



Street-level rule of law: Prosecutor presence and the fight against corruption

Guillermo Toral

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- Key **limitations of research to date:**
 - Observational comparisons at the macro-level
 - Lack of data on prosecutor behavior



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- A theory of **why prosecutors have an advantage** in the fight against corruption, relative to other accountability actors:

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- **Causally identified evidence of the effects of prosecutorial presence** on anti-corruption action, and on local governance outcomes

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Empirical:

- **Causally identified evidence of the effects of prosecutorial presence** on anti-corruption action, and on local governance outcomes
- Complementary insights from in-depth **interviews and surveys**

Preview of the empirics

In Brazilian municipalities,
the physical **presence of a state prosecutor increases:**

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(Liu et al. 2022; Borusyak et al. 2023)

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Administrative data on prosecutors' presence and actions,
and on municipal employment

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1. Theory – Prosecutors' advantage in the fight against corruption, and proximity as a source of their effectiveness

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4. Implications and next steps
5. The broader project



Theory

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- More **power and discretion** than other accountability actors:

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 - Judges

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 - Extra-judicial action: nudges, recommendations, agreements
- **Can act in real time** and deter malfeasance before it takes place

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- **Politicians perceive a higher probability of detection**, which may deter malfeasance



Context

State prosecutor's offices

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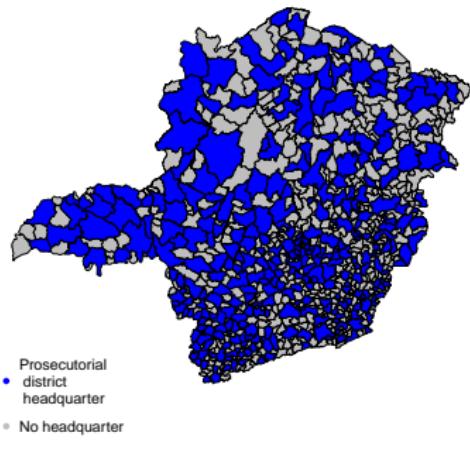
State of Minas Gerais (853 municipalities)



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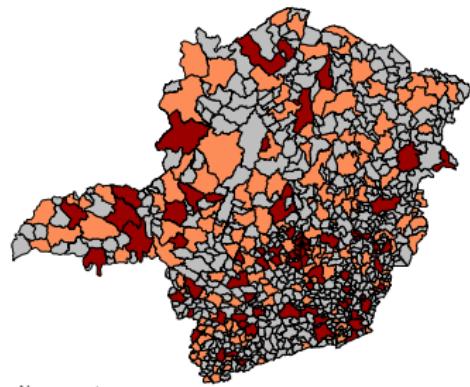
Prosecutorial district headquarters



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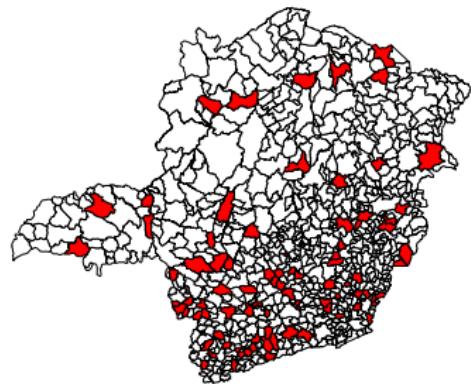
Prosecutorial presence (2020)



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District headquarters with no prosecutor (2020)

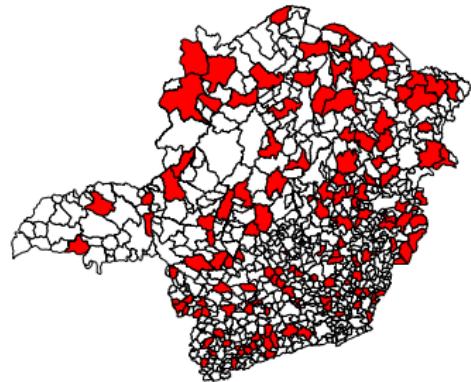


• Headquarter with no prosecutor

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District headquarters with no prosecutor (2015)



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MORALIDADE MUNICIPAL

De cada dez cidades de São Paulo, quatro têm prefeitos condenados

28 de fevereiro de 2016, 7h53

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Por Lilian Matsuura, Thiago Crepaldi e Claudia Moraes

* Texto publicado originalmente no [Anuário da Justiça São Paulo 2016](#)

Contratações sem licitação, fraudes a licitações, dispensa de concurso público, uso indevido de verbas públicas, uso da máquina para propaganda pessoal, nepotismo. Estes foram os principais motivos para as 266 condenações de prefeitos e ex-prefeitos do estado de São Paulo por improbidade administrativa, de novembro de 2014 a outubro de 2015. O levantamento, feito pelo Anuário da Justiça São Paulo, baseou-se na análise de 402 apelações julgadas no mérito em ações de improbidade administrativa contra prefeitos no período.

Constatou-se que 66% das ações terminaram com a condenação do acusado. Na maioria dos casos de absolvição (34%), a falta de provas ou da presença de dolo na irregularidade apontada fundamentam os acórdãos. De janeiro a setembro de 2015, 1.132 novos casos de improbidade (de diversos cargos públicos, não só de prefeito) foram distribuídos na Seção de Direito Público do Tribunal de Justiça de São Paulo.

Os processos de improbidade contra prefeitos começam na primeira instância. Uma das principais matérias-primas para ações de improbidade contra prefeitos são os pareceres do Tribunal de Contas do Estado. Promotores baseiam-se nos motivos para rejeição ou aprovação parcial das contas para pedir a responsabilização judicial do mandatário.

AÇÕES DE IMPROBIDADE

Procedentes	266	66%	Multa	221	83%
Improcedentes	136	34%	Ressarcimento	208	78%
Total	402	100%	Cassação de direitos políticos	182	68%



Evidence



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 - Individual treatment effects (ITE)

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 - Average treatment effect on the treated (ATT)

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 - Individual treatment effects (ITE)
 - Dynamic treatment effects by period (DTE)
 - Average treatment effect on the treated (ATT)
- **Inference by block bootstrap**, clustered at the municipality level

The data

The data

- **Presence:** administrative data from the websites of 8 state prosecutor's offices

States with data on prosecutor presence



The data

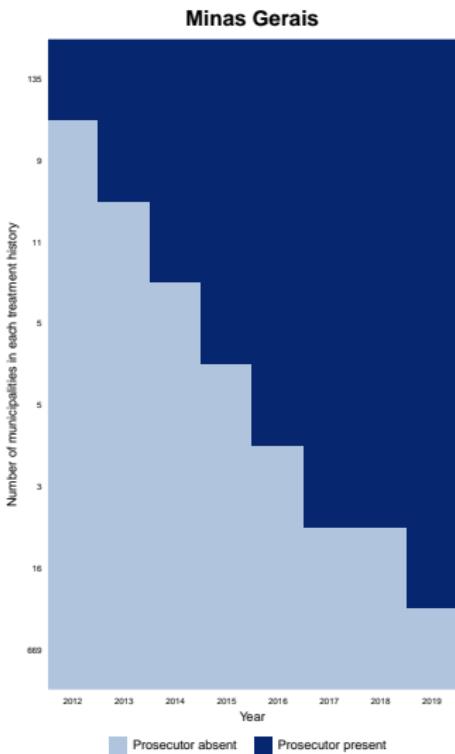
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 - Treatment = 1 in municipality-year observations with 12+ monthly prosecutor records

States with data on prosecutor presence



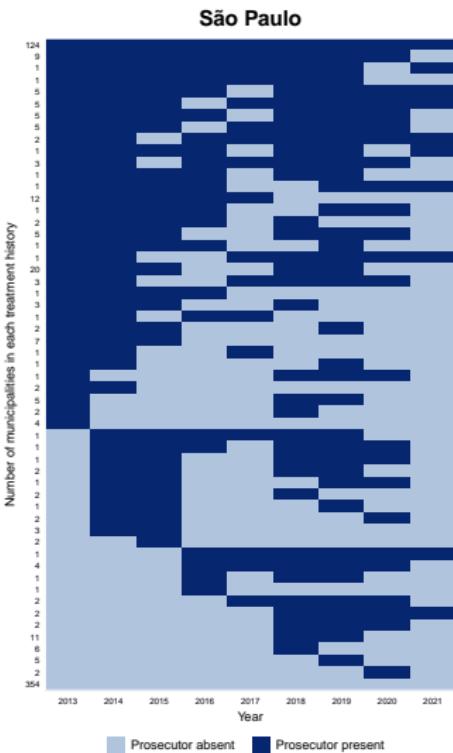
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States with data on prosecutor activity



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 - Preparatory proceedings
 - Civil investigations
 - Recommendations
 - Agreements

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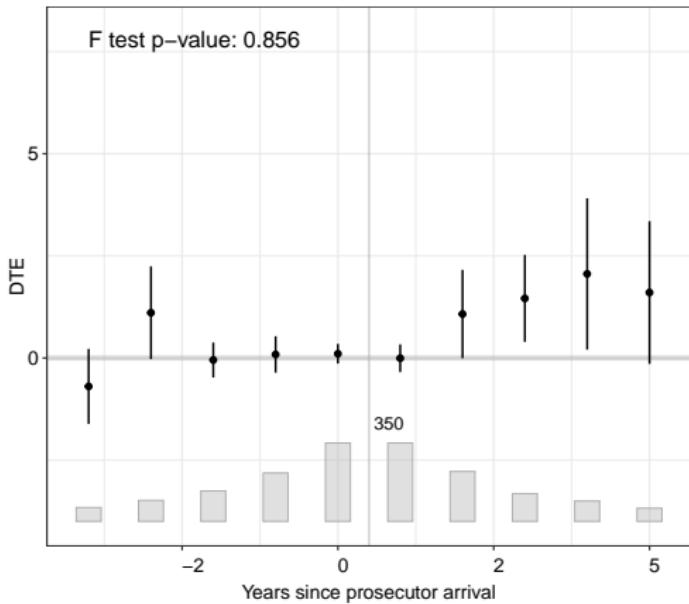
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- **Public employment:** administrative data from the federal government

Effects of prosecutor presence on anti-corruption action targeted at the local government

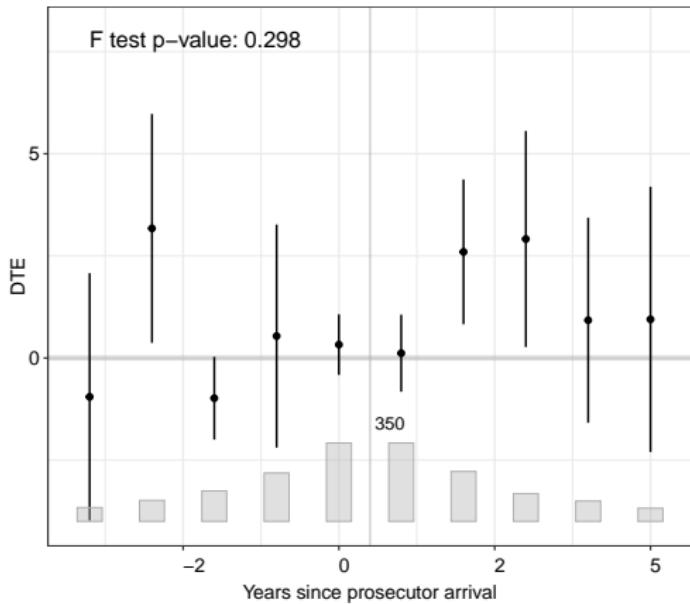
Effects of prosecutor presence on anti-corruption action targeted at the local government

Preparatory proceedings
ATT: 0.74*** (0.2)



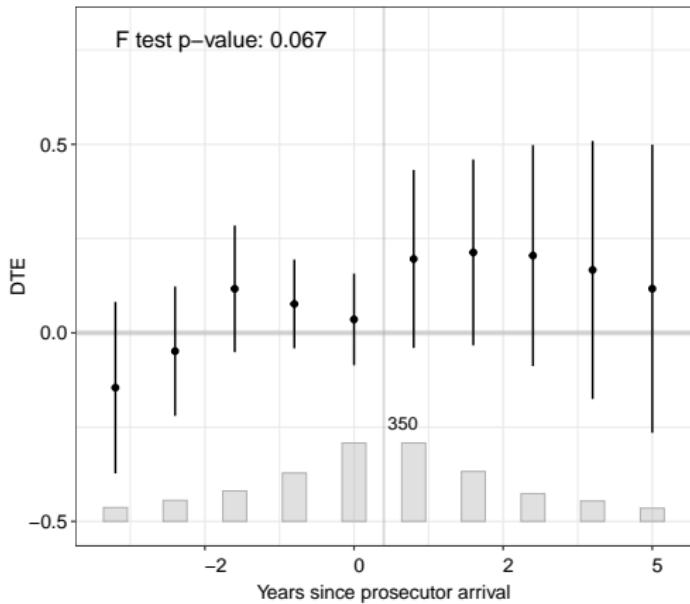
Effects of prosecutor presence on anti-corruption action targeted at the local government

Investigations
ATT: 1.59*** (0.38)



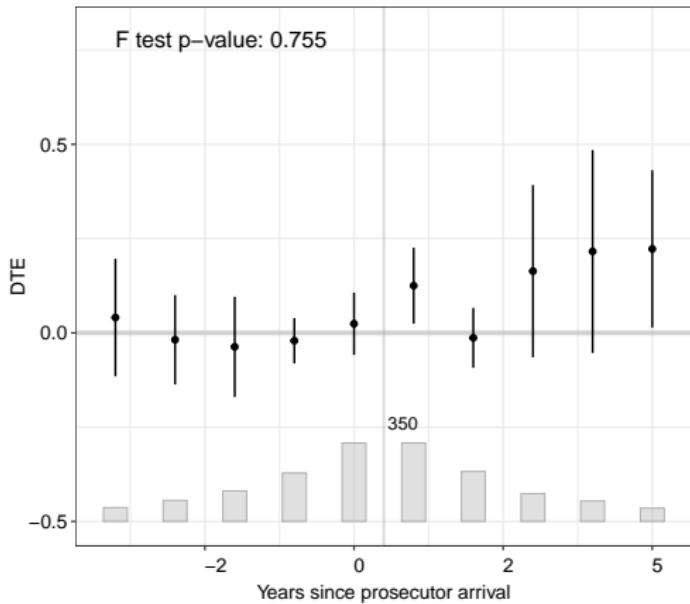
Effects of prosecutor presence on anti-corruption action targeted at the local government

Recommendations
ATT: 0.19** (0.06)

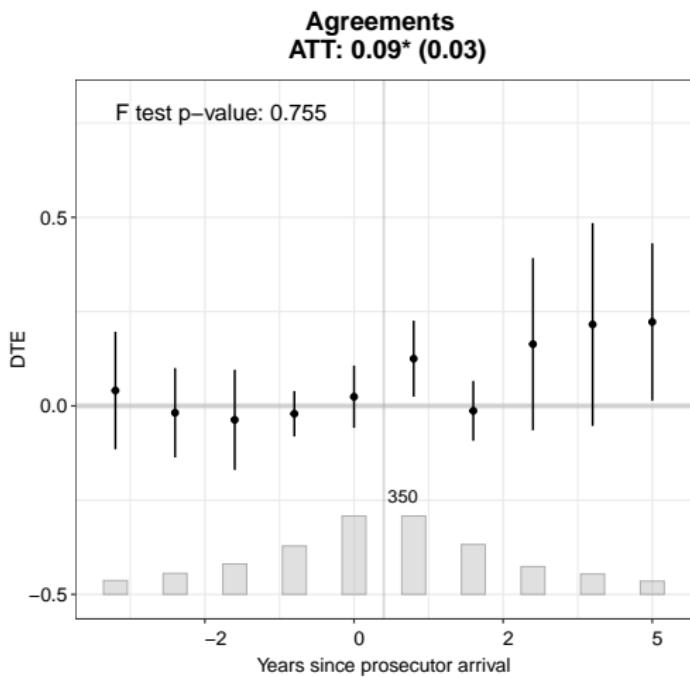


Effects of prosecutor presence on anti-corruption action targeted at the local government

Agreements
ATT: 0.09* (0.03)

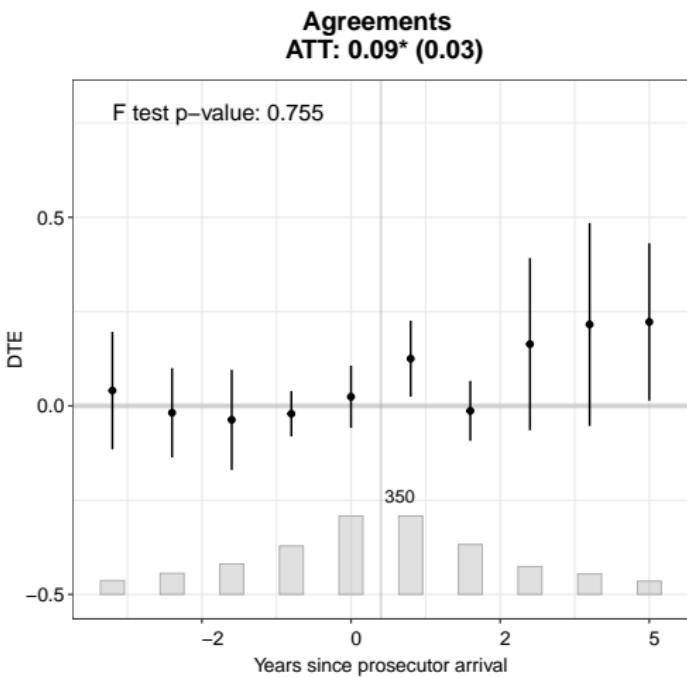


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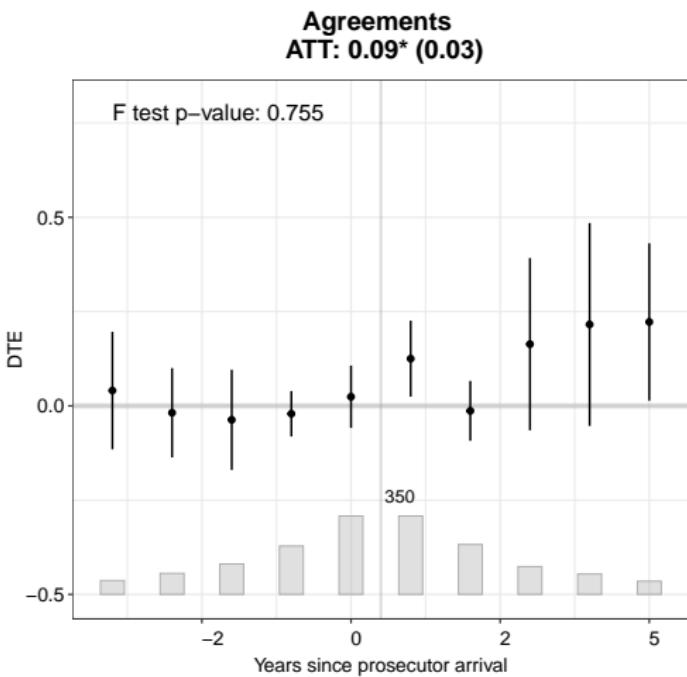
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Effects of prosecutor presence on anti-corruption action targeted at the local government



- Presence leads to increases of 0.12 - 0.20 SD in meaningful anti-corruption actions
- Evidence in favor of the identifying assumptions: no pre-trend; tests for anticipation and carryover effects pass

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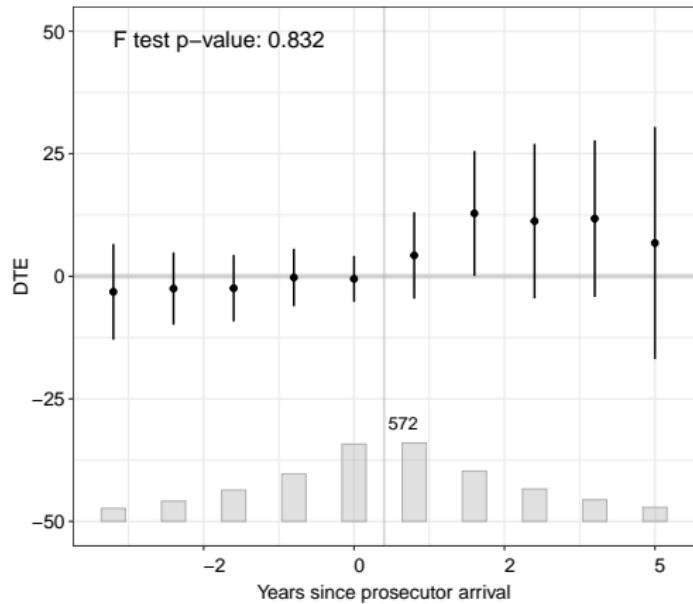


- Presence leads to increases of 0.12 - 0.20 SD in meaningful anti-corruption actions
- Evidence in favor of the identifying assumptions: no pre-trend; tests for anticipation and carryover effects pass
- Similar results with binary or logged measures of the outcomes

Effects of prosecutor presence on local governance outcomes: prevalence of civil service hiring

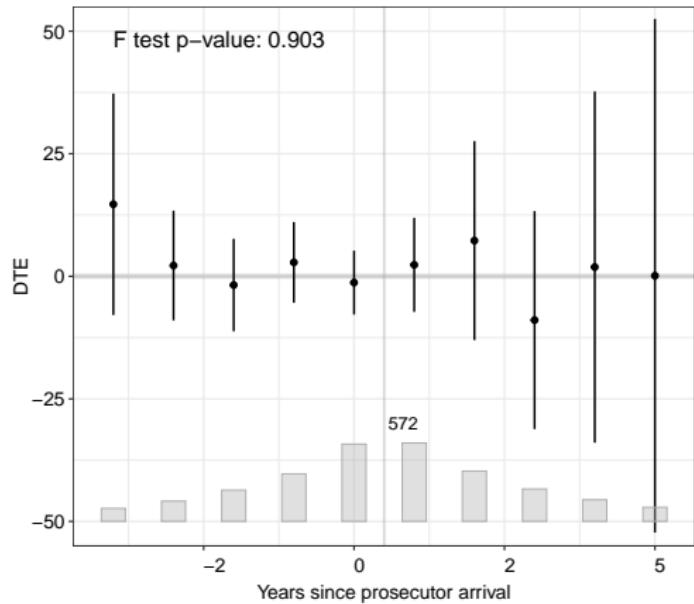
Effects of prosecutor presence on local governance outcomes: prevalence of civil service hiring

New hires in the civil service
ATT: 7.326* (3.307)



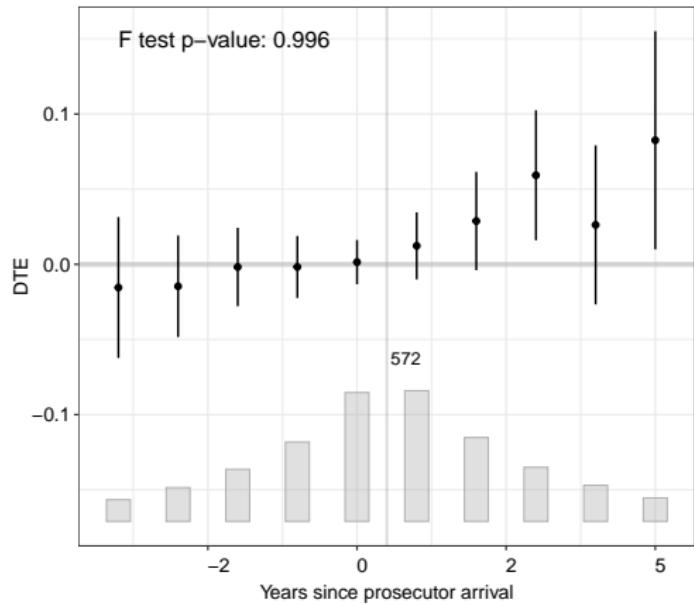
Effects of prosecutor presence on local governance outcomes: prevalence of civil service hiring

New hires on temporary contracts
ATT: 4.123 (6.653)

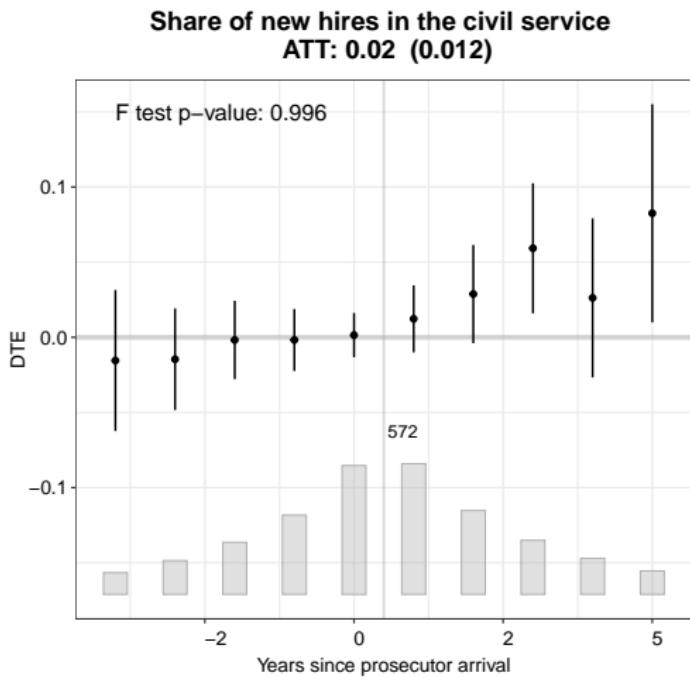


Effects of prosecutor presence on local governance outcomes: prevalence of civil service hiring

Share of new hires in the civil service
ATT: 0.02 (0.012)

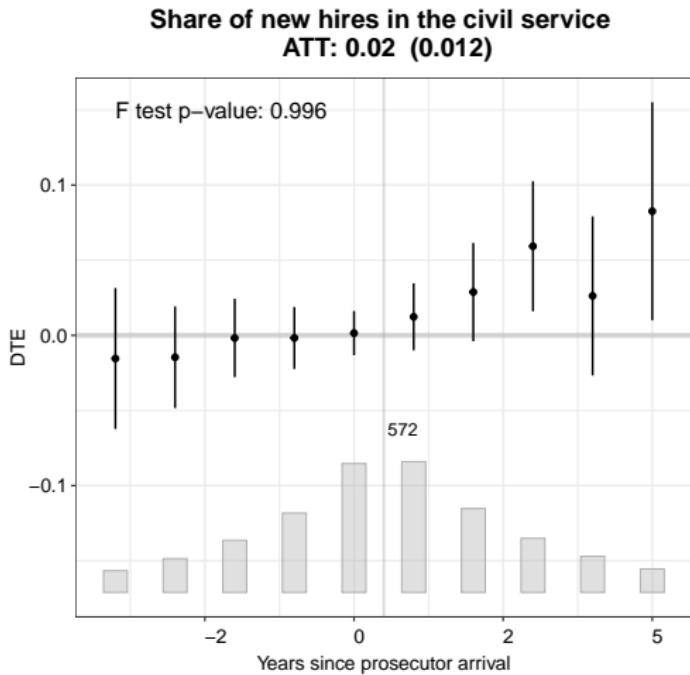


Effects of prosecutor presence on local governance outcomes: prevalence of civil service hiring



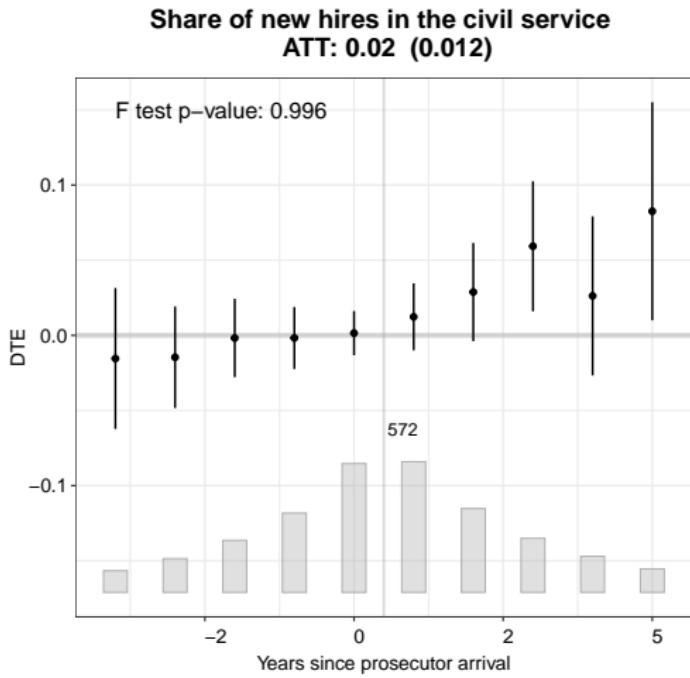
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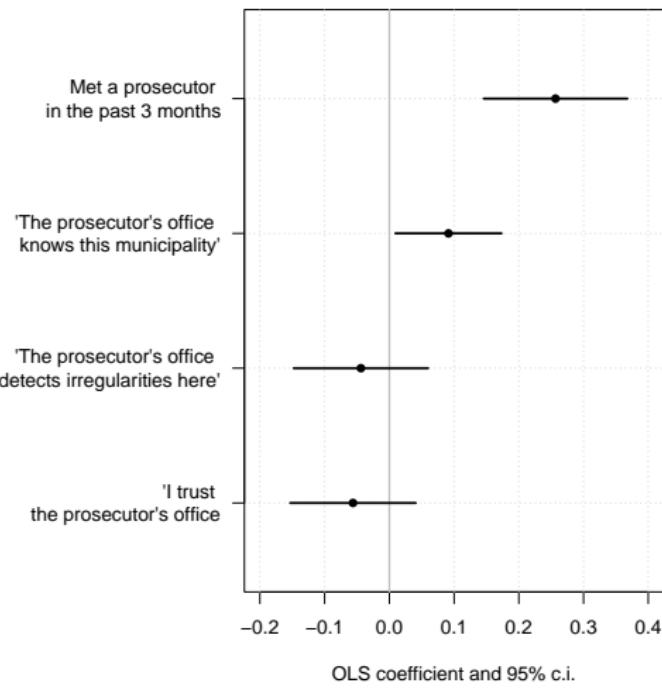
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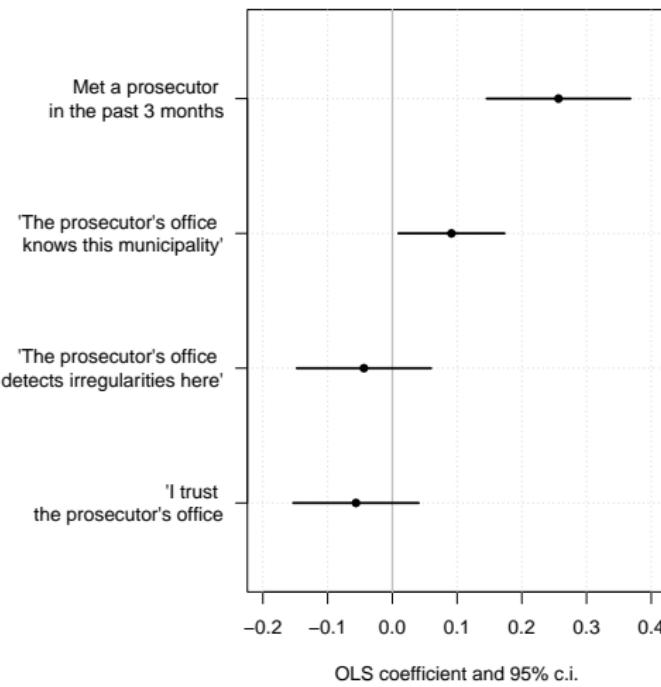
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- Similar results controlling for population or omitting large districts

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A survey of local politicians shows suggestive correlations about mechanisms: in treated municipalities,
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Implications & next steps



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- Effects on civil service hiring suggest that effective anti-corruption action **can potentially lead to a cycle of good governance**

Limitations and next steps

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- Exploiting heterogeneity (across anti-corruption actions, jobs, and municipalities) for mechanisms

RUA JOVITA GOMES ALVES

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Broader project

RUA AFONSO BÁRBOSA DE OLIVEIRA

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The bright and dark sides of empowered prosecutors

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Four types of **data** on Brazilian prosecutors:

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- In-depth interviews with prosecutors (15 so far)

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