

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/race-and-prosecution-in-manhattan>

Policy Issue Resources

Publication

Racial and ethnic disparities in the criminal justice system are often seen as the result of law enforcement practices and/or judicial decision making. The role of prosecutors, however, is regularly overlooked. Prosecutors have wide discretion when it comes to initial screening, charging, bail, and pretrial detention recommendations, as well as diversion, plea bargaining, and sentencing. To understand the impact of this discretionary power, Vera partnered with the District Attorney of New York (DANY) to study disparities in criminal case outcomes in Manhattan. The two-year, National Institute of Justice-funded study analyzed more than 200,000 cases, focusing on the role of prosecutors during several points of a criminal case: case acceptance for prosecution, dismissals, pretrial detention, plea bargaining, and sentencing recommendations and whether prosecutorial discretion contributes to racially and ethnically disparate outcomes.

While the best predictors of case outcomes were factors directly pertaining to the legal aspects of a case including the seriousness of the charge, the defendants prior record, and the offense type, race nonetheless remained a factor, the study found.

The study found that DANY prosecutes nearly all cases brought by the police, with no noticeable racial or ethnic differences at case screening.

For decisions made beyond case screening, disparities varied by discretionary point and offense category.

Black and Latino defendants were more likely than similarly situated whites to be detained at arraignment, to receive a custodial sentence offer as a result of the plea bargaining process, and to be incarcerated.

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