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JOHN GLENN COLLEGE OF PUBLIC AFFAIRS

Social Identity and Prosecutorial Discretion

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Overview & Motivation

- Criminal justice institutions
- Biases & decision-making
- Work context



Prosecutor Discretion

- Prosecutor's role
- Points of influence
- Criteria for accepting arrest charges
 - Legal considerations
 - Extra-legal factors



Theoretical Framing

- Social Identity Theory (Tajfel and Turner 1986)
- Representative Bureaucracy (Kingsley 1945)
- Workload and Routinization (Lipsky 1976)



Hypotheses

- **H1:** Female assistant district attorneys (ADAs) are less likely than male ADAs to accept initial arrest charges for prosecution.
- **H2:** Female ADAs are less likely than male ADAs to accept initial arrest charges when the defendant in a case is female.
- **H3:** For all ADAs, higher caseload reduces the likelihood of accepting initial arrest charges
- **H4:** Higher caseload accentuates the effect of ADA and defendant gender on the likelihood of accepting initial arrest charges.



Data

- NIJ-funded data collection
- Administrative data
- Collected from 2007 – 2010
- 105,122 unique arrest charges
- 66% Male ADAs, 34% Female ADAs



Descriptive Statistics by ADA Gender

Variables	Male ADA (66%)		Female ADA (34%)	
	Mean	SD	Mean	SD
Arrest Charge Accepted (=1)	0.6	0.5	0.5	0.5
Experience (months)	137.5	122.4	66.6	88.2
Case severity (0-13)	3.2	2.4	3.9	2.4
Felony (=1 if Felony)	0.4	0.5	0.4	0.5
Total Charges	2.1	2.2	1.9	1.5
Monthly Caseload	51.7	68.4	60.4	64.7
Male Defendant (=1)	0.8	0.4	0.8	0.4
Non-White Def. (=1)	0.8	0.4	0.8	0.4
Defendant Age	30.6	11.0	30.5	11.1



Predictor Measures

- **Male-Male:** male ADA & male defendant (N = 53,054)
- **Male-Female:** male ADA & female defendant (N = 11,018)
- **Female-Male:** female ADA & male defendant (N = 27,369)
- **Female-Female:** female ADA & female defendant (N = 5,473)



Logistic Regression Analysis on Accepting Arrest Charges

Variables	Odds ratio	Odds ratio	Odds ratio
Male ADA	1.34**		
Male defendant (Def.)	1.26**		
ADA Caseload	0.86**	0.86**	0.91**
Male ADA - Female Def.		0.85**	0.92**
Female ADA - Male Def.		0.78**	0.78**
Female ADA -Female Def.		0.53**	0.53**
Male ADA-Female Def. X Caseload			0.85**
Female ADA-Male Def. X Caseload			0.85**
Female ADA-Female Def. X Caseload			0.79**
Observations	94,393	94,393	94,393



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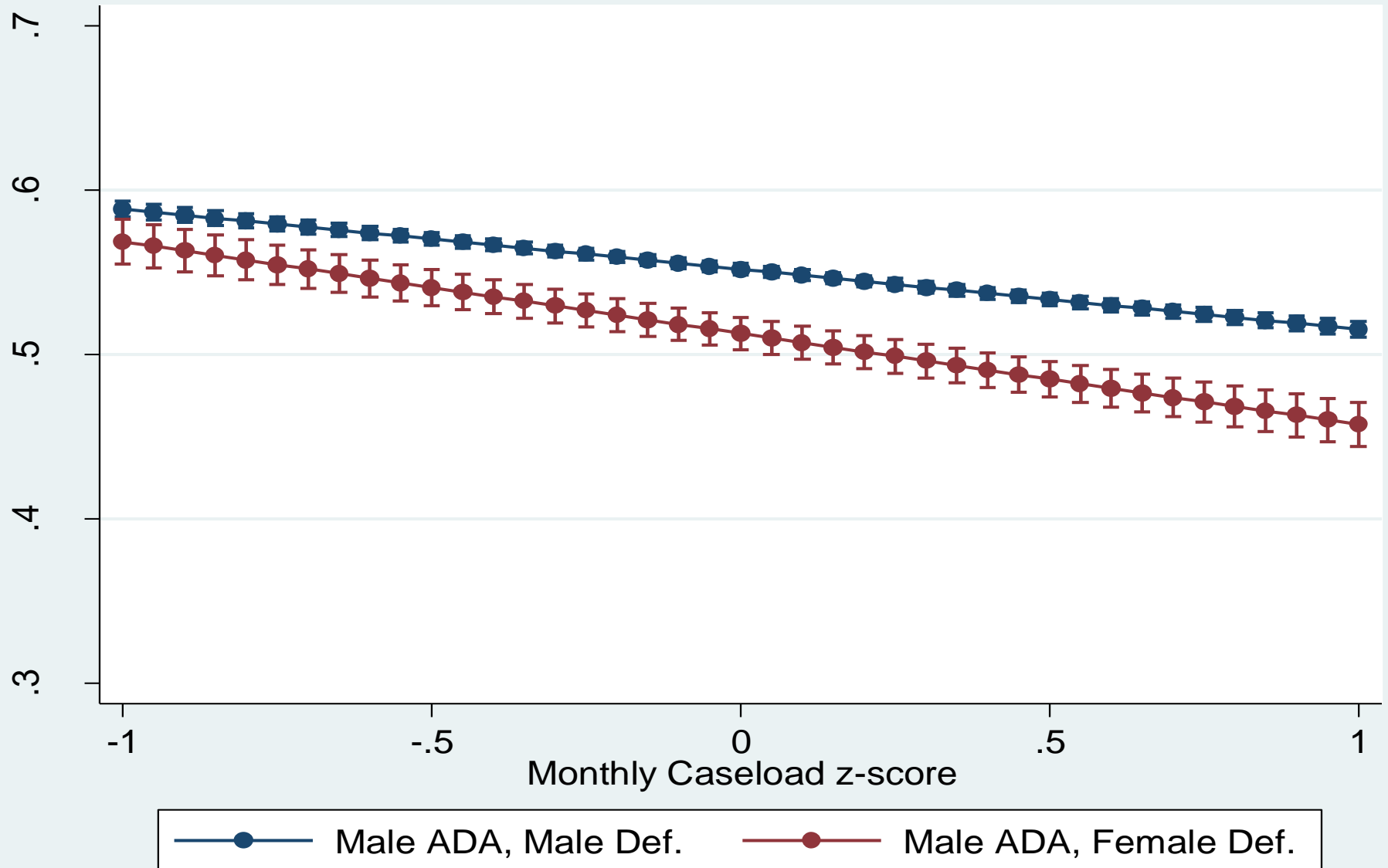
Coarsened Exact Matching (CEM)

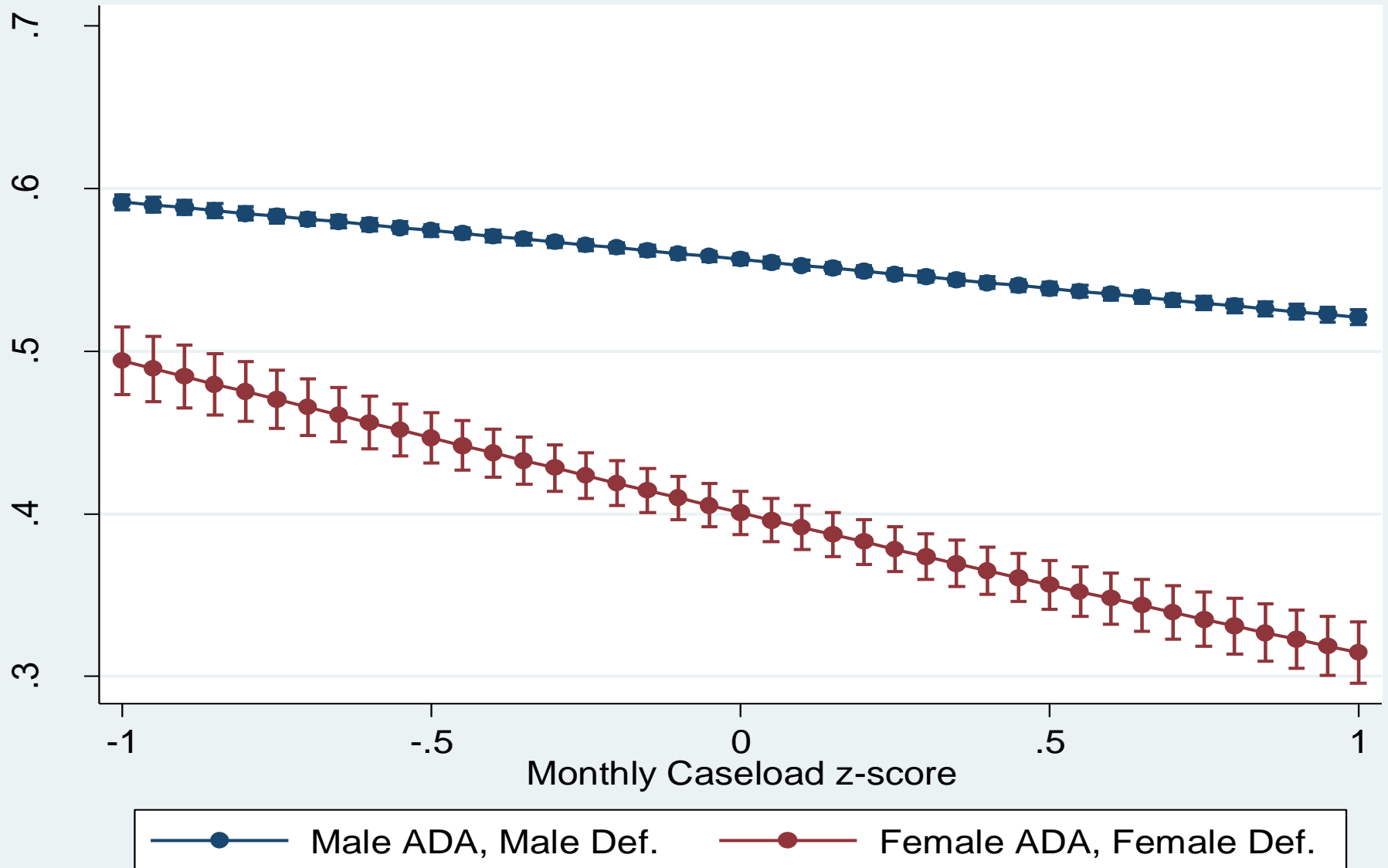
- Why matching?
- Pre-Treatment Covariates
- Imbalance before matching: 0.27
- Imbalance after matching: 0.09



Post-Matching Logistic Regression Analysis on Accepting Arrest Charges

Variables	Odds ratio	Odds ratio	Odds ratio
Male ADA	1.10**		
Male defendant (Def.)	1.37**		
ADA Caseload	0.86**	0.86**	0.90**
Male ADA - Female Def.		0.74**	0.74**
Female ADA - Male Def.		0.91**	0.92**
Female ADA -Female Def.		0.65**	0.65**
Male ADA-Female Def. X Caseload			0.90**
Female ADA-Male Def. X Caseload			0.89**
Female ADA-Female Def. X Caseload			0.82**







Implications: Theory & Policy

- Optimal workloads
- Females in CJ system
- Power of prosecutors
- What is next?



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Thank you!

Questions and Comments?

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Pr(Accepting Arrest Charge)	Odds Ratios	Odds Ratios
Monthly Caseload (z-score) (Female ADA, Male Def. as reference)	0.86**	0.91**
Male ADA, Male Def.	1.29**	1.28**
Male ADA, Female Def.	1.10**	1.09**
Female ADA, Female Def.	0.68**	0.67**
Interaction Effects		
Male ADA, Male Def. interaction with z-caseload		1.18**
Male ADA, Female Def. interaction with z-caseload		1.09**
Female ADA, Female Def. interaction with z-caseload		0.93
Observations	94,393	94,393 ¹⁸



	(Pers on)	(Prope rty)	(Drugs)	(P.Ord er)	(Weap on)	(DUI)	(DV)	(Non- DV)
	OR	OR	OR	OR	OR	OR	OR	OR
Monthly Caseload	0.981	1.098*	1.171**	1.152**	1.411**	1.281*	1.004	1.224**
Male-Male Ref.								
Male-Female	1.130	1.113	0.622**	0.825**	0.702	0.774	0.495**	0.901**
Female-Male	1.108	0.666**	1.124*	0.843**	0.840	0.796	0.677**	0.825**
Female-Female	1.323*	0.636**	0.606**	0.761*	0.858	0.382**	0.380**	0.544**
Interactions								
Male-Female interact	0.989	0.964	0.886	1.103	0.878	0.649*	0.918	1.019
Female-Male interact	0.993	0.670**	0.827*	0.873	0.570**	0.871	1.156**	0.881**
Female-Female interact	1.295	0.755	1.031	1.002	0.963	0.407	1.166*	0.819*
Observations	7,319	15,797	15,262	19,804	4,394	9,297	22,520	71,873



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