAs from traditional SAs. We also included a product term between race/ethnicity and type of SA to assess whether cumulative racial/ethnic disparities differ by type of chief prosecutor. Notably, recent research conclusively finds that the presence of an interaction between independent variables cannot be reliably determined by examining the statistical significance of the interactive product term in non-linear models (see e.g., Long & Mustillo, 2018; Mustillo, Lizardo & McVeigh, 2018). Current best practices for assessing interactions in non-linear models indicate that the product terms, while necessary, should be ignored because they do not provide "accurate information about the significance, magnitude, or even the direction of the underlying interaction effect" (Mize, 2019, p. 112). Instead, the presence of statistical interactions should be assessed by examining the predicted probabilities produced by the models and statistically compare the relevant predicted values (e.g., magnitude of racial disparities between progressive vs. traditional SAs).

The indirect effects of race and ethnicity were estimated using Gelbach (2016) decomposition models. Decomposition models calculate the size of group disparities (e.g., sex, race, ethnicity) on some outcome of interest and estimate observed variables' contribution to these disparities. One goal of these models is to explain how much of the group disparity on the

outcome of interest is attributable to group differences in predictor variables, which is referred to as "explained variation." This information is then used to estimate a counterfactual that asks how much of the group difference would remain if the two groups were equal on all predictor variables except for the group, "unexplained variation." In this way, decomposition models identify the indirect effects of group membership via the predictor variables.

The Gelbach approach uses two models to identify explained and unexplained group variation. It first estimates a base model that calculates the raw marginal mean difference on a particular outcome by group (e.g., Black vs. White mean difference). A full model that contains all of the predictor variables, including the group membership variable, is then estimated. The coefficient for the group membership variable in this full model is the direct effect of belonging to a particular group (e.g., being Hispanic), after controlling for the other independent variables. The difference between the group membership coefficients in the base and full models represents how much of the group effect is accounted by the other predictor variables, and the Gelbach approach breaks down this explained variation by individual predictor variables or sets of predictor variables. For example, in the analyses below, we are interested in estimating how much of the racial/ethnic differences are attributable to group differences in demographic factors (age and gender), the hiring of a private defense counsel, pretrial detention, prior convictions, the case/charge seriousness (as measured by the set of variables concerning case/offense seriousness), and SAO (a set of 19 dummy indicators). To express each variable's (or variable set's) contribution towards explaining racial/ethnic differences in percentage terms, we summed the absolute value of each variables' contribution to calculate the total adjusted explained difference. We then divided each variable's (or variable set's) explanatory contribution by the total adjusted explained difference and multiplied this dividend by 100 (Donnelly, 2019;

Donnelly & MacDonald, 2018). These decomposition models were conducted in *Stata* using Gelbach's (2014) *b1x2* command.

Results

Descriptive Statistics

Table S1.1 provides descriptive statistics on the variables of interest by race/ethnicity. Defendants in the sampled cases were evenly split between Whites (49%) and minorities (51%); 37% of the defendants were Black, and the remaining 14% were Hispanic. These groups exhibit meaningful differences on several demographic factors as well as on case factors related to socioeconomic status. Black and Hispanic defendants were younger and less likely to be female than White defendants. As expected, Black defendants hired private attorneys less often than Whites, but there was no difference between Hispanics and Whites. The joint distribution of bond categories by race/ethnicity exhibits small but statistically significant differences with Blacks falling into the two lowest and the highest categories with financial conditions relative to Whites, while Hispanics were more likely to have initial bond amounts in the middle categories. Surprisingly, Whites (37%) were slightly more likely to be detained throughout the pretrial period than Blacks (36%) and substantially more likely than Hispanics (30%).

There are also important differences on case seriousness and prior felony convictions by race/ethnicity. All three groups, on average, were charged at the complaint stage with a comparable number of offenses. Black and Hispanic defendants, however, faced more serious charges as measured by the most serious offense's felony degree and cumulatively across the top three charges as measured by the sum of these charges' offense seriousness points. The most serious offense type was roughly similar by race/ethnicity with Whites being somewhat more

likely to have a top charge involving drug or property offenses,[15] Blacks more likely to be charged with violent or "other" felonies—a category primarily consisting of driving-related (e.g., DUI, driving while license suspended or revoked) and weapons offenses, and Hispanics more likely to be charged with violent offenses.

[15] Felony drug offenses in Florida are overwhelmingly simple drug possession, an offense type that includes possession of more than 20 grams of marijuana.

Table S1.1 Descriptive Statistics by Race/Ethnicity (N = 11,414)

Variable	White (*n* = 5,566) Mean/Prop.	SD	Black (*n* = 4,193) Mean/Prop.	SD	Hispanic (*n* = 1,607) Mean/Prop.	SD
Age at Case Filing, Years	36.10	11.71	32.59**	11.43	32.93**	11.01
Female	0.28		0.18*		0.17**	
Private Attorney	0.20		0.16**		0.23	
Detained Pretrial	0.37		0.36+		0.30**	
Initial Bond Amount, Categorical			χ^2=19.32**		χ^2=25.47**	
ROR/Supervision	0.02		0.02		0.02	
Bond<=$2000	0.20		0.20		0.21	
Bond>$2000, <=$4000	0.16		0.15		0.16	
Bond>$4000, <=$6000	0.15		0.16		0.21	
Bond>$6000, <=$15000	0.18		0.17		0.18	
Bond>$15000	0.15		0.17		0.12	
Bond Denied	0.08		0.08		0.07	
Unknown	0.06		0.05		0.04	
# of Prior Felony Convictions	1.04	1.83	1.48**	2.34	0.78**	1.60
# of Charges[1]	2.18	1.63	2.13	1.64	2.24	1.65
Total Offense Seriousness Pts, Complaint	34.64	28.72	39.19**	34.41	39.42**	35.26
Most Serious Offense Type, Complaint			χ^2=64.38**		χ^2=9.57*	
Drugs[0]	0.29		0.25		0.27	
Property	0.33		0.30		0.32	
Violent	0.23		0.25		0.26	
Other Felonies	0.15		0.20		0.15	
Most Serious Offense Degree, Complaint			χ^2=52.11**		χ^2=7.30	
Third[0]	0.76		0.70		0.74	
Second	0.18		0.21		0.18	
First	0.05		0.06		0.06	
First-Life	0.01		0.03		0.02	
SAO/Judicial Circuit			χ^2=909.49**		χ^2=1300**	
1[0]	0.07		0.05		0.01	
2	0.02		0.04		0.00	
3	0.01		0.01		0.00	
4	0.06		0.08		0.02	
5	0.08		0.04		0.03	
6	0.12		0.07		0.04	
7	0.07		0.06		0.03	
8	0.03		0.03		0.01	
9	0.06		0.09		0.15	
10	0.05		0.03		0.06	
11	0.03		0.12		0.25	
12	0.05		0.02		0.02	

13	0.06	0.09	0.10
14	0.05	0.02	0.01
15	0.04	0.07	0.04
16	0.01	0.01	0.01
17	0.03	0.09	0.06
18	0.06	0.04	0.04
19	0.03	0.03	0.03
20	0.06	0.02	0.07
Progressive State Attorney	0.21	0.38**	0.53**
Information Decision		χ^2=41.84**	χ^2=35.88**
No Charges Filed[0]	0.22	0.26	0.27
Diverted from Prosecution	0.06	0.04	0.07
Case Transferred to Lower Court	0.13	0.14	0.14
Felony Information Filed	0.60	0.56	0.52
Found Guilty on Any Charge	0.59	0.55**	0.51**
Cumulative Case Outcome		χ^2=112.31**	χ^2=43.21**
No Charges Filed/Case Dismissed[0]	0.22	0.26	0.28
Diverted from Prosecution	0.06	0.04	0.07
Case Transferred to Lower Court	0.13	0.14	0.14
Guilty but Adj. Withheld	0.08	0.08	0.09
Adj. Guilty & Probation	0.15	0.10	0.12
Adj. Guilty & Jail	0.23	0.21	0.21
Adj. Guilty & Prison	0.13	0.17	0.10

Note: Statistical tests were chi-squares for dichotomous and categorical variables, and *t*-tests were utilized for continuous variables. All comparisons are between the specified minority group and Whites.

[0] Indicates omitted reference category in regression models.

[1] Censored at the 99th percentile to reduce influence of outliers.

** $p<0.01$, * $p<0.05$, + $p<0.10$

Contextually, cases with minority defendants were concentrated into three urban circuits. In particular, 30% of cases with Black defendants and 50% of cases with Hispanic defendants were adjudicated in the 9th (Orlando area), 11th (Tampa area), or 13th (Miami area) Circuits. White defendants were more evenly spread throughout the 20 circuits; only the 6th Circuit (St. Petersburg area) had more than 10% of cases with White defendants. All three of the circuits in which minority defendants were heavily concentrated were supervised by a progressive prosecutor, leading to minorities being much more likely to have their cases processed under progressive SAs than Whites. Only 21% of cases with White defendants were handled by one of the four progressive SAs, but 38% of Black defendants and 53% of Hispanic defendants were prosecuted in jurisdictions headed by progressive SAs.

At the information and disposition stages, case outcomes exhibit statistically significant variation by race/ethnicity. Contrary to our expectations, prosecutors declined to file felony charges at higher rates in cases with minority defendants (26% for Blacks and 27% for Hispanics) than White defendants (22%). Prosecutors diverted Hispanics and Whites at comparable rates (7% vs. 6%, respectively) but were least likely to divert cases with Black defendants (4%). These differences lead to minority defendants having the lowest marginal probability of having a felony information filed against them, 56% for Blacks, 52% for Hispanics, and 60% for Whites. Prosecutors' information decisions were the crucial determinant of case outcomes as defendants pled guilty to at least one offense in 99% of cases in which a felony information was filed—the other 1% of cases were dismissed after a felony information

was filed.[16] Thus, the probability of a felony information being filed is nearly identical to the probability of pleading guilty, and this relationship holds for each racial/ethnic group.

The distribution of the cumulative case outcomes by race/ethnicity does not yield a simple pattern of minority disadvantage. In comparison to Whites, case outcomes for Black defendants are more likely to end in either the least punitive outcome, a case dismissal (26%), or the most punitive outcome, adjudication of guilty and a prison sentence (17%). For cases with Hispanic defendants, the most likely outcome was case dismissal (28%), another 30% of cases ended without a felony conviction (7% diversion, 14% transferred to a lower court, or 9% had a withholding of adjudication), and just 10% of cases were sentenced to prison, which is lower than the 13% of cases with White defendants receiving this outcome.

Direct Race/Ethnicity Effects on Individual Case Outcomes

A series of logistic regression models estimating the relationships between race/ethnicity and five pre-sentencing outcomes are reported in Table S1.2 (below). Collectively, variables capturing the case seriousness exhibit strong relationships to each of the five outcomes. Specifically, the number of charges, total offense seriousness points, type of most serious charge, and felony degree generally exhibit negative relationships to less punitive outcomes (i.e., no charges filed, diversion from prosecution, and transfer to a lower court) and positive relationships to more punitive outcomes (i.e., felony information filed, guilty plea). There are also large differences in the likelihood of each outcome between SAOs. For instance, no charges were filed much more commonly in the 3rd, 9th, 11th, and 20th Circuits leading to these same circuits being less likely to file felony charges. Furthermore, pretrial diversion was more

[16] Given that we omitted cases that went to trial and cases that resulted in unusual outcomes, the percentage of cases pleading guilty is biased upwards; yet, even when these cases are included, 98% of defendants pled guilty in cases in which a felony information was filed.

common in the 11th, 13th, and 14th Circuits, and diversion was less likely in the 10th, 15th, and 19th Circuits.

Table S1.2 Charging Decisions & Findings of Guilty: Logistic Regressions (N = 11,414)

Variables	Dismissed	Diverted	Transferred	Felony Info Filed	Plead Guilty
Black	0.096	-0.207^{+}	0.077	-0.084^{+}	-0.084^{+}
	(0.060)	(0.124)	(0.073)	(0.050)	(0.050)
Hispanic	-0.080	0.066	0.145^{+}	-0.049	-0.044
	(0.063)	(0.150)	(0.084)	(0.059)	(0.056)
Female	-0.083	0.588**	-0.066	-0.089^{+}	-0.069
	(0.056)	(0.107)	(0.083)	(0.053)	(0.052)
Age	0.003	-0.070**	0.023^{+}	0.012	0.011
	(0.013)	(0.027)	(0.013)	(0.009)	(0.009)
Age^2	0.000	0.001**	-0.000	-0.000^{+}	-0.000+
	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Private Attorney	-0.518**	0.809**	-0.481**	0.339**	0.349**
	(0.091)	(0.161)	(0.150)	(0.071)	(0.071)
Detained Pretrial	-0.450**	-1.769**	-0.079	0.607**	0.610**
	(0.102)	(0.178)	(0.151)	(0.085)	(0.086)
# of Prior Felony Convictions	-0.033**	-1.401**	-0.110**	0.117**	0.118**
	(0.014)	(0.256)	(0.025)	(0.017)	(0.018)
# of Charges	-0.230**	-0.027	0.008	0.163**	0.161**
	(0.067)	(0.051)	(0.027)	(0.036)	(0.036)
Total Offense Seriousness Pts	0.004^{+}	-0.006	-0.020**	0.005**	0.005**
	(0.002)	(0.004)	(0.002)	(0.001)	(0.001)
Other Felonies, Most Serious Charge	-0.219**	-1.087**	1.084**	-0.371**	-0.363**
	(0.071)	(0.285)	(0.112)	(0.101)	(0.098)
Property, Most Serious Charge	0.121	0.047	-0.209	-0.022	-0.020
	(0.096)	(0.248)	(0.136)	(0.098)	(0.095)
Violent, Most Serious Charge	0.943**	-0.654*	0.623**	-0.948**	-0.941**
	(0.120)	(0.328)	(0.140)	(0.104)	(0.097)
Second Degree Felony	0.133^{+}	-0.500**	-0.201*	0.104*	0.117**
	(0.071)	(0.161)	(0.087)	(0.045)	(0.043)
First Degree Felony	-0.237	-0.783**	-0.586*	0.410**	0.401*
	(0.173)	(0.262)	(0.253)	(0.158)	(0.162)
First-Life Degree Felony	0.215	-1.349+	1.116**	-0.525**	-0.536**
	(0.171)	(0.807)	(0.417)	(0.203)	(0.191)
Circuit 2	-0.406**	0.168**	0.341**	0.047**	0.063**
	(0.022)	(0.034)	(0.019)	(0.015)	(0.015)
Circuit 3	1.183**	-0.301**	0.155**	-0.876**	-0.861**
	(0.018)	(0.033)	(0.028)	(0.017)	(0.018)
Circuit 4	0.378**	0.366**	0.940**	-0.862**	-0.848**
	(0.021)	(0.042)	(0.038)	(0.021)	(0.021)
Circuit 5	0.692**	-0.027	-0.624**	-0.237**	-0.228**
	(0.012)	(0.030)	(0.015)	(0.010)	(0.011)
Circuit 6	0.474**	-0.180**	-0.399**	-0.100**	-0.095**
	(0.040)	(0.056)	(0.024)	(0.024)	(0.023)
Circuit 7	0.522**	-0.173**	0.445**	-0.529**	-0.519**
	(0.017)	(0.032)	(0.015)	(0.009)	(0.009)
Circuit 8	1.079**	0.275**	0.135**	-0.924**	-0.919**
	(0.011)	(0.037)	(0.021)	(0.015)	(0.015)
Circuit 9	1.102**	-0.350**	0.142**	-0.814**	-0.829**
	(0.022)	(0.040)	(0.021)	(0.019)	(0.020)
Circuit 10	0.333**	-0.727**	0.584**	-0.386**	-0.377**
	(0.028)	(0.028)	(0.020)	(0.025)	(0.026)
Circuit 11	1.483**	0.400**	0.006	-1.292**	-1.289**

	(0.025)	(0.083)	(0.039)	(0.024)	(0.024)
Circuit 12	0.523**	-0.100**	0.315**	-0.461**	-0.592**
	(0.013)	(0.031)	(0.016)	(0.010)	(0.010)
Circuit 13	0.215**	0.673**	0.572**	-0.597**	-0.581**
	(0.017)	(0.032)	(0.016)	(0.011)	(0.012)
Circuit 14	-0.155**	0.806**	0.767**	-0.522**	-0.520**
	(0.015)	(0.038)	(0.030)	(0.016)	(0.016)
Circuit 15	0.427**	-0.822**	0.654**	-0.461**	-0.492**
	(0.020)	(0.022)	(0.025)	(0.016)	(0.016)
Circuit 16	0.464**	-0.251**	0.285**	-0.402**	-0.386**
	(0.026)	(0.058)	(0.050)	(0.025)	(0.025)
Circuit 17	0.492**	0.295**	0.326**	-0.550**	-0.548**
	(0.024)	(0.038)	(0.030)	(0.022)	(0.023)
Circuit 18	0.089**	-0.447**	0.424**	-0.176**	-0.159**
	(0.011)	(0.018)	(0.013)	(0.011)	(0.011)
Circuit 19	0.757**	-0.840**	0.169**	-0.448**	-0.432**
	(0.013)	(0.034)	(0.014)	(0.012)	(0.011)
Circuit 20	1.139**	0.534**	-0.601**	-0.769**	-0.786**
	(0.018)	(0.022)	(0.019)	(0.016)	(0.016)
Constant	-1.586**	-0.617	-2.124**	0.084	0.074
	(0.345)	(0.729)	(0.276)	(0.204)	(0.188)
Model Fit					
Pseudo R-squared	0.099	0.223	0.106	0.093	0.093

Note: Robust standard errors in parentheses
** $p<0.01$, * $p<0.05$, + $p<0.10$

After controlling for case seriousness and contextual factors, many of the variables motivating this research predict these outcomes. Most centrally, race, and to a lesser extent ethnicity, were related to these outcomes. Race decreased the odds of diversion from prosecution, a finding consistent with our expectation of less favorable outcomes for Black defendants, but race also decreased the odds of filing a felony information and pleading guilty, contrary to our prediction of minority disadvantage—all of these relationships, however, were only statistically significant at the 0.10 level, which means that these relationships may be artificial (i.e., due to chance). Hispanic ethnicity was not generally related to the five outcomes examined in Table S1.2; the only exception to this finding was Hispanic defendants were more likely to be transferred to a lower court ($p<0.10$). The use of private defense counsel increased the odds of a case being diverted from prosecution but otherwise had less favorable outcomes in that their cases were less likely to be dropped by prosecutors, less likely to be moved to misdemeanor courts, and more likely to have a felony information filed as well as pleading

guilty. Both pretrial detention and prior felony convictions were strongly related to case outcomes with these factors decreasing the odds of less punitive outcomes and increasing the odds of more punitive outcomes. The finding that prior convictions predict charging decisions indicates that prosecutors' decisions are based on both characteristics of the current cases and defendants' prior contact with the criminal justice system.

The analyses summarized in Table S1.3 assess the unconditional relationships between the independent variables of interest and four sentencing decisions. That is, these models predict sentencing outcomes using information at the complaint stage and all cases, even cases that were not found guilty, to examine whether defendants similarly situated at case filing but differing by race/ethnicity receive different sentencing outcomes. We take this approach in order to address our motivating research question: Do defendants who are similarly situated at *case filing* but of different races/ethnicities receive the same case outcomes. Similar to the results reported in Table S1.2, charge seriousness and prior felony convictions predict sentencing outcomes in the expected manner; namely, more serious cases and defendants with more criminal history were less likely to have adjudication withheld, were less likely to be sentenced to probation, and were more likely to be sentenced to incarceration, especially prison. There are also large differences in sentencing outcomes by SAOs, particularly in withholding of adjudication and sentences of probation, which indicates wide variations in prosecutors' use of these options between jurisdictions. Even after taking these "legally relevant" factors into account, race but not Hispanic ethnicity predict sentencing. Specifically, Blacks, in comparison to Whites, received fewer sentences of probation and more prison sentences, but no statistically significant race differences were evident in the withholding of adjudication or jail sentences. While race effects were modest and inconsistent across sentencing outcomes, pretrial detention had strong effects

on sentencing—increasing the likelihood of greater sentencing punitiveness and decreasing the odds of sentencing leniency. Cases handled by hired private attorneys received a mixture of punitiveness and leniency, as these cases had greater odds of withholding of adjudication, elevated odds of receiving probation sentences, lower likelihoods of jail sentences—all of which could be considered as favorable outcomes—but cases with private attorneys also had greater odds of being sentenced to prison. Given that retaining private attorneys have strong positive relationships with all of the outcomes involving financial conditions (diversion, withholding of adjudication, and probation) as well as pretrial release (the results of this model are omitted for parsimony's sake but available upon request), we believe that our private attorney measure serves as a proxy for ability to pay in our models in addition to assessing differences in efficacy between private and publicly funded attorneys.

Table S1.3 Sentencing Outcomes: Logistic Regression Models, Unconditional (N = 11,414)

Variable	Adj. Withheld	Probation	Jail	Prison
Black	-0.134	-0.238**	-0.052	0.214**
	(0.086)	(0.072)	(0.054)	(0.077)
Hispanic	0.057	-0.125	0.009	-0.032
	(0.137)	(0.098)	(0.072)	(0.109)
Female	0.137+	0.254**	-0.118*	-0.631**
	(0.071)	(0.093)	(0.053)	(0.076)
Age	-0.060**	0.036+	0.031*	0.009
	(0.016)	(0.020)	(0.013)	(0.012)
Age^2	0.001**	-0.001	-0.000*	-0.000+
	(0.000)	(0.001)	(0.000)	(0.000)
Private Attorney	0.297**	0.362**	-0.181**	0.353**
	(0.102)	(0.091)	(0.053)	(0.095)
Detained Pretrial	-0.547**	-0.544**	0.467**	1.270**
	(0.104)	(0.128)	(0.066)	(0.071)
# of Prior Felony Convictions	-0.774**	-0.029	0.053*	0.231**
	(0.153)	(0.035)	(0.023)	(0.017)
# of Charges	0.034	0.016	0.110**	0.076**
	(0.036)	(0.019)	(0.016)	(0.023)
Total Offense Seriousness Pts	0.002	0.002	-0.008**	0.014**
	(0.002)	(0.002)	(0.001)	(0.001)
Other Felonies, Most Serious Charge	-0.601**	-0.143	-0.262**	0.177+
	(0.117)	(0.107)	(0.092)	(0.102)
Property, Most Serious Charge	-0.284*	0.262**	-0.239**	0.253**
	(0.144)	(0.052)	(0.090)	(0.097)
Violent, Most Serious Charge	-0.455**	-0.408**	-0.651**	-0.376**
	(0.126)	(0.131)	(0.077)	(0.099)
Second Degree Felony	-0.192*	0.005	-0.156*	0.562**
	(0.081)	(0.090)	(0.076)	(0.084)

First Degree Felony	-0.607**	-0.117	-0.094	0.912**
	(0.223)	(0.140)	(0.202)	(0.205)
First-Life Degree Felony	-0.694**	-0.505*	-0.046	-0.214
	(0.267)	(0.207)	(0.233)	(0.242)
Circuit 2	-0.261**	-0.739**	0.304**	0.737**
	(0.025)	(0.020)	(0.017)	(0.026)
Circuit 3	-0.425**	-0.314**	-1.455**	0.460**
	(0.017)	(0.017)	(0.013)	(0.020)
Circuit 4	-0.728**	-2.140**	0.171**	0.137**
	(0.030)	(0.024)	(0.009)	(0.021)
Circuit 5	-0.932**	-0.596**	0.344**	0.663**
	(0.010)	(0.016)	(0.010)	(0.018)
Circuit 6	-0.843**	-0.516**	0.584**	0.484**
	(0.024)	(0.020)	(0.014)	(0.025)
Circuit 7	-1.891**	-0.0356**	0.149**	0.415**
	(0.025)	(0.013)	(0.012)	(0.016)
Circuit 8	-1.887**	-0.729**	0.084**	0.325**
	(0.028)	(0.016)	(0.012)	(0.020)
Circuit 9	-3.890**	-1.100**	0.956**	-0.330**
	(0.049)	(0.028)	(0.025)	(0.038)
Circuit 10	-3.248**	0.391**	0.358**	0.136**
	(0.040)	(0.023)	(0.018)	(0.027)
Circuit 11	-0.742**	-1.180**	-0.199**	-1.056**
	(0.058)	(0.044)	(0.039)	(0.059)
Circuit 12	-4.207**	-0.0787**	0.574**	-0.004
	(0.026)	(0.014)	(0.013)	(0.014)
Circuit 13	-5.618**	0.336**	0.339**	-0.080**
	(0.040)	(0.022)	(0.015)	(0.023)
Circuit 14	-1.608**	0.299**	-0.186**	0.283**
	(0.026)	(0.014)	(0.011)	(0.018)
Circuit 15	-4.709**	-1.130**	1.064**	0.271**
	(0.041)	(0.030)	(0.022)	(0.024)
Circuit 16	-2.530**	0.438**	-0.175**	-0.703**
	(0.035)	(0.035)	(0.035)	(0.045)
Circuit 17	-0.202**	-0.410**	-0.516**	-0.165**
	(0.038)	(0.036)	(0.024)	(0.041)
Circuit 18	-1.005**	0.156**	0.336**	0.043**
	(0.022)	(0.015)	(0.013)	(0.011)
Circuit 19	-2.677**	-0.219**	0.419**	0.714**
	(0.030)	(0.018)	(0.016)	(0.018)
Circuit 20	-3.924**	0.007	0.183**	0.113**
	(0.032)	(0.020)	(0.016)	(0.015)
Constant	0.821**	-2.242**	-2.101**	-3.897**
	(0.318)	(0.368)	(0.280)	(0.281)
Model Fit				
Pseudo R-squared	0.234	0.076	0.061	0.211

Note: Robust standard errors in parentheses
** $p<0.01$, * $p<0.05$, + $p<0.10$

It is worth noting that another set of logistic regression models using the same variables but estimated conditional on a finding of guilt produce substantively consistent findings. These models are reported in Table S1.C1 in Appendix D. The largest difference between the conditional and unconditional models is that the relationship between race and case outcomes

becomes stronger on three of the four sentencing outcomes. Black defendants in these models have 16% lower odds of having adjudication withheld, 20% lower odds of probation sentences, and 41% higher odds of prison sentences than Whites—all of these differences are statistically significant at the 0.05 level. Likewise, gender has a stronger effect in these conditional models with female defendants receiving greater leniency on all four outcomes.

Direct Race/Ethnicity Effects on Cumulative Case Outcomes

Thus far, we have investigated the relationships between the variables of interest and individual case outcomes. Here we examine cumulative case outcomes using the seven categories discussed previously along with multinomial logistic regression and *Stata*'s *margins* commands to estimate predicted probabilities of each outcome. Table 4 displays these predicted probabilities and their standard errors by offense type. (The full results of the multinomial regression model for all offense types are reported in Table S1.C2 in Appendix D.)

For all offense types, reported in the top portion of Table S1.4, the predicted probabilities capturing the likelihood of each cumulative case outcome do not neatly fit our expectation of Hispanic cumulative disadvantage. The probability of each case outcome is roughly similar between Whites and Hispanics, except Hispanic defendants had a higher probability of having their cases downgraded to a misdemeanor; this difference is not trivial but it is only statistically significant at the 0.10 level. Thus, defendants who are similarly situated at the complaint stage but who differ on ethnicity received cumulative case outcomes that were roughly equivalent.

Table S1.4 Predicted Probability of Cumulative Case Outcomes by Race/Ethnicity and Offense Type

	Outcome	Dismissed	Diverted	Transferred	Adj. Withheld	Probation	Jail	Prison
Offense Type	Race/Ethnicity	*p* (SE)	*p* (SE)	*p* (SE)	*p* (SE)	*p* (SE)	*p* (SE)	*p* (SE)
All Offenses (*n* = 11,414)	White	0.241	0.056	0.130	0.084	0.134	0.221	0.135
		(0.004)	(0.003)	(0.003)	(0.003)	(0.003)	(0.004)	(0.004)
	Black	0.258^{+}	0.046^{+}	0.138	0.075	0.110**	0.215	0.157**
		(0.006)	(0.003)	(0.005)	(0.003)	(0.005)	(0.005)	(0.004)
	Hispanic	0.232	0.057	0.146^{+}	0.087	0.121	0.225	0.132
		(0.007)	(0.005)	(0.008)	(0.007)	(0.009)	(0.010)	(0.008)
Drugs (*n* = 3,121)	White	0.202	0.076	0.093	0.099	0.143	0.263	0.125
		(0.008)	(0.005)	(0.005)	(0.005)	(0.005)	(0.007)	(0.007)
	Black	0.172	0.057	0.106	0.106	0.117*	0.287	0.156*
		(0.012)	(0.007)	(0.008)	(0.007)	(0.009)	(0.009)	(0.009)
	Hispanic	0.160**	0.063	0.132*	0.098	0.128	0.289	0.129
		(0.010)	(0.008)	(0.013)	(0.012)	(0.018)	(0.023)	(0.018)
Property (*n* = 3,632)	White	0.225	0.063	0.082	0.077	0.159	0.236	0.158
		(0.006)	(0.004)	(0.003)	(0.004)	(0.006)	(0.006)	(0.006)
	Black	0.233	0.067	0.098*	0.077	0.132^{+}	0.220	0.172
		(0.008)	(0.006)	(0.004)	(0.003)	(0.010)	(0.010)	(0.011)
	Hispanic	0.192*	0.088*	0.099	0.108^{+}	0.149	0.219	0.147
		(0.011)	(0.008)	(0.012)	(0.015)	(0.015)	(0.014)	(0.016)
Violent (*n* = 2,747)	White	0.362	0.037	0.130	0.090	0.096	0.145	0.140
		(0.011)	(0.005)	(0.006)	(0.004)	(0.006)	(0.008)	(0.005)
	Black	0.447**	0.029	0.131	0.059**	0.077	0.126	0.132
		(0.013)	(0.006)	(0.009)	(0.004)	(0.008)	(0.010)	(0.005)
	Hispanic	0.410*	0.032	0.136	0.062	0.091	0.150	0.118^{+}
		(0.014)	(0.006)	(0.017)	(0.013)	(0.012)	(0.012)	(0.011)
Other Felonies (*n* = 1,914)	White	0.176	0.029	0.266	0.057	0.127	0.229	0.116
		(0.012)	(0.004)	(0.011)	(0.005)	(0.007)	(0.013)	(0.009)
	Black	0.162	0.019	0.294	0.050	0.104^{+}	0.226	0.143
		(0.009)	(0.005)	(0.014)	(0.004)	(0.008)	(0.011)	(0.009)
	Hispanic	0.155	0.024	0.258	0.085	0.109	0.241	0.128
		(0.023)	(0.012)	(0.026)	(0.017)	(0.023)	(0.032)	(0.015)

Note: Predicted probabilities estimated via multinomial logistic regression with robust standard errors.
** $p<0.01$, * $p<0.05$, $^{+}$ $p<0.10$; all statistical comparisons are between the specified minority group and Whites.

In the offense specific analyses (bottom sections of Table S1.4), there are six relatively sizable differences between Hispanic and White defendants (i.e., differences with $p<0.10$). All but one of these differences occur in the three pre-adjudication stages and only two of these differences disfavor Hispanic defendants. In particular, for drug and property offenses, Hispanics had lower probabilities of case dismissal than Whites—unfavorable outcomes. However, in comparison to Whites, Hispanics were more likely to have drug cases reduced to misdemeanors, more likely to have property cases diverted from prosecution, more likely to have cases involving violence dismissed, and more likely to have adjudication withheld in cases in which the most serious charge was a property offense ($p<0.10$)—all more favorable outcomes than Whites. Moreover, Hispanic-White differences on the three sentencing outcomes reveals only one arguably meaningful difference—Hispanics were less *likely* than Whites to be sentenced to prison in cases in which the most serious charge was a violent felony. The only felony offense type that is mildly suggestive of Hispanic disadvantage is "other" felony offenses; in that, relative to Whites, Hispanics were less likely to have their cases dismissed, diverted, transferred, or sentenced to probation, but more likely than Whites to be sentenced to jail or prison. Yet, none of the ethnic differences in "other" felony analyses were statistically significant.

Cumulative case outcomes differed more sharply between Black and White defendants. Black defendants were more likely to have their cases dismissed but were less likely to be diverted than Whites ($p<0.10$). Black defendants also were less likely to be adjudicated guilty and sentenced to probation (0.110) as well as more likely to be adjudicated guilty and sentenced to prison (0.157) than Whites (0.134 and 0.135, respectively)—both of these differences are statistically significant at conventional levels of significance. These differences may seem small in magnitude but extrapolating from our sample to the population suggests that these differences

add-up to create significant disadvantage against Black defendants. For example, the Black-White difference in the predicted probability of receiving a prison sentence is modest, 0.022 percentage points, but multiplying this difference by the number of Black defendants in our sample (4,193) and 20 to extrapolate from our 5% simple random sample to the population indicates that roughly 1,850 additional Black defendants were sentenced to prison due to Blacks' higher rate of receiving prison sentences. Conversely, if White defendants had the same predicted probability of receiving a prison term as Blacks, nearly 2,500 additional White defendants would be sentenced to prison.[17] Thus, these seemingly small differences in the aggregate lead to sizeable number of Black defendants receiving more punitive sentences than similarly situated White defendants.

The offense-specific Black and White cumulative case outcome analyses reveal stark differences in the distributions of case outcomes for several offense types. The two felony offense types that exhibited patterns of outcomes that roughly fit the cumulative racial disadvantage hypothesis are drug and "other" felony offenses—the two felony types with the lowest severity levels and without identifiable victims. The marginal effect of race (Black vs. White) displays the clearest evidence of Black cumulative disadvantage; in that, in comparison to Whites, Blacks exhibited small but non-statistically significant disadvantages in the early cases outcomes (i.e., case dismissed, diverted), approximately equivalent probabilities of receiving the middle case outcomes (transfer, withholding of adjudication), but were disadvantaged on the sentencing outcomes—namely they were less likely to receive probation, more likely to be jailed (non-statistically significant) and more likely to be imprisoned. Taken together, these findings

[17] Number of additional Black prisoners calculated as number of Black defendants (4,193) in our sample times the Black-White difference in the predicted probability of receiving a prison sentence (0.022) times 20 or = 4,193*0.022*20 = 1,844.92. Number of additional White prisoners is 5,566*0.022*20 = 2,449.04.

indicate for drug offenses race differences were typically small but accumulate differentially across stages to result in Black defendants being more likely to be convicted of a felony and to receive more punitive sanctions that White defendants who were similar at case filing. Somewhat similarly, "other" felony offenses had a pattern of cumulative case outcomes suggesting Black disadvantage in comparison to Whites but, in part due to the smaller number of such offenses, these differences were generally non-statistically significant.

The two felony offense types with greater severity levels, property and violent offenses, do not have cumulative case outcomes consistent with our hypothesis of accumulating racial disadvantage. Race differences in cumulative case outcomes for property offenses were generally small, non-statistical and do not clearly disadvantage Black defendants. For example, Black defendants were somewhat more likely to have their cases dismissed (non-statistically significant) or reduced to misdemeanors than Whites, which had the effect of lowering Blacks' probability of being convicted of a felony property offense (0.524 vs. 0.553), which in turn produced lower Black probabilities of being sentenced to probation or jail, relative to Whites. The only finding of cumulative Black disadvantage in property offenses is the finding that Blacks, despite being less likely to be convicted, had higher probabilities of being sentenced to prison than Whites but this finding was not statistically significant.

Violent offenses had the most distinctive racial distribution of cumulative case outcomes, and this pattern offered the least support for the cumulative racial disadvantage hypothesis. Relative to White defendants, Black defendants had much greater probabilities of case dismissal (0.447 vs. 0.362), which is statistically significant and the largest single race difference in all our analyses. This large difference in dismissals by race reduced the probability of Black defendants' having other case outcomes relative to Whites; that is, due to Blacks' high rate of case dismissal,

their probability of being sentenced to probation, jail, or prison were all somewhat lower than Whites. While these differences in sentencing outcomes are not statistically significant, it is notable that violent offenses are the only offense type in which Blacks had *lower* probabilities of being imprisoned than Whites, if one does not restrict the sample of cases to only convicted cases.

Taken together, Black-White comparisons on cumulative case outcomes analyses across offense types indicate that race affects post-conviction (i.e., sentencing) outcomes more than pre-conviction outcomes. Across all five offense types including all offenses, there were four Black-White differences on the three pre-conviction outcomes (case dismissal, transfer to lower court, and pretrial diversion) that were statistically significant at the 0.10 level or lower, and two of these were statistically significant at conventional levels. By contrast, there are six statistically significant differences at the 0.10 level or lower on the post-adjudication outcomes and four of these statistically significant at conventional levels of significance.

Progressive Prosecutors and Cumulative Racial/Ethnic Disadvantage

To assess differences in cumulative case outcomes and racial/ethnic disparities therein by type of SA, Table S1.5 displays predicted cases outcomes by race/ethnicity, primary offense type, and SA type. (The full results of the multinomial logistic regression are included in Table S1.C3 in Appendix D.) The predicted case outcomes in jurisdictions with traditional SAs substantively comport with the overall predicted case outcomes reported in Table S1.4. However, for all offenses and all races/ethnicities, case outcomes in jurisdictions with progressive SAs were more likely to be dismissed or transferred to a lower court and less likely to have adjudication withheld, receive a probation sentence, and much less likely to receive a prison sentence than in jurisdictions with traditional SAs. Yet, the only statistically significant

difference between progressive and traditional SAs when all offenses are considered is the probability of being sentenced to prison (χ^2 (1) = 10.96, p> 0.01). In stark contrast to circuits with traditional SAs, minorities in circuits with progressive SAs are less likely than Whites to be sentenced to probation or prison, and Blacks are also less likely to receive jail sentences than Whites. Furthermore, the magnitude of racial disparities differs between traditional and progressive SAs on several case outcomes (i.e., there are interactions between race and type of SA). In particular, Black-White differences in case outcomes differed in progressive and traditional jurisdictions in that Black-White differences in case dismissal were larger, smaller in probation sentences, and smaller in prison sentences. All of these differences indicate that Black-White differences in progressive jurisdictions either favor Black defendants (dismissal) or the magnitude of Black-White differences is smaller (probation and prison) in circuits with progressive SAs. These results indicate that cumulative racial disadvantage is meaningfully smaller in jurisdictions with progressive SAs.

Table S1.5 Predicted Probability of Cumulative Case Outcomes by Race/Ethnicity, Offense Type, and Type of State Attorney

	Outcome	Dismissed	Diverted	Transferred	Adj. Withheld	Probation	Jail	Prison
Offense Type/ State Attorney Type	Race/Ethnicity	*p*	*p*	*p*	*p*	*p*	*p*	*p*
All Offenses	White	0.216	0.050	0.120	0.088	0.153	0.222	0.151
Traditional SA	Black	0.226	0.044^{+}	0.134	0.097	0.113**	0.208	0.178*
	Hispanic	0.231	0.051	0.132	0.074	0.153	0.207	0.151
Progressive SA	White	0.268	0.069	0.150	0.060	0.100	0.235	0.119
	Black	**0.312****	0.052	0.162	0.064	**0.085***	0.215^{+}	**0.110**
	Hispanic	0.308^{+}	0.069	0.150	0.079	0.080	0.239	**0.075**$^{+}$
Drugs	White	0.170	0.077	0.086	0.103	0.165	0.261	0.138
Traditional SA	Black	0.139	0.059	0.095	0.117	0.129**	0.278	0.184**
	Hispanic	0.163	0.078	0.131^{+}	0.082	0.157	0.247	0.142
Progressive SA	White	0.237	0.080	0.100	0.074	0.103	0.294	0.113
	Black	0.237	0.048	0.143**	0.125	0.066^{+}	0.294	**0.087**
	Hispanic	0.238	0.044	0.156^{+}	0.095	0.092	0.311	0.064^{+}
Property	White	0.195	0.058	0.076	0.082	0.186	0.232	0.170
Traditional SA	Black	0.193	0.058	0.096^{+}	0.109	0.135**	0.216	0.194
	Hispanic	0.190	0.069	0.071	0.105	0.192	0.221	0.152
Progressive SA	White	0.249	0.078	0.095	0.055	0.110	0.267	0.146
	Black	*0.314*$^{+}$	0.080	0.111**	0.050	0.098	*0.210***	0.137
	Hispanic	0.266	0.120**	0.120*	0.078	0.092	0.222**	0.101
Violent	White	0.336	0.024	0.135	0.089	0.105	0.146	0.165
Traditional SA	Black	0.417*	0.025	0.130	0.079	0.073^{+}	0.124	0.152
	Hispanic	0.409**	0.022	0.130	0.049**	0.101	0.134	0.156
Progressive SA	White	0.390	0.068	0.126	0.074	0.083	0.151	0.108
	Black	0.487**	0.038	0.137	0.046^{+}	0.076	0.125	0.091
	Hispanic	0.495**	0.053	0.106	0.071	0.069	0.150	*0.056***
Other Felonies	White	0.154	0.026	0.226	0.068	0.142	0.250	0.134
Traditional SA	Black	0.135	0.022	0.290**	0.070	0.107**	0.215	0.161
	Hispanic	0.170	0.007^{+}	0.235	0.050	0.160	0.222	0.156
Progressive SA	White	0.212	0.030	0.376	0.017	0.094	0.186	0.086
	Black	0.193	0.020	**0.342**	0.039	0.090	0.215	0.100
	Hispanic	0.231	**0.047**	0.251**	0.066	0.050**	**0.277****	0.079

Note: Predicted probabilities estimated via multinomial logistic regression with robust standard errors. *Italicized* probabilities indicate that the marginal race/ethnic difference between traditional and progressive state attorneys is statistically significant at 0.10 level (i.e., the race/ethnicity interacts with type of state attorney). **Bold** probabilities indicate that the marginal race/ethnic difference between traditional and progressive state attorneys is statistically significant at 0.05 level.
** $p<0.01$, * $p<0.05$, $^{+}$ $p<0.10$; all statistical comparisons are between the specified minority group and Whites.

Comparisons between Hispanic and White defendants by type of chief prosecutor yield less dramatic differences. Overall, Hispanic-White differences in case outcomes by type of SA were comparable; however, Hispanic defendants have a lower probability of being sentenced to prison than Whites in jurisdictions with progressive SAs, and this difference is statistically different than the Hispanic-White difference in prison sentences in traditional jurisdictions (i.e., for prison sentences, there is an interaction between Hispanic and type of SA). Drug cases had a different distribution of case outcomes by type of prosecutor. In progressive jurisdictions, there are no racial/ethnic differences in pre-adjudication outcomes (i.e., case dismissal, diversion, or transfer) that disadvantaged minorities. In fact, both Black and Hispanic defendants were more likely to have charges lowered to misdemeanors. And, post-adjudication, Black and Hispanic defendants in progressive jurisdictions were less likely to receive probation or prison sentences than Whites. Once again, the association between race and the probability of a prison sentence interacts with the type of SA as Blacks had a lower probability of a prison sentence than Whites in progressive jurisdictions but a higher probability of this outcome in jurisdictions with traditional SAs.

For other felonies, the racial/ethnic distribution of case outcomes also varies by type of SA. Cases adjudicated in circuits with traditional SAs exhibited several statistically significant differences in cumulative case outcomes by race; for example, Black defendants were more likely to have their cases transferred to lower courts and were less likely to be sentenced to probation. Yet, in circuits with progressive SAs, Black and White defendants received comparable case outcomes. By contrast, Hispanic-White differences in case outcomes in progressive jurisdictions indicate Hispanic disadvantage, as Hispanic defendants were less likely to have their cases downgraded to misdemeanors, less likely to receive probation sentences if

adjudicated guilty, and more likely to receive jail sentences than Whites. Moreover, the relationship between ethnicity and the case outcomes of diversion and jail differed significantly by type of SA.

For property and violent offenses, cases with progressive and traditional SAs displayed the same dominant differences. Cases in jurisdictions with progressive SAs had higher probabilities of receiving pre-adjudication outcomes and lower probabilities of receiving post-adjudication outcomes. Yet, racial/ethnic differences in case outcomes did not differ based on the type of SA.

Indirect Race/Ethnicity Effects via Institutional Practices

The logistic and multinomial logistic regression models reveal that "legally relevant" variables and race, and to a lesser extent ethnicity, are related to case outcomes. These models do not, however, assess how legally relevant factors indirectly contribute to group differences in case outcomes. To address this issue, we employed Gelbach decomposition models for all felony offenses. Table S1.6 summarizes the decomposition models for Black-White differences for each cumulative case outcome. For case dismissal, the raw marginal mean difference between races is 4.2 percentage points indicating that Black defendants were more likely to have their case dismissed than Whites. In the full model, this difference shrinks to 1.8 percentage points, and the other 2.4 percentage points are explained by demographics (i.e., age, gender), the hiring of a private attorney, pretrial detention, prior convictions, the various measures of case/offense seriousness, and SAO/circuit. The middle section of Table S1.6 reports the variation explained by each of these components. The bottom section of the table reports the percent of the explained variation due to each factor. For instance, approximately 85% of the explained variation by race in case dismissal is attributable to circuit (48%), charges (24%), and use of private defense

counsel (12%). Across the seven case outcomes, pretrial detention accounts for little of the explained race difference—a finding in opposition to our predictions but unsurprising given that Blacks and Whites had very similar probabilities of being detained. As we expected, the use of private attorneys helps explain Black-White differences in pretrial outcomes but had more limited effects on sentencing, particularly imprisonment decisions. Prior felony convictions also accounted for a substantial portion of Black-White differences on case outcomes with the exceptions of case dismissal and sentences of probation. The SAO indicators made the greatest contribution towards explaining race differences on case dismissal, case transfer, withholding of adjudication, and probation sentences. Likewise, race differences on the charge variables consistently accounted for a sizeable portion of the explained race differences, particularly on the outcomes concerning case diversion, jail, and prison. These decomposition analyses make clear that variables considered legally relevant such as prior convictions, charge seriousness as well as differences in SAO, are indirect sources of racial disparities in case outcomes, and for pretrial outcomes, attorney type is a salient source of indirect race effects.

Table S1.6 Decomposition of Black-White Disparities in Case Outcomes: All Offenses

	Dismissed		Diverted		Transferred		Adj. Withheld		Probation		Jail		Prison	
Variable	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE
Base model	0.0417**	0.0087	-0.0154**	0.0045	0.0169*	0.0070	-0.0059	0.0056	-0.0510**	0.0067	-0.0223**	0.0085	0.0363**	0.0071
Full model	0.0178*	0.0089	-0.0087+	0.0047	0.0096	0.0072	-0.0120*	0.0057	-0.0233**	0.0071	-0.0084	0.0088	0.0249**	0.0070
Explained difference	0.0239**	0.0044	-0.0067**	0.0021	0.0073*	0.0034	0.0061*	0.0028	-0.0277**	0.0030	-0.0139**	0.0039	0.0114**	0.0040
Variation explained by:														
Demographics	-0.0012	0.0016	0.0004	0.0010	-0.0025+	0.0013	0.0049**	0.0011	-0.0057**	0.0013	-0.0034*	0.0016	0.0071**	0.0014
Private Attorney	0.0036**	0.0008	-0.0025**	0.0005	0.0022**	0.0005	-0.0011*	0.0004	-0.0020**	0.0005	0.0012*	0.0005	-0.0017**	0.0005
Detained Pretrial	0.0012+	0.0007	0.0009+	0.0005	0.0002	0.0002	0.0006+	0.0004	0.0009+	0.0005	-0.0013+	0.0008	-0.0025+	0.0014
Prior Convictions	-0.0026**	0.0009	-0.0036**	0.0006	-0.0045**	0.0008	-0.0060**	0.0008	-0.0012	0.0007	0.0046**	0.0010	0.0133**	0.0014
Charges	0.0076**	0.0022	-0.0051**	0.0007	0.0033+	0.0018	-0.0032**	0.0007	-0.0026**	0.0009	-0.0100**	0.0016	0.0100**	0.0019
Circuit	0.0151**	0.0029	0.0032*	0.0013	0.0086*	0.0022	0.0108**	0.0021	-0.0172**	0.0023	-0.0050+	0.0027	-0.0149**	0.0021
% Explained By:														
Demographics	3.74		2.60		11.75		18.55		19.39		13.11		14.38	
Private Attorney	11.59		15.89		10.50		4.06		6.65		4.87		3.43	
Detained Pretrial	3.94		5.53		0.83		2.35		3.00		5.25		4.96	
Prior Convictions	8.19		23.04		21.21		22.50		3.90		18.04		26.90	
Charges	24.26		32.41		15.57		12.03		8.82		39.22		20.20	
Circuit	48.28		20.52		40.14		40.51		58.24		19.51		30.13	

** $p<0.01$, * $p<0.05$, + $p<0.10$

Table S1.7 reports the decomposition results for the Hispanic-White comparisons. The raw mean differences are generally smaller than Black-White differences, and Hispanic-White differences are diminished to non-statistically significant magnitudes after the inclusion of the other independent variables. For example, Hispanics relatively greater rates of dismissal are largely attributable to ethnic differences in Circuit (79%), pretrial detention (7%), and gravity of charges (9%)—and after accounting for these variables, the disparity changes direction to disadvantage Hispanics (i.e., less likely to have case dismissed), but this disparity falls in magnitude and it is no longer statistically significant. Notably, we hypothesized that minority disadvantage would be indirectly transmitted via disadvantages on pretrial detention, hiring of private attorneys, and prior convictions. In contrast to our predictions, Hispanics, on average, were *not* disadvantaged relative to Whites on any of these variables. As a result, these factors do not contribute to the cumulative ethnic disadvantage. However, there were large variations in Hispanic-White disparities between circuits. In particular, with the exceptions of the case transfer and jail sentences outcomes, case context contributed most heavily to explaining ethnic disparities between and across case outcomes. The large explanatory effect of case context indicates that ethnic differences vary substantially across circuits.

Table S1.7 Decomposition of Hispanic-White Disparities in Case Outcomes: All Offenses

	Dismissed		Diverted		Transferred		Adj Withheld		Probation		Jail		Prison	
Variable	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE	Coef.	SE
Base model	0.0542**	0.0121	-0.0154*	0.0045	0.0101	0.0097	0.0047	0.0077	-0.0311**	0.0093	-0.0207+	0.0117	-0.0321**	0.0099
Full model	-0.0133	0.0122	0.0077	0.0065	0.0161	0.0099	0.0019	0.0078	-0.0143	0.0097	0.0015	0.0121	0.0015	0.0096
Explained difference	0.0675**	0.0058	0.0076**	0.0028	-0.0059	0.0044	0.0028	0.0037	-0.0167**	0.0040	-0.0222**	0.0051	-0.0335**	0.0053
Variation explained by:														
Demographics	-0.0008	0.0015	-0.0012	0.0010	-0.0017	0.0012	0.0034	0.0011	-0.0054**	0.0013	-0.0021	0.0015	0.0076**	0.0013
Private Attorney	-0.0016+	0.0009	0.0011+	0.0006	-0.0010+	0.0006	0.0005	0.0003	0.0009+	0.0005	-0.0006	0.0004	0.0007+	0.0004
Detained Pretrial	0.0047**	0.0011	0.0033**	0.0007	0.0007	0.0005	0.0024	0.0006	0.0034**	0.0008	-0.0052**	0.0012	-0.0094**	0.0020
Prior Convictions	0.0015*	0.0006	0.0021**	0.0005	0.0026**	0.0007	0.0035	0.0008	0.0007	0.0004	-0.0027**	0.0008	-0.0078**	0.0018
Charges	0.0068**	0.0029	-0.0023**	0.0008	-0.0045+	0.0023	-0.0007	0.0006	-0.0010	0.0009	-0.0070**	0.0019	0.0087**	0.0025
Circuit	0.0569**	0.0046	0.0046*	0.0022	-0.0020	0.0035	-0.0062+	0.0033	-0.0152**	0.0036	-0.0046	0.0044	-0.0333**	0.0033
% Explained By:														
Demographics	1.15		8.41		13.90		20.16		20.28		9.55		11.25	
Private Attorney	2.21		7.46		7.86		2.86		3.25		2.49		1.11	
Detained Pretrial	6.54		22.60		5.38		14.39		12.75		23.25		13.96	
Prior Convictions	2.06		14.30		20.96		20.91		2.52		12.15		11.50	
Charges	9.37		15.82		35.57		4.32		3.90		31.71		12.81	
Circuit	78.66		31.41		16.33		37.36		57.30		20.87		49.37	

** $p<0.01$, * $p<0.05$, + $p<0.10$

Qualitative Interviews

To supplement our analysis of information extracted from online court records, we examined interviews conducted with 11 chief or deputy chief prosecutors. These interviews were conducted with both progressive and traditional chief prosecutors, which allows us to compare and contrast their responses across several domains.

Philosophy

Although most of our questions were specific to office policies and practices that are reflective of the SA philosophy, several interviewees provided information on the overarching philosophical approaches in their jurisdiction. Two progressive jurisdictions emphasized a "cultural shift" in which prosecutors were moving away from always seeking the maximum or piling on charges to negotiate down during plea bargaining (also referred to as charge bargaining). In one of those jurisdictions, the SA stated that "It's making sure that people understand what their job is and their job is prosecuting in cases not a law school exam. Your job is not to figure out every potential charge that can be filed and to seek the highest sentence every time."

Most jurisdictions also emphasized a philosophy of keeping individuals convicted of low-level and/or non-violent offense out of jail or prison, and this sentiment was expressed in both progressive and traditional jurisdictions. Both types of jurisdictions mentioned that the later impacts in life once a defendant has a criminal record as motivation for this philosophy. A prosecutor in a traditional jurisdiction said straightforwardly "You have people that are trying to make their way through life [in an] acceptable fashion. And if you adjudicate that, you eliminate any path they might have to go forward." One SA in a progressive jurisdiction linked the

decision to avoid criminal records to the larger structural issue of intergenerational poverty and life chances: "…adjudication is more important than potentially even a term of incarceration, because long term incarceration is over. It's over. You know, hopefully with the adjudication [won't] prevent you from getting student loans for certain student loans, prevent you from living in certain communities. And what does that mean to the schools your children go to now and the neighbors that they have? Right. So are we perpetuating the cycle?" Notably, however, one traditional jurisdiction stated that cases where they declined to prosecute were more because of internal considerations related to getting a conviction than the life chances of the defendant. This SA stated, "We cull the cases at the front end rather than the back end, and therefore we're not dragging people through the system that we don't think we will be successful, we'll be able to successfully prosecute."

One philosophical goal that was mentioned in 2 traditional jurisdictions and 2 progressive ones is the emphasis on consistency across cases. Regarding considerations during plea negotiations, one traditional SA mentioned (among other factors) that "You look for consistency and uniformity. But these cases are not you know, they're not just checklist. I mean, they're human beings are involved and they're all very different. So you have to do your best to do the right thing." Another traditional SA explained, "I think probably the most important goal is to achieve a fair resolution, both for the victims if you will, and for the defendant. And it's important that you develop some modicum of consistency across the board. So it doesn't really matter what judge you get or what prosecutor you get, everything's going to come out pretty much the same. You can't always achieve that, there's too many personalities involved, but that that would be my ideal goal that everybody's treated the same and all divisions are treated the same." Only one interviewee (traditional jurisdiction) stressed punishment as the top priority:

“The criminal code is to punish the defendant. Rehabilitation is a secondary consideration. So that's our take on it.”

Factors Influencing Pleas and Charging Decisions

We asked interviewees several questions about factors that influenced plea bargaining and charging decisions. Given that a large percentage of cases are resolved with plea bargains, how a SAO handles pleas should be particularly informative of the SA philosophy. Specifically, our first question about prosecutorial discretion in regard to plea bargaining or the determination of charges asked, “In your opinion, how should prosecutors use their discretion?” and we followed up with “What are the most important goals to be achieved?” Most respondents emphasized that there was no single consideration when determining an appropriate offer or charge and that “depended on the case and the circumstances of the case.” The most often mentioned considerations include the defendant’s criminal history (and/or scoresheet) (n=11) and victims’ wishes (n=11). Other considerations included the strength of the evidence, consistency and uniformity across cases, and opportunities for rehabilitation. (Notably, measures of several of these factors, including victims’ wishes and strength of evidence were not available in the quantitative portion of this research.)

Goals included the successful resolution to the case and justice. One SA from a traditional jurisdiction answered that “public safety is always [the] number one” concern, but also highlighted the realities of taking a case to trial: “…the strength of the case. You have to evaluate what your odds are. That can be an important factor. What is the quantum of evidence and what is the credibility of the evidence, all of those factors can weigh in as well.” Later, the same SA stated “I don't want to prosecute somebody unless I'm pretty sure I can get 'em.” Alternatively, a SA from progressive jurisdiction focused on fairness and stated that “…the goal

in plea bargaining should be to get it right," and further explained that the SA "doesn't believe in a trial tax…doesn't believe that individuals should be penalized for exercising their right to go to trial." The focus on fairness and justice was not limited to progressive jurisdictions as a traditional SA explained "What we're trying to do in every case to find just results." Though this SA also added that "defining what that is, is the problem nowadays."

A SA with a traditional focus explained that discretion can occur earlier in the process, in deciding whether to file a charge or not: "Sometimes we can charge a crime. We've got legally the basis for it, but we decide, no, we don't need to. Maybe the arrest was sufficient or maybe, you know, that's enough. We don't need to bring them through the process; that happens sometimes. And that's where some discretion can come into play. But we should not we should not go beyond that because the facts and the law determine whether a crime was committed and whether or not we should charge, whether we can charge. If we do decide to charge it, then the discretion is, I think, more pronounced, because at that point we're looking at how we can resolve it." In another (traditional) jurisdiction, however, discretion when it comes to filing charges is more limited. The interviewee emphasized that the SA "expect[s] them to pursue the statutory mandatory," and that "the requirement is that they will pursue it absent a reason not to." In that jurisdiction, if ASAs do not want to seek the mandatory, they need to get supervisory approval to do so.

Victim wishes are influential in every jurisdiction due in part to Florida law which requires victim input, but the degree to which the victims' desires are controlling varies by jurisdiction. Most jurisdictions obliged the victims or their families when their desires were considered "reasonable" (6); four jurisdictions stated that the victim or victims' families' desires are important, but not controlling (4), and one (traditional) jurisdiction stated that victims have

"veto" power. There did not appear to be any differences in addressing victims' desires across progressive or traditional jurisdictions. Responding to a question about the role of victim input in plea bargains, one SA in a traditional jurisdiction stated "That's huge. We don't rubberstamp any victim's wishes…but we seriously take them into account." A similar sentiment was expressed in a SAO that is progressive: "So we always give them an opportunity to express their wishes to us. We give them an opportunity if they want to make their wishes heard to court. We certainly don't follow them as far as, hey, the victim wants the maximum so our offer is the maximum. We aren't that that rigid. But it can make the difference." In terms of filing charges, however, a progressive SAO explained that they "are far more likely to file charges in a case where our victim is asking for it in a case where the victim is not for multiple reasons. Victims represent the community."

Almost all jurisdictions consulted with or obtained the opinion of law enforcement during the plea negation process. There was some variation in the weight given to the opinions of law enforcement officers (LEO), however. For example, a prosecutor in a traditional jurisdiction said, "law enforcement, I think, carries a lot of weight," while a prosecutor in a different traditional jurisdiction said that unless the LEO is also the victim, "they are not going to be in charge what the [charging] decision is going to be." This sentiment was reiterated by a different traditional SAO, who tells his ASAs, "Don't let the law enforcement officer dictate the charge that you file as an information. You need to look to see what was really going on and make that decision accordingly, it is your responsibility…Just because the cops shoehorned it in there doesn't mean it belongs there." In one progressive jurisdiction law enforcement plays a role, though it was undesired. When we asked whether the arresting officers' opinions influenced plea negations, the interviewee explained, "…law enforcement, as much as I would like to say it does

not, they do." This SA further explained that law enforcement's different perspective was not always compatible with the SAO: "I understand that from a law enforcement point of view, you have a completely different vision of what's going on than I have…that's not where we should fall, we should always listen to hear their point of view, but ultimately we have to do what we believe is justice."

The respondents almost universally said that judges do not get involved in the plea negotiation process, though they made some distinction between the negotiation process and accepting or rejecting the deal in court. In a traditional jurisdiction, a prosecutor said, "Some judges are very outspoken and some judges will say, no, I'm not going to accept that plea. And some judges never say that. And then there's it all in between." Several interviewees made references to historical involvement that was no longer prevalent: these days "judges are just happy to move their docket."

Perceptions on Racial Disparities

We asked interviewees to provide their opinions on what explains racial disparities in the criminal justice system (note, the question was framed such that we were not asking specifically in their jurisdiction). The most common response focused on poverty and/or economic status of Black Americans (6), and for a smaller subset, the economic status of Black communities specifically (3). All the interviewees who discussed poverty or economics as related to disparities in the criminal justice system (CJS) were from traditional jurisdictions. One SA in a traditional jurisdiction stated, "I think that if you look at our country in the different poverty levels along the different race lines, unfortunately, African-Americans are much more disadvantaged position economically." A SA in a different traditional jurisdiction provided more detail in his explanation, tying it to community support: "in the African-American community, there is not

the same support, if you will, that you might find in the Caucasian community, where people come to stand by the defendant or write letters saying that they really like this guy and really want him to keep working for him with that kind of stuff, that you don't get that kind of backing out of the African-American community." Another SA in a traditional jurisdiction explained, "Why is it poverty plays a role? I think lack of hope, mistrust of the system of law enforcement, of the state attorney's office and I think some just downright, you know, some misinformation and lies out there. You put all that together and you've got a recipe for disaster." This SA further explained that in their experience poverty has "a generational effect" and that "in certain communities…it hasn't changed."

In a couple of traditional jurisdictions, the interviewees linked economic disadvantage to the inability to hire private attorneys. Or at the community level, to secure witnesses or witness testimony.

Interviewees from progressive jurisdictions more often referred to criminal histories (n=2), the system itself (n=2), or the larger social structure of society (1). (One SA from a traditional jurisdiction also mentioned that disparities are "long term societal" and "ingrained".) One interviewee from a progressive jurisdiction answered, "I do think what drives it again is criminal history. But I will not dispute that there is not just that systemic bias, there is individual bias by prosecutors and judges." Another interviewee from a progressive jurisdiction acknowledged the role of systemic bias, "I do believe that there's work that we can do in the criminal justice system to make it less biased by recognizing that there is a bias."

In two jurisdictions, one progressive and one traditional, the interviewees explained that their jurisdiction was "colorblind" or "too busy to deal with that nonsense" (i.e., racial bias), and in both cases did not elaborate on disparities in the system at large. None of the respondents

directly addressed Hispanic-White disparities.

Discussion

Research has long established that racial and ethnic disparities exist in sentencing decisions (see e.g., Baumer, 2013; Spohn, 2015), but less is known how race and other social inequalities impact the full course of case processing and whether this varies by prosecutorial viewpoints. To help close this gap in knowledge, we constructed a novel data set based on publicly available felony court records in Florida to assess how the race of defendants affects individual and cumulative case processing outcomes, and whether racial disadvantages operate indirectly through pretrial detention decisions, privately retained defense counsel, and prior felony convictions. We hypothesized that similarly situated Black and Hispanic defendants would receive more punitive outcomes than White defendants at each stage of the trial process and that these disadvantages would accumulate through the case process. Furthermore, we predicted that case outcomes would be less punitive for Black and Hispanic defendants in jurisdictions with more progressive prosecutors relative to cases adjudicated by more traditional state attorneys. The results of our analyses yield five central findings that provide mixed support for these hypotheses.

1. **We find inconsistent evidence that Black defendants are disadvantaged relative to Whites.**

For instance, the analyses of individual outcomes indicate that prosecutors were less likely to file felony charges against Black defendants, which in turn led to Black defendants having lower probabilities of being found guilty; however, Black defendants were less likely to be diverted from prosecution or sentenced to probation, but were more likely to receive prison

sentences than White defendants. Likewise, evidence of cumulative racial disadvantage was generally mixed and varied by charge type/seriousness. Patterns of racial disparities consistent with the notion of cumulative disadvantage were stronger in less serious case types, drugs (a category overwhelmingly comprised of possession offenses) and "other" felonies, and less apparent in more serious case types, violent and property offenses. Thus, these findings do not offer strong support for our hypotheses of individual and cumulative racial disadvantage.

The finding that racial disparities vary markedly by offense type has implications for explaining Black defendants' higher rates of case dismissal. In particular, the overall analysis that includes all offense types, Blacks had higher rates of case dismissal. Given the historic and contemporary evidence of over-policing of Black or disadvantaged neighborhoods (see e.g., Braga, Brunson, & Drakulich, 2019), it would be logical to assume that this finding is attributable to Black defendants being arrested in situations where the evidence did not support prosecution (i.e., cases based on weak or flawed evidence). However, Black defendants' higher rates of case dismissal was isolated to violent and property offenses. This is significant because aggressive, proactive policing is most likely to inflate the number of arrests for drug, weapons, and other minor offenses—not violent or property offenses. Therefore, we do not believe that aggressive, proactive policing explains the higher rate of case dismissal among Black defendants observed in cases with violent or property charges. Instead, we believe that victim characteristics, victims' preferences in case outcomes, and circuit of prosecution are the most likely explanations for Black defendants' relatively high rate of case dismissal. That is, given that most crime is intra-racial (Morgan, 2017) and Blacks view the criminal justice system less favorably than Whites (Braga et al., 2019; Brunson, 2007), we suspect the observed difference in case dismissal is explained by court actors being more likely to seek punitive case outcomes in

cases with White victims and Black victims being less likely to cooperate with police and testify in court. Notably, lack of victim cooperation is one of the most common reasons for case dismissal, and violent and property crimes most often need victim cooperation and victims to reliably appear in court for successful prosecution. Furthermore, progressive prosecutors' commitment to non-prosecution of low-level offenses may be contributing the high dismissal rates of Black defendants. Indeed, our findings revealed that the SAO in which the case was being handled accounted for almost 50% of the variation in dismissal rates for Black defendants (Table S1.6).

2. We largely did not find evidence of Hispanic defendants being disadvantaged relative to similarly situated White defendants.

Hispanic and White defendants generally received comparable individual and cumulative case outcomes in both pre-sentencing and sentencing phases—a finding that conflicts with our expectation of Hispanic-White individual and cumulative disadvantage (hypotheses 1 and 2). When ethnic differences were revealed, most of these differences worked to the advantage of Hispanic defendants. For example, Hispanic defendants were more likely to have their cases dismissed for violent offenses and were more likely to have their cases diverted or receive adjudication withheld than White defendants. The only instances in which Hispanic defendants were disadvantaged relative to Whites is a lower probability of having drug or property cases dismissed. Similarly, Omori and Petersen (2020) showed significant differences between Black defendants and non-Latino Whites, but that White Latinos received similar outcomes as non-Latino Whites. Coupled with the current findings, this suggests that race may take precedence over ethnicity in contributing to differences in case outcomes in Florida courts.

3. The results provide some support for our expectation that cases processed in jurisdictions headed by progressive SAs receive less punitive outcomes

In alignment with hypothesis 3, cases handled in the four jurisdictions with progressive SAs were more likely to be closed without a finding of guilty; that is, cases in these jurisdictions were more likely to be dismissed altogether, diverted from prosecution, or transferred to lower courts than cases adjudicated in other jurisdictions. There were corresponding differences in the post-guilt stages with cases handled by progressive prosecutors having lower probabilities of withholding of adjudication and sentences of probation or prison. However, only the difference in the probability of receiving a prison sentence was statistically significant. Thus, prison sentences were substantially less common in jurisdictions headed by progressive prosecutors. The differences between progressive and traditional SAs are not confined only to low-level felony cases, instead these differences were evident across offense types.

4. Cumulative minority disadvantage was less evident in jurisdictions with progressive SAs.

This is in support of hypothesis 4. To illustrate, for all offense types, Black defendants in circuits with traditional chief prosecutors had higher probabilities of receiving a prison sentence and much lower probabilities of receiving a probation sentence than Whites. In jurisdictions headed by progressive SAs, there was no race difference in likelihood of being sentenced to prison and the race gap in probation sentences was substantially narrowed (i.e., this difference was 4 percentage points lower for Black defendants in traditional jurisdictions but 1.5 percentage points lower in progressive jurisdictions). In fact, the probability receiving a prison sentence was comparable or lower for Black vs. White defendants, as well as Hispanic vs. White defendants

for each offense type in the jurisdictions with progressive prosecutors.

5. In contrast to existing cumulative disadvantage research, our analyses found limited evidence of indirect effects, and once again more so for Black defendants than Hispanic.

The scant prior research consistently finds racial disadvantages in bail outcomes and pretrial detention, and these disadvantages contribute to cumulative disadvantage in various ways (see Kutateladze et al., 2014; Stolzenberg et al., 2013; Sutton, 2013; Wooldredge et al., 2015). In the current research, however, pretrial detention explained little of the outcomes between Black and White defendants. In fact, Whites had the highest rate of pretrial detention. Unlike Wooldredge and colleagues (2015), we did not find that retaining a private attorney was a strong contribution to minority disadvantage. Retaining a private attorney was more common among Whites than Blacks, but not Hispanics; however, private attorneys did not consistently receive more favorable outcomes than public defenders. Thus, limited racial disadvantage was transmitted via Black defendants' lower rates of having privately funding legal representation.

Like Wooldredge and colleagues (2015), our quantitative and qualitative analyses reiterated that criminal history was a powerful predictor of more punitive individual and cumulative case outcomes, and criminal history was correlated with race (i.e., on average, Blacks had more prior convictions). As a result, the use of prior convictions in court decision-making served as a potent indirect source of racial disparities, but not ethnic disparities as Hispanics had the smallest mean number of prior convictions. The strong effects of prior convictions for Black defendants highlights the role of earlier decisions within the CJS that "nickel and dime" Black defendants (Omori, 2019), but that ultimately contribute the accumulation of more punitive sanctions. Court actors may view greater criminal history as a sign of heightened defendant

culpability or dangerousness.

Limitations, Caveats, and Future Research Implications

We believe this research and its findings make salient contributions to the knowledge base; yet, it also has several limitations that need to be acknowledged. This research utilizes a state-wide sample of cases from Florida. While this state-wide sample is a strength that allows us to examine the extent to which cumulative racial/ethnic disadvantage varies by organizational features, the focus on a single state potentially limits the generalizability of our findings. Another limitation is we cannot account for racial/ethnic differences in police decisions to arrest. Our focus on felony cases leaves open the possibility that police and prosecutors are more likely to push arrests of Whites towards misdemeanor courts. We also lack information on defendants' socioeconomic status (e.g., employment status, income) and victim characteristics, including victims' preferred case outcome, as these data were not available in most cases. Likewise, like all but a very small portion of courts/sentencing studies, we lack measures of the quantity and strength of evidence against the defendant in each case.

Finally, the central limitation of the qualitative component of this research is the fact that we were unable to interview 9 out of the 20 (45%) SAs. These SAs declined or did not respond to our requests for an interview. The implication of this limitation is that we did not know the extent to which the findings from the 11 conducted interviews generalize to the other 9 State Attorney Offices.

Despite these limitations, our research adds to growing literature on racial/ethnic disparities in the criminal justice process by examining the totality of the defendant's transit through the case process, jurisdictional differences that may be due to different philosophies and

practices between SAOs, and institutional effects that may be indirectly influencing racial and ethnic disparities. We used a novel data set of over 11,000 cases across 20 circuits in Florida and an innovative analytical technique to break down sources of disparities. We found that inequalities in outcomes start earlier in the case process and can accumulate, especially for Black defendants relative to Whites, and that some of these disparities stem from institutional sources, such as using prior convictions to set bail amount or determine sanctions.

STUDY #2: RACIAL/ETHNIC DISADVANTAGE AND COURTROOM DIVERSITY

By the turn of the 21st century, it was apparent that racial and ethnic disparities in sentencing outcomes were a persistent, if not intractable, phenomenon in the United States' criminal legal system (Spohn, 2000; Zatz, 2000). Although racial and ethnic disparities are well documented, solutions to these persistent problems are more elusive. While many hoped that state and federal sentencing guidelines would increase uniformity in sentencing by curbing judges' discretion (The United States Sentencing Commission, 1993; Tonry, 1996), the reality is that significant joint and interactive effects remain that disadvantage Black and Hispanic defendants. Defendants who are young, Black or Hispanic, and male tend to receive especially punitive outcomes (Franklin, 2015; Nowacki, 2017; Spohn & Holleran, 2000; Warren et al., 2012). A pitfall of the guidelines solution to disparities in criminal case outcomes is that it focuses narrowly on judges' final sentencing decisions. This, in effect, ignores other court actors (e.g., prosecutors and defense attorneys) and the important role they play at earlier stages of criminal case processing. An alternative approach to reducing racial and ethnic disparities has been to increase the diversity of the justice workforce. Rather than change *how* court actors can use their discretion (i.e., sentence guidelines), some community and governmental agencies argue that the solution is to change *who* has the discretion to make decisions in criminal cases (U.S. Department of Justice, 2003; Ward, 2006).

Historically, those entrusted with decision-making power in the criminal legal system were predominately White and male, while those they presided over were disproportionately Black and Hispanic, and typically poor (Baum, 2008). Slowly, these positions of power are being filled by individuals from a wider variety of social backgrounds (Walker & Barrow, 1985; Ward, 2006). Yet, we still know relatively little about how this increase in the diversity of the justice

workforce has impacted equity in criminal case outcomes. What little we do know about how the race and ethnicity of decision-makers impacts their decisions tends to focus on individual court actors (see also Ward et al., 2008). However, court actors do not operate in a vacuum. Their decisions are often influenced by and, at times, dependent on other court actors. In light of the shared role court actors have in shaping criminal case outcomes, we evaluate whether the racial composition of courts is related to equity in criminal case outcomes.

Decision-Making in the Court Community

The current research integrates the court community model, courtroom workgroups, and the focal concerns perspective to consider how the racial and ethnic composition of courts might explain racial and ethnic disparities in criminal case outcomes. The court community model conceptualizes courts as organizational arenas comprised of the judges' bench, prosecutors' office, and the defense bar (Eisenstein et al., 1988; Flemming et al., 1992; Ulmer, 1997; Ulmer & Johnson, 2004). The court community is an open system shaped by the surrounding sociopolitical and county legal cultures (Dixon, 1995; Ulmer & Johnson, 2017). The actual operations of the court community occurs in the context of courtroom workgroups which are comprised of judges, prosecutors, and defense attorneys who interact repeatedly on cases (Eisenstein & Jacob, 1977). From these repeated interactions, members of the courtroom workgroup develop norms of cases processing. Within workgroups, individual court actors have particular focal concerns which are unique to their role in the criminal legal system but are also influenced by the practical consideration of maintaining professional relationships within the workgroup. The focal concerns for judges and prosecutors revolve around the blameworthiness of the individual, the threat the defendant poses to the community if released, and the practical implications and social costs of a criminal justice action (Steffensmeier et al., 1998; Ulmer et al.,

2007). Despite criminal courts being designed as an adversarial system, the interdependence of court actors and their shared goal of organizational efficiency means that court actors make their assessments of the focal concerns in the context of their particular courtroom workgroup and the broader culture of the court community. How court actors understand and weight the significance of the focal concerns depends, in part, on the particular priorities of the court community in which they operate (Ulmer & Johnson, 2004).

While blameworthiness, threat to the community, and the constraints and consequences of a particular court decision may be legitimate considerations, court actors rarely have complete, legally-relevant, information to make these assessments (Steffensmeier et al., 1998). Case severity and prior criminal history tend to inform court actors' assessments of an individual's blameworthiness and dangerousness. Beyond those factors, court actors typically do not have the time or the tools to predict an individual's likelihood of reoffending or the degree to which they should be held accountable for their offense. Building on Albonetti's (1991) uncertainty avoidance/causal attribution theory, the focal concerns perspective suggests that court actors may inadvertently rely on racial stereotypes as a proxy for relevant information about the culpability and threat of a particular individual. These racial stereotypes tend to link being Black or Hispanic with perceptions of criminality and dangerousness, thus signaling more severe sanctions (Albonetti, 1991; Levinson et al., 2010).

The concern then is that racially or ethnically homogenous court communities may be especially prone producing disparate outcomes in criminal cases due to in-group bias, which is the tendency to favor one's own group over other groups (VandenBos & American Psychology Association, 2007). When it comes to punishment, such as charging and sentencing a defendant, in-group bias may be especially relevant given that people tend to have more heightened

empathic responses to seeing someone from their racial in-group experience pain than someone from a racial outgroup (Contreras-Huerta et al., 2013; Xu et al., 2009). In the context of the criminal legal system, Johnson and colleagues (2002) found that, when asked to assign an appropriate punishment in a vignette study, White participants tended to give White defendants more lenient sentences. Participants also reported higher levels of empathy when the defendant in the vignette was White than when they were Black (Johnson et al., 2002). Furthermore, there is qualitative evidence of in-group biases in incarceration decisions. In interviews with a sample of Pennsylvania judges, Steffensmeier, Ulmer, and Kramer (1998) found that some judges hesitated to send White defendants to state prisons, which were majority Black, out of concern for White defendants' safety (see also Ulmer & Kramer, 1996). This reflects a different standard for decision-making based on the race of the defendant.

Kim, Spohn, and Hedberg (2015) provide a practical illustration of how the interactions between court actors shape sentencing outcomes. They describe how a drug offense case assigned to a prosecutor and a judge who are typically tough on drug crimes will likely result in a more punitive outcome than if the same case was assigned to a prosecutor and a judge who are both amendable to alternative dispositions for drug offenses. If one of the court actors, but not the other, is amendable to alternative dispositions, the outcome is likely to be negotiated. From the courts as communities perspective, the sentencing decision of the judge is only the final product of a series of decisions and exchanges between members of the courtroom workgroup (Eisenstein, Flemming, & Nardulli, 1988). While it may seem obvious that stricter judges and prosecutors sentence defendants more harshly than their more lenient colleagues, it highlights how a defendant's fate in the criminal legal process is, to a degree, dependent on chance. Two defendants facing the same charge in the same jurisdiction may have distinctly different

outcomes depending on which judge is assigned to their case.

The Relationship between Diversity and Decision-Making

Disparities in sentencing outcomes on the basis of defendant characteristics are well-documented in the literature (Mitchell, 2005; Spohn, 2000; Zatz, 2000). Although legally relevant factors such as prior record score, offense severity, and mode of conviction are routinely the strongest predictors of sentencing outcomes (Doerner & Demuth, 2010; Steffensmeier & Demuth, 2000, 2001), defendant social characteristics (e.g., age, race, gender, ethnicity) often exert significant secondary effects on sentencing outcomes, particularly the decision to incarcerate (Myers, 1988; Steffensmeier et al., 1993, 1995; Zatz, 2000). The implementation of sentencing guidelines has generally increased uniformity in sentencing outcomes by prioritizing measures of offense severity and prior record in determining sentences; however, the joint effects of defendant characteristics and the interaction between defendant characteristics and legally relevant factors remain significant (Doerner & Demuth, 2010; Tiede, 2007; Zatz, 2000). In the face of these persistent disparities, many have called for an increase in the diversity of courtroom decision-makers (Goldman, 1979; King et al., 2010; Ward et al., 2009; Welch et al., 1988).

There is reason to hope that increasing the diversity of decision-makers might improve the quality of outcomes. Several studies have examined how diversifying professions may be beneficial for increasing racial, ethnic, and gender equality across many domains in U.S. society, including healthcare (Greenwood et al., 2020), education (Birdsall et al., 2020; Gershenson et al., 2018), and employment (Cohen & Huffman, 2007). Overall, these studies highlight how greater representation may help reduce disparities in infant mortality, high school graduation, school

retention, and wage gaps.[18] The lessons from these domains suggest that increasing the diversity of decision-makers and authorities may be an important part of ameliorating some of the persistent disparities in the U.S. context. In the domain of the criminal legal system, early calls for greater diversity among courtroom workgroup members were guided by the assumption that judges, prosecutors, and defense attorneys who are from traditionally underrepresented groups will produce more just outcomes. This line of thought motivated a significant body of research on the effect of diversity on sentencing outcomes. Below, we review this growing body of literature examining whether diverse decision-makers arrive at more equitable criminal case outcomes.

Theoretically, it is not just the individual court actors that shape case outcomes. The literature on courtroom workgroups and court communities emphasizes that the interaction between court actors generates a particular set of norms. As such, the unit of analysis for examining the effect of diversity on racial and ethnic disparities ought to be conceptualized at this broader group level. While the bulk of the literature on court actor diversity focuses on the race/ethnicity of individual courts actors, a smaller set of studies have tried to capture the effect of broader organizational units. While courtroom workgroups and court communities are conceptually distinct (see Ulmer, 2019), they are often conflated in extant literature. Several studies use the language of the courtroom workgroup, but use measures that are either jurisdiction-level diversity (Haynes et al., 2010) or the race/ethnicity of individual court actors assigned to a case (Metcalfe, 2016).

Kim, Spohn, and Hedberg (2015) account for the importance of the particular interaction

[18] The education examples identify role model effects as the mechanism for improving outcomes for Black students, rather than more effective teaching or less biased decision-making on the part of Black educators. However, both articles relate to the broader notion that increasing representation in positions of authority may help to reduce racial disparities in a variety of outcomes and there are likely a variety of mechanism through which that occurs.

between the judge and the prosecutor on a case, finding that the unique judge-prosecutor pairing explains variation in sentencing above and beyond the variation attributable to the judge and prosecutor individually. While this emphasizes the importance of interactions between court actors, their study was not focused on racial and ethnic diversity. Metcalfe (2016) examines workgroup familiarity and similarity in one Florida county by accounting for the number of times the judge, prosecutor, and defense attorney interacted. Race similarity between actors, however, did not predict case processing speed.

At the more distal level, several studies have looked at the diversity of court actors jurisdiction-wide (Haynes et al., 2010; King et al., 2010; Ward et al., 2009). Using Pennsylvania sentencing data, Haynes and colleagues (2010) conceptualize workgroup similarity at the county level (percent of judges that are the same race as the chief prosecutor) but there was very little variation in this measure as all of the chief prosecutors in their sample were white. Race similarity did not predict variation in the decision to incarcerate a defendant or the imposition of restitution or fines. Ward, Farrell, and Rousseau (2009) also take a broad view racial representation by looking at racial balance between the proportion of Black judges and prosecutors in the federal district and the racial diversity of the general population in that district. They find no direct effect of judicial racial balance on sentencing outcomes but find that racial representation among prosecutors did have an effect. Importantly, racial representation among court actors was related to racial equity in outcomes – in that districts with greater Black representation (especially among prosecutors) tended to have smaller Black-White disparities in the likelihood of receiving a custodial sentence (Ward et al., 2009). Similarly, King, Johnson, and McGeever (2010) found that the diversity of the local bar association, in general, was related to county-level variation in sentencing disparities. Racial disparities in outcomes were smaller in

counties with more racially diverse bar associations.

Taken together, this body of research suggests that, in some contexts but not all, more diverse groups make more equitable decisions. Linking together in-group preferences, the interdependence of court actors, and reliance on racial stereotypes to assess the focal concerns, racially and ethnically homogenous court communities may be vulnerable to establishing norms that contribute racial and ethnic discrimination in outcomes. In all-White, or predominately White court communities, the court actors may be less attentive to how their decisions may be influenced by racialized assumptions. Plausibly, Black or Hispanic court actors may be more likely to push back on their colleagues' racialized assumptions about a defendant or question the narrative being formed about a defendant. Lending support to the notion that Black and Hispanic individuals may have "spillover" effects that improve the quality of white individuals' decisions, Sommers (2006) found that white mock-jurors are more lenient toward Black defendants when they are in more diverse juries than when they are in more homogenous juries.[19] Likewise, there is tentative evidence that more racially representative police departments are more racially unbiased in traffic stops and this effect does not operate solely through minority actors, there are spillover effects in which white officers in more diverse departments are less biased in their traffic stops (Li, 2021).

The Current Study

In this research, we improve upon the extant literature by looking at racial and ethnic diversity at the courtroom workgroup (the court actors who are routinely interacting on cases), using direct measures of each workgroup's diversity. We account for the nested nature of court

[19] Diverse groups deliberated longer, discussed more case facts, and had fewer factual inaccuracies than all white groups. It was not just that Black participants added more perspectives but that white participants in more diverse groups made fewer factual errors and discussed more case facts than those in homogenous white groups (Sommers, 2006).

actors within workgroups and workgroups within counties by using multilevel models. It is important that we control for each of these levels of analysis since there may be a selection effect of court actors into particular court communities. A Black female judge in a conservative and rural jurisdiction may face different organizational pressures and may have different ideological leanings herself than a Black female judge who lives in, and chooses to work in, a progressive and urban jurisdiction. This highlights an additional contribution of our paper which is our ability to use state-level data covering 240 courtroom workgroups in 61 distinct court communities all operating under the same state laws.

Unlike prior research that focuses on sentencing outcomes, we also account for several decision points that precede final sentencing. Prior research suggests that these earlier points in case processing (e.g., bail, case dismissal, charge bargaining, plea offers) play a significant role in the final disposition of the case and the severity of the outcome if convicted (Free, 2002; Kutateladze et al., 2014; Piehl & Bushway, 2007; Sutton, 2013). Importantly, Kutateladze and colleagues (2014) find that while Black and Hispanic defendants are not disadvantaged at every presentence decision point, the cumulative effect of these early decisions tends to disadvantage Black and Hispanic defendants (see also Wooldredge et al., 2015).

To date, this emphasis on presentencing decisions is largely missing from the research on court community diversity and racial disparities. In his review of the literature on race and presentence decisions, Free (2002) concludes with a call for future research to consider both the impact of prosecutors' race and the impact of the broader court community on presentence decisions. Likewise, after finding that racial diversity in the local bar association is related to smaller racial disparities in sentencing outcomes, King, Johnson, and McGeever (2010) called for future work to examine how "the demographics of local legal profession" may be related to

outcomes at earlier stages of criminal case processing (p. 28). We address these gaps in the current study by examining the relationship between the race and ethnicity of defense attorneys, prosecutors, and judges at various levels of aggregation and the racial and ethnic disparities at multiple case processing waypoints (felony filing, case declination, pretrial detention, incarceration decisions, felony probation, and sentence length). Based on prior evidence of racial and ethnic disparities in criminal case outcomes (T. W. Franklin, 2015; Kutateladze et al., 2014; Nowacki, 2017; Spohn & Holleran, 2000; Warren et al., 2012), and the theoretical relevance of diversity on the decision-making of groups (Li, 2021; Sommers, 2006; VandenBos & American Psychology Association, 2007), we hypothesize that:

1) Black or Hispanic defendants will receive less favorable pretrial and sentencing outcomes than White defendants
2) Court communities with a larger proportion of Black or Hispanic court actors will produce smaller racial and ethnic disparities than more homogenously White court communities.
3) Courtroom workgroups with a larger proportion of Black or Hispanic court actors will produce smaller racial and ethnic disparities than more homogenously White courtroom workgroups.

Methods

The general methodology for this study was presented earlier. For brevity's sake, we do not repeat these details. In this section, we provide key details on the sample, measures to be used, and the analyses to be employed in this specific sub-study.

Sample

This part of the research project began using the full analytic sample of 11,414 cases filed as non-murder felonies in Florida during 2017. Trained coders took the names of court actors listed in the data and found race/ethnicity information for these court actors using online sources including the Florida Bar website, LinkedIn accounts, voter records, and Facebook pages. Because the primary focus on this analysis is on court actors who routinely interact on cases thereby creating community norms, we set our inclusion criteria for coding as judges and prosecutors who appeared at least 10 times in the same jurisdiction and defense attorneys who appeared at least five times. Thus, in the current study, we only include cases that were handled by a courtroom workgroup that met our inclusion criteria. As such, the total analytic sample size for the current study is 10,582 felony cases.[20]

Outcome variables

The first three main dependent variables of interest examine pretrial outcomes: felony filed, case declination, and pretrial detention. *Felony filed* refers to cases in which the prosecutor decided to move the case forward as a felony by filing an information,[21] as opposed to dismissing all charges, diverting the case pretrial, or transferring the case to a lower-level court

[20] The sample size decreases in the sentencing models (since not all cases make it to sentencing) and in the individual-court actor models as cases without valid race and ethnicity data for the individual judge and prosecutor on the case are dropped from analysis (whereas in the workgroup and court community models, diversity is a composite measure that averages over missing data). Model-specific sample sizes are provided on the results tables.
[21] An information is a formal charging document that documents the charges filed against the defendant and the relevant information to substantiate the charges.

(e.g., misdemeanor or traffic court). Cases that were filed as a felony are coded as "1", and cases resolved through any other means are coded as "0". *Case declination* refers to cases in which the prosecutor declined all charges, effectively terminating the case from further court proceedings. We operationalize case declination as a dichotomous variable, where declined cases receive a score of "1" and cases transferred to a lower-level court, diverted pretrial, or prosecuted as a felony are scored "0". The final pretrial outcome we examine is *pretrial detention* which we operationalize as a dichotomous variable in which cases are coded "1" if the defendant remained detained throughout the entirety of the pretrial process, and cases are coded "0" if the defendant was released at any point during the pretrial process by either posting bail, being released on their own recognizance, or being released through pretrial supervision.

We examine three sentence outcomes for cases in which the defendant was found guilty of at least one felony charge (n = 6,476): probation, prison, and sentence length. We operationalize *probation* as a binary outcome where cases that received probation as the most serious penalty are coded as "1," and cases that received a custodial sentence (e.g., jail or prison sentence) are coded as "0." Cases that received a *prison* sentence as the most serious penalty are coded as "1," while cases that received either an adjudication withheld, probation, or jail sentence are coded as "0." Lastly, we examine the *sentence length* (in months) for cases that received a prison sentence (n = 1,629). Due to the presence of outliers, we take the natural log of the sentence length.

Independent Variables

Since we are interested in racial and ethnic disparities in outcomes, we account for the race and ethnicity of defendants and the court actors that handle their cases. *Defendant race/ethnicity* is measured using a series of dummy variables, including Black, White, and

Hispanic, with White serving as the reference category. One of the limitations of relying on police affidavits and court-related documents to code ethnicity is that information regarding the defendant's ethnicity is often missing. Thus, to correct for the underrepresentation of Hispanics in our sample, we use a common method of cross-referencing defendants' last names with last names in the 2010 Census (Wei et al., 2006; Word et al., 2008). Specifically, we code cases as "Hispanic," if the defendant's last name matched a last name that corresponded to 50 percent or more Hispanics in the Census.

For judges, prosecutors, and defense attorneys, we collected data on whether they were Black, Hispanic, or White. For analysis, however, we collapse these categorical variables into binary indicators for *judge white, prosecutor white, and defense attorney white* (0= Black or Hispanic, 1=White).[22] From these individual measures we created workgroup and court community diversity indicators. Judges, prosecutors, and defense attorneys in Florida are assigned to a courtroom and that assignment is generally stable within a given year. In that courtroom, a judge will typically work with a several of prosecutors and defense attorneys. Thus, we construct *workgroup diversity* by isolating judges who presided over at least 10 cases in that jurisdiction, and then prosecutors who appeared at least 10 times and defense attorneys who appeared at least five times. We then calculated the racial diversity of the workgroup by taking the average of the judge, prosecutor, and defense attorney race indicators (0/1) for each case involving core members of the workgroup (i.e., if all three court actors are white that would be a

[22] We acknowledge that by doing this we lose potentially meaningful differences between Black and Hispanic court actors relative to each other. However, we estimated the analyses using including separate indicators for Black and Hispanic court actors and alternative measures of workgroup and court community diversity (% Hispanic or % Black instead of % white) and the substantive takeaways were the same. Thus, to conserve degrees of freedom, we use the simplified white vs. Black or Hispanic indicators.

1, if none of the court actors were white that would be a 0).[23] Next we aggregated the case-level averages to the workgroup-level. We are interested in whether workgroups with a larger proportion of Black and Hispanic court actors create distinctive norms of case processing that are reflected in pretrial and sentencing outcomes, not whether individual court actors of color make different decisions relative to their white counterparts.

Control Variables

We control for a variety of factors found to be related to our outcome measures in prior research. We first control for defendant characteristics, including gender and age. Given that females tend to more lenient treatment that males (Doerner & Demuth, 2014; C. A. Franklin & Fearn, 2008; Hauser & Peck, 2017; Steffensmeier et al., 1993), we account for defendant *gender* (0,1), with males serving as the reference category. Defendant *age* is measured as the defendant's age at the time the case was initially filed in 2017. Given that prior research has found that age has a curvilinear effect on case processing outcomes, we also include a measure of *age-squared* (Steffensmeier, Ulmer, & Kramer, 1998).

We also controlled for several case characteristics that are routinely related to the severity of case outcomes (Steffensmeier et al., 1998; Steffensmeier & Demuth, 2000; Wooldredge et al., 2015). First, we control for the *type of counsel* the defendant had at the time of case resolution. Cases in which the defendant was represented by private counsel received a score of "1", while cases in which the defendant was represented by a public, appointed, or pro se counsel received a score of "0". Second, for all models, except the model examining pretrial detention, we control for *pretrial detention*, measured as a binary outcome (1 = being detained pretrial). Third, we

[23] To calculate the case-level racial composition of court actors we use the rowmean command in Stata which averages over missing values for the prosecutor and defense attorney race (judge race is required for inclusion since workgroups are centered around one judge).

control for the defendant's *number of prior convictions.* Fourth, we control for the *number of charges at complaint* for the pretrial outcomes and the *number of charges at disposition* for the sentencing outcomes. Due to the presence of influential outliers, we truncated the number of charges at both complaint and disposition at the 99th percentile, which allows us to retain all relevant cases in our regression models without our models being influenced by outliers. Lastly, we control for offense seriousness using three separate measures. First, we control for *the total offense points at complaint* and *the total offense points at disposition* for the first three initial charges using the CPC offense severity ranking chart.[24] Second, we control for *the most violent offense at complaint* and *the most violent offense at disposition* by using a series of dummy variables that include property, violent, other, and drug offenses, with the latter serving as the reference category. Lastly, we control for *the most serious offense degree at complaint* and *the most serious offense degree at disposition* by also using a series of dummy variables that include felony in the first degree/life felony, felony in the second degree, and felony in the third degree, with the latter serving as the reference category.

Given the significant variation in norms of case processing between courts (Arazan et al., 2019; Johnson, 2006; Kautt, 2002; Ulmer, 2012; Ulmer et al., 2010; Ulmer & Johnson, 2004), we control for several county-level characteristics using data from the Florida Department of Health and Florida's Uniform Crime Report. First, we control for the *number of judges per county.* Second, we control for *caseload pressure*, measured as the number of cases per judge for

[24] To test the sensitivity of our analyses to our selection of offense severity variables, we re-estimate all of our models using primary offense points, which reflects only the most serious offenses, instead of the total offense points. While the magnitudes shift around slightly, the substantive interpretations are unchanged. The only changes in statistical significance to primary variables of interest are (1) that court community diversity in the sentence length model drops from marginally significant (p<0.1) to not statistically significant at all (as does the interaction between court community diversity and defendant race/ethnicity) and (2) the coefficient for Black defendants in the courtroom workgroup model for case declination drops from being statistically significant (p<0.05) to being marginally significant (p<0.1). The takeaways from this project are the same regardless of which offense severity measure we use.

each county multiplied by 20, given that five percent of cases were randomly sampled from each county. Third, we control for the county's *socioeconomic conditions* for the calendar year 2017 by creating a summed z-scale of that year's unemployment rate and the percent of the population that was living below the poverty line by county. Fourth, we control for the county's *crime rate* in 2017, which was measured as the number of crimes reported to law enforcement per 100,000 people by county. Lastly, we include measures of the *percent Black* and *percent Hispanic* to account for the county's racial and ethnic composition.

Analytical Strategy

To examine at what level court actor diversity may affect racial and ethnic disparities in presentencing and sentencing outcomes, we estimate multilevel mixed effects logistic regressions for felony filing, case declination, pretrial detention, probation and prison decisions and multilevel mixed effects linear regressions for logged sentence length. We use multilevel models to account for the structure of the data as individuals (level 1) are nested within courtroom workgroups (level 2) within court communities (level 3) (Raudenbush & Bryk, 2002). We estimate unconditional models for each of the case processing outcomes to determine the variation explain at each of these three levels. We then estimate direct effect models to examine whether there are racial or ethnic disparities in outcomes and whether the amount of racial/ethnic diversity in workgroups predicts variation in outcomes. We also estimate interactive models that examine whether the level of work group diversity is related to the magnitude of racial/ethnic disparities in outcomes by interacting defendant race and ethnicity with courtroom workgroup diversity. Finally, we summarize information from the qualitative interviews that pertains to the office structure and working groups.

Results

Descriptive Statistics

The descriptive statistics are available in Table S2.1. In 2017, 57% of cases in Florida's circuit courts were filed as a felonies, 25% of cases were declined, and 35% of defendants were detained pretrial. Of defendants convicted, 25% were sentenced to probation, 25% were sentenced to prison, and the average sentence length was just over 80 months. Of the judges that met out criteria for data collection, the vast majority were White (White 91%, Black 3%, Hispanic 6%). Prosecutors and defense attorneys were also predominately White (White prosecutors=84%, defense=83%; Black prosecutors=9%, defense=11%, Hispanic prosecutors=7%, defense=5%). As such, the average courtroom workgroup was 88% White.

Table S2.1 Descriptive Statistics

	Obs.	Mean	Std. Dev.	Min	Max
Pretrial Outcomes					
Filed as a Felony	10598	.57	.49	0	1
Case Declined	10598	.25	.43	0	1
Detained Pretrial	10598	.35	.48	0	1
Sentencing Outcomes					
Probation	5208	.25	.43	0	1
Prison Time	6057	.25	.43	0	1
Sentence Length	1531	80.67	570.58	1	9999
Level 1: Case Characteristics					
Female Defendant	10598	.23	.42	0	1
Black Defendant	10598	.37	.48	0	1
Hispanic Defendant	10598	.14	.35	0	1
Age at Filing	10598	34.39	11.61	15.14	89.6
Private Attorney	10598	.19	.39	0	1
Detained Pretrial	10598	.35	.48	0	1
# of Prior Convictions	10598	1.17	2.01	0	16
# of Charges (at complaint)	10598	2.18	1.63	1	10
# of Charges (at disposition)	6538	1.94	1.37	1	10
Offense Severity (at complaint)	10598	36.83	31.78	0	300
Offense Severity (at disposition)	6638	37.36	30.11	1	288
Most Serious Charge					
Property (at complaint)	10598	.32	.47	0	1
Property (at disposition)	6398	.31	.46	0	1

Violent (at complaint)	10598	.24	.43	0	1
Violent (at disposition)	6398	.24	.42	0	1
Drugs (at complaint)	10598	.27	.44	0	1
Drugs (at disposition)	6398	.3	.46	0	1
Other (at complaint)	10598	.17	.38	0	1
Other (at disposition)	6398	.15	.36	0	1
3rd Degree (at complaint)	10598	.73	.44	0	1
3rd Degree (at disposition)	6230	.75	.43	0	1
2nd Degree (at complaint)	10598	.19	.39	0	1
2nd Degree (at disposition)	6230	.16	.37	0	1
1st Degree (at complaint)	10598	.05	.23	0	1
1st Degree (at disposition)	6230	.07	.26	0	1
1st - Life (at complaint)	10598	.02	.14	0	1
1st - Life (at disposition)	6230	.01	.11	0	1
White Judges	10598	.91	.28	0	1
Black Judges	10598	.03	.17	0	1
Hispanic Judges	10598	.06	.23	0	1
White Prosecutors	6080	.84	.37	0	1
Black Prosecutors	6080	.09	.29	0	1
Hispanic Prosecutors	6080	.07	.25	0	1
White Defense Attorneys	5290	.83	.38	0	1
Black Defense Attorneys	5290	.11	.32	0	1
Hispanic Defense Attorneys	5290	.05	.23	0	1
Level 2: Workgroup					
Courtroom Workgroup: %White	10598	.88	.19	0	1
Courtroom Workgroup: % Black	10598	.06	.12	0	1
Courtroom Workgroup: % Hispanic	10598	.06	.15	0	.89
Level 3: County					
Court Community: % White	10598	.88	.1	0	1
Court Community: % Black	10598	.06	.07	0	1
Court Community: % Hispanic	10598	.06	.08	0	.78
Judges per County	10598	17.44	13.03	1	49
Caseload Pressure	10598	583.12	192.71	125	1160
Socioeconomic Condition	10598	-.06	1.65	-3.37	7.52
Crime Rate per100K	10582	2981.89	887.51	825.6	4802.4
% Black population	10598	15.22	7.58	2.76	56.44
% Hispanic population	10598	16.42	15.57	1.98	60.63

Multivariate Analyses

Court communities

At the highest level of aggregation for court actor diversity (Table S2.2), we see that the racial composition of the court community does not predict variation in any of our six outcome

variables. There is, however, partial support for hypothesis 1 in that there is evidence of disparities in outcomes that disadvantage Black, but not Hispanic, defendants. Consistent with prior research, we find that Black defendants tend to receive less favorable sentencing outcomes than Whites (Mustard, 2001; Spohn, 2000; Zatz, 2000). The odds of probation were 22% lower for Black defendants than Whites (OR=0.78, $p<0.01$) while the odds of receiving prison time were 50% higher for Black defendants as White defendants (OR=1.53, $p<0.01$). Of those sentenced to prison time, Black defendants' sentences were, on average 1.29 months longer than their White counterparts. Contrary to prior research (Kutateladze et al., 2014; Sutton, 2013), Black and Hispanic defendants appear to be less likely to be detained pretrial than their White counterparts (OR=0.80, $p<0.01$). Hypothesis 2 is not supported. The racial disparities in outcomes are not conditional on the racial composition of the court community.

Table S2.2 Court community diversity: regression models of pretrial and sentencing outcomes

	Felony Filed		Case Declination		Pretrial Detention		Probation		Prison		Sentence Length	
	Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		*b*	
Black Defendant	0.93	0.93	1.12+	1.11+	0.80**	0.81**	0.78**	0.78**	1.53**	1.51**	0.11*	0.12**
	0.05	0.05	-0.07	(0.06)	0.04	(0.04)	(0.07)	(0.07)	(0.13)	(0.13)	(0.04)	(0.04)
Hispanic Defendant	0.98	0.97	0.88	0.91	0.80**	0.79**	0.96	0.98	0.93	0.93	0.07	0.08
	0.07	0.07	-0.07	(0.07)	0.06	(0.06)	(0.12)	(0.12)	(0.12)	(0.12)	(0.07)	(0.07)
Court Community	1.58	1.54	0.62	0.67	0.71	0.71	1.33	1.40	1.32	1.21	0.68+	0.77+
	(0.87)	(0.86)	(0.35)	(0.38)	(0.30)	(0.30)	(1.45)	(1.53)	(0.81)	(0.75)	(0.39)	(0.40)
Black Defendant * Community Diversity	-	1.14	-	0.79	-	0.93	-	0.64	-	2.72	-	-0.71+
		(0.58)		(0.45)		(0.46)		(0.60)		(2.23)		(0.43)
Hispanic Defendant * Community Diversity	-	0.67	-	2.79	-	0.61	-	4.83	-	2.63	-	0.01
		(0.46)		(2.33)		(0.42)		(5.58)		(3.05)		(0.66)
Model Fit												
Observations	10,582		10,582		10,582		4,901		5,677		1,434	
Wald Chi2	844.30		622.80		868.20		457.10		956.30		333.90	
Residual Interclass Correlations												
Level 2 (workgroup)	0.38		0.15		0.03		0.10		0.12		0.01	
Level 3 (county)	0.03		0.14		0.07		0.70		0.07		0.07	

Notes: Control variables omitted for clarity. Full tables are available in Table S2.D1 in Appendix E. For the pretrial outcomes, all of the charge related variables refer to the most serious charge at the complaint stage. For the sentencing outcomes, charge related variables refer to the most serious charge at disposition. Standard errors are in parentheses.
** p<0.01, * p<0.05, + p<0.1

Courtroom workgroups

Moving to the courtroom workgroup where, theoretically, the values of the court community are put into practice, we see that racial composition of the courtroom workgroup does not predict variation in any of our six pre-trial and sentencing outcomes (Table S2.3). Again, we observe partial support for hypothesis 1 in that there are racial disparities that disadvantages Black defendants in sentencing. However, in the court community model, Black defendants are marginally more likely to have their cases declined than their White counterparts (OR=1.12, $p<0.05$). The interactive models reveal that, contrary to hypothesis 3, the racial disparities we observe are not conditional on the racial composition of the courtroom workgroup.

Qualitative interviews

Office structure

We also inquired to office structure, including how the different SAOs were organized, supervisors' roles and oversight, and which side initiates the plea negotiations. Prosecutorial offices are often organized with either a vertical or a horizonal structure. When cases are prosecuted vertically, the same prosecutor who is originally assigned the case handle every part of the process. Horizontal systems, however, have different prosecutors handle different stages of the process. In our interviews, the most common differentiator between the systems was that some SAOs relied on intake units or intake attorneys to initially review a case and decide whether to file charges and what to file. Through our discussions, we determined that 4 SAOs have exclusively a vertical system and 5 offices rely on an intake unit or attorney for less serious or non-violent cases, but specialized divisions (e.g., sex crimes, gang) and more serious felonies followed a vertical prosecution strategy. Of the five offices that relied on, at least in part, a horizonal orientation, three were progressive prosecutor offices. Only one progressive SAO used

a vertical prosecution strategy. As one interviewee explained, “vertical prosecution I think is better because it is your case, you own it. You've talked to the victim, you talked to the police officers and so forth, and hopefully everything works out, you'll carry that case to conclusion.” Similarly, another SA stated that the vertical prosecution style makes the ASA “more accountable to me for the for the decisions they made.”

Alternatively, an interviewee in a jurisdiction with a horizontal structure explained that the centralized intake unit “gives us the ability to have the most consistency.” This SA further explained that the centralized intake strategy can minimize bias: “I think innately we're all human as much as we try and get it right, we all have things that really rub us the wrong way versus things that we kind of go eh about. And that's true when it comes to crime, you know? And so I think, you know, if I have a particular stick with drugs, for example, because maybe drugs gets home for me because I remember my family is incarcerated or the victim of addiction. So when I see drugs, maybe I just charge it differently, even when I don't mean to versus someone who doesn't have a stick and just looks at it objectively. So we're trying to get away from that, you know, implicit bias and just overt bias.” Note, in two jurisdictions the organizational structure was not clear, though there was some indication that these two jurisdictions followed a vertical prosecution strategy.

Oversight of charging decisions

An important component of prosecutorial discretion is determining charges. We were interested in how much oversight supervisors and/or the ASA had over charging decisions and whether a supervisor needed to approve ASAs decisions. In most jurisdictions (8), a supervisor did not need to approve filing or charging decisions. In response to questions about supervisory oversight and charging decisions, one SA with a traditional orientation emphasized making

charging decisions as part of a learning process: “I think that making a charging decision is an important part of the training that we're trying to provide. When you have questions, you can go to your division chief, you can go to the chief assistant, or they directly some to see me. But we encourage the attorneys to go ahead and make those charging decisions based on their experience and what comes in.” In some cases, SAOs emphasized that office structure facilitated communication among ASAs and supervisors such that while formal approval or signing off was not required, supervisors almost always knew what was happening. For example, the interviewee in one of the smaller traditional SA offices, explained that attorneys “just go next door and bounce things around,” and in a progressive jurisdiction they implemented a more formalized but similar idea: “they have something called like a round table exercise and seasonal round table with the general felony chief and the deputy chiefs, and they will discuss cases and discuss the most appropriate charges and kind of get everyone's input in an effort to create consistency.”

Only three jurisdictions explained that supervisory approval was needed to move forward in the process. One SA explained that “it's a pyramid structure, it's not participatory management, it's top-down decision making.” In another jurisdiction supervisors worked closely with ASAs, but “ultimately it's the division chief who signs their name to the information.” Notably, even among the offices where there was more discretion and leeway among the ASAs, there were some exceptions, such as seeking to deviate from minimum mandatories, in which ASAs needed approval.

Working groups

In addition to our inquiries about organizational structure, we asked about case and courtroom assignment. With the exception of specialized divisions, cases are assigned either randomly, alphabetically, or on a rotation. For courtrooms, most jurisdictions assign ASAs to

specific judges. One prosecutor explained that this is done under a philosophy of “The more I know you, the more I know your idiosyncrasies, the better suited I am to deal with you, whether it be in a bond hearing or whether it be in a plea negotiation. I know what you know, where you draw the line on certain things.” Within that same jurisdiction, however, when ASAs are promoted, they are usually moved to a different judge.

One interviewee explained that these repeated interactions with the same judge, or the same defense attorney facilitate negotiations: “It's easier because I know who I'm dealing with and they know where I'm coming from…They know, generally speaking, what we're looking for. So I really it's a tight community. And I know that with the defense attorneys that I work with, I may resolve the case and I may have five others with her. So it's not just that I see these people once in a blue moon. I see them in court every month.”

We asked about case and courtroom assignment for the public defender’s office, though not all the interviewees knew or were willing to speak on behalf of the PD office. We had hoped to uncover more details about courtroom working groups and the relationships that may build between CJS actors who are frequently in contact. In the interviews where they were able to speak about the public defender’s office, they confirmed that public defenders are similarly assigned to a single judge. One SA explained that these are essentially working group “pods.”

Discussion

This research expands the knowledge base by examining in detail the relationship between court diversity and magnitude of racial/ethnic disparities in court case outcomes. Unlike the previous studies concerned with this issue that used indirect measure of court actors in criminal courts and calculate aggregate measures of diversity at the county level, we were about to construct court working groups and then directly measure the race/ethnicity of those involved

to derive a work group specific diversity measure. We also depart from the existing research by scrutinizing pre-conviction case outcomes in addition to post-conviction sentencing decisions.

A central finding of our research is the vast majority of individual court actors in Florida's felony courts are White and, as a result, most courtroom working groups are all-White. While non-Hispanic Whites account for 53% of Florida's population, 91% of judges, 84% of prosecutors, and 83% of defense attorneys were White. All-White court working groups are the norm; in fact, 88% of all work groups had no minority member. In short, individual court actors and groups of court actors that frequently work together in Florida's felony courts are much less racially and ethnically diverse than the general population they serve.

After taking other relevant factors into consideration, Hispanic defendants exhibited no disadvantages relative to Whites. These two racial/ethnic groups had similar odds of each pretrial and sentencing outcome with the exception of pretrial detention; Hispanic defendants were more likely to be released during the pretrial period than Whites. Simply stated, we found no evidence of Hispanic disadvantage relative to Whites.

On the other hand, Black defendants received less favorable outcomes in the post-conviction sentencing stage but not in pre-conviction outcomes. Black defendants in our sample were less likely to be detained during the full pretrial period and marginally more likely to have all charges dropped by prosecutors than Whites—outcomes favoring Blacks. By contrast, Blacks were sentenced less favorably than Whites. In particular, probation sentences were more likely to be granted to White defendants, while Black defendants had greater odds of being sentenced to prison and received longer prison terms than Whites.

Contrary to our expectations, more diverse courtrooms produced statistically similar outcomes to all-White courtrooms. First, the diversity of court working groups and larger, court

communities was unrelated to case outcomes. In other words, the level of punitiveness or lenience was not affected by the racial make-up of the court actors involved. Most critically, we found that the level of diversity did not reduce or moderate the magnitude of racial disparities on any of the case outcomes.

These results are inconsistent with the notion that more diverse groups of decision-makers produce more equitable outcomes. Perhaps courtrooms lacked the necessary critical mass of minority court actors to yield meaningful differences. Minority court actors may conform to the norms of working groups, rather than alter them, if there are not several other minorities in the group. Another possibility is that minorities selected into courtrooms via hiring decisions or elections must hold worldviews and values similar to those of the local court community, which creates a diversity of skin tone but not of ideas. The current data do not allow us to investigate these and other possibilities. Future research needs to examine court diversity in other jurisdictions to determine whether our findings generalize beyond the current sample. Furthermore, we should include questions about the racial or ethnic composition of the SA office in future interviews with State Attorneys and supplement that with additional qualitative interviews with minority and White court actors, who work in groups with high and low levels of diversity, to explain in greater detail whether and how diversity affects court decision-making.

Table S2.3 Court workgroup diversity: Regression models of pretrial and sentencing outcomes

	Felony Filed		Case Declination		Pretrial Detention		Probation		Prison		Sentence Length	
	Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		*b*	
Black Defendant	0.93	0.93	1.12*	1.12+	0.80**	0.80**	0.76**	0.76**	1.53**	1.53**	0.11*	0.11*
	(0.05)	(0.05)	-0.07	-0.07	-0.04	-0.04	-0.07	-0.07	(0.13)	(0.13)	(0.04)	(0.04)
Hispanic Defendant	0.98	0.98	0.89	0.89	0.80**	0.80**	0.94	0.94	0.93	0.92	0.07	0.07
	(0.07)	(0.07)	-0.07	-0.07	-0.06	-0.06	-0.11	-0.11	(0.12)	(0.12)	(0.07)	(0.07)
Court Community	0.95	0.96	1.29	1.24	0.79	0.80	0.97	0.96	0.74	0.70	-0.08	-0.10
	(0.24)	(0.25)	-0.28	-0.27	-0.12	-0.12	-0.29	-0.29	(0.19)	(0.18)	(0.12)	(0.12)
Black Defendant * Workgroup Diversity	-	0.87	-	1.43	-	0.97	-	0.88	-	1.66	-	0.15
		(0.23)		(0.43)		(0.25)		(0.44)		(0.72)		(0.22)
Hispanic Defendant * Workgroup Diversity	-	0.97	-	1.36	-	0.97	-	1.44	-	0.93	-	0.25
		(0.35)		(0.55)		(0.35)		(0.91)		(0.60)		(0.35)
Model Fit												
Observations	10,582		10,582		10,582		5,194		5,677		1,434	
Wald Chi2	843.2		623.00		870		487.1		956.3		331.00	
Residual Interclass Correlations												
Level 2 (workgroup)	0.38		0.15		0.03		0.10		0.12		0.01	
Level 3 (county)	0.03		0.14		0.07		0.70		0.07		0.07	

Notes: Control variables omitted for clarity. Full tables are available in Table S2.D2 in Appendix E. For the pretrial outcomes, all of the charge related variables refer to the most serious charge at the complaint stage. For the sentencing outcomes, charge related variables refer to the most serious charge at disposition. Standard errors are in parentheses.
** p<0.01, * p<0.05, + p<0.1

CONCLUSION

In an effort to understand how defendants' race and ethnicity affect felony case processing and outcomes, we randomly selected a large number of felony cases filed in 2017. We utilized court dockets and court documents made available as part of Florida's expansive "Sunshine Laws" to cumulatively track each case as it proceeded through the court system. In addition to examining the direct effects of race/ethnicity, we also estimated the indirect effects of race/ethnicity through case characteristics (e.g., prior record, hiring a private attorney). Furthermore, and unlike existing cumulative court outcome research, our utilized a statewide sample of cases. This feature allows us to investigate whether case outcomes are affected by organizational differences between jurisdictions (i.e., judicial circuits) operating under a common set of state laws but headed by different State Attorneys or chief prosecutors. In short, this novel research project was able to scrutinize the individual, institutional, and organizational factors influencing felony case outcomes in the state of Florida.

Innumerable studies compare sentencing outcomes by race/ethnicity. These studies most often find small but statistically significant differences that disadvantage Black defendants in comparison to similar cases with White defendants and smaller, less consistent Hispanic disadvantages. The concern with this body of research is that it may poorly estimate overall minority disadvantage, as minority defendants may also suffer less favorable outcomes in the pre-conviction stage. Alternatively, the more punitive sentencing outcomes imposed on minority defendants may by offset by more lenient pre-conviction outcomes (e.g., case dismissal).

Our findings demonstrate that White and Hispanic defendants are generally sentenced similarly. Few meaningful differences were evident between these two groups. Many of these differences favored Hispanics in comparison to Whites. Overall, this research no systematic

signs of Hispanic defendants receiving more punitive case outcomes than White defendants in Florida's felony courts.

In concordance with the bulk of sentencing research, our results reveal that Black defendants receive more punitive sentences than White defendants. After adjusting for observable features at case filing, the probability of a case with a Black defendant receiving a probation sentence was lower than that of a case with a similarly situated White defendant, and cases with Black defendants were more likely to be sentenced to prison and receiving longer prison sentences than Whites. On the other hand, there were no relatively large differences between cases with Black and White defendants during the pre-conviction stage. Black defendants had slightly higher probabilities of case dismissal and smaller probabilities of case diversion than Whites. Thus, racial disparities in case processing generally were confined to the sentencing stage. The exception to this prevailing pattern is violent offenses; for this offense type, cases with Black defendants were substantially more likely to be dismissed than Whites and there were meaningful race differences on the sentencing outcomes.

We also used decomposition models to investigate whether institutional practices such as use of criminal history in court decision-making contributes to racial and ethnic inequities. Hispanic-White contrasts found few meaningful differences between these groups and these differences were largely explained by contextual differences (i.e., ethnic differences in circuit of adjudication). For example, nearly 80% of ethnic disparities in case dismissal and nearly 50% of ethnic differences in prison sentences were accounted for by circuit. The circuit in which cases were adjudicated also contributed toward explaining Black-White differences in case outcomes. In this racial contrast, prior convictions and retaining a private attorney account for a significant share of Black-White differences in sentencing outcomes. As a result, the direct effects of race

on the sentencing outcomes arguably are understated due to court practices that institutionalize racially disparate outcomes.

The racial disparities in sentencing outcomes observed by the current research strongly suggest that Florida's structured sentencing system, the Criminal Punishment Code, has been unable to eliminate sentencing disparities. We found racial inequities, even after accounting for competing factors, on each sentencing outcome (probation, prison, and prison length). Notably, our research is far from alone in finding that state sentencing systems do not eliminate racial disparities in sentencing.

The inability of sentencing guidelines and other structured sentencing systems to achieve racially equitable outcomes serves as motivation for the development of alternative solutions to this problem. One often discussed remedy is increasing the diversity of those involved in court decision-making. That is, a prevailing notion is that diverse groups of decision-makers render more equitable decisions. We found that prosecutors, defense counsel, judges, and the working groups that they collectively form are overwhelmingly White. In fact, 88% of court work groups were all-White in composition. Contrary to the notion that diversity produces egalitarian outcomes, our analyses found that court diversity had no meaningful relationship to the outcomes of interest and did not ameliorate racial/ethnic disparities in sentencing.

Another possessed remedy for racial disparities in criminal sentencing is the election of progressive prosecutors. The progressive prosecutors throughout the United States have been elected on political platforms that call for reducing the use of imprisonment in order to end "mass incarceration" and system reforms to achieve racial equality in court outcomes. In this research we compared case outcomes as well as racial disparities in case outcomes by type of chief prosecutor. We found that cases prosecuted under progressive State Attorneys had smaller

probabilities of imprisonment and there were no racial disparities that disadvantaged minorities.

Taken together, these findings suggest that progressive prosecutors may be effective in eliminating racial disparities but increasing the diversity of courtroom actors may be ineffective means of achieving the goal of racial equality. Furthermore, our finding that progressive chief prosecutors are less punitively and exhibit greater racial fairness in case outcomes empirically demonstrates the importance of chief prosecutors toward policy reforms. Additionally, our findings support the claim of reform minded individuals calling for the election of progressive chief prosecutors as a key means to reduce mass incarceration and racial disparities in prison populations. More research is needed to confirm our findings; yet, our results offer preliminary evidence of sharp differences in case outcomes between these two traditional and progressive chief prosecutors.

REFERENCES

Albonetti, C. A. (1991). An integration of theories to explain judicial discretion. *Social Problems, 38*(2), 247-266.

Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press.

American Bar Association. (2009). *Eight guidelines on public defense related to excessive workloads*. Chicago, IL: ABA Division for Legal Services Standing Committee on Legal Aid & Indigent Defense.

Arazan, C. L. (2018). Minority threat, community disadvantage and sentencing. *Journal of Criminological Research, Policy and Practice, 4*(4), 213–225.

Arazan, C. L., Bales, W. D., & Blomberg, T. G. (2019). Courtroom Context and Sentencing. *American Journal of Criminal Justice, 44*(1), 23-44.

Baker, T., Pickett, J. T., Amin, D. M., Golden, K., Dhungana, K., Gertz, M., & Bedard, L. (2015). Shared Race/Ethnicity, Court Procedural Justice, and Self-Regulating Beliefs: A Study of Female Offenders. *Law and Society Review, 49*(2), 433–466.

Barkow, R. E., & Osler, M. (2017). Designed to Fail: The President's Deference to the Department of Justice in Advancing Criminal Justice Reform. *Wm. & Mary L. Rev., 59*, 387.

Baum, L. (2008). *American courts: Process and policy* (6th ed.). Houghton Mifflin Company.

Baumer, E. P. (2013). Reassessing and redirecting research on race and sentencing. *Justice Quarterly, 30*, 231-261.

Beck, A. J., & Blumstein, A. (2012). Trends in Incarceration Rates: 1980-2010. In. Washington, DC: Paper prepared for the National Research Council Committee on the Causes and Consequences of High Rates of Incarceration.

Beckett, K. (2018). The Politics, Promise, and Peril of Criminal Justice Reform in the Context of Mass Incarceration. *Annual Review of Criminology, 1*(1), 235-259.

Berdejó, C. (2018). Criminalizing race: Racial disparities in plea bargaining. *Boston College Law Review*, *59*, 1187–1249.

Birdsall, C., Gershenson, S., & Zuniga, R. (2020). The effects of demographic mismatch in an elite professional school setting. *Education Finance and Policy*, *15*(3), 457–486.

Black, D. (1976). *The behavior of law*. San Diego, CA: Academic Press.

Blumstein, A., Cohen, J., Martin, S. E., & Tonry, M. H. (1983). *Research on sentencing: The search for reform*. Washington, D.C.: National Academy Press.

Bonilla-Silva, E. (2006). *Racism without racists: Color-blind racism and the persistence of racial inequality in the United States* (Second ed.). Lanham, MD: Rowman & Littlefield Publishers.

Bontrager, S., Bales, W., & Chiricos, T. (2005). Race, ethnicity, threat and the labeling of convicted felons. *Criminology*, *43*(3), 589-622.

Braga, A. A., Brunson, R. K., & Drakulich, K. M. (2019). Race, place, and effective policing. *Annual Review of Sociology*, *45*, 535-555.

Bridges, G. S., & Steen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review*, 554-570.

Britt, C. L. (2000). Social context and racial disparities in punishment decisions. *Justice Quarterly*, *17*(4), 707–732.

Brunson, R. K. (2007). "Police don't like black people": African-American young men's accumulated police experiences. *Criminology & Public Policy*, *6*(1), 71-101.

Bureau of Justice Statistics. (2014). *State Court Processing Statistics, 1990-2009: Felony Defendants in Large Urban Counties* Inter-University Consortium for Political and Social Research [distributor]. https://doi.org/10.3886/ICPSR02038.v5

Bushway, S. D., & Forst, B. (2013). Studying discretion in the processes that generate criminal justice sanctions. *Justice Quarterly, 30*(2), 199-222.

Caravelis, C., Chiricos, T., & Bales, W. (2011). Static and dynamic indicators of minority threat in sentencing outcomes: A multi-level analysis. *Journal of Quantitative Criminology, 27*(4), 405–425.

Chen, E. Y. (2008). Cumulative disadvantage and racial and ethnic disparities in California felony sentencing. In B. Cain, J. Regalado, & S. Bass (Eds.), *Racial and ethnic politics in California* (Vol. 3, pp. 251-274). Berkeley, CA: Institute of Governmental Studies Press.

Chiricos, T. G., & Bales, W. D. (1991). Unemployment and punishment: An empirical assessment. *Criminology, 29*(4), 701-724.

Clair, M. (2020). *Privilege and punishment: How race and class matter in criminal court*. Princeton, NJ: Princeton University Press.

Clair, M., & Winter, A. S. (2016). How judges think about racial disparities: Situational decision-making in the criminal justice system. *Criminology, 54*(2), 332-359.

Cohen, P. N., & Huffman, M. L. (2007). Working for the woman? Female managers and the gender wage gap. *American Sociological Review, 72*(5), 681–704.

Cole, D. (1999). *No equal justice: Race and class in the American criminal justice system*. New York: The New Press.

Collins, T., & Moyer, L. (2008). Gender, race, and intersectionality on the federal appellate bench. *Political Research Quarterly, 61*(2), 219–227.

Contreras-Huerta, L. S., Baker, K. S., Reynolds, K. J., Batalha, L., & Cunnington, R. (2013). Racial bias in neural empathic responses to pain. *PLoS ONE, 8*(12).

Corbin, J., & Strauss, A. (2008). *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory, 3rd ed* (3rd ed.). Thousand Oaks, CA: Sage.

Correll, J., Judd, C. M., & Wittenbrink, B. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology, 83*(6), 1314-1329.

Crow, M. S., & Gertz, M. (2008). Sentencing policy and disparity: Guidelines and the influence of legal and democratic subcultures. *Journal of Criminal Justice, 36*(4), 362–371.

Davis, A. J. (2017). The prosecution of black men. In A. J. Davis (Ed.), *Policing the black man: Arrest, prosecution, and imprisonment*. New York, NY: Pantheon Books.

Davis, A. J. (2019). Reimagining prosecution: A growing progressive movement. *UCLA Criminal Justice Law Review, 3*(1).

Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology, 56*(1), 5-18.

Dixon, J. (1995). The organizational context of criminal sentencing. *American Journal of Sociology, 100*(5), 1157–1198.

Doerner, J. K., & Demuth, S. (2010). The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in U.S. federal courts. *Justice Quarterly, 27*(1), 1–27.

Doerner, J. K., & Demuth, S. (2014). Gender and sentencing in the federal courts: Are women treated more leniently? *Criminal Justice Policy Review, 25*(2), 242–269.

Donnelly, E. A., & MacDonald, J. M. (2019). The downstream effects of bail and pretrial detention on racial disparities in incarceration. *Journal of Criminal Law & Criminology, 108*, 775-813.

Eberhardt, J. L. (2020). *Biased: Uncovering the hidden prejudice that shapes what we see, think, and do*: Penguin Books.

Edkins, V. A. (2011). Defense attorney plea recommendations and client race: Does zealous representation apply equally to all? *Law Hum Behav, 35*, 413–425.

Eisenstein, J., Flemming, R. B., & Nardulli, P. F. (1988). *The contours of justice: Communities and their courts*: Little, Brown Boston, MA.

Eisenstein, J., & Jacob, H. (1977). *Felony justice: An organizational analysis of criminal courts*: Little, Brown Boston.

Engen, R. L. (2009). Assessing determinate and presumptive sentencing-Making research relevant. *Criminology & Pub. Pol'y, 8*, 323.

Epp, C. R., Maynard-Moody, S., & Haider-Markel, D. P. (2014). *Pulled over: How police stops define race and citizenship*: University of Chicago Press.

Feldmeyer, B., Warren, P. Y., Siennick, S. E., & Neptune, M. (2015). Racial, ethnic, and immigrant threat: Is there a new criminal threat on state sentencing? *Journal of Research in Crime and Delinquency*, *52*(1), 62–92. https://doi.org/10.1177/0022427814548488

Flemming, R., Nardulli, P. F., & Eisenstein, J. (1992). *The craft of justice: Politics and work in criminal court communities*. University of Pennsylvania Press.

Florida Department of Corrections & Office of the State Courts Administrator. (2012). *Florida Criminal Punishment Code*. Author: Florida Department of Corrections & Office of the State Courts Administrator. Tallahassee, FL.

Franklin, C. A., & Fearn, N. E. (2008). Gender, race, and formal court decision-making outcomes: Chivalry/paternalism, conflict theory or gender conflict? *Journal of Criminal Justice*, *36*(3), 279–290. https://doi.org/10.1016/j.jcrimjus.2008.04.009

Franklin, T. W. (2010). Community influence on prosecutorial dismissals: A multilevel analysis of case- and county-level factors. *Journal of Criminal Justice, 38,* 693–701. https://doi.org/10.1016/j.jcrimjus.2010.04.043

Franklin, T. W. (2015). Race and ethnicity effects in federal sentencing: A propensity score analysis. *Justice Quarterly*, *32*(4), 653–679. https://doi.org/10.1080/07418825.2013.790990

Free, M. D. (2002). Race and presentencing decisions in the United States: A summary and critique of the research. *Criminal Justice Review*, *27*(2), 203–232.

Gaston, S. (2019). Producing race disparities: A study of drug arrests across place and race. *Criminology, 57*(3), 424-451.

Gaston, S., Brunson, R. K., & Grossman, L. S. (2020). Are Minorities Subjected to, or Insulated from, Racialized Policing in Majority–minority Community Contexts? *The British Journal of Criminology, 60*(6), 1416-1437.

Gelbach, J. B. (2014). B1X2: Stata module to account for changes when X2 is added to a base model with X1.

Gelbach, J. B. (2016). When do covariates matter? And which ones, and how much? *Journal of Labor Economics, 34*(2), 509-543.

Gershenson, S., Hart, C. M. D., Hyman, J., Lindsay, C., & Papageorge, N. W. (2018). *The long-run impacts of same-race teachers* (No. 25254). http://www.nber.org/papers/w25254

Goldman, S. (1979). Should there be affirmative action for the judiciary. *Judicature*, *62*, 488–494.

Greenwald, A. G., Banaji, M. R., Rudman, L. A., Farnham, S. D., Nosek, B. A., & Mellott, D. S. (2002). A unified theory of implicit attitudes, stereotypes, self-esteem, and self-concept. *Psychological review, 109*(1), 3-25.

Greenwald, A. G., & Krieger, L. H. (2006). Implicit bias: Scientific foundations. *Cal. L. Rev.*, *94*, 945.

Greenwood, B. N., Hardeman, R. R., Huang, L., & Sojourner, A. (2020). *Physician-patient racial concordance and disparities in birthing mortality for newborns*.

Hagan, J. (1974). Extra-legal attributes and criminal sentencing: An assessment of a sociological viewpoint. *Law & Society Review, 8*, 357-383.

Hagan, J., & Bumiller, K. (1983). Making sense of sentencing: A review and critique of sentencing research. In A. Blumstein, J. Cohen, S. E. Martin, & M. H. Tonry (Eds.), *Research on Sentencing: Search for Reform Volume II* (pp. 1-54). Washington, D.C.: National Academy Press.

Haney López, I. F. (2000). Institutional racism: Judicial conduct and a new theory of racial discrimination. *Yale Law Journal*, 1717-1884.

Hartley, R. D., Miller, H. V., & Spohn, C. (2010). Do you get what you pay for? Type of counsel and its effect on criminal court outcomes. *Journal of Criminal Justice, 38*(5), 1063-1070.

Hauser, W., & Peck, J. H. (2017). The intersection of crime seriousness, discretion, and race: A test of the liberation hypothesis. *Justice Quarterly*, *34*(1), 166–192.

Hawkins, D. F. (1981). Causal attribution and punishment for crime. *Deviant Behavior, 2*(3), 207-230.

Haynes, S. H., Ruback, B., & Cusick, G. R. (2010). Courtroom workgroups and sentencing: The effects of similarity, proximity, and stability. *Crime & Delinquency*, *56*(1), 126–161. https://doi.org/10.1177/0011128707313787

Holmes, M. D., Hosch, H. M., Daudistel, H. C., & Perez, D. A. (1996). Ethnicity, legal resources, and felony dispositions in two southwestern jurisdictions. *Justice Quarterly*, *13*(1), 11–30.

Johnson, B. D. (2003). Racial and ethnic disparities in sentencing departures across modes of conviction. *Criminology*, *41*(2), 449–490. https://doi.org/10.1111/j.1745-9125.2003.tb00994.x

Johnson, B. D. (2005). Contextual disparities in guidelines departures: Courtroom social contexts, guidelines compliance, and extralegal disparities in criminal sentencing. *Criminology*, *43*(3), 761–796.

Johnson, B. D. (2006). The multilevel context of criminal sentencing: Integrating judge- and county-level influences. *Criminology*, *44*(2), 259–298.

Johnson, B. D. (2015). Examining the life course of criminal cases. *Criminology & Pub. Pol'y*, *14*, 183.

Johnson, B. D., King, R. D., & Spohn, C. (2016). Sociolegal Approaches to the Study of Guilty Pleas and Prosecution. *Annual Review of Law and Social Science*, *12*(1), 479-495.

Johnson, J., Simmons, C., Jordav, A., Maclean, L., Taddei, J., Thomas, D., Dovidio, J., & Reed, W. (2002). Rodney King and O.J. Revisited: The impact of race and defendant empathy induction on judicial decisions. *Journal of Applied Social Psychology*, *32*(6), 1208–1223.

Kanter, R. M. (1977). *Men and Women of the Corporation*. Basic Books.

Kautt, P. M. (2002). Location, location, location: Interdistrict and intercircuit variation in sentencing outcomes for federal drug-trafficking offenses. *Justice Quarterly*, *19*(4), 633–671.

Kim, B., Spohn, C., & Hedberg, E. C. (2015). Federal sentencing as a complex collaborative process: Judges, prosecutors, judge-prosecutor dyads, and disparity in sentencing. *Criminology*, *53*(4), 597–623.

King, N. J., & Wright, R. F. (2016). The invisible revolution in plea bargaining: Managerial judging and judicial participation in negotiations. *Tex. L. Rev.*, *95*, 325.

King, R. D., Johnson, K. R., & McGeever, K. (2010). Demography of the legal profession and racial disparities in sentencing. *Law and Society Review*, *44*(1), 1–32.

Kurlychek, M. C., & Johnson, B. D. (2019). Cumulative disadvantage in the American criminal justice system. *Annual Review of Criminology*, *2*, 291-319.

Kutateladze, B., Andiloro, N., & Johnson, B. D. (2016). Opening Pandora's box: How does defendant race influence plea bargaining? *Justice Quarterly, 33*(3), 398–426.

Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative Disadvantage: Examining Racial and Ethnic Disparity in Prosecution and Sentencing. *Criminology, 52*(3), 514-551.

Kutateladze, B. L., Lynn, V., & Liang, E. (2012). *Do race and ethnicity matter in prosecution: A review of empirical studies*. New York, NY: Vera Institute of Justice.

LaPrade, J. (2020). *Examining the relationship between prosecutor characteristics and court outcomes*. University of Texas at Dallas.

Levinson, J., Cai, H., & Young, D. (2010). Guilty by implicit racial bias: The guilty/not guilty Implicit Association Test. *Ohio State Journal of Criminal Law*, *8*(187), 187–208.

Li, D. (2021). Spillover effects of minority representation on majority bureaucrats' behavioral change. *Public Administration Review*.

Long, C., & Fingerhut, H. (2020). AP-NORC Poll: Nearly All in US Back Criminal Justice Reform. *AP-NEWS*. Retrieved from https://apnews.com/article/police-us-news-ap-top-news-politics-kevin-richardson-ffaa4bc564afcf4a90b02f455d8fdf03

Lopez, I. F. H. (2000). Institutional racism: Judicial conduct and a new theory of racial discrimination. *Yale Law Journal*, 1717-1884.

Lynch, M. (2011). Crack pipes and policing: A case study of institutional racism and remedial action in Cleveland. *Law & Policy, 33*(2), 179-214.

Lynch, M. (2016). *Hard bargains: The coercive power of drug laws in federal court*: Russell Sage Foundation.

Lynch, M. (2019). Focally concerned about focal concerns: A conceptual and methodological critique of sentencing disparities research. *Justice Quarterly, 36*(7), 1148-1175.

Lynch, M., & Omori, M. (2018). Crack as proxy: Aggressive federal drug prosecutions and the production of black–white racial inequality. *Law & Society Review, 52*(3), 773-809.

Martinez, B. P., Petersen, N., & Omori, M. (2020). Time, money, and punishment: Institutional racial-ethnic inequalities in pretrial detention and case outcomes. *Crime & Delinquency, 66*(6-7), 837-863.

Metcalfe, C. (2016). The role of courtroom workgroups in felony case dispositions: An analysis of workgroup familiarity and similarity. *Law and Society Review, 50*(3), 637–673.

Mitchell, O. (2005). A meta-analysis of race and sentencing research: Explaining the inconsistencies. *Journal of Quantitative Criminology, 21*(4), 439-466.

Mize, T. D. (2019). Best practices for estimating, interpreting, and presenting nonlinear interaction effects. *Sociological Science, 6*, 81-117.

Morgan, R. E. (2017). *Race and Hispanic origin of victims and offenders, 2012-15*. Washington, D.C.: Bureau of Justice Statistics.

Mustard, D. B. (2001). Racial, ethnic, and gender disparities in sentencing: Evidence from the U.S. federal courts. *The Journal of Law & Economics, 44*(1), 285–314.

Murakawa, N. (2014). *The first civil right: How liberals built prison America*. New York, NY: Oxford University Press.

Murakawa, N., & Beckett, K. (2010). The penology of racial innocence: The erasure of racism in the study and practice of punishment. *Law & Society Review, 44*(3-4), 695-730.

Mustillo, S. A., Lizardo, O. A., & McVeigh, R. M. (2018). Editors' comment: A few guidelines for quantitative submissions. In: SAGE Publications Sage CA: Los Angeles, CA.

Myers, M. A. (1988). Social background and the sentencing behavior of judges. *Criminology*, *26*(4), 649–675.

Nagel, S. S. (1969). *The Legal Process from a Behavioral Perspective*. Dorsey Press.

Nagel, I. H., & Schulhofer, S. J. (1992). A tale of three cities: An empirical study of charging and bargaining practices under the federal sentencing guidelines. *S. Cal. L. Rev.*, *66*, 501.

Nardulli, P. F., Eisenstein, J., & Flemming, R. B. (1988). *The Tenor of Justice: Criminal Courts and the Guilty Plea Process*. Champain, IL: University of Illinois Press.

National Academies of Sciences, E., & Medicine. (2018). *Proactive policing: Effects on crime and communities*: National Academies Press.

National Research Council. (2014). *The growth of incarceration in the United States: Exploring causes and consequences*. Washington, DC: The National Academies Press.

Neal, D., & Rick, A. (2016). The prison boom and sentencing policy. *The Journal of Legal Studies*, *45*(1), 1-41.

Nobling, T., Spohn, C., & DeLone, M. (1998). A tale of two counties: Unemployment and sentence severity. *Justice Quarterly*, *15*(3), 401-427.

Nowacki, J. S. (2017). An intersectional approach to race/ethnicity, sex, and age disparity in federal sentencing outcomes: An examination of policy across time periods. *Criminology & Criminal Justice*, *17*(1), 97–116.

Oaxaca, R. (1973). Male-female wage differentials in urban labor markets. *International Economic Review*, 693-709.

Omori, M. (2019). “Nickel and dimed” for drug crime: Unpacking the process of cumulative racial inequality. *The Sociological Quarterly*, *60*(2), 287-313.

Omori, M., & Petersen, N. (2020). Institutionalizing inequality in the courts: Decomposing racial and ethnic disparities in detention, conviction, and sentencing*. *Criminology, 58*(4), 678-713.

Pfaff, J. F. (2017). *Locked In: The true causes of mass incarceration—and how to achieve real reform*. New York: Basic Books.

Piehl, A., & Bushway, S. (2007). Measuring and explaining charge bargaining. *Journal of Quantitative Criminology , 23*, 105–125.

Porter, N. D. (2021). *Top Trends in State Criminal Justice Reform, 2020*. Washington, D.C.: The Sentencing Project.

Rachlinski, J. J., Johnson, S. L., Wistrich, A. J., & Guthrie, C. (2008). Does unconscious racial bias affect trial judges. *Notre Dame L. Rev., 84*, 1195.

Raphael, S., & Stoll, M. A. (2013). *Why are so many Americans in Prison?* New York: Russell Sage Foundation.

Raudenbush, S. W., & Bryk, A. S. (2002). *Hierarchical linear models: Applications and data analysis methods*. Sage.

Reaves, B. A. (2013). *Felony defendants in largue urban counties, 2009 - Statistical tables*. Washington, D.C.: Bureua of Justice Statistics.

Rehavi, M. M., & Starr, S. B. (2014). Racial disparity in federal criminal sentences. *Journal of Political Economy, 122*(6), 1320-1354.

Robertson, C., Baughman, S. B., & Wright, M. S. (2019). Race and class: A randomized experiment with prosecutors. *Journal of Empirical Legal Studies*, *16*(4), 807–847.

Sampson, R. J., & Lauritsen, J. L. (1997). Racial and ethnic disparities in crime and criminal justice in the United States. In M. Tonry (Ed.), *Crime and Justice: A review of research* (pp. 311-374). Chicago, IL: University of Chicago Press.

Schanzenbach, M. M. (2015). Racial disparities, judge characteristics, and standards of review in sentencing. *Journal of Institutional and Theoretical Economics, 171*(1), 27.

Schlesinger, T. (2007). The cumulative effects of racial disparities in criminal processing. *JIJIS, 7*, 261.

Shermer, L., & Johnson, B. D. (2010). Criminal prosecutions: Examining prosecutorial discretion and charge reductions in U.S. federal district courts. *Justice Quarterly*, *27*(3), 394–430.

Shermer, L. O. N., & Johnson, B. D. (2010). Criminal Prosecutions: Examining Prosecutorial Discretion and Charge Reductions in U.S. Federal District Courts. *Justice Quarterly, 27*(3), 394-430.

Sklansky, D. A. (2018). The problems with prosecutors. *Annual Review of Criminology*, *1*, 451-469.

Small, M. L., & Pager, D. (2020). Sociological perspectives on racial discrimination. *Journal of Economic Perspectives*, *34*(2), 49-67.

Smith, M. D. (1983). *Race versus the robe: The dilemna of black judges*. Associated Faculty Press.

Sommers, S. R. (2006). On racial diversity and group decision making: Identifying multiple effects of racial composition on jury deliberations. *Journal of Personality and Social Psychology*, *90*(4), 597–612.

Spohn, C. (1990). The sentencing decisions of black and white judges: Expected and unexpected similarities. *Law & Society Review*, *24*(5), 1197–1216.

Spohn, C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice 2000*, *3*, 427–509.

Spohn, C., & Holleran, D. (2000). The imprisonment penalty paid by young, unemployed black and hispanic male offenders. *Criminology*, *38*(1), 281–306.

Spohn, C. (2008). Race, sex, and pretrial detention in federal court: Indirect effects and cumulative disadvantage. *U. Kan. L. Rev.*, *57*, 879.

Spohn, C. (2015). Race, Crime, and Punishment in the Twentieth and Twenty-First Centuries. *Crime & Justice, 44,* 49-98.

Staats, C., & Patton, C. (2013). *Implicit bias review 2013*. Columbus, OH: Kirwan Institute for the Study of Race and Ethnicity.

Steffensmeier, D., & Britt, C. L. (2001). Judges' race and judicial decision making: Do Black judges sentence differently? *Social Science Quarterly*, *82*(4), 749–764.

Steffensmeier, D., & Demuth, S. (2000). Ethnicity and sentencing outcomes in U.S. federal courts: Who is punished more harshly? *American Sociological Review*, *65*(5), 705–729.

Steffensmeier, D., & Demuth, S. (2001). Ethnicity and judges' sentencing decisions: Hispanic-black-white comparisons. *Criminology*, *39*(1), 145–178.

Steffensmeier, D., & Hebert, C. (1999). Women and men decisionmakers: Does the judge's gender affect the sentencing of criminal defendants. *Social Forces*, *77*(3), 1163–1196.

Steffensmeier, D., Kramer, J., & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, *31*(3), 411–446.

Steffensmeier, D., Kramer, J., & Ulmer, J. T. (1995). Age differences in sentencing. *Justice Quarterly*, *12*(3), 583–602.

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being Young, black and male. *Criminology, 36*(4), 763-797.

Stemen, D., & Escobar, G. (2018). Whither the Prosecutor? Prosecutor and County Effects on Guilty Plea Outcomes in Wisconsin. *Justice Quarterly*, *35*(7), 1166–1194.

Stolzenberg, L., D'Alessio, S. J., & Eitle, D. (2013). Race and cumulative discrimination in the prosecution of criminal defendants. *Race and Justice, 3*(4), 275-299.

Subramanian, R., Eisen, L.-B., Merkl, T., Arzy, L., Stroud, H., King, T., . . . Nahra, A. (2020). *A Federal Agenda for Criminal Justice Reform*. New York: Brennan Center for Justice.

Sutton, J. R. (2013). Structural bias in the sentencing of felony defendants. *Social science research, 42*(5), 1207-1221.

Thomson, R., & Zingraff, M. (1981). Detecting sentence disparity: Some problems and evidence. *American Journal of Sociology, 84*(4), 869-880.

Tiede, L. (2007). Delegating discretion quasi experiments on district court decision making. *American Politics Research, 35*(5), 595–620.

Tonry, M. (2011). *Punishing race: A continuing American dilemma*. New York: Oxford University Press.

Ulmer, J. T. (1997). Social Worlds of Sentencing: *Court communities under sentencing guidelines*. Albany: State University of New York Press.

Ulmer, J. T. (2012). Recent Developments and New Directions in Sentencing Research. *Justice Quarterly, 29*(1), 1-40.

Ulmer, J. T. (2019). Criminal courts as inhabited institutions: Making sense of difference and similarity in sentencing. *Crime and Justice, 48*(1), 483–522.

Ulmer, J. T., Bader, C., & Gault, M. (2008). Do moral communities play a role in criminal sentencing? Evidence from Pennsylvania. *Sociological Quarterly*, *49*(4), 737–768.

Ulmer, J. T., Eisenstein, J., & Johnson, B. D. (2010). Trial penalties in federal sentencing: Extra-guidelines factors and district variation. *Justice Quarterly*, *27*(4), 560–592.

Ulmer, J. T., & Johnson, B. D. (2004). Sentencing in context: A multilevel analysis. *Criminology*, *42*(1), 137–178.

Ulmer, J. T., & Johnson, B. D. (2017). Organizational conformity and punishment: Federal court communities and judge-initiated guidelines departures. *Journal of Criminal Law & Criminology, 107*(2), 253–292.

Ulmer, J. T., & Kramer, J. H. (1996). Court communities under sentencing guidelines: Dilemmas and formal rationality and sentencing disparity. *Criminology, 34*(3), 383-408.

Ulmer, J. T., Kurlychek, M. C., & Kramer, J. H. (2007). Prosecutorial discretion and the imposition of mandatory minimum sentences. *Journal of Research in Crime and Delinquency, 44*(4), 427–458.

United States Department of Labor Bureau of Labor Statistics. (2009). Household data annual averages. In *Household data annual averages*. https://www.bls.gov/cps/aa2009/cpsaat11.pdf

United States Department of Labor Bureau of Labor Statistics. (2019). *Labor force statistics from the current population survey.* https://www.bls.gov/cps/cpsaat11.htm

United States Department of Justice. (2003). *Justice department initiates new diversity program*. https://www.justice.gov/archive/opa/pr/2003/February/03_ag_070.htm

Van Cleve, N. G. (2016). *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford, CA: Stanford University Press.

VandenBos, G. R., & American Psychology Association. (2007). *APA dictionary of psychology*. American Psychological Association.

Western, B. (2006). *Punishment and inequality in America*. New York: Russell Sage Foundation.

Williams, M. R. (2013). The effectiveness of public defenders in four Florida counties. *Journal of Criminal Justice, 41*(4), 205-212.

Walker, T. G., & Barrow, D. J. (1985). The Diversification of the Federal Bench: Policy and Process Ramifications. *Source: The Journal of Politics*, *47*(2), 596–617.

Wang, X., & Mears, D. P. (2015). Sentencing and state-level racial and ethnic contexts. *Law and Society Review*, *49*(4), 883–915.

Ward, G. (2006). Race and the justice workforce: A system perspective. In R. D. Peterson, L. J. Krivo, & J. Hagan (Eds.), *The many colors of crime: Inequalities of race, ethnicity, and crime in America*. New York University Press.

Ward, G., Farrell, A., & Rousseau, D. (2008). *Does court workforce racial diversity yield racial justice? Some evidence from federal court contexts*. www.ncjrs.gov/pdffiles1/nij/grants/221890.pdf

Ward, G., Farrell, A., & Rousseau, D. (2009). Does racial balance in workforce representation yield equal justice? Race relations of sentencing in federal court organizations. *Law and Society Review*, *43*(4), 757–806.

Warren, P., Chiricos, T., & Bales, W. (2012). The imprisonment penalty for young black and Hispanic males: A crime-specific analysis. *Journal of Research in Crime and Delinquency*, *49*(1), 56–80.

Welch, S., Combs, M., & Gruhl, J. (1988). Do black judges make a difference? *American Journal of Political Science*, *32*(1), 126–136.

Wooldredge, J. (2010). Judges' unequal contributions to extralegal disparities in imprisonment. *Criminology*, *48*(2), 539–567.

Wooldredge, J., Frank, J., Goulette, N., & Travis III, L. (2015). Is the impact of cumulative disadvantage on sentencing greater for Black defendants? *Criminology & Public Policy*, *14*(2), 187-223.

Word, D. L., Coleman, C. D., Nunziata, R., & Kominski, R. (2008). Demographic aspects of surnames from census 2000. *Unpublished manuscript, Retrieved from http://citeseerx.ist.psu. edu/viewdoc/download*.

Xu, X., Zuo, X., Wang, X., & Han, S. (2009). Do you feel my pain? Racial group membership modulates empathic neural responses. *Journal of Neuroscience*, *29*(26), 8525–8529.

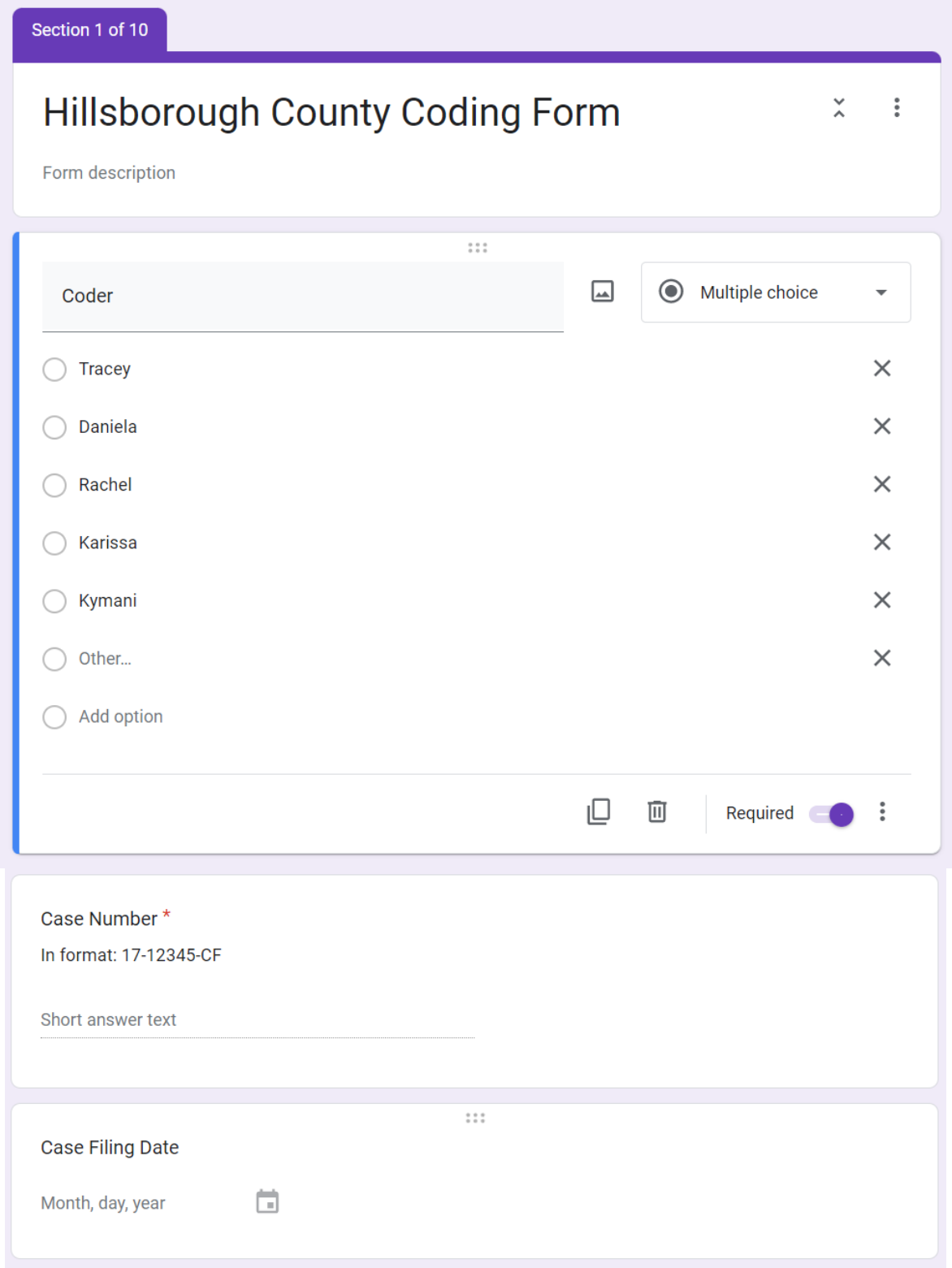
Zane, S. N., Welsh, B. C., Mears, D. P., & Zimmerman, G. M. (2021). Pathways through juvenile justice: a system-level assessment of cumulative disadvantage in the processing of juvenile offenders. *Journal of Quantitative Criminology*, 1-32.

Zatz, M. S. (2000). The convergence of race, ethnicity, gender, and class on court decision making: Looking toward the 21st century. *Criminal Justice 2000*, *3*, 503–552.

APPENDIX A: FLORIDA JUDICIAL DISTRICTS AND THE COUNTIES THEY INCLUDE

Judicial District	Counties	State Attorney, 2017
First	Escambia, Okaloosa, Santa Rosa & Walton	William "Bill" Eddins
Second	Franklin, Gadsden, Jefferson, Leon, Liberty & Wakulla	Jack Campbell
Third	Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, & Taylor	Jeff Siegmeister
Fourth	Clay, Duval, & Nassau	Melissa Nelson
Fifth	Citrus, Hernando, Lake, Marion & Sumter	Brad King
Sixth	Pasco & Pinellas	Bernie McCabe
Seventh	Flager, Putnam, St. Johns & Volusia	R.J. Larizza
Eighth	Alachua, Baker, Bradford, Gilchrist, Levy, & Union	William P. Cervone
Ninth	Orange & Osceola	Aramis D. Ayala
Tenth	Hardee, Highlands, & Polk	Brian Haas
Eleventh	Miami-Dade	Katherine Fernandez Rundle
Twelfth	DeSoto, Manatee, & Sarasota	Ed Brodsky
Thirteenth	Hillsborough	Andrew H. Warren
Fourteenth	Bay, Calhoun, Gulf, Holmes, Jackson, & Washington	Glenn Hess
Fifteenth	Palm Beach	Dave Aronberg
Sixteenth	Monroe	Dennis A. Ward
Seventeenth	Broward	Michael J. Satz
Eighteenth	Brevard & Seminole	Phil Archer
Nineteenth	Indian River, Martin, Okeechobee, & St. Lucie	Bruce Colton
Twentieth	Charlotte, Collier, Glades, Hendry, & Lee	Stephen B. Russell

Appendix B: Hillsborough County Coding Form



Was Case Consolidated

In format:17-12345-CF. List only related felony cases

- ○ Yes
- ○ No

After section 1 Continue to next section

Section 2 of 10

Consolidated Case Number

Description (optional)

Primary Case Number

List Case Number of PRIMARY case

Short answer text

After section 2 Continue to next section

Section 3 of 10

Parties

Description (optional)

Defendant (LAST, FIRST) *

Short answer text

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Judge (LAST, FIRST)

- ◯ BARBER, THOMAS
- ◯ CAMPBELL, LISA D.
- ◯ CORVO, VIVIAN T.
- ◯ ESPINOSA, JACK, JR.
- ◯ FERNANDEZ, KIMBERLY K.
- ◯ FICARROTTA, RONALD
- ◯ HOLDER, GREGORY P.
- ◯ KISER, MARK D.
- ◯ MOODY, JAMES S., III
- ◯ NASH, CHRISTOPHER C.
- ◯ NAZARETIAN, NICK
- ◯ PERRY, DANIEL L.
- ◯ POLO, MELISSA M.
- ◯ POMPONIO, DENISE A.
- ◯ RICE, ELIZABETH G.
- ◯ SABELLA, CHRISTOPHER C
- ◯ SCIONTI, MICHAEL J
- ◯ SISCO, MICHELLE D.
- ◯ TWINE THOMAS, BARBARA
- ◯ WARD, LAURA E.
- ◯ WILLIAMS, MICHAEL S.
- ◯ WOLFE, MARK R.
- ◯ Other...

Defense Attorney (LAST, FIRST)

Short answer text

Defense Attorney Type

1. Public Defender
2. Private Attorney
3. Appointed Counsel
4. Other (e.g., Pro Se)

Prosecuting Attorney (Last, Name)

Short answer text

After section 3 Continue to next section

Section 4 of 10

Arrest/Bail

Description (optional)

Defendant Date of Birth

Month, day, year

Race/Ethnicity

- Black
- White
- Hispanic
- Asian
- Other
- Other...

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Gender

- Male
- Female
- Unknown

Employed

- Yes (employed or STUDENT)
- No
- Disabled/Retired
- Unknown/Missing
- Other...

Arrest Agency

- HILLSBOROUGH COUNTY SHERIFF'S OFFICE
- TAMPA POLICE DEPARTMENT
- TEMPLE TERRACE POLICE DEPARTMENT
- PLANT CITY POLICE DEPARTMENT
- USF CAMPUS POLICE
- FLORIDA HIGHWAY PATROL
- Other...

Arrest Date

Month, day, year

Number of Arrest Charges

Short answer text

Arrest Charge 1

Short answer text

Arrest Statute 1

Short answer text

Arrest Charge 2

Short answer text

Arrest Statute 2

Short answer text

Arrest Charge 3

Short answer text

Arrest Statute 3

Short answer text

Jail Entry Date

Month, day, year

Jail Release Date

Month, day, year

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Released During Pretrial

- Yes
- No
- Unknown

Type of Pretrial Release

- ROR
- CASH Bond
- BAIL Bond
- Pretrial SUPERVISION
- Unknown
- Not Released During Pretrial

Initial Bond Amount

0 = Bond was denied--defendant was detained. Enter ROR if ROR, SUPER if SUPERVISED RELEASE

Short answer text

Final Bond Amount (If different from initial)

0 = Bond was denied--defendant was detained. Enter ROR if ROR, SUPER if SUPERVISED RELEASE

Short answer text

FTA During Pretrial

- Yes
- No
- Unknown

Bond Revoked During Pretrial

- Yes
- No
- Unknown

Days Detained Pretrial

Short answer text

After section 4 Continue to next section

Section 5 of 10

Information Stage

Description (optional)

Information Date

Month, day, year

Number of Information Charges

Short answer text

Prosecutor Charge 1

If different from ARREST, mark "Other" and list charge

- Same as ARREST CHARGE 1
- Other...

Prosecutor Statute 1

If different from ARREST, mark "Other" and list statute

- ○ Same as ARREST STATUTE 1
- ○ Other...

Prosecutor Action Charge 1

- ○ Filed/Charged
- ○ Not Filed/No Action/Dropped/Abandoned
- ○ Certified as MISD/Transferred to Another Court
- ○ Nolle Pros'd
- ○ Pretrial Diversion (PTI)
- ○ Other
- ○ Other...

Prosecutor Charge 2

If different from ARREST, mark "Other" and list charge

- ◯ Same as ARREST CHARGE 2
- ◯ Other...

Prosecutor Statute 2

If different from ARREST, mark "Other" and list statute

- ◯ Same as ARREST STATUTE 2
- ◯ Other...

Prosecutor Action Charge 2

- ◯ Filed/Charged
- ◯ Not Filed/No Action/Dropped/Abandoned
- ◯ Certified as MISD/Transferred to Another Court
- ◯ Nolle Pros'd
- ◯ Pretrial Diversion (PTI)
- ◯ Other
- ◯ Other...

Prosecutor Charge 3

If different from ARREST, mark "Other" and list charge

- ◯ Same as ARREST CHARGE 3
- ◯ Other...

Prosecutor Statute 3

If different from ARREST, mark "Other" and list statute

- ◯ Same as ARREST STATUTE 3
- ◯ Other...

Prosecutor Action Charge 3

- ◯ Filed/Charged
- ◯ Not Filed/No Action/Dropped/Abandoned
- ◯ Certified as MISD/Transferred to Another Court
- ◯ Nolle Pros'd
- ◯ Pretrial Diversion
- ◯ Other
- ◯ Other...

What Happened in this Case?

- ○ NO CHARGES were filed/All charges DISMISSED
- ○ Case was DIVERTED (Pretrial Diversion)
- ○ Defendant was adjudicated GUILTY or had ADJUDICATION WITHHELD on at least one charge in this case
- ○ All charges were TRANSFERRED TO MISD/TRAFFIC court
- ○ Defendant was found not guilty on all charges
- ○ Case is PENDING
- ○ Unknown (e.g., Clerk limits access)
- ○ Other...

After section 5 Continue to next section

Section 6 of 10

Diversion

Description (optional)

Diversion Date

Month, day, year

After section 6 Submit form

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Section 7 of 10

Court Sentence

Description (optional)

Court Disposition Date

Month, day, year

Number of Conviction Charges

Short answer text

Court Charge 1

If different from PROSECUTOR, mark "Other" and list charge

- Same as PROSECUTOR CHARGE 1
- Other...

Court Statute 1

If different from PROSECUTOR, mark "Other" and list statute

- Same as ARREST STATUTE 1
- Other...

Court Action Charge 1

- ( ) Pled Guilty/Nolo and Adjudicated Guilty
- ( ) Pled Guilty/Nolo BUT Adjudicated WITHHELD
- ( ) Found Guilty by Trial
- ( ) Found Not Guilty
- ( ) Nolle Pros'd
- ( ) Other
- ( ) Other...

PROBATION Sentence in Months Charge 1

Short answer text

COMMUNITY CONTROL Sentence in Months Charge 1

Short answer text

JAIL Sentence in DAYS Charge 1

Short answer text

PRISON Sentence in MONTHS Charge 1

Short answer text

Court Charge 2

If different from PROSECUTOR, mark "Other" and list charge

- ◯ Same as PROSECUTOR CHARGE 2
- ◯ Other...

Court Statute 2

If different from PROSECUTOR, mark "Other" and list statute

- ◯ Same as PROSECUTOR STATUTE 2
- ◯ Other...

Court Action Charge 2

- ◯ Pled Guilty/Nolo and Adjudicated Guilty
- ◯ Pled Guilty/Nolo BUT Adjudicated WITHHELD
- ◯ Found Guilty by Trial
- ◯ Found Not Guilty
- ◯ Nolle Pros'd
- ◯ Other
- ◯ Other...

PROBATION Sentence in Months Charge 2

Short answer text

COMMUNITY CONTROL Sentence in Months Charge 2

Short answer text

JAIL Sentence in DAYS Charge 2

Short answer text

PRISON Sentence in MONTHS Charge 2

Short answer text

Court Charge 3

If different from PROSECUTOR, mark "Other" and list charge

- ○ Same as PROSECUTOR CHARGE 3
- ○ Other...

Court Statute 3

If different from PROSECUTOR, mark "Other" and list statute

- ○ Same as PROSECUTOR STATUTE 3
- ○ Other...

Court Action Charge 3

- ◯ Pled Guilty/Nolo and Adjudicated Guilty
- ◯ Pled Guilty/Nolo BUT Adjudicated WITHHELD
- ◯ Found Guilty by Trial
- ◯ Found Not Guility
- ◯ Nolle Pros'd
- ◯ Other
- ◯ Other...

PROBATION Sentence in Months Charge 3

Short answer text

COMMUNITY CONTROL Sentence in Months Charge 3

Short answer text

JAIL Sentence in DAYS Charge 3

Short answer text

PRISON Sentence in MONTHS Charge 3

Short answer text

If MULTIPLE Convictions, were Sentences:

- ○ Concurrent
- ○ Consecutive
- ○ Not Applicable, only ONE Conviction
- ○ Other...

After section 7 Continue to next section

Section 8 of 10

Scoresheet

Description (optional)

Scoresheet available?

- ○ Yes
- ○ No

Primary Offense Points

Short answer text

Additional Offense Points

Short answer text

Victim Injury Points

Short answer text

Prior Record Points

Short answer text

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Legal Status Violation Points

Short answer text

Community Sanction Violation Points

Short answer text

Firearm Points

Short answer text

Prior Serious Felony Points

Short answer text

Enhancement Points

Short answer text

Total Sentence Points

Short answer text

After section 8 Continue to next section

Section 9 of 10

Financial

Total fines and fees EXCLUDING RESTITUTION

Total Fines/Fees

Short answer text

After section 9 Continue to next section

Section 10 of 10

Case Notes

Description (optional)

Notes

Long answer text

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Appendix C: Type of State Attorney Classification Table

Classification Criteria for Type of State Attorney

Circuit	State Attorney	"Smart"/Data Driven	Conviction Integrity Review Unit	Non-Prosecution or Diversion of Low-Level Offenses	Removing "Poverty Traps"
Circuit 1	William "Bill" Eddins			X	
Circuit 2	Jack Campbell				
Circuit 3	Jeff Siegmeister			X	
Circuit 4	Melissa Nelson	X	X	X	
Circuit 5	Brad King				
Circuit 6	Bernie McCabe				
Circuit 7	R.J. Larizza			X	
Circuit 8	William P. Cervone				
Circuit 9	Aramis D. Ayala	X	X	X	X
Circuit 10	Brian Haas				
Circuit 11	Katherine Fernandez Rundle	X	X	X	
Circuit 12	Ed Brodsky				
Circuit 13	Andrew H. Warren	X	X	X	X
Circuit 14	Glenn Hess				
Circuit 15	Dave Aronberg		X		
Circuit 16	Dennis W. Ward			X	
Circuit 17	Michael J. Satz		X	X	
Circuit 18	Phil Archer				
Circuit 19	Bruce Colton				
Circuit 20	Stephen B. Russell				

Note. State attorneys (SAs) who met three or more of the criteria listed above were classified as "progressive" SAs. The remaining SAs were classified as "traditional" prosecutors.
X = SA met the criteria

1. "Smart"/Data Driven – e.g., utilizing research data when making prosecutorial decisions.
2. Conviction Integrity Review Units – e.g., creating conviction review units to reduce wrongful convictions.
3. Non-Prosecution or Diversion of low-level offenses – e.g., creating civil citation programs and/or sealing and expungement programs
4. Removing Poverty Traps – e.g., ending cash bail in non-violent offenses, restoring civil rights to formerly incarcerated individuals, and "Ban the Box" initiatives.

Appendix D: Study #1 Regression Tables

Table S1.C1 Post-Conviction Outcomes: Logistic Regression Models, Conditional on Finding of Guilty (N = 6,442)

Variables	Adj Withheld	Probation	Jail	Prison
Black	-0.176*	-0.219**	-0.025	0.344**
	(0.089)	(0.073)	(0.058)	(0.087)
Hispanic	0.032	-0.092	0.047	-0.031
	(0.137)	(0.113)	(0.109)	(0.106)
Female	0.288**	0.399**	-0.141*	-0.692**
	(0.070)	(0.095)	(0.068)	(0.085)
Age	-0.088**	0.031	0.028*	0.023
	(0.022)	(0.022)	(0.014)	(0.015)
Age^2	0.001**	-0.000	-0.000	-0.000*
	(0.000)	(0.000)	(0.000)	(0.000)
Private Attorney	0.115	0.267**	-0.437**	0.194+
	(0.087)	(0.088)	(0.055)	(0.104)
Detained Pretrial	-1.055**	-0.932**	0.209*	1.168**
	(0.136)	(0.108)	(0.093)	(0.080)
# of Prior Felony Convictions	-1.071**	-0.109*	-0.001	0.246**
	(0.152)	(0.047)	(0.026)	(0.021)
# of Charges	-0.072+	-0.050*	0.051**	0.029+
	(0.039)	(0.020)	(0.018)	(0.016)
Total Offense Seriousness Pts	-0.001	-0.001	-0.013**	0.016**
	(0.002)	(0.002)	(0.002)	(0.002)
Other, Most Serious Charge Type	-0.518**	0.069	0.010	0.299**
	(0.108)	(0.110)	(0.083)	(0.111)
Property, Most Serious Charge Type	-0.312*	0.325**	-0.314**	0.318**
	(0.145)	(0.090)	(0.090)	(0.110)
Violent, Most Serious Charge Type	0.044	0.092	-0.105	0.098
	(0.142)	(0.140)	(0.088)	(0.104)
Second Degree Felony	-0.410**	-0.047	-0.270**	0.629**
	(0.094)	(0.096)	(0.089)	(0.096)
First Degree Felony	-1.033**	-0.237+	-0.280	0.900**
	(0.229)	(0.143)	(0.231)	(0.230)
First-Life Degree Felony	-0.891**	-0.121	0.402	-0.066
	(0.320)	(0.246)	(0.267)	(0.341)
Circuit 2	-0.239**	-0.794**	0.293**	0.697**
	(0.034)	(0.025)	(0.021)	(0.035)
Circuit 3	0.053*	0.101**	-1.172**	0.895**
	(0.024)	(0.018)	(0.016)	(0.017)
Circuit 4	-0.340**	-1.976**	0.746**	0.587**
	(0.024)	(0.029)	(0.021)	(0.021)
Circuit 5	-0.949**	-0.567**	0.458**	0.866**
	(0.016)	(0.022)	(0.013)	(0.020)
Circuit 6	-0.927**	-0.540**	0.709**	0.550**
	(0.029)	(0.024)	(0.015)	(0.020)
Circuit 7	-1.851**	0.267**	0.434**	0.620**
	(0.031)	(0.018)	(0.018)	(0.016)
Circuit 8	-1.538**	-0.283**	0.607**	0.730**
	(0.025)	(0.014)	(0.028)	(0.022)
Circuit 9	-3.856**	-0.854**	1.899**	0.017
	(0.074)	(0.031)	(0.029)	(0.031)
Circuit 10	-3.413**	0.618**	0.672**	0.222**
	(0.047)	(0.029)	(0.021)	(0.030)
Circuit 11	0.236**	-0.653**	0.570**	-0.563**
	(0.068)	(0.050)	(0.048)	(0.065)
Circuit 12	-4.326**	0.236**	1.028**	0.214**
	(0.043)	(0.022)	(0.016)	(0.017)
Circuit 13	-5.672**	0.770**	0.735**	0.037

	(0.068)	(0.032)	(0.024)	(0.026)
Circuit 14	-1.456**	0.704**	-0.007	0.489**
	(0.027)	(0.034)	(0.016)	(0.026)
Circuit 15	-4.762**	-0.980**	1.731**	0.350**
	(0.063)	(0.030)	(0.038)	(0.035)
Circuit 16	-1.324**	0.521**	-0.497**	1.134**
	(0.042)	(0.066)	(0.051)	(0.051)
Circuit 17	0.315**	-0.240**	-0.264**	-0.037
	(0.045)	(0.041)	(0.025)	(0.048)
Circuit 18	-1.067**	0.256**	0.485**	0.015
	(0.035)	(0.017)	(0.013)	(0.017)
Circuit 19	-2.852**	-0.121**	0.702**	1.058**
	(0.050)	(0.021)	(0.017)	(0.024)
Circuit 20	-3.814**	0.410**	0.701**	0.443**
	(0.038)	(0.021)	(0.018)	(0.019)
Constant	2.615**	-1.361**	-1.203**	-3.857**
	(0.419)	(0.431)	(0.320)	(0.325)
Model Fit				
Pseudo *R*-squared	0.360	0.110	0.086	0.212

Note: Robust standard errors in parentheses.
** $p<0.01$, * $p<0.05$, + $p<0.10$

Table S1.C2 Cumulative Case Outcome All Offenses by Race/Ethnicity: Multinomial Logistic Regression (N = 11,414; Pseudo R^2 = 0.168)

Variables	Transferred Coef (SE)	Diverted Coef (SE)	Adj. Withheld Coef (SE)	Adj. Guilty, Prob Coef (SE)	Adj. Guilty, Jail Coef (SE)	Adj. Guilty, Prison Coef (SE)
Black	-0.015	-0.319**	-0.214*	-0.292**	-0.098	0.123
	(0.091)	(0.114)	(0.088)	(0.093)	(0.081)	(0.084)
Hispanic	0.170+	0.076	0.096	-0.062	0.061	0.010
	(0.091)	(0.141)	(0.148)	(0.102)	(0.072)	(0.104)
Female	0.029	0.653**	0.253**	0.306**	-0.038	-0.517**
	(0.099)	(0.104)	(0.074)	(0.087)	(0.071)	(0.083)
Age	0.016	-0.068*	-0.059**	0.025	0.023	0.009
	(0.018)	(0.029)	(0.014)	(0.019)	(0.017)	(0.016)
Age^2	-0.000	0.001*	0.001**	-0.000	-0.000	-0.000
	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Private Attorney	-0.003	1.155**	0.719**	0.737**	0.275**	0.694**
	(0.178)	(0.175)	(0.109)	(0.110)	(0.085)	(0.112)
Detained Pretrial	0.238	-1.498**	-0.253+	-0.105	0.721**	1.460**
	(0.147)	(0.181)	(0.139)	(0.156)	(0.101)	(0.106)
# of Prior Felony Convictions	-0.078**	-1.448**	-0.780**	-0.007	0.082**	0.236**
	(0.027)	(0.261)	(0.163)	(0.046)	(0.030)	(0.023)
# of Charges	0.201**	0.158	0.207**	0.209**	0.283**	0.263**
	(0.066)	(0.097)	(0.080)	(0.073)	(0.065)	(0.074)
Total Offense Seriousness Pts	-0.023**	-0.010*	-0.002	-0.002	-0.010**	0.008**
	(0.003)	(0.005)	(0.003)	(0.003)	(0.002)	(0.002)
Other, Most Serious Charge Type	1.036**	-0.885**	-0.411**	0.037	0.010	0.316**
	(0.108)	(0.290)	(0.122)	(0.142)	(0.111)	(0.111)
Property, Most Serious Charge Type	-0.287+	-0.098	-0.363*	0.126	-0.258*	0.118
	(0.158)	(0.253)	(0.170)	(0.091)	(0.112)	(0.119)
Violent, Most Serious Charge Type	-0.088	-1.261**	-1.072**	-1.006**	-1.145**	-0.981**
	(0.142)	(0.368)	(0.198)	(0.164)	(0.100)	(0.150)
Second Degree Felony	-0.201+	-0.561**	-0.251**	-0.047	-0.121	0.442**
	(0.119)	(0.174)	(0.074)	(0.111)	(0.081)	(0.096)
First Degree Felony	-0.349	-0.574+	-0.375	0.093	0.218	0.966**
	(0.223)	(0.314)	(0.260)	(0.170)	(0.236)	(0.239)
First-Life Degree Felony	0.960*	-1.457+	-0.754**	-0.610*	-0.112	-0.262
	(0.433)	(0.870)	(0.259)	(0.284)	(0.241)	(0.242)
Circuit 2	0.645**	0.377**	0.101**	-0.288**	0.646**	1.022**
	(0.028)	(0.039)	(0.034)	(0.035)	(0.028)	(0.029)
Circuit 3	-0.738**	-1.300**	-1.265**	-1.188**	-2.193**	-0.468**
	(0.026)	(0.037)	(0.027)	(0.028)	(0.026)	(0.029)
Circuit 4	0.490**	-0.145*	-0.938**	-2.293**	-0.133**	-0.163**
	(0.031)	(0.060)	(0.038)	(0.036)	(0.021)	(0.031)
Circuit 5	-1.098**	-0.752**	-1.375**	-1.072**	-0.221**	0.105**
	(0.022)	(0.037)	(0.022)	(0.023)	(0.021)	(0.018)
Circuit 6	-0.707**	-0.743**	-1.132**	-0.833**	0.125**	0.146**
	(0.041)	(0.089)	(0.057)	(0.045)	(0.038)	(0.045)

Circuit 7	-0.018	-0.825**	-2.129**	-0.467**	-0.244**	0.018
	(0.024)	(0.043)	(0.035)	(0.025)	(0.022)	(0.022)
Circuit 8	-0.674**	-0.820**	-2.513**	-1.479**	-0.716**	-0.475**
	(0.021)	(0.031)	(0.033)	(0.029)	(0.019)	(0.029)
Circuit 9	-0.673**	-1.483**	-4.537**	-1.856**	-0.092**	-0.996**
	(0.032)	(0.045)	(0.053)	(0.040)	(0.029)	(0.045)
Circuit 10	0.247**	-1.216**	-3.301**	-0.001	0.057	-0.042
	(0.027)	(0.033)	(0.034)	(0.039)	(0.035)	(0.045)
Circuit 11	-0.994**	-0.763**	-1.657**	-2.120**	-1.249**	-1.988**
	(0.043)	(0.077)	(0.049)	(0.051)	(0.042)	(0.056)
Circuit 12	-0.242**	-0.860**	-4.517**	-0.635**	-0.051*	-0.433**
	(0.025)	(0.030)	(0.038)	(0.025)	(0.021)	(0.020)
Circuit 13	0.348**	0.234**	-5.491**	0.101**	0.138**	-0.173**
	(0.025)	(0.037)	(0.045)	(0.023)	(0.017)	(0.023)
Circuit 14	0.776**	0.699**	-1.253**	0.350**	-0.014	0.363**
	(0.030)	(0.046)	(0.030)	(0.019)	(0.016)	(0.023)
Circuit 15	0.224**	-1.308**	-4.886**	-1.404**	0.509**	0.028
	(0.039)	(0.042)	(0.050)	(0.050)	(0.029)	(0.034)
Circuit 16	-0.093+	-0.710**	-2.661**	-1.120**	-0.404**	0.105**
	(0.056)	(0.053)	(0.048)	(0.040)	(0.030)	(0.039)
Circuit 17	-0.100**	-0.162**	-0.565**	-0.735**	-0.854**	-0.579**
	(0.036)	(0.039)	(0.039)	(0.041)	(0.032)	(0.042)
Circuit 18	0.319**	-0.632**	-0.938**	0.056*	0.253**	0.042*
	(0.019)	(0.021)	(0.025)	(0.024)	(0.018)	(0.017)
Circuit 19	-0.421**	-1.697**	-3.101**	-0.815**	-0.193**	0.155**
	(0.025)	(0.058)	(0.041)	(0.038)	(0.029)	(0.025)
Circuit 20	-1.424**	-0.633**	-4.530**	-0.902**	-0.714**	-0.701**
	(0.028)	(0.035)	(0.035)	(0.034)	(0.030)	(0.027)
Constant	-0.425	1.324	2.324**	-0.478	-0.546	-2.243**
	(0.449)	(0.874)	(0.357)	(0.479)	(0.400)	(0.407)

Note: Robust standard errors in parentheses. Case dismissal is the reference category.
** $p<0.01$, * $p<0.05$, + $p<0.1$

Table S1.C3 Cumulative Case Outcome All Offenses by Race/Ethnicity: Multinomial Logistic Regression (N = 11,414; Pseudo R^2 = 0.121)

Variables	Transferred Coef (SE)	Diverted Coef (SE)	Adj. Withheld Coef (SE)	Adj. Guilty, Prob Coef (SE)	Adj. Guilty, Jail Coef (SE)	Adj. Guilty, Prison Coef (SE)
Black	0.063	-0.202*	0.032	-0.364**	-0.112	0.155
	(0.103)	(0.092)	(0.179)	(0.100)	(0.142)	(0.125)
Hispanic	0.028	-0.052	-0.246	-0.078	-0.148	-0.073
	(0.196)	(0.142)	(0.370)	(0.161)	(0.096)	(0.143)
Progressive SA	0.023	0.108	-0.617	-0.669	-0.188	-0.534
	(0.405)	(0.405)	(0.640)	(0.556)	(0.283)	(0.342)
Black*Progressive SA	-0.143	-0.282	-0.138	0.022	-0.153	-0.414*
	(0.170)	(0.183)	(0.335)	(0.140)	(0.153)	(0.179)
Hispanic*Progressive SA	-0.172	-0.054	0.397	-0.292+	-0.007	-0.640*
	(0.233)	(0.259)	(0.606)	(0.173)	(0.192)	(0.274)
Female	0.061	0.650**	0.238**	0.309**	-0.013	-0.488**
	(0.104)	(0.096)	(0.090)	(0.089)	(0.077)	(0.088)
Age	0.024	-0.056+	-0.030*	0.030	0.024	0.018
	(0.017)	(0.029)	(0.015)	(0.020)	(0.017)	(0.016)
Age^2	0.000	0.001+	0.000	0.000	0.000	-0.000*
	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Private Attorney	0.047	1.141**	0.712**	0.768**	0.345**	0.720**
	(0.179)	(0.150)	(0.149)	(0.125)	(0.122)	(0.146)
Detained Pretrial	0.251+	-1.394**	-0.113	-0.091	0.679**	1.483**
	(0.137)	(0.207)	(0.162)	(0.157)	(0.103)	(0.105)
# of Prior Felony Convictions	-0.083**	-1.438**	-0.710**	0.001	0.083**	0.228**
	(0.026)	(0.267)	(0.144)	(0.043)	(0.028)	(0.023)
# of Charges	0.207**	0.153	0.184*	0.221**	0.270**	0.245**
	(0.072)	(0.097)	(0.075)	(0.073)	(0.057)	(0.068)
Total Offense Seriousness Pts	-0.024**	-0.011*	-0.001	-0.004	-0.010**	0.007**
	(0.003)	(0.005)	(0.003)	(0.003)	(0.002)	(0.002)
Other, Most Serious Charge Type	1.073**	-0.784**	-0.331**	0.126	0.085	0.411**
	(0.107)	(0.290)	(0.103)	(0.131)	(0.115)	(0.130)
Property, Most Serious Charge Type	-0.278+	-0.079	-0.338*	0.111	-0.254*	0.099
	(0.162)	(0.245)	(0.159)	(0.091)	(0.110)	(0.112)
Violent, Most Serious Charge Type	-0.005	-1.189**	-1.016**	-0.939**	-1.093**	-0.945**
	(0.133)	(0.367)	(0.188)	(0.179)	(0.100)	(0.149)
Second Degree Felony	-0.121	-0.498**	-0.234**	0.022	-0.078	0.515**
	(0.124)	(0.184)	(0.081)	(0.108)	(0.090)	(0.093)
First Degree Felony	-0.199	-0.556+	-0.592*	0.277	0.349	1.058**
	(0.240)	(0.314)	(0.261)	(0.186)	(0.243)	(0.243)
First-Life Degree Felony	1.017*	-1.382	-0.842**	-0.426	0.007	-0.108
	(0.441)	(0.905)	(0.250)	(0.311)	(0.234)	(0.257)
Constant	-0.820+	0.460	0.251	-1.161*	-0.611	-2.423**
	(0.451)	(0.886)	(0.366)	(0.456)	(0.404)	(0.391)

Appendix E: Study #2 Regression Tables

Table S2.D1 Court community diversity: regression models of pretrial and sentencing outcomes

	Felony Flied		Dismissal		Pretrial Detention		Probation		Prison		Sentence Length	
	Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		*b*	
Black Defendant	0.93	0.93	1.12+	1.11+	0.80**	0.81**	0.78**	0.78**	1.53**	1.51**	0.11*	0.12**
	0.05	0.05	-0.07	(0.06)	0.04	(0.04)	(0.07)	(0.07)	(0.13)	(0.13)	(0.04)	(0.04)
Hispanic Defendant	0.98	0.97	0.88	0.91	0.80**	0.79**	0.96	0.98	0.93	0.93	0.07	0.08
	0.07	0.07	-0.07	(0.07)	0.06	(0.06)	(0.12)	(0.12)	(0.12)	(0.12)	(0.07)	(0.07)
Court Community	1.58	1.54	0.62	0.67	0.71	0.71	1.33	1.40	1.32	1.21	0.68+	0.77+
	(0.87)	(0.86)	(0.35)	(0.38)	(0.30)	(0.30)	(1.45)	(1.53)	(0.81)	(0.75)	(0.39)	(0.40)
Black Defendant * Court Community	-	1.14	-	0.79	-	0.93	-	0.64	-	2.72	-	-0.71+
		(0.58)		(0.45)		(0.46)		(0.60)		(2.23)		(0.43)
Hispanic Defendant * Court Community	-	0.67	-	2.79	-	0.61	-	4.83	-	2.63	-	0.01
		(0.46)		(2.33)		(0.42)		(5.58)		(3.05)		(0.66)
Controls												
Female Defendant	0.90+	0.90+	0.96	0.96	0.57**	0.57**	1.73**	1.73**	0.46**	0.45**	-0.21**	-0.22**
	(0.05)	(0.05)	(0.06)	(0.06)	(0.03)	(0.03)	(0.16)	(0.16)	(0.05)	(0.05)	(0.06)	(0.06)
Age at Filing	1.00	1.00	1.00	1.00	0.99*	0.99*	1.01*	1.01*	0.99	0.99	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Age at Filing Quadratic	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00+	1.00+	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Private Attorney	1.38**	1.38**	0.61**	0.61**	0.39**	0.39**	1.53**	1.53**	1.23*	1.23*	-0.01	-0.01
	(0.08)	(0.08)	(0.04)	(0.04)	(0.02)	(0.02)	(0.14)	(0.14)	(0.11)	(0.11)	(0.05)	(0.05)
Detained Pretrial	1.95**	1.95**	0.65**	0.65**			0.31**	0.31**	3.04**	3.04**	0.19**	0.19**
	(0.10)	(0.10)	(0.04)	(0.04)			(0.03)	(0.03)	(0.23)	(0.23)	(0.04)	(0.04)

# of Prior Convictions	1.12**	1.12**	0.97*	0.97*	1.17**	1.17**	0.82**	0.82**	1.29**	1.29**	0.01	0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.02)	(0.02)	(0.01)	(0.01)
# of Charges	1.15**	1.15**	0.84**	0.84**	1.04*	1.04*	0.89**	0.89**	1.16**	1.16**	0.03*	0.03*
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.03)	(0.03)	(0.03)	(0.03)	(0.01)	(0.01)
Offense Severity	1.01**	1.01**	1.00	1.00	1.01**	1.01**	0.99*	0.99*	1.02**	1.02**	0.00**	0.00**
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Most Serious Charge												
Other	0.71**	0.71**	0.81*	0.81*	0.83*	0.83*	1.00	1.00	1.44**	1.44**	0.00	-0.01
	(0.05)	(0.05)	(0.07)	(0.07)	(0.06)	(0.06)	(0.12)	(0.12)	(0.17)	(0.17)	(0.06)	(0.06)
Property	0.92	0.92	1.17*	1.17*	1.52**	1.52**	1.43**	1.42**	1.48**	1.48**	0.15**	0.15**
	(0.06)	(0.06)	(0.08)	(0.08)	(0.09)	(0.09)	(0.14)	(0.14)	(0.14)	(0.14)	(0.05)	(0.05)
Violent	0.36**	0.36**	2.77**	2.76**	1.12	1.12	1.01	1.01	1.20	1.19	0.29**	0.30**
	(0.02)	(0.02)	(0.21)	(0.21)	(0.08)	(0.08)	(0.12)	(0.12)	(0.13)	(0.13)	(0.06)	(0.06)
2nd Degree	1.08	1.08	1.16*	1.16*	1.21**	1.21**	0.89	0.90	3.00**	3.00**	0.20**	0.20**
	(0.07)	(0.07)	(0.08)	(0.08)	(0.07)	(0.07)	(0.10)	(0.10)	(0.29)	(0.29)	(0.05)	(0.05)
1st Degree	1.38**	1.39**	0.86	0.86	1.34**	1.34**	0.81	0.81	1.95**	1.95**	0.32**	0.32**
	(0.17)	(0.17)	(0.11)	(0.11)	(0.15)	(0.15)	(0.14)	(0.14)	(0.31)	(0.31)	(0.08)	(0.08)
1st - Life	0.56**	0.56**	1.34	1.34	1.38+	1.38+	0.87	0.85	3.30**	3.34**	0.03	0.03
	(0.10)	(0.10)	(0.26)	(0.26)	(0.25)	(0.25)	(0.47)	(0.46)	(1.25)	(1.26)	(0.14)	(0.14)
Judges per County	1.00	1.00	0.99	0.99	0.99	0.99	1.03	1.03	0.97**	0.97**	0.00	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)
Caseload Pressure	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Socioeconomic Condition	1.01	1.01	1.04	1.04	1.03	1.03	1.04	1.04	1.10*	1.10*	0.09**	0.09**
	(0.04)	(0.04)	(0.05)	(0.05)	(0.03)	(0.03)	(0.09)	(0.09)	(0.05)	(0.05)	(0.03)	(0.03)
Crime Rate per 100K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
% Black Population	0.99	0.99	0.99	0.99	0.99+	0.99+	0.97	0.97+	0.99	0.99	0.00	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)

% Hispanic Population	0.99+	0.99+	1.02*	1.02*	0.99*	0.99*	0.98	0.98	1.00	1.00	0.00	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)
Model Fit												
Observations	10,582		10,582		10,582		4,901		5,677		1,434	
Wald Chi2	844.3		622.8		868.2		457.1		956.3		333.9	
Residual Interclass Correlations												
Level 2 (workgroup)	0.38		0.16		0.03		0.09		0.12		0.01	
Level 3 (county)	0.02		0.13		0.07		0.75		0.07		0.07	

Notes. For the pretrial outcomes, all of the charge related variables refer to the most serious charge at the complaint stage. For the sentencing outcomes, charge related variables refer to the most serious charge at disposition. Standard errors are in parentheses.

** p<0.01, * p<0.05, + p<0.1

Table S2.D2 Courtroom workgroup diversity: regression models of pretrial and sentencing outcomes

	Felony Flied		Dismissal		Pretrial Detention		Probation		Prison		Sentence Length	
	Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		Odds Ratio		*b*	
Black Defendant	0.93	0.93	1.12*	1.12+	0.80**	0.80**	0.76**	0.76**	1.53**	1.53**	0.11*	0.11*
	(0.05)	(0.05)	-0.07	-0.07	-0.04	-0.04	-0.07	-0.07	(0.13)	(0.13)	(0.04)	(0.04)
Hispanic Defendant	0.98	0.98	0.89	0.89	0.80**	0.80**	0.94	0.94	0.93	0.92	0.07	0.07
	(0.07)	(0.07)	-0.07	-0.07	-0.06	-0.06	-0.11	-0.11	(0.12)	(0.12)	(0.07)	(0.07)
Courtroom Workgroup	0.95	0.96	1.29	1.24	0.79	0.80	0.97	0.96	0.74	0.70	-0.08	-0.10
	(0.24)	(0.25)	-0.28	-0.27	-0.12	-0.12	-0.29	-0.29	(0.19)	(0.18)	(0.12)	(0.12)
Black Defendant * Courtroom Workgroup	-	0.87	-	1.43	-	0.97	-	0.88	-	1.66	-	0.15
		(0.23)		(0.43)		(0.25)		(0.44)		(0.72)		(0.22)
Hispanic Defendant * Courtroom Workgroup	-	0.97	-	1.36	-	0.97	-	1.44	-	0.93	-	0.25
		(0.35)		(0.55)		(0.35)		(0.91)		(0.60)		(0.35)
Controls												
Female Defendant	0.90+	0.90+	0.96	0.96	0.57**	0.57**	1.71**	1.71**	0.46**	0.46**	-0.21**	-0.21**
	(0.05)	(0.05)	(0.06)	(0.06)	(0.03)	(0.03)	(0.15)	(0.15)	(0.05)	(0.05)	(0.06)	(0.06)
Age at Filing	1.00	1.00	1.00	1.00	0.99*	0.99*	1.01+	1.01+	0.99	0.99	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Age at Filing Quadratic	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00+	1.00+	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Private Attorney	1.38**	1.38**	0.61**	0.61**	0.39**	0.39**	1.53**	1.53**	1.23*	1.23*	-0.01	-0.01
	(0.08)	(0.08)	(0.04)	(0.04)	(0.02)	(0.02)	(0.14)	(0.14)	(0.11)	(0.11)	(0.05)	(0.05)
Detained Pretrial	1.95**	1.95**	0.65**	0.65**			0.31**	0.31**	3.03**	3.03**	0.19**	0.19**
	(0.10)	(0.10)	(0.04)	(0.04)			(0.03)	(0.03)	(0.23)	(0.23)	(0.04)	(0.04)
# of Prior Convictions	1.12**	1.12**	0.97*	0.97*	1.17**	1.17**	0.82**	0.82**	1.29**	1.29**	0.01	0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.02)	(0.02)	(0.01)	(0.01)

# of Charges	1.15**	1.15**	0.84**	0.84**	1.04*	1.04*	0.89**	0.89**	1.16**	1.16**	0.03*	0.03*
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.03)	(0.03)	(0.03)	(0.03)	(0.01)	(0.01)
Offense Severity	1.01**	1.01**	1.00	1.00	1.01**	1.01**	0.99**	0.99**	1.02**	1.02**	0.00**	0.00**
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Most Serious Charge												
Other	0.71**	0.71**	0.81*	0.81*	0.83*	0.83*	0.93	0.93	1.43**	1.43**	-0.01	0.00
	(0.05)	(0.05)	(0.07)	(0.07)	(0.06)	(0.06)	(0.11)	(0.11)	(0.17)	(0.17)	(0.06)	(0.06)
Property	0.92	0.92	1.16*	1.17*	1.52**	1.52**	1.30**	1.30**	1.48**	1.48**	0.15**	0.15**
	(0.06)	(0.06)	(0.08)	(0.08)	(0.09)	(0.09)	(0.12)	(0.12)	(0.14)	(0.14)	(0.05)	(0.05)
Violent	0.36**	0.36**	2.77**	2.77**	1.12	1.12	1.10	1.10	1.20	1.19	0.30**	0.29**
	(0.02)	(0.02)	(0.21)	(0.21)	(0.08)	(0.08)	(0.13)	(0.13)	(0.13)	(0.13)	(0.06)	(0.06)
2nd Degree	1.08	1.08	1.16*	1.16*	1.21**	1.21**	0.90	0.90	3.00**	2.99**	0.20**	0.20**
	(0.07)	(0.07)	(0.08)	(0.08)	(0.07)	(0.07)	(0.09)	(0.09)	(0.29)	(0.29)	(0.05)	(0.05)
1st Degree	1.38**	1.38**	0.86	0.86	1.33**	1.33**	0.74+	0.74+	1.95**	1.95**	0.32**	0.32**
	(0.17)	(0.17)	(0.11)	(0.11)	(0.15)	(0.15)	(0.12)	(0.12)	(0.31)	(0.31)	(0.08)	(0.08)
1st - Life	0.56**	0.56**	1.34	1.35	1.38+	1.38+	0.81	0.81	3.27**	3.32**	0.03	0.03
	(0.10)	(0.10)	(0.26)	(0.26)	(0.25)	(0.25)	(0.27)	(0.26)	(1.24)	(1.26)	(0.14)	(0.14)
Judges per County	1.00	1.00	0.99	0.99	0.99	0.99	1.02	1.02	0.97**	0.97**	0.00	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)
Caseload Pressure	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Socioeconomic Condition	1.01	1.01	1.04	1.04	1.03	1.03	1.08	1.08	1.09+	1.09+	0.07*	0.07*
	(0.04)	(0.04)	(0.05)	(0.05)	(0.03)	(0.03)	(0.08)	(0.08)	(0.05)	(0.05)	(0.03)	(0.03)
Crime Rate per 100K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
% Black Population	0.99	0.99	0.99	0.99	0.99+	0.99+	0.97+	0.97+	0.98+	0.98+	0.00	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)
% Hispanic Population	0.99+	0.99+	1.02**	1.02**	0.99*	0.99*	0.98	0.98	1.00	1.00	-0.01	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)

Model Fit						
Observations	10,582	10,582	10,582	5,194	5,677	1,434
Wald Chi2	843.2	623.00	870	487.1	956.3	331.00
Residual Interclass Correlations						
Level 2 (workgroup)	0.38	0.15	0.03	0.10	0.12	0.01
Level 3 (county)	0.03	0.14	0.07	0.70	0.07	0.07

Notes. For the pretrial outcomes, all of the charge related variables refer to the most serious charge at the complaint stage. For the sentencing outcomes, charge related variables refer to the most serious charge at disposition. Standard errors are in parentheses.

** p<0.01, * p<0.05, + p<0.1