



INDIANA UNIVERSITY

PUBLIC POLICY INSTITUTE

Center for Health and Justice Research

RACIAL JUSTICE DATA PROJECT (2023)

A partnership with the Monroe County Prosecutor's Office

BACKGROUND

Criminal justice research has documented racial and ethnic disparities in nearly every stage of case processing from arrest to sentencing. Prosecutors are arguably the most powerful decision makers involved in case processing after arrest. Yet racial and ethnic disparities in prosecutorial decisions have received limited attention compared to the decisions of other actors, like police officers and judges. This limitation has largely stemmed from researchers' inability to access data on prosecutors. However, in recent years some elected prosecutors have encouraged investigations into racial and ethnic disparities in prosecutorial decision-making outcomes. These investigations have aimed to improve transparency, fairness, and accountability in prosecution.

METHODOLOGY

In 2021, the Monroe County Prosecutor's Office (MCPO) received support from the Monroe County Board of Commissioners and the Monroe County Council to fund a partnership with the Center for Health and Justice Research (CHJR) at Indiana University's Public Policy Institute. MCPO and IU researchers collaborated to conduct the Monroe County Racial Justice Data Project. The study assessed data available to MCPO to monitor performance and investigated racial and ethnic disparities across several stages of MCPO decision making.

MCPO DATA CAPACITY

To assess MCPO's available data sources, the research team explored administrative records in the Indiana Prosecutor Case Management System (INPCMS) and within MCPO's internal spreadsheets. The team also interviewed and surveyed MCPO staff, and surveyed law enforcement officers, defense attorneys, judges, probation officers, parole officers, community members, and justice-involved

KEY FINDINGS

- There was limited evidence of racial and ethnic disparities in charging, case dispositions, and sentencing. This suggested that disparities that existed before referral to MCPO were reinforced during later stages of case processing.
- Identified racial disparities impacted Black defendants in several ways. They were less likely to enroll in PDP, had their cases resolved almost one month later than their white counterparts, and had time-served sentences that were an average of eight days longer than those of white defendants.
- Cases were resolved faster for Latino defendants compared to defendants who were not Latino.
- Stakeholders perceive the presence of racial and ethnic disparities in Monroe County's justice system. Survey responses indicate that disparities result from social and economic factors as well as individuals working in the justice system.
- Surveyed stakeholders believed that among those working within the justice system, prosecutors and judges had the most power to address disparities.

individuals to assess views of how data is used in local criminal justice decision making.

RACIAL AND ETHNIC DISPARITIES

To determine if racial and ethnic disparities existed in prosecutorial decision making, the team analyzed all cases that were referred to MCPO from May 1, 2018, through December 31, 2019. They evaluated four decision-making stages: (1) the initial charging decision, (2) Pretrial Diversion Program (PDP) enrollment, (3) case resolution, and (4) sentencing. The team then interviewed and surveyed MCPO staff—in addition to surveying other justice

system stakeholders—to capture perceptions of racial and ethnic disparities. Lastly, the team reviewed physical case files to access measures that were not easily accessible in INPCMS with the goal of providing additional context.

FINDINGS

MCPO DATA CAPACITY

Surveys showed all MCPO stakeholders thought it was important for the local justice system and MCPO to use data to inform decision making. In evaluating MCPO data systems, the team identified three immediately accessible data sources: internal spreadsheets, INPCMS built-in reports, and case notes that can aid in monitoring cases. However, these easily accessible data sources do not provide a comprehensive picture of decisions in how cases are processed. Although INPCMS built-in reports produce basic case and defendant information—which can identify outcomes when cases are received and closed—any information between these stages must come from other sources.

RACIAL AND ETHNIC DISPARITIES

Administrative records

Racial and ethnic disparities existed in PDP agreements, the time it took for cases to be resolved, and in sentencing for time already served. Black defendants were less likely to enroll in PDP than white defendants, had their cases resolved nearly one month later than their white counterparts, and received sentences of time served that were an average of eight days longer than their white peers. Hispanic or Latino defendants had their cases resolved faster than non-Hispanic or non-Latino defendants.

Figure 1. White versus Black defendant enrollment in PDP for similar offenses

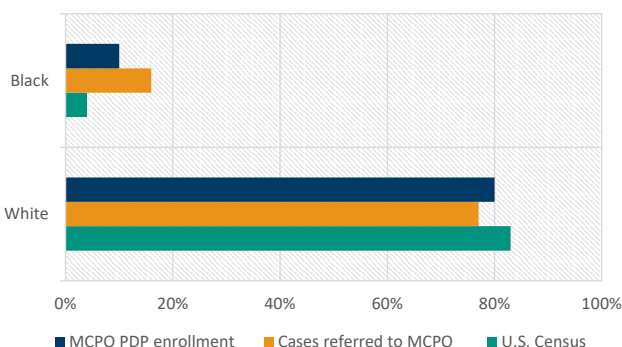
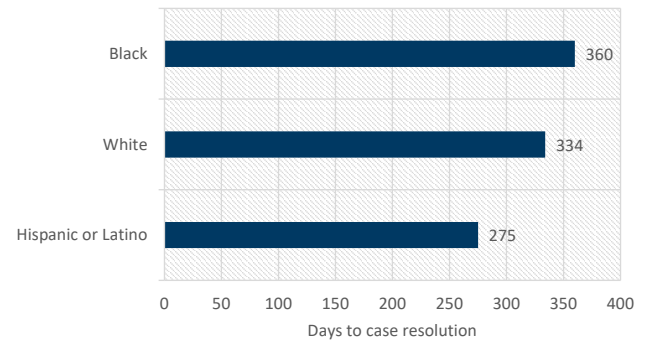


Figure 2. Comparing time to case resolution by defendant race and ethnicity



There was limited evidence of racial and ethnic disparities during the charging, case disposition, and sentencing stages. However, this does not imply that racial and ethnic disparities do not exist. Instead, these findings suggest the disparities that existed prior to MCPO referral are reinforced throughout subsequent case processing stages.

Stakeholder surveys

Monroe County stakeholders believed some racial and ethnic disparities were present in the local justice system. They perceived disparities primarily resulted from socioeconomic differences, varied access to opportunities, and unconscious biases and stereotypes. When prompted to narrow their focus to associations between disparities and justice system actors, stakeholders believed law enforcement, prosecutors, and judges were responsible for the largest contribution to racial and ethnic disparities, while prosecutors and judges had the greatest power to address these disparities.

According to surveyed stakeholders, top indicators of MCPO’s performance should be fair treatment of defendants, good relationships with law enforcement, victim satisfaction, reduced racial and ethnic disparities, decreased recidivism, high rates of diversion program completion, consistent outcomes for similar cases, and directing eligible defendants to diversion.

RECOMMENDATIONS

Based on these findings, the research team made the following recommendations to promote data-informed decision making and reduce disparities:

PROMOTE DATA-INFORMED DECISIONS

Identify and commit to collecting and reporting MCPO performance indicators

With knowledge of available data sources and the perceptions of MCPO staff and the community, MCPO and its community partners can identify a core set of regularly reported performance indicators to monitor progress and address effectiveness, efficiency, and fairness questions.

Expand collection of diversion program data

Prosecutor-led diversion programs have the potential to reduce guilty dispositions and stem subsequent justice system contact.¹ Collecting additional data about disqualification criteria, program offerings, and how participants fulfill diversion program terms will provide a more comprehensive understanding about who does and does not enroll in diversion programs, as well as how enrollment decisions contribute to short- and long-term outcomes.

Assess and document case evidence quality

One factor central to case management decisions is the strength or quality of available evidence. Given this reality, MCPO should develop and integrate a short tool to capture perceptions about evidence quality across multiple decision points from charging to case resolution.

Document declination, deferral, and dismissal decisions

There are a host of plausible reasons used to defer, decline, and dismiss cases in the interests of justice. For instance, defendants may provide documentation, pay restitution, complete community service, receive a behavioral health service assessment, or enroll in other programs and services. By fulfilling mutually agreed upon terms, cases can be removed from the justice system or avoid conviction altogether. Documentation of specific declination, deferral, and dismissal decisions will help MCPO monitor overall trends and provide necessary context to interpret declination and dismissal rates.

Collaborate with justice and community partners to share records and launch new data collections

To supplement administrative records available to prosecutors, MCPO should develop formal agreements with justice system and community partners to gather non-sensitive individual- and incident-level information. If

records cannot be shared between partners, MCPO should propose new, mutually beneficial data collections.

Develop long-term partnerships to extract and analyze administrative records

To reduce the staff burden of gathering and processing existing data, MCPO should develop partnerships with Indiana University and community organizations to process administrative data, gather narrative information from scanned or printed documents, and produce internal and public-facing reports and data collections.

REDUCE RACIAL AND ETHNIC DISPARITIES

Revisit use of criminal history record information to determine diversion eligibility

The research team anticipates that having a criminal record more frequently disqualifies Black defendants from PDP enrollment than white defendants. Given the use of criminal records to guide PDP offering decisions, the team recommends MCPO revisit the policy and practice on the weight given to criminal histories. For instance, focus could be placed on convictions in general or convictions for a violent offense to help offset unequal rates of justice system contact among Monroe County residents.

Revisit charging policy and practice

Nearly every case referred from law enforcement will be charged and filed for prosecution. Research from other jurisdictions suggests that increases in declination rates—especially for lower-level offenses—can reduce subsequent justice system contact for defendants while not affecting local crime rates.² Working to adjust front-end declination rates may help reduce dismissal rates and save justice system resources downstream.

Pilot innovative solutions to reduce disparities

Since local stakeholders perceive MCPO as having the most power to address racial and ethnic disparities in Monroe County's justice system, MCPO can take on leadership roles to create or codevelop innovative policy and practice reforms. These efforts should be paired with research and evaluation to understand the barriers and facilitators to implementing change, as well as assess whether the reforms reduce racial and ethnic disparities, contribute to other beneficial outcomes, or create unintended consequences.

REFERENCES

1. Rempel, M., Labriola, M., Hunt, P., Davis, R. C., Reich, W. A., & Cherney, S. (2018). *NIJ's multisite evaluation of prosecutor-led diversion programs: Strategies, impacts, and cost-effectiveness*. National Institute of Justice.
2. Agan, A., Doleac, J. L., & Harvey, A. (2023). Misdemeanor prosecution. *The Quarterly Journal of Economics*. DOI: 10.1093/qje/qjad005



INDIANA UNIVERSITY

PUBLIC POLICY INSTITUTE

Center for Health and Justice Research

The Center for Health and Justice Research (CHJR) works with public safety agencies, social service organizations, and residents to conduct impartial applied research on public and justice system policy choices. CHJR is housed within the IU Public Policy Institute (PPI), a multidisciplinary institute within the Paul H. O'Neill School of Public and Environmental Affairs. PPI also supports the Center for Research on Inclusion & Social Policy (CRISP), and the Manufacturing Policy Initiative (MPI).

PREPARED BY

Carmen Diaz, Doctoral Candidate, Indiana University

Staci Rising, Senior Policy Analyst, Center for Health and Justice Research

Eric Grommon, Paul H. O'Neill Professor, O'Neill School at IUPUI

340 W. Michigan Street
Indianapolis, IN 46202

Phone: (317) 278-1305

Email: iuppi@iu.edu

policyinstitute.iu.edu

Follow us on Twitter

[@IUPublicPolicy](https://twitter.com/IUPublicPolicy)

LinkedIn

[Indiana University Public Policy Institute](https://www.linkedin.com/company/indiana-university-public-policy-institute)