

Unequal Competence: Why Criminal Justice Reformers Are Disadvantaged in Local Elections

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(Paper available at msances.github.io/paper.pdf)

- Prosecutors “the most powerful actors in the criminal legal system” (ACLU)
- Movement to elect “progressive prosecutors”; anecdotal successes
- Unclear if movement is succeeding; voter/elite backlash
- Evidence of more competition in largest cities (Wright, Yates, and Hessick 2021)

- This paper: I argue movement hindered because of nature of office
 - Partly politicians/policy makers → Voters choose based on ideology
 - Partly bureaucrats with a management/technical role → Voters choose based on experience
- Further, cand experience / progressivism negatively correlated
- ⇒ Progressive candidates are less likely to win

Agenda

- 1 Why Competence and Ideology May Be Correlated
- 2 Measuring Candidates' Criminal Justice Ideology
- 3 Candidate Experience and Candidate Ideology
- 4 Voters' Preference for Competence

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Why Competence and Ideology May Be Correlated

- By *competence* I mean possessing the skills required to execute the bureaucratic tasks of the office
- For a prosecutor: supervising deputies, understanding law, trying cases, institutional knowledge, understanding local context, relationships with police/judges
- Most competent candidate tends to be the assistant DA
- Sances (2021) finds 3/4 of incumbents in CA began as ADA's

Why Competence and Ideology May Be Correlated

- So why would ADA's be more conservative?
- Traditional DA role of “crimefighter” since 1950s → bureaucratic autonomy (Dagan 2021)
- ADA's likely attracted to job to fight crime
- Further, to take progressive position would mean contradicting boss

Why Competence and Ideology May Be Correlated

- *Are they more conservative?* Existing evidence indirect
- Sances (2021) – CA DA's always take conservative position on ballot measures regardless of voter opinion
- Thompson (2020) – Dem/Rep sheriffs always take conservative immigration stance
- Bonica, Chilton, and Sen (2016) – public defenders more liberal than prosecutors
- Miller and Curry (2023) – federal judges with prosecutor experience more likely to rule for

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Measuring Candidates' Criminal Justice Ideology

- No existing measure of prosecutor candidate ideology
- Bonica, Chilton and Sen (2016) – only for incumbents* who donated; assumes common space
- Agan, Doleac, Harvey (2021) – binary coding for “progressive” based on PAC endorsement; incumbents only
- Hogan (2022) – binary coding based on several factors; incumbents only

Measuring Candidates' Criminal Justice Ideology

- Draw on two sets of candidate statements
- (1) Candidate-submitted profiles to CA League of Women Voters, 1990s-present, n=139
 - Each candidate gives three issue “priorities” as bullet points



Kamala Harris

Candidate for
[District Attorney; City of San Francisco](#)



The information on this page and on all pages linked below is provided by the candidate.

The League of Women Voters does not support or oppose any candidate or political party.

Biographical Highlights

- Occupation: Deputy City Attorney
- Assistant District Attorney, Alameda and San Francisco Counties for more than 10 years.
- Co-founder, Coalition to End the Exploitation of Kids, an organization devoted to ending child prostitution.



Top Priorities if Elected

- Restore professional management to the District Attorney's Office
- Improve San Francisco's quality of life
- Establish Neighborhood Crime Councils

Key Endorsements

- San Francisco Chronicle
- Assemblymember Mark Leno



Measuring Candidates' Criminal Justice Ideology

- Use two sets of candidate statements
- (1) Candidate-submitted profiles to CA League of Women Voters, 1990s-present, n=139
- (2) Candidate web sites from MS, NY, PA, VA, ~2023, n=101
 - List of all districts -> districts with competition -> names of candidates -> find web sites

Measuring Candidates' Criminal Justice Ideology

[MEET LARRY](#)[PLANS FOR THE FUTURE](#)[PROMISES KEPT](#)[VOLUNTEER](#)[DONATE](#)

Larry Will Continue To Attack Mass Incarceration and Work To Prevent Violence

When Larry ran for Philadelphia District Attorney, he promised that he would end our addiction to mass incarceration and reform an office that, for too long, let the powerful remain unaccountable. **He has kept his promises — but there is more to do.** A broken criminal justice system can't be repaired in four years. In his next term, Larry will continue fighting for this community and for a more equitable and less carceral criminal legal system that invests in people, not profit and power.

- Expand Alternatives to Prosecution
- End Overly Punitive Sentences
- Continue the Effort to End Money Bail and Expand Pre-Trial Release
- Push For Public Health Solutions to Gun Violence
- Keep Holding Those with Power Accountable
- Keep Supporting Victims
- Stop Wrongful Convictions Before They Happen And Exonerate People Who Were Wrongfully Convicted
- Fight for Legislative Change to Protect and Re-Invest in the Community and Establish a More Equitable System
- Reduce Racial Disparities Throughout the Justice System

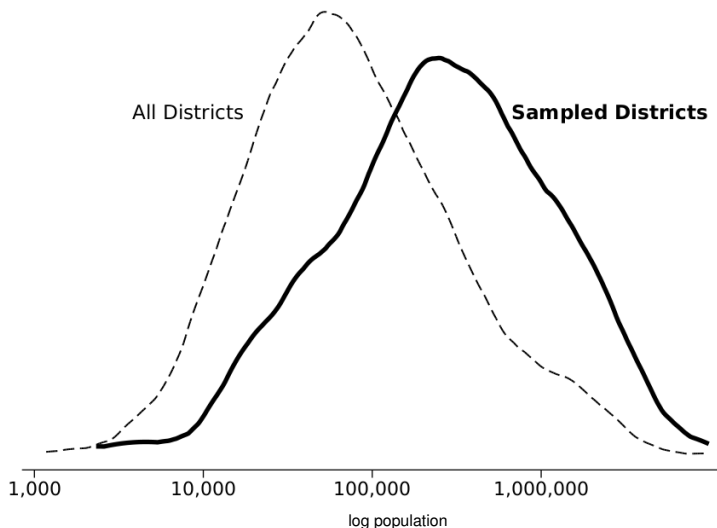
Measuring Candidates' Criminal Justice Ideology

- n=240 candidates for this paper
- (broader project, n=640, all states)

State	Districts	w/ Competition	Sampled Districts	Sampled Candidates
California	58	34	26	139
Mississippi	23	8	5	7
New York	62	22	17	39
Pennsylvania	67	19	17	29
Virginia	120	28	19	26
Total	330	111	84	240

Measuring Candidates' Criminal Justice Ideology

- Districts with competition / web sites are larger



Measuring Candidates' Criminal Justice Ideology

- Converting text to an ideology measure
 - (1) Use human coders to classify CA bullets as conservative/progressive/other

Measuring Candidates' Criminal Justice Ideology

(a) Most progressive/conservative bullets from candidate profiles (CA)

Progressive	Conservative
addressing homelessness, mental health, and ...	#1 priority is public safety, targeting dangero ...
criminal justice reform, leading bail and sent ...	aggressively prosecute human trafficking, fen ...
ensure that incarceration is coupled with ...	combating gang violence
expanding alternatives to incarceration, incre ...	continue aggressive approach to the investiga ...
implement smart on crime alternatives to jail ...	continue to protect our communities by aggre ...
implementing new strategies to address ment ...	cut violent crime. will punish violent offende ...
reduce recidivism: reduce the cycle of repeat ...	ensure that serious, violent, and sexual crimes ...
rehabilitation instead of incarceration	ensuring the public safety of the citizens of [c ...
responding to realignment by creating innova ...	expansion of teams targeting criminal street g ...
root out the gross racial and economic dispari ...	fight elder abuse, domestic violence and ident ...

Measuring Candidates' Criminal Justice Ideology

- Converting text to an ideology measure
 - (1) Use human coders to classify CA bullets as conservative/progressive/other
 - (2) Use WordScores on MS-NY-PA-VA web site text, using (1) as “reference texts”

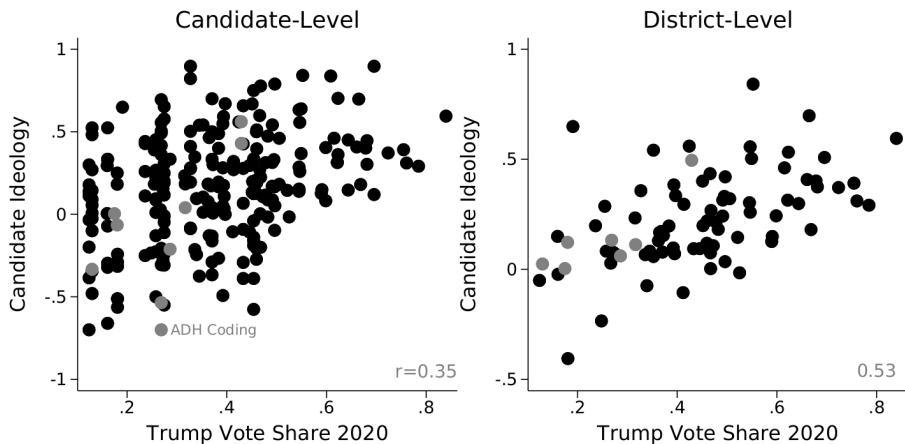
Measuring Candidates' Criminal Justice Ideology

(b) Most progressive/conservative terms from candidate web sites (MS, NY, PA, VA)

Progressive		Conservative	
access_data	fight_safe	accountable_crimes	holding_habitual
adults_expanding	homelessness_court	analyze	office_hold
alternatives_juveniles	increasing_access	cell	people_fully
communities_continue	increasing_justice	commit	politics_office
continue_support	justice_alternatives	commit_protect	protect_rights
continuing_fight	racial_disparities	computers	renew
disparities_justice	reducing_racial	crimes_commit	renew_focus
enforcing_gun	safe_communities	crimes_holding	rights_accused
equitable	safety_laws	crimes_take	rights_victims
equitable_fair	system_continuing	families_well	starting_cyber
expanding_alternatives	system_fight	focus_prosecution	take_politics
fair_justice	system_investing	fully_accountable	thieves_accountable
fight_equitable	transparency_reducing	habitual_thieves	well_rights

Measuring Candidates' Criminal Justice Ideology

Validating the measure



ADH = coded as progressive by Agan, Doleac, and Harvey (2021)

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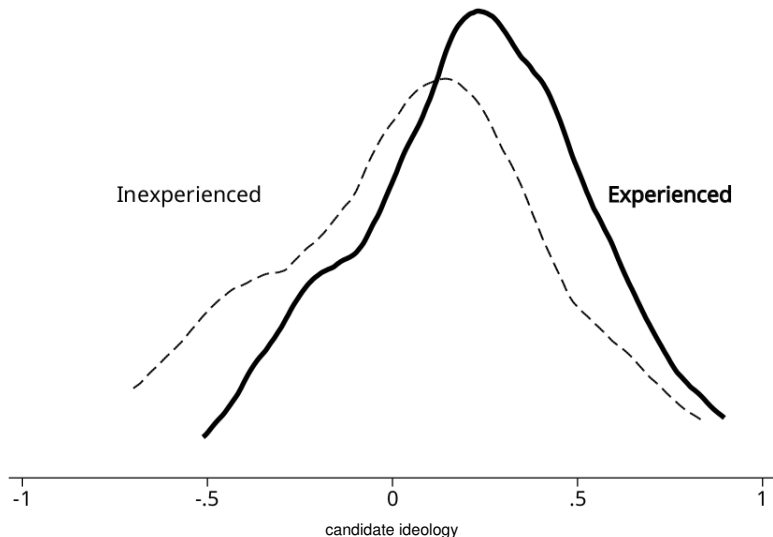
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Candidate Experience and Candidate Ideology

- Code as experience if worked as ADA/deputy in same jurisdiction
- 64% are experienced
- Other seemingly relevant experience: 23 deputies in other counties, 4 worked for state AG, 4 federal prosecutors
- Favor more restrictive coding but results robust to alternatives

Candidate Experience and Candidate Ideology

- Experienced candidates are more conservative



Candidate Experience and Candidate Ideology

- Regression results

	(a) All districts			
	(1)	(2)	(3)	(4)
Experienced	0.178*** (0.043)	0.183*** (0.040)	0.204*** (0.041)	0.188*** (0.039)
Trump Vote Share		0.761*** (0.111)		0.748*** (0.100)
Constant	0.044 (0.041)	-0.241*** (0.059)	0.295*** (0.077)	0.102 (0.089)
Observations	240	240	240	240
Cycle fixed effects			X	X
State fixed effects			X	X

Candidate Experience and Candidate Ideology

- Difference large in s.d. terms and compared to party

(b) Districts in states with partisan elections

	(1)	(2)	(3)	(4)	(5)	(6)
Experienced	0.130** (0.048)		0.107* (0.042)	0.128** (0.045)		0.107* (0.042)
Independent		0.245** (0.076)	0.138 (0.070)		0.269*** (0.073)	0.182* (0.076)
Other		0.096 (0.086)	-0.010 (0.070)		0.144 (0.091)	0.010 (0.077)
Republican		0.225*** (0.053)	0.128* (0.053)		0.211*** (0.050)	0.134* (0.051)
Trump Vote Share			0.541*** (0.105)			0.484*** (0.098)
Constant	0.158*** (0.045)	0.115** (0.043)	-0.125** (0.045)	0.159*** (0.036)	0.116** (0.033)	-0.108* (0.042)
Observations	101	101	101	101	101	101
Cycle fixed effects				X	X	X
State fixed effects				X	X	X

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Voters' Preference for Competence

- Long recognized “valence advantage” (Stokes 1963; Groseclose 2001)
- I argue technical competence esp. important for voters choosing prosecutors
- Voters might defer / ignore ideology similar to bureaucratic autonomy at federal level (Carpenter 2001)
- Alternatively, voters might not learn about candidate ideology in prosecutor campaigns (Wright 2008)

Voters' Preference for Competence

- Correlation of winning/experience in real elections

(a) Experienced candidates win more often

	(1)	(2)	(3)	(4)
Experienced	0.151* (0.059)	0.115* (0.048)	0.189** (0.065)	0.146** (0.055)
Incumbent		0.476*** (0.065)		0.468*** (0.068)
Constant	0.349*** (0.044)	0.249*** (0.041)	0.300*** (0.073)	0.251*** (0.065)
Observations	240	240	240	240
Cycle fixed effects			X	X
State fixed effects			X	X

- Correlation of ideology/experience in real elections
- Is experience a signal of ideology? See column (6)

(b) Candidate ideology does not predict winning

	(1)	(2)	(3)	(4)	(5)	(6)
Candidate Ideology	0.302 (0.166)	0.265 (0.255)		0.244 (0.201)	0.258 (0.291)	
Trump Vote Share		0.323 (0.484)	0.198 (0.164)		0.276 (0.452)	0.066 (0.177)
Cand. Ideology X Trump Vote		-0.162 (0.781)			-0.220 (0.740)	
Experienced			0.084 (0.091)			0.106 (0.105)
Experienced X Trump Vote			0.204 (0.247)			0.219 (0.264)
Constant	0.284** (0.088)	0.225 (0.123)	0.280*** (0.061)	0.257 (0.170)	0.224 (0.207)	0.311*** (0.078)
Observations	240	240	240	240	240	240
Cycle fixed effects				X	X	X
State fixed effects				X	X	X

- Conjoint experiment (Forthright)

Experience

Assistant DA

Defense Attorney

Public Defender

Issue Distance

Death penalty: 0

Death penalty: 1

Death penalty: 2

Three strikes: 0

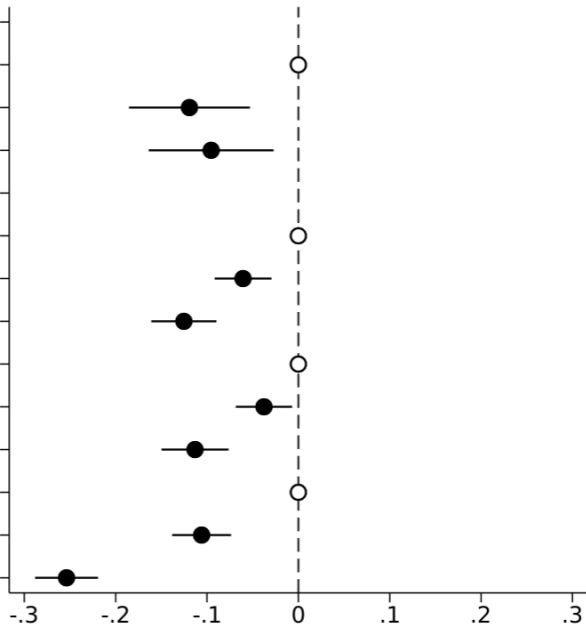
Three strikes: 1

Three strikes: 2

Marijuana: 0

Marijuana: 1

Marijuana: 2



Voters' Preference for Competence

- Other experimental results:
- Ideology itself doesn't predict vote choice
- Out of step candidates penalized more, but have to be ≥ 5 points to lose exp. benefit
- No evidence experience is signal of ideology

Conclusion

- Hard to elect progressive prosecutors, even if voters prefer reform / no elite backlash
- Implications for numerous state and local offices that are “elected bureaucrats” / “policrats” (Dagan 2021)
- Effect of elections on responsiveness conditioned by experience/ideology correlation, voters’ preferences