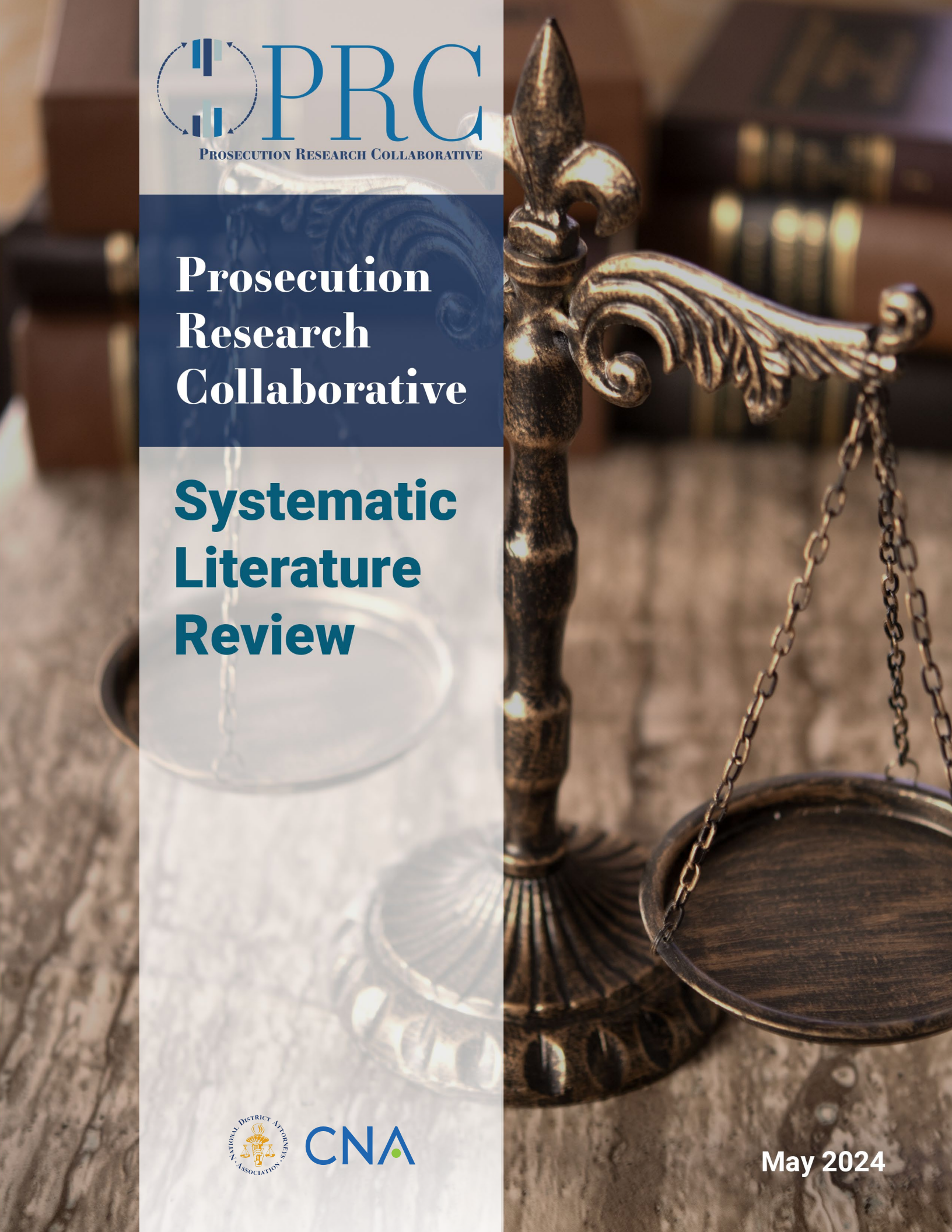

PRC

Prosecution Research Collaborative

Prosecution Research Collaborative

Systematic Literature Review

National District Attorneys Association

CNA

May 2024

This document contains the best opinion of CNA at the time of issue.

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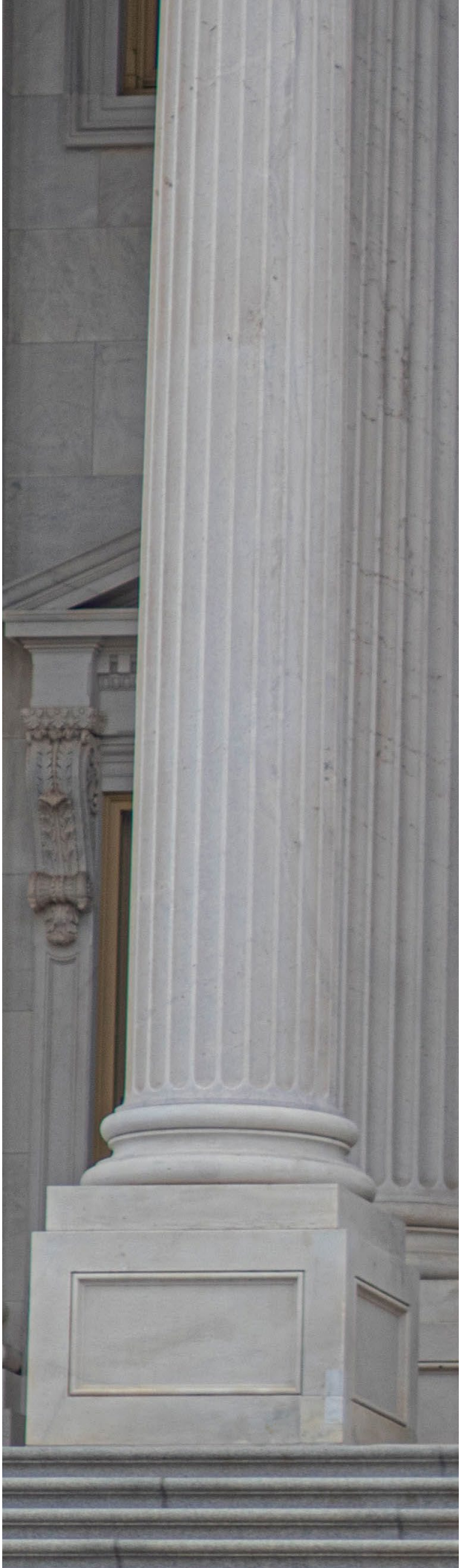

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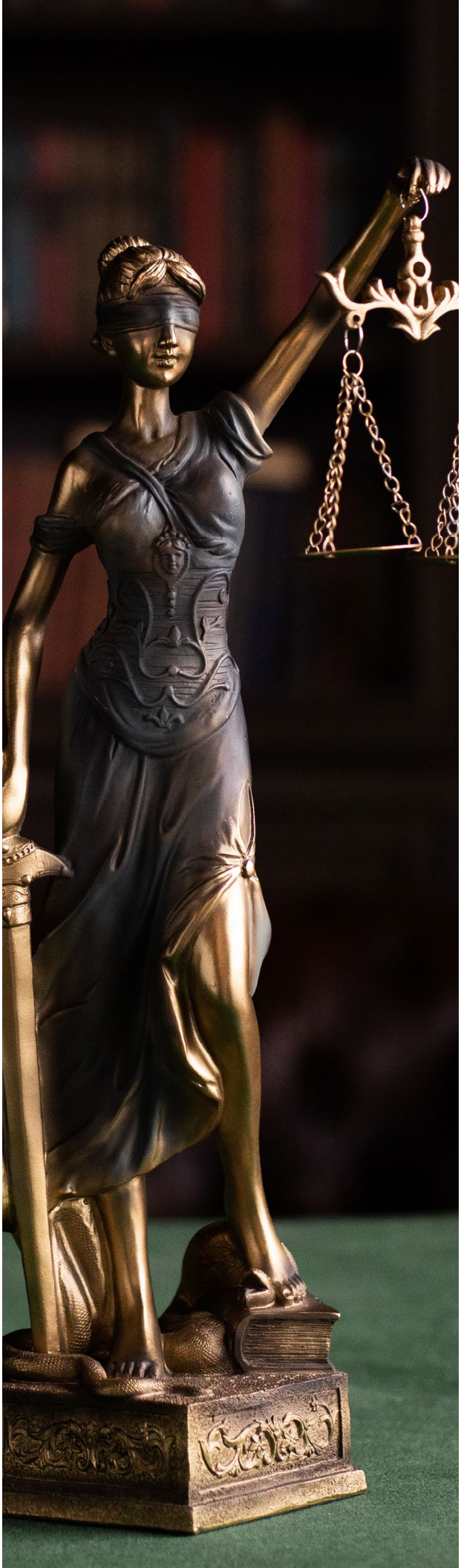
INTRODUCTION

In 2021, the National District Attorneys Association (NDAA) was awarded the National Initiatives: Law Enforcement and Prosecution Solicitation, Category 2: Prosecution Research Collaborative (Award # 15PBJA-21-GK-04009-MUMU). Through the Prosecution Research Collaborative award, the Department of Justice, Office of Justice Programs (OJP), and Bureau of Justice Assistance (BJA) reinforced their commitment to supporting our nation's prosecutors and the key role they play in criminal justice operations. As part of this award, NDAA subcontracted with CNA's Center for Justice Research and Innovation (JRI).

Specifically, the Prosecution Research Collaborative supports prosecutorial efforts around violent crime reduction by reviewing existing research; identifying best practices for effective, unbiased crime reduction; targeting areas for future research; and developing accessible resources for the field. The overarching goal of this project is to support prosecutors in violent crime reduction efforts. The project includes collaboration among cross-disciplinary experts, academics, prosecutors, and service providers in identifying and promoting effective and unbiased prosecutorial strategies to reduce violent crime.

Goals and objectives

As part of our goal to support prosecutors, we first set out to determine the scope and substance of existing empirical research relating to the field of prosecution. Our team aimed to identify innovative, evidence-based programming and emerging trends in the field of prosecution that can be observed and replicated. To that end, the CNA team conducted a systematic literature review within the following



"key concept" areas to identify previous research around prosecutorial efforts and to identify areas where insufficient data and research exist:

1. Prosecutorial autonomy and decision-making
2. Prosecutorial challenges and resource issues
3. Community-based approaches to violent crime reduction

Within the three key-concept areas, we wanted to explore a series of more specific issues. Based on prior research experience, our team anticipated finding limited empirical research in some topic areas. To offset this, we worked with NDAA to establish sub-concepts for each key concept (see Table 1).

Table 1: Topics of interest

Key Concepts	Sub-concepts
Prosecutorial autonomy and decision-making	• Intake procedures and decisions in charging and bail • Decisions regarding process and plea bargaining • Sentencing • Understanding and reducing implicit bias and racial disparities in prosecutorial decision-making
Prosecutorial challenges and resource issues	• Storage, sharing, and retrieval of digital evidence • Case management systems • Information sharing • Recruitment and retention • Caseloads and backlogs • Burnout and wellness • Salary
Community-based approaches to violent crime reduction	• Community engagement • Creating transparency • Crime victim support and assistance

Source: CNA

Methodology and approach

Criminological research often describes prosecutors as among the most powerful figures in the criminal justice system (Albonetti, 2014; Johnson, 2003; Kutateladze et al., 2016). However, many criminological experts also agree that the role of the prosecutor and prosecutorial effects on crime rates remain understudied (Forst, 2011). Over the past several years, the United States has experienced a notable increase in rates of violent and property crime (owing primarily to the upheaval brought by the COVID-19 pandemic and related social unrest) (Rosenfeld et al., 2022). The goal of this project is to support and enhance the capacity of prosecutors' offices to address rising crime rates while recognizing the vital role prosecutors play in building and maintaining trust within communities.

Our team conducted a systematic literature review of existing research related to aspects of prosecution, allowing our team to identify where current empirical research is strong and where important gaps exist. Our systematic review focused on the following topic areas:

1. Prosecutorial autonomy and decision-making
2. Prosecutorial challenges and resource issues
3. Community-based approaches to violent crime reduction.

Systematic reviews, which provide an "informed… up-to-date and complete understanding of the relevant research evidence" (Lasserson et al., 2019, p. 1), involve an exhaustive search for evidence that addresses the area of inquiry (Montori et al., 2005, p. 68). We believed that a systematic review of the aforementioned topics would help us begin to identify best practices for prosecutors' offices and to recommend areas and topics that would benefit from improved data collection and more rigorous research. This study reviewed both published and unpublished works to assess the state of current research involving prosecutors and to identify innovative, evidence-based programs and emerging trends in the field of prosecution. (For a list of all the sources included in this review, see Appendix A.)

Systematic reviews, while popular in medical research (Lasserson et al., 2019), occur less frequently in the criminological sphere. A handful of prior criminological systematic reviews cover such topics as community-oriented policing (Gill et al., 2014), hot spot policing (Braga et al., 2019), and police legitimacy (Mazerolle et al., 2013). However, to the authors' knowledge, a systemic review focusing on prosecution and prosecution-related topics has not taken place in the past decade.

SEARCH STRATEGIES

We conducted the initial search for relevant research in the spring and summer of 2022. The research team conducted a search for eligible studies in a series of electronic databases that included published academic research, as well as government publications, unpublished studies, and other grey literature[1] (McKenzie et al., 2019). We identified topics and phrases that are commonly associated with our key concept areas, and we adapted them for searches within various search engines. During this process, we relied on our internal expertise and on the expertise of our partners at NDAA and BJA to continuously refine our search criteria.(Tables 2 through 4 show the keywords used to find sources related to our three concept areas.)

[1] "Grey literature" refers to literature not published in commercial publications, and includes sources such as dissertations, committee reports, and government reports.

The CNA team conducted an initial keyword search in Google Scholar. For this search, we downloaded each article until we reached a full page (10 consecutive) of obviously irrelevant articles. This resulted in each topic having a different number of initial downloads. To ensure that we were capturing grey literature, as well as peer-reviewed academic articles, we also searched unpublished studies using ProQuest (for unpublished dissertations and theses), the National Technical Information Service (NTIS) (which reports the results of federally funded research), and the National Criminal Justice Reference Service (NCJRS) Abstract Database (which contains a large virtual library of OJP studies). We followed the same rule as with Google Scholar, downloading all results until we found 10 obviously irrelevant articles consecutively listed. Finally, we reviewed works cited and bibliographies of publications that focused on prosecution and its impact on public safety, crime reduction, or community relationships to ensure we captured as many relevant articles as possible. During this review, we made note of empirical research that was not included in our scan, and we added these articles to our review.

Our keyword-driven systematic search returned

4,077 total

sources for review.

To ensure unbiased results, we aimed to include all potentially relevant studies (Salvador-Oliván et al., 2019). Thus, we began our searches with the following key topics: community engagement, prosecutorial dashboards, professional responsibility, community participation, challenges/ changes in the system, challenges/ changes in the work, and sentencing. (For a full list of search terms used, see Appendix B.) Our keyword-driven systematic search returned 4,077 total articles for review.

Table 2. Keywords for Key Concept 1: Prosecutorial autonomy and decision-making[a]

Sub-concept 1: Sentencing

SPECIFIC KEYWORDS

- Sentencing guidelines
- Mandatory minimums
- Truth in sentencing
- Plea bargaining
- Diversion
- Alternatives to incarceration
- Discretion
- Three Strikes
- No Early Release Act
- Parole ineligibility
- Aggravating/mitigating factors
- Aggravation
- Sentence enhancement

Sub-concept 2: Intake procedures and decisions

SPECIFIC KEYWORDS

- Bail
- Bail reform
- Cash bail/bond
- Pretrial release diversion
- Pretrial detention
- Case screening
- Resource
- Charging decisions
- Prosecutorial prescreening
- Discretion
- Intake process
- Public safety assessment
- Risk for re-offense
- "Dangerousness" consideration

Sub-concept 3: Prosecutorial autonomy and violent crime

SPECIFIC KEYWORDS

- Prosecutor autonomy
- Plea bargain
- Charging decision
- Discretion
- Predictive analytics
- Racial disparity
- Caseload
- Training
- Prosecutorial oversight
- Policy
- Implicit bias

[a] Our initial search also included topics focusing on juvenile justice trends, firearm issues, family violence, and substance abuse. However, after consultations with BJA, our team decided to remove these topics from our full review.

Source: CNA.

Our team first conducted a cursory review of all article titles, summaries, and abstracts to determine which articles could be immediately excluded because they were not empirical research (they were press releases, news articles, magazine articles, etc.), or they were irrelevant to the literature review (they did not pertain to prosecution or investigated outcomes/variables outside the scope of our review). Following this initial abstract scan, the research team excluded 399 articles, leaving 3,678 articles.

Table 3. Keywords for Key Concept 2: Prosecutorial challenges and resource issues

Sub-concept 1: Challenges/changes in the system		
SPECIFIC KEYWORDS		
• Challenges	• Costs	• Modernization
• Changes	• Information sharing	• Storage
• Adaption	• Investigation	• Retention
• Case management	• Process	• E-discovery
• System	• Digital evidence management	

Sub-concept 2: Challenges/changes in the work		
SPECIFIC KEYWORDS		
• Challenges	• "Burn out"	• Wellness
• Changes	• Pandemic	• Staffing
• Adaption	• COVID-19	• Retention
• Training	• Resources	• Recruitment
• Experience	• Case backlog	• Salary
• Mental health	• Prosecutor safety	

[a] Our initial search also included topics focusing on juvenile justice trends, firearm issues, family violence, and substance abuse. However, after consultation with BJA, our team decided to remove these topics from our full review.

Source: CNA.

Table 4. Keywords for Key Concept 3: Community-based approaches to violent crime reduction

Sub-concept 1: Community engagement		
SPECIFIC KEYWORDS		
• Community engagement	• Crime reduction	• Collaboration with law enforcement, public health, community-based violence intervention
• Social media	• Prosecution	• Press Releases
Sub-concept 2: Prosecutorial dashboards		
SPECIFIC KEYWORDS		
• Data collection	• Case management	• Community engagement
• Community input	• System	• Accountability
• Data availability	• Information sharing	
• Dashboard	• Transparency	
Sub-concept 3: Professional responsibility		
SPECIFIC KEYWORDS		
• Brady lists	• Conviction integrity units	• Internal investigations
• Brady/Giglio	• Ethics	• Internal affairs
• Officer-involved shooting protocol		
Sub-concept 4: Community participation		
SPECIFIC KEYWORDS		
• Notification process	• Witness impact statements	• Victim/witness advocates
• Witness protection	• Telepresence	• Victims' rights
• Victim impact statements		

Source: CNA.

INCLUSION CRITERIA

Consistent with best practices, the CNA team, with input from NDAA and BJA, developed search strategies and inclusion criteria before beginning the systematic review (Lasserson et al., 2019). This approach ensured that the development of the inclusion and exclusion criteria remained free from author bias (McKenzie et al., 2019). We focused on creating inclusion criteria that would lead us to empirical research, as opposed to articles consisting primarily of background material or personal opinions. Although we recognize the value of articles and reports that, for example, review laws or legal matters, we wanted this particular review to focus on evidence-based practices and empirical research surrounding prosecutors. Therefore, eligible studies must have necessarily, included some aspect of prosecution. For the first round of inclusion, we considered "prosecution" in the broadest of terms to ensure we were capturing as much literature as possible. More specifically, based on our past experiences with systematic reviews, we used the following criteria to determine inclusion eligibility:

Although we recognize the value of articles and reports that, for example, review laws or legal matters, we wanted this particular review to focus on evidence-based practices and empirical research surrounding prosecutors.

- Results must have been articles, studies, or reports. Items such as books, press releases, or news articles were not included.
- The article, study, or report must have included a description of the topic being reviewed and must have been broadly related to prosecution. For example, we would not include an article that focused exclusively on witness protection issues with no reference to prosecution or a prosecutor.
- The article, study, or report must have been based within the United States, and it must have been either written in or translated into English. Given that criminal justice systems in other countries have different laws and procedural rules, best practices in another county may not be useful or feasible to prosecutors in the United States.
- We included only articles, studies, and reports published between 2012 and 2022 to ensure that we were accounting for evolution within the criminal justice system and focusing on the most modern approaches.
- For quantitative studies, the outcome variable must have included either public safety outcomes, crime reduction outcomes, or community relations outcomes. These outcomes must have been clearly operationalized within the article, study, or report. For qualitative studies, themes surrounding public safety, crime reduction, or community relations must have emerged as a finding. Again, we viewed these categories broadly.
- We included all study designs and methodologies (including purely descriptive studies).
- The article, study, or report must have contained information on the timing of the study and data collection, the type of data used, and the data collection

methods. It must also have had a clearly defined methodology. For example, we excluded law review articles that reviewed our topic of interest but did not have a data-driven approach.

The research team conducted a first round of coding, using the above inclusion criteria, and reviewed the remaining 3,678 sources to determine whether they met these criteria. Following this round of coding, the research team excluded 3,423 sources, leaving 255 sources. To ensure the utmost accuracy, the research team reviewed the 3,423 excluded sources a second time to confirm that they were properly excluded.

FULL LITERATURE CODING

As the final stage of our review, the CNA team read and coded the remaining 255 sources. Table 5 describes our coding schema for the full review.

Table 5. Full review coding schema

Coding Item	Description
Title of article	Full title of the article
Author(s)	Names all of authors
Citation	APA-style citation
Main topic area[a]	• Addressing and understanding the effects of implicit bias • Reducing racial disparities in prosecutorial decision-making • Modernizing offices to support long-term storage, sharing, retrieval, and use of digital evidence • Case management systems • Information sharing and better flow of information • COVID-19 effects (case backlogs, other issues) • Recruitment and retention issues • Mental health and well-being • Prosecutor safety • Resource issues • Working with law enforcement, public health, community-based violence interventions, and other providers to effectively reduce violent crime • Community engagement through social media • Role of prosecutors and investigators in violent crime reduction • Brady lists • Officer involved shooting protocol (for prosecutors, specifically) • Conviction integrity units • Victim notification • Witness protection issues • Victim and community impact statements • Other (Topic is not listed but is relevant.)

Coding Item	Description
If other, describe	
Agency type	Federal, state, local (county level), N/A
Research question	The specific research question for the article
Prosecutors' office involvement	Did a prosecutor participate in the study (e.g., provide data, interviews, or surveys)?
Data source	The type of data (e.g., survey, administrative, document review)
Sample/ respondents	Who or what was the sample for the study? (e.g., Community members, police officers, government officials, court officials, corrections personnel, public health officials, etc.)
Research approach	Qualitative, quantitative, mixed methods
Outcomes	The specific outcomes of the study
Is the article still relevant to include? (Were there all "yes" answers?/All the questions were able to be coded.)	Yes or no
Notes	Any specific information about this study that is relevant
Additional studies	Did the article include additional studies not already included in our review?

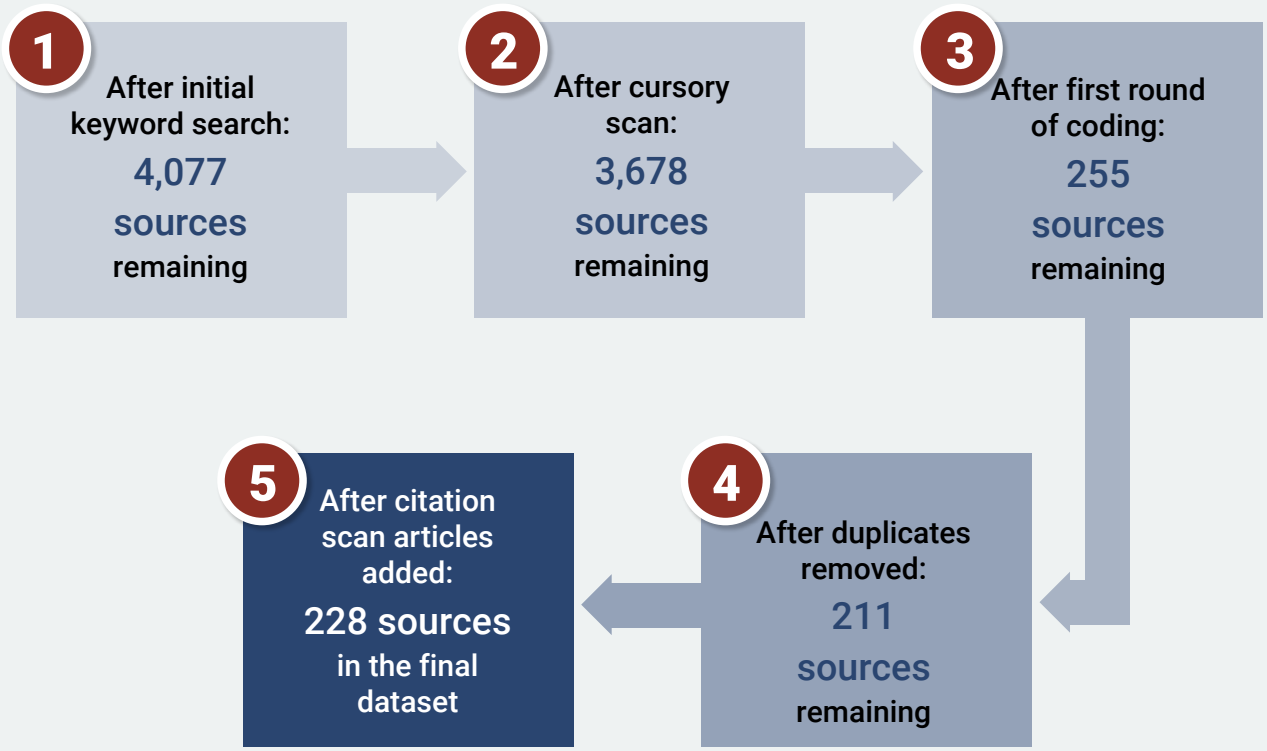
Source: CNA.

[a] Please note that these topic areas were taken from an initial organization of our areas of interest and were later slightly modified for clarity.

While coding, our team kept each concept area (see Tables 2 through 4) in a separate file. After our full round of coding, we noticed that many of the empirical studies either overlapped with another topic or were better suited to a different topic. Thus, after we completed the full coding, we combined all the remaining studies into one folder and removed duplicates across topics. The research team determined that, after we excluded duplicates, our dataset contained 211 unique sources. This iterative exclusion process allowed our team to better understand the empirical research surrounding our topic areas and helped us structure our findings to fit the goals of this project.

While coding, we also reviewed works cited and bibliographies for additional studies that we might have missed during our initial search. We compared our final list of studies to the additional works cited and, as a result, added 17 sources to our final list of literature. As such, the final count of discrete sources included in this literature review is 228. Figure 1 provides a flow chart showing the total number of sources remaining at each stage in the inclusion/exclusion process.

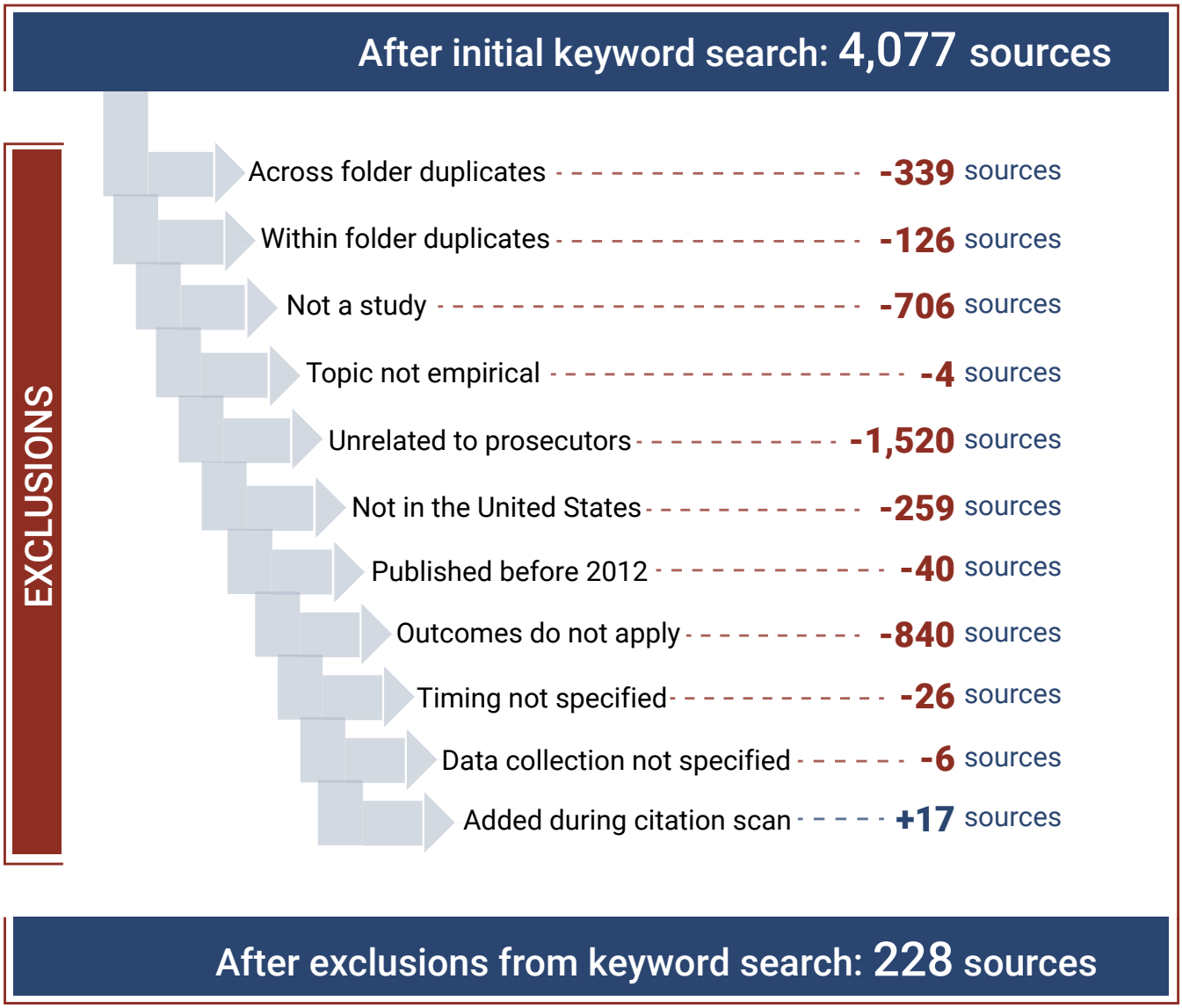
Figure 1. Flow chart of coding inclusion/exclusions



Source CNA.

Throughout all rounds of coding for inclusion/exclusion, team members kept diligent notes documenting the reason sources were excluded. Figure 2 provides a waterfall chart showing the number of sources excluded for each reason (beginning with the group of 4,077 sources found during the initial keyword search and ending with final dataset of 228 sources).[2]

Figure 2. Waterfall chart of source exclusions



Source CNA.

[2] Please note that this report includes additional citations outside of the 228 articles. These cited sources provide background information and context to our literature review. These additional sources are marked with an asterisk in the reference list.

Once we collated our remaining sources, we reviewed those marked as "other" under "main topic area" and created an additional coding scheme to better organize these studies. Our secondary topics included alternatives to incarceration (e.g., restorative justice, diversion programs, etc.), bail and bail reform, decision-making and discretion, plea bargaining, sentencing, technology, victims, and reform. Many of the studies we found fit easily into multiple categories, and throughout the report we do not limit studies to mutually exclusive sections. When appropriate, certain studies are discussed in multiple sections. This is especially true in the sections focusing on prosecutorial decision-making. Table 6 provides descriptive characteristics for the 228 discrete sources in our final dataset (including research approach, literature type, type of agency investigated, and sample/respondents used).

Table 4. Characteristics of sources in final dataset[a]

Research Approach	228 total sources	
Quantitative	97	43%
Qualitative	45	20%
Mixed methods	86	38%
Literature Type	**228 total sources**	
Journal article	129	57%
Report	71	31%
Dissertation or thesis	17	7%
Working paper	11	5%
Type of Agency	**228 total sources**	
Federal	42	18%
State	64	28%
County/City	125	55%
Other	5	2%
N/A	5	2%

Sample/Respondents	228 total sources	
Criminal cases	90	39%
Prosecutors	89	39%
Other court actors	68	30%
Other criminal justice system actors	52	23%
Other	14	6%

Source: CNA.

[a] For Type of Agency and Sample/Respondents, the counts total to more than 100% because some sources discuss more than one type of agency and/or more than one type of sample/respondent.

SYSTEMATIC REVIEW PROCESS

TOPICS WITHOUT RESEARCH MEETING CRITERIA

- Case screening
- Predictive analytics
- Caseload
- Training
- Policy
- Oversight
- Truth-in-sentencing
- Aggravating/ mitigating factors in sentencing
- Parole and early release
- Staffing limitations, recruitment, and retention
- Qualifications and requirements for office
- Emotional trauma, stress, and burnout
- Technological integration (including body-worn camera footage and other digital evidence)
- Prosecutor-victim interaction for crimes other than sexual assault, domestic violence, and intimate partner violence
- Prosecutor-led diversion, restorative justice, and community building
- Community-based violence intervention
- Use of social media and public-facing dashboards
- Brady lists
- Witness protection
- Transparency and outreach
- Victim impact statements

Overview of the report

This report contains four sections. In the first three sections, we discuss the results of our systematic literature review as follows:

- Section 1: Prosecutorial autonomy and decision-making
- Section 2: Prosecutorial challenges and resource issues
- Section 3: Community-based approaches to violent crime reduction

In Section 4, we discuss the implications and limitations of our findings and suggest areas for future research. Although we discuss the results of our literature review throughout all the sections, we note that the rules of criminal procedure and criminal laws vary by jurisdiction, which makes generalizing across jurisdictions difficult.

KEY CONCEPTS

1. **Prosecutorial autonomy and decision-making**
2. **Prosecutorial challenges and resource issues**
3. **Community-based approaches to violent crime reduction**

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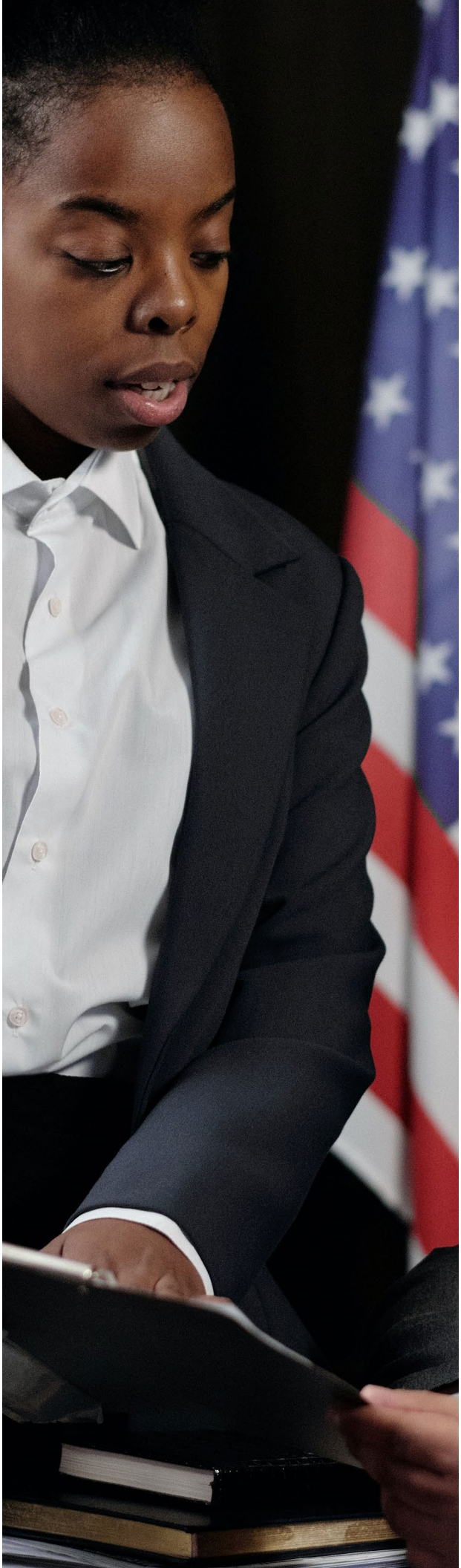
SECTION 1: PROSECUTORIAL AUTONOMY AND DECISION-MAKING

As noted earlier, criminological research often describes prosecutors as among the most powerful figures in the criminal justice system (Albonetti, 2014; Johnson, 2003; Kutateladze et al., 2016; LaFree, 1985; Miethe, 1987). Prosecutors decide which individuals will be charged with a crime, what charges will be brought and/or presented to a grand jury, and whether to offer the individual the opportunity to plead guilty (Forst, 2011). In this section, we seek to better understand the empirical research on prosecutorial autonomy and decision-making throughout the life of a criminal case. When a prosecutor receives a suspect's initial charges, two questions often come to mind: "Can I prove the case?" and "Should I prove the case?" (Frederick & Stemen, 2012). Those guiding questions help prosecutors decide how best to move the case through the criminal justice system.

We begin by discussing decision-making relative to intake procedures, charging, and bail decisions. We then discuss decision-making in terms of plea bargaining and conclude with a discussion around sentencing decisions. Most of the empirical research that we found fell into one of these aforementioned topics. Because many articles overlapped categories, we discuss various studies in more than one subtopic.

Not surprisingly, given the increased scrutiny and attention paid over the past decade to systemic inequality in the criminal justice system, many sources in our dataset investigate how various extralegal factors—such as race and ethnicity,



gender, socioeconomic status, and citizenship status—interact with prosecutorial discretion at several critical junctures during case processing. A great deal of prior research and theory on race-based outcomes and cumulative disadvantage in the criminal justice system supports the contention that racial and ethnic minority groups face worse or less desirable outcomes in the criminal justice system than White individuals (including in interactions with prosecutors) (Chin, 2016; Crutchfield et al., 2010; Kurlychek & Johnson, 2019; Petersilia, 1985; Stemen, 2022; Stolzenberg et al., 2013). Additionally, a wealth of prior research and scholarship contends that males (especially Black and Hispanic[3] males) generally receive harsher punishment in the criminal justice system than females (Daly & Tonry, 1997; Liberman & Fontaine, 2015; Mauer, 2018; Spohn & Beichner, 2000). The criminological scholarship establishing a direct link between defendants' socioeconomic status and harsher criminal justice outcomes is largely equivocal and offers conflicting conclusions given that many factors, including neighborhood disadvantage and offense type, interact in complex ways with offenders' socioeconomic status (D'Alessio & Stolzenberg, 1993; Loftstrom & Raphael, 2016). Throughout this report, we will discuss how the research we found during our literature search fits into these broader discussions of extralegal characteristics and criminal justice outcomes.

In many cases, the research we found comports with prior research and theorizing; however, in some instances, it conflicts with prior theorizing in unique and instructive ways.

Intake procedures and decisions

While intake procedures vary across prosecutors' offices, for the purposes of this section, we are reviewing empirical studies focusing on case screening and initial charging decisions, bail and bond decisions surrounding either pretrial release or pretrial detention, and risk assessments.

INITIAL CHARGING DECISION/ CHARGE REDUCTIONS

Like most of the topics discussed in this report, the charging process varies by location. Some jurisdictions allow police officers to present initial charges directly to a judge, others require that a prosecutor make the initial charge decision for all cases, and others require that all felony charges be presented to a grand jury. These differences in criminal procedure and rules make empirical research across jurisdictions difficult. Further, many research articles review decision-making across various stages of a criminal case (e.g., charging and sentencing), which makes sorting research into one category or another nearly impossible. Thus, we discuss some studies in more than one of the following sections.

[3] We use the term Hispanic because this is terminology from the literature. The authors understand that the term Hispanic does not have a standard definition and more culturally-responsive language should be used.

Criminological research is clear that prosecutors are provided "enormous discretion" when making charging decisions, and this often leads researchers to conclude that prosecutors wield a great deal of power in the criminal justice system (Starr & Rehavi, 2013, p. 2). In both state and federal law, criminal charges tend to vary in severity and degree and some conduct can satisfy the elements of more than one crime, allowing prosecutors, at least in theory, some choice as to what is charged. This step of the criminal justice system is vital to defendants because these initial charges may impact the course of the case, including such aspects as bail decision and plea bargaining (Starr & Rehavi, 2013). Much of the empirical research found focuses on potential disparities, both race- and gender-based, in charging decisions. Although the articles generally discuss the known racial disparities throughout stages of the criminal justice system, the research was not conclusive at the charging-decision level, specifically.

Criminological research is clear that prosecutors are provided "enormous discretion" when making charging decisions, and this often leads researchers to conclude that prosecutors wield a great deal of power in the criminal justice system.

Generally, research notes that a limited number of legal and extralegal factors influence prosecutors' charging decisions. Legal factors "refer to decision criteria set out in statutory law," such as strength of evidence, seriousness of the offense, and the defendants' prior criminal history," (Angioli, 2014, p. 18). On the other hand, extralegal factors include "social and demographic characteristics," including but not limited to age, socioeconomic status, gender, and race of both the defendant and the victim (Angioli, 2014, p. 19).[4] Once those factors are evaluated, prosecutors must make a number of determinations, including whether to charge that person with a crime, the severity of the charges, whether the defendant is eligible for pretrial diversionary programs, whether (in the case of juveniles) the defendant should be charged as an adult, and whether enhanced punishments (e.g., capital punishment or life without parole) should be pursued (Angioli, 2014).

Some criminological studies have found racial disparities in initial charging decisions (Angioli, 2014; Miller, 2020; Romain Dagenhardt et al., 2022; Starr & Rehavi, 2013). Racial disparities at any point in the criminal justice system are a cause for concern, but racial disparities at the charging-decision stage can adversely affect the defendant through the final sentencing phase. Studies have shown racial disparities in misdemeanor charging (Stevenson & Mayson, 2018) and that individuals with a prior misdemeanor conviction (compared with individuals whose first offense resulted in a charge dismissal) are more likely to receive subsequent convictions (Kohler-Hausmann, 2014). Additionally, studies have shown that racial disparities in initial charging decisions can lead to longer sentences for racial minorities (Bishop et al., 2021).

[4] Though these factors are often discussed in criminological research, they are not always provided to prosecutors. Additionally, even if prosecutors do take extralegal factors into account in their decision-making, they remain bound by rules of ethics and criminal procedure.

A 2020 study concluded that Black and Hispanic defendants in Massachusetts receive longer sentences than similar White defendants (by 31 and 25 days, respectively) and that these differences were driven primarily by initial charging decisions (Bishop et al., 2021). The author concluded this by noting that charging decisions can determine which court hears the case (in this specific example, either the state Superior Court or the District Court could have jurisdiction). However, this finding is specific to Massachusetts (as all of the data came from the state) and cannot be generalized to other locations. This study also concluded that Black and Hispanic defendants were more likely than White defendants to have charges with mandatory minimum sentences and to receive longer sentences for both drug and weapons offense, even after controlling for criminal history and case severity (Bishop et al., 2021).

Similarly, descriptive statistics from Iowa suggest that prosecutorial decision-making in charging decisions ultimately impacts racial and ethnic disparities in correctional populations (Miller, 2020). However, the author noted that these disparities appear to be more prevalent in specific counties in Iowa (Miller, 2020). Reviewing federal data, a 2012 study concluded that Black defendants receive longer sentences than similarly situated White defendants, because prosecutors are twice as likely to charge Black defendants with crimes carrying mandatory minimum sentences (Starr & Rehavi, 2013).

In a study reviewing data from a midwestern jurisdiction, the authors determined that Black defendants were less likely than White defendants to have charges reduced in cases of violent crimes (this did not extend to drug charges) (Romain Dagenhardt et al., 2022). Reviewing data from Cook County, Illinois, researchers also concluded that Black defendants were less likely than White defendants to be referred to alternative programs (and, thus, more likely to enter the traditional criminal justice system) (Kutateladze et al., 2019a). There is also evidence that the race of the victim influences decision-making, with some empirical research finding that prosecutors are more likely to pursue the death penalty in cases where the victim is White and the defendant is Black (Martin, 2014).

Despite the aforementioned sources, the empirical research in the last 10 years cannot be characterized as conclusive regarding racial disparities at the charging decision phase. For example, a study focusing on cases of driving while intoxicated or impaired (DWI) in North Carolina concluded that prosecutors were more likely to drop charges for Hispanic defendants than for White defendants (Griffin et al., 2014). In addition, a review of data from Duval and Nassau Counties in Florida found that Black defendants were more likely than White defendants to have cases dismissed at the initial charging phase (but less likely to be sentenced to diversion programs) (Kutateladze et al., 2019b). In a further pair of studies examining prosecutorial decisions in Cook County, Illinois, and Milwaukee County, Wisconsin, researchers found no significant variation in case filing/acceptance decisions according to a defendant's race (Kutateladze et al., 2019a, 2019c).

In the federal sphere, Johnson's (2014) investigation of federal case processing found that Black and Hispanic defendants were slightly more likely than White defendants to receive charge reductions; however, the degree of charge reduction varied significantly across federal jurisdictions, indicating that location was an important determinative factor in decision-making

at the federal level. Other authors contend that in some jurisdictions, the higher rate of case dismissal and charge reduction at the initial charge-filing stage represents somewhat of a correction mechanism whereby prosecutorial decision-making at later stages in case processing ameliorates (either intentionally or unintentionally) initial over-policing and over-charging decisions at the arrest stage (Dunlea et al., 2022; Griffin et al., 2014; Kutateladze et al., 2014; Kutateladze & Andiloro, 2014).

Empirical research relating to charging decisions in federal cases generally shows a lack of racial disparity but mixed evidence regarding gender disparity (Hartley & Tillyer, 2018; Johnson, 2014). For example, a study reviewing federal charging data noted that there was not a statistically significant difference between decisions to decline charges for male defendants, compared to female defendants (Hartley & Tillyer, 2018). This same study also concluded that Black, Asian, and American Indian defendants were all more likely than White defendants to have federal prosecutors decline charges post-arrest (Hartley & Tillyer, 2018). Another study noted that federal prosecutors were more likely to reduce charges in locations where prosecutors had increased caseloads (Johnson, 2018).

In a survey study of 500 state and local prosecutors nationwide, including a vignette about a potential case, Wright et. al. (2022) concluded that there was wide variation in how prosecutors made charging decisions. This variation included the type, number, and severity of charges; prosecutors' rationale for these decisions; and potential case outcomes. Also of note, respondents indicated that the majority of charging decisions were made by the front-line prosecutor, and approximately half of the respondents noted that their offices had internal guidelines for charging decisions. Respondents noted the following were important in their decision-making: severity of injury, presence of weapons, use of weapons, severity of property damage, suspect's behavior, number of victims, suspect's prior convictions, age of victims, presence of illegal drugs, and use of illegal drugs. These sentiments are similar to those in an earlier survey of prosecutors where the authors concluded that, in determining whether to charge a defendant, prosecutors mainly considered the strength of the evidence, the seriousness of the offense, and victim characteristics (Angiolo, 2014; see also Frederick and Stemen, 2012; Robertson et al., 2019).

Other studies have identified additional factors that influence charging decisions. A comparison of New York and Florida cases concluded that the local rules of criminal procedure can affect charging decisions because states have differing requirements concerning the timing of filing charges (Kutateladze et al., 2022). Another study noted that prosecutors are less likely to reduce charges, and more likely to take cases to trial, in an election year (Bandyopadhyay & McCannon, 2014).

Overall, most studies on prosecutorial charging decisions focus mainly on the factors that go into the decision-making process and on whether there is a bias in that process. However, the research as to whether and where bias exists (and how much of an effect it ultimately has on broader criminal justice outcomes) is mixed, with the studies reviewed here producing disparate results. Ultimately, it is difficult to draw conclusions about the exact nature of racial disparity in prosecutorial charging decisions. Undoubtedly, researchers need to conduct more rigorous and consistent evaluations of racial disparities across different locations and domains.

PRETRIAL RELEASE

Defendants who are charged with criminal offenses are subjected to pretrial release and detention determinations (Ouss & Stevenson, 2019; Smith et al., 2020; US Sentencing Commission on Civil Rights, 2022). Although local rules of criminal procedure dictate[5] when and how these determinations are made, typically a judge has the ultimate say in whether a defendant can be released on their own recognizance or whether they will be subjected to pretrial release conditions (Smith et al., 2020). As we present research in this section, we also want to note that pretrial release and detention under bail has significantly changed recently, with many jurisdictions moving towards reducing reliance on cash bail (Ouss & Stevenson, 2019).

Despite a movement toward eliminating cash bail in many states, the US Sentencing Commission on Civil Rights (2022) determined that although not all pretrial release conditions require cash bail, the most common pretrial release condition is still cash bail.

In most jurisdictions, prosecutors make pretrial release recommendations to the court; however, in jurisdictions with pretrial assessments, these assessments are typically conducted by the court, and the recommendations are generated based on an algorithm. These recommendations are usually based on such factors as criminal history, severity of the current offense, ties to the local community, and flight risk (Ouss & Stevenson, 2019).

Despite a movement toward eliminating cash bail in many states, the US Sentencing Commission on Civil Rights (2022) determined that although not all pretrial release conditions require cash bail, the most common pretrial release condition is still cash bail. This Commission defines bail as the broad "processes of releasing a defendant from jail or other governmental custody with conditions set to provide reasonable assurances of court appearance or public safety" (p. 1). However, the authors further note that while bail is often conflated with cash bail (monetary amounts that the defendant must pay to be released from custody during the pretrial phase), pretrial release can also consist of non-financial obligations (e.g., treatment or community programs) (US Sentencing Commission on Civil Rights, 2022). Furthermore, the goal of any pretrial release condition is traditionally non-punitive, but rather to ensure the defendant's appearance during court dates. It is important to note that state law governs the local rules of pretrial release for state courts, and federal law governs federal courts. In either, the judge determines pretrial release conditions that help to ensure the defendant's return to court while simultaneously considering the protection of the community (18 U.S.C. 3141, et seq.).

[5] Bail and pretrial detention are often used in tandem. However, these legal processes have different definitions.

In the past few years, there has been increased support for bail reform across the nation (Louisiana State Bar Association, 2018; Smith et al., 2020; US Sentencing Commission on Civil Rights, 2022). Although bail reforms vary by state, most have included reducing or removing cash bail for certain offenses. Instead, reforms advocate the use of risk assessment tools[6] (as opposed to hearings or oral arguments) to determine bail amounts and make pretrial detention decisions (Ouss & Stevenson, 2019; US Sentencing Commission on Civil Rights, 2022). The section "Risk assessment and decision-making tools" will discuss empirical research on the prosecution's use of these tools.

Our literature review resulted in 13 studies focusing on pretrial release, bail and/or bail reform policies. Because bail decisions are made by the judiciary, a limited number of articles focused on the prosecutor's role in making pretrial detention decisions. Of the 13 articles, only 6 included direct input from a prosecutor's office. We note this distinction because we believe that involving prosecutors in studies pertaining to pretrial release and bail decisions may be more informative in determining how decisions are made in the system and the prosecutor's role in decisions surrounding pretrial detention/release.

Five of the empirical studies focused on racial and gender disparities in the use of cash bail. These studies reviewed mostly county- or city-level data (four of the five studies used county- or city-level data, while the remaining study used federal data). Disparities in the use of cash bail are important because, between 1970 and 2015, the pretrial jail population increased by approximately 433 percent (US Sentencing Commission on Civil Rights, 2022). In addition, studies have shown that defendants held in pretrial detention are more likely to receive longer sentences than defendants who were released, and they are more likely to experience adverse effects (such as loss of employment and lower wages) as a result of pretrial detention (Concannon, 2020).

The empirical research articles focusing on racial disparities mostly found that, even when accounting for other factors, such as offense type and criminal history, defendants in racial-minority groups were more likely than White defendants to face pretrial detention (Anderson, 2016; Donnelly & Macdonald, 2019; Human Rights Watch, 2017; Kutateladze & Andiloro, 2014; US Sentencing Commission on Civil Rights, 2022). These studies noted that both Black and Hispanic defendants, when compared with similarly situated White defendants, were less likely to be released on their own recognizance and were also less likely to be released on bail (Anderson, 2016; Donnelly & Macdonald, 2019; Human Rights Watch, 2017; Kutateladze & Andiloro, 2014; US Sentencing Commission on Civil Rights, 2022). For instance, using data from the New York District Attorney's Office case management system, Kutateladze and Andiloro (2014) found that after controlling for all other factors, Black individuals were 10 percent more likely and Hispanic individuals were 3 percent more likely than White individuals to face pretrial detention. These differences were even more pronounced for cases involving misdemeanor offenses, with Black individuals 30 percent more likely than White individuals to face pretrial detention. In a study that explored the effects of group threat theory (which proposes that "large or growing minority populations can threaten the social fabric of dominant groups,

[6] Risk-assessment tools are often implemented by the court (not prosecutors) to guide judicial decision-making.

leading to increased prejudice and reliance on social institutions to control subordinate populations"), Williams (2018, p. 47) found that counties with greater racial segregation generally required lower bail amounts for defendants from minority groups. Importantly, these results suggest that greater racial integration (that is, greater exposure of racial and ethnic minority populations to White populations) leads to higher bail amounts for minority defendants than for White defendants. Regarding other extralegal characteristics, additional studies show that females are generally less likely to face pretrial detention than males (Anderson, 2016; US Sentencing Commission on Civil Rights, 2022; Williams, 2018).

However, most of these studies took place prior to the implementation of bail reform legislations. For example, New York enacted bail reform to reduce the use of cash bail by limiting the use of cash bail for most misdemeanors and non-violent felonies. Only one study focusing on the impacts of prosecutors' bail requests on judicial decision making met our inclusion criteria. In that study, the author found that legal variables—such as criminal history and type of offense—were statistically significant in predicting both requests to set bail and the amount of bail set (Concannon, 2020). Furthermore, the impact of these legal variables did not mitigate the impact of the race-based extralegal variable. The author concluded that prosecutors requested higher bail for Black and Hispanic defendants than for similar White defendants. Notably, this author observed that the judge was less likely to order pretrial detention for Black and Hispanic defendants than for White defendants. This author also noted that the defendant's criminal history and the severity of the crime were also predictive of pretrial detention (Concannon, 2020).

It is important to note that the studies discussed here related to bail are often not generalizable (applicable to populations outside the study), because they primarily use data from one location or source. Furthermore, prosecutors in different states have different bail-specific legal restrictions. Most importantly, though the studies do discuss prosecutors' bail recommendations, the ultimate authority for setting bail in the studied jurisdictions remains with the judge. While both the prosecutor and the defense attorney usually have the ability to ask for a specific bail (and to make arguments to support their requests), setting bail is traditionally a function of the court. Indeed, we found only one study that analyzed the impact of the prosecutor-requested bail amount on the ultimate bail outcome. We believe this is an area ripe for further evaluation. Nevertheless, evidence of disparate outcomes in bail have impacted legislators an influenced bail reform in many jurisdictions.

Similar to the studies on racial disparities, the majority of studies examining bail reform or changes in pretrial detention policy concentrate on a single location or assess the impact of one specific policy. For example, one study reviewed a No-Cash-Bail policy implemented in the Philadelphia District Attorney's Office (Ouss & Stevenson, 2019). This policy change applied to a variety of misdemeanor and felony cases (25 charges in total). Here, the authors web-scraped court dockets to gather information on the defendant, the offense, and the bail status. This study concluded that the implementation of this No-Cash-Bail policy increased the number of defendants being either released on their own recognizance or released without a monetary bail (Ouss & Stevenson, 2019). The authors noted that this policy was not associated with increased failures to appear or rearrest rates for defendants who were released pretrial

(Ouss & Stevenson, 2019). More specifically, the authors found no evidence supporting the contention that monetary bail is correlated with an increased likelihood of court appearance (Ouss & Stevenson, 2021).

Another study reviewed a 2018 policy change by the Office of the State Attorney in Orange County, Florida, in which the state declined to request bail for nine nonviolent misdemeanor charges (e.g., certain low-level drug-possession charges, certain cases of driving on a suspended license, and disorderly conduct) (Smith et al., 2020). Although similar policies have been enacted in other locations, this study only reviewed changes in Orange County, Florida. Notably, this county's Chief Judge had previously issued an administrative order capping the amount of bail a judge could set based on the crime type (Smith et al., 2020). This policy was meant to address concerns that defendants were being held on low bond amounts (i.e., under $500) as a "poor tax" (Smith et al., 2020).

For this study, the State's Attorney provided the authors with several legal and extralegal variables for the sample of cases they analyzed. These variables included race, gender, age, arrest date, charges, and whether the defendant had prior failures to appear. Although this study concluded that the policy did not affect the number of defendants being held on bond, the authors noted that defendants who were released on their own recognizance were less likely to fail to appear in court than defendants who were released with cash bail (Smith et al., 2020). Although these studies on the effects of bail policy changes—Ouss and Stevenson (2021) and Smith et al. (2020)—cover only two jurisdictions and focus on non-violent misdemeanor offenses, they provide some evidence that prosecutors' offices' internal policies can impact bail decisions.

The remaining studies found on bail reform focused on reviews of state policies. These included a review of New Mexico's bail reform and a US Commission on Civil Rights' review of bail in the District of Columbia, Illinois, Nevada, New Jersey, New York, and Texas.[7] These are not the only states making efforts to reform pretrial procedures. The US Commission on Civil Rights noted that in 2017, the majority of states 46 and the District of Columbia) enacted new laws focusing on pretrial procedures. Table 5 describes bail reform efforts in the states where we found research meeting our inclusion criteria.

[7] This report also included a review of Texas bail policies, but they were reported on a county-by-county basis (and are thus not included in Table 5).

Table 5. Bail reform highlights

State	Bail Reform Policy Highlights	Year of Reform Initiatives
District of Columbia	• There is a presumption to release all defendants who are not accused of capital offenses. • Judges have discretion to use cash bail if the defendant poses a danger to the community.	1992
Illinois	• The reform is unique in that the state has essentially eliminated cash bail by legislation (not just by policy). • Defendants can be held only if they present a "specific, real, and present threat to another person." • Judges must issue a written decision and must continue to find that detention remains warranted at each hearing.	2021
Nevada	• Defendants have the right to an attorney at their initial bail hearing. • At said hearing, prosecutors must "meet a burden of clear and convincing evidence that no less restrictive alternative will satisfy [their] interest in ensuring the defendant's presence and the community's safety."	2020
New Mexico	• The reform allows defendants charged with capital crimes to be remanded. • The reform allows for remand of defendants charged with felonies if the prosecutor can show "by clear and convincing evidence that the defendant is dangerous and there are no release conditions that can ensure the safety of another person or the community."	2016

Table 5. Bail reform highlights (cont'd)

State	Bail Reform Policy Highlights	Year of Reform Initiatives
New Jersey	• Unless a defendant is facing a potential sentence of life imprisonment, there is a presumption of release for all defendants. • Prosecutors must argue that "no conditions could protect the public or ensure the defendant's appearance in court." • Defense attorneys can review the prosecutor's case, call witnesses, and cross-examine the prosecution's witnesses. • The reform uses an assessment tool to predict rearrest and appearance in court.	2017
New York	• Defendants charged with most misdemeanors and nonviolent felonies cannot be held on cash bail pretrial. • Electronic monitoring can be used only for certain offenses. • Judges must consider the defendant's ability to pay when setting cash bail but have discretion to set cash bail based on the defendant's prior record.	2019/2020

Source: Siegrist et al. (2020) and U.S. Commission on Civil Rights, 2022.

For the above-mentioned states, bail reform was mainly driven by concerns that individuals were being held in custody on relatively low bonds simply because they could not afford to pay their bail, and because of racial disparities in bond amounts and jail populations.

In New Jersey, bail reform did not result in an increase in failures to appear or in rearrests, but it did reduce the jail population overall (US Sentencing Commission on Civil Rights, 2022). However, the demographics of the state's jail population, in terms of race, have not changed for male residents (there has been more of a reduction for female residents).

In 2020, the New Mexico Statistical Analysis Center interviewed criminal justice stakeholders regarding how determinations are made about the dangerousness of a defendant. The center found that prosecutors and judges consider the nature of the charges to be a key factor, but not the only factor, considered (Siegrist et al., 2020). The interviewees noted that local context and the facts of the specific case (e.g., the use of weapons, victim injury, and the defendant's criminal record) also affect this determination.

Empirical studies focusing on bail, bail reform, and decision-making are much more extensive than those discussed in this section. However, most studies infrequently included input from prosecutors, and even less frequently focused on prosecutors' decision-making process about bail. In total, we found only one empirical study on the impacts of prosecutors' requests for bail and one study that interviewed stakeholders (including prosecutors) to try to determine the decision-making process of requesting bail. The focus on prosecutorial decision-making and bail is constrained because bail falls within the judge's discretion, and prosecutors have limited decision-making authority regarding bail. In addition, when a jurisdiction uses risk assessment or other decision-making tools, these are often administered by court staff (e.g., staff members involved in probation or pretrial release), and the scores are determined by an algorithm. Prosecutors can make recommendations different from those that result from such assessments, but the judge still makes the final decision.

Risk assessment and decision-making tools

As part of efforts to reform and standardized bail procedures, some jurisdictions have implemented risk assessment or other decision-making tools to assist in making decisions about bail. Risk assessment and decision-making tools use a series of factors to calculate a defendant's risk score, which represents the risk of failing to appear and/or the risk of being rearrested (Brayne & Christin, 2021; DeMichele et al., 2018). When used, these assessments are typically a function of the court. Most often, jurisdictions implement actuarial risk assessment tools. These tools asses risk by "combining the weighted values of the employed risk factors into a total score that is then cross-referenced with a table describing outcome rates/probabilities," which are then used to inform decisions about bail (Terranova et al., 2020, p. 34; see also American Civil Liberties Union (ACLU) 2013; Human Rights Watch, 2017). When jurisdictions implement these types of tools, the stated purpose is often related to reducing racial disparities and potential implicit biases in decision-making (DeMichele et al., 2018).

While risk assessment and decision-making tools are theoretically supposed to reduce the racial disparities in outcomes, criminological research has shown that the desired outcome is not always achieved. These tools typically draw data from the defendant's criminal history and past contact with the criminal justice system, and this information is not free from bias. Thus, critics of risk assessment and decision-making tools often note that these tools are premised on data that may be skewed by implicit biases and structural racism. As such, these tools are unable to provide unbiased context to the defendant or their past.

Our search yielded seven articles that focused on risk assessment. Although there are certainly many more articles that focus on evaluating the efficacy of risk assessment tools themselves, our focus on prosecutorial decision-making led us to find mostly qualitative studies. These studies used information gathered from criminal justice stakeholders to determine their use of and perceptions relating to risk assessment and decision-making tools. Similar to the limitations in the studies focusing on bail, five of the seven studies relating to risk assessment used data from a single state.

Overall, these studies provide information about how prosecutors feel about risk assessment and decision-making tools (DeMichele et al., 2018). One study surveyed a convenience sample of criminal justice actors (i.e., judges, prosecutors, public defenders, and pretrial staff) across seven states, and these actors used the same risk assessment tool: Arnold Ventures' Public Safety Assessment (PSA). The authors' found many areas of agreement between the courtroom actors, especially the prosecutors and the judges. Overall, the actors identified the strengths of the PSA to be that it is focused on risk (62 percent agreed this was a strength) and that it is research-based (69 percent agreed this was a strength) (DeMichele et al., 2018). Notably, however, when the results were viewed by prosecutor response only, 29 percent of prosecutors said that the PSA's focus on risk was a strength, and only 41 percent said that it being research-based was a strength. In terms of weaknesses, 71 percent of prosecutors said that important factors were left out of the assessment (compared with 37 percent of respondents overall), and 59 percent said that too many defendants were released (compared with 16 percent of respondents overall)[8] (DeMichele et al., 2018).

This study also asked the criminal justice actors if they felt that the PSA contributed to racial disparities within the criminal justice system; 27 percent of respondents believed that the PSA at least sometimes contributed to disparities, including 47 percent of prosecutors. When asked how often they agreed with the PSA recommendation, the criminal justice actors were more consistent in that only 2 percent of respondents noted that they always agreed (0 percent of prosecutors), with 63 percent of judges noting that they often agreed, and 38 percent of prosecutors indicated that they sometimes agreed.

Consistent with these findings, additional studies concluded that courtroom actors do not always perceive the screening tool as being accurate, especially when the results of the risk assessment do not concur with their beliefs (ACLU, 2018; Brayne & Christin, 2021; Terranova et al., 2020). These studies also stress that there needs to be an understanding about how the tool is used and what the risk assessments actually mean (ACLU, 2018; Brayne & Christin, 2021; Terranova et al., 2020). One ethnographic study noted that the use of risk assessment was "technocratic oversight" and that their use would devalue prosecutors' skills and experience while "turning them into line workers, instead of autonomous actors with specific expertise" (Brayne & Christin, 2021, p. 10). These studies agreed that prosecutors did not value the use of the risk assessment tools over their personal discretion; when these

[8] This overall number is skewed by responses from defense attorneys, none of whom indicated that too many defendants were being released. However, only 13 percent of judges and 10 percent of pretrial employees shared the prosecutors' concerns.

two forces were at odds, prosecutors were more likely to privilege their own discretion over the tools' recommendations (Ashok, 2020; Brayne & Christin, 2021; DeMichele et al., 2018; Russell & Manske, 2017). However, another common finding was that there needed to be more understanding of what the risk assessment score actually means and how these scores should be interpreted (ACLU, 2018; Brayne & Christin, 2021; Terranova et al., 2020). Although these themes were woven throughout these studies, a prosecutor provided a clear explanation of them by stating, "I just don't know how these tests were administered, in which circumstances, with what kind of data" (Brayne & Christin, 2021, p. 10).

Athough these studies generally showed that prosecutors are concerned about racial disparities in the criminal justice system, they also seemed to imply that prosecutors are skeptical about the use of risk assessment and decision-making tools. There are additional limitations with these studies related to generalizability.

Another common finding was that there needed to be more understanding of what the risk assessment score actually means and how these scores should be interpreted.

Diversion programs

In recent years, communities have grown increasingly aware of and concerned about the unequal impact of some criminal justice practices. Following this, communities have advocated for less punitive and more equitable approaches to addressing offender behavior (Kutateladze et al., 2022). Diversion programs give prosecutors an alternative to traditional criminal justice case processing, which is known to be costly and time-consuming. It can also result in severe consequences for the defendant. By diverting offenders into a pretrial or post-trial program, prosecutors aim to address the underlying issues that led to the defendant's criminal behavior and ultimately reduce the number of cases that need to be processed by the court (Rempel et al., 2018). In addition, diversion programs provide prosecutors with an added resource that allows them to devote more of their time and effort to the most severe cases and offenders. Most research related to diversion programs has focused on evaluating the outcomes of the programs, as opposed to evaluating how diversion decisions are made by prosecutors or how new diversion policies affect case-processing patterns (Kutateladze et al., 2022).

An original goal of prosecutor-led diversion programs was to focus on rehabilitating defendants and reducing recidivism. However, in practice, researchers are finding that there has been a shift to concentrating on outcomes other than incarceration (Labriola et al., 2018). Currently, the most common goals of prosecutor-led diversion programs are reducing administrative costs by "routing cases away from traditional prosecution," reducing the amounts of convictions via dismissal or expungement (Labriola et al., 2018, p. vii).

Defendants can enter diversion programs at various stages of the judicial process. Some programs adopt a "pre-filing" model, in which defendants enter the program prior to charges

being filed with the court while others use a "post-filing" model in which defendants enter the program after the court process has begun (Rempel et al., 2018).[9] Eligibility for pretrial diversion programs depends largely on the type of charge the defendant is facing. Programs widely accept those facing misdemeanor charges for offenses of all varieties, and growing numbers of diversion programs have begun to incorporate mixed models that work with low-level and nonviolent felony offenses (Rempel et al., 2018). Depending on the program, risk/needs assessments may be required to determine the appropriate services to administer to the defendant.

Oversight within these programs varies with the levels of services being offered. To provide accountability, most programs require participants to be assigned to a case manager or probation officer (Rempel et al., 2018). The programs' benefits can motivate clients to participant in and complete them. For example, in pre-filing programs, the prosecutor will close the case once the program is successfully completed. With most post-filing programs, cases may be dismissed upon successful completion (though not all cases are eligible for full expungement) (Labriola et al., 2018). If defendants fail to complete their program, prosecutors may resume their case. There is much to be learned about the defendants who successfully complete their program and about the impact of this completion. Likewise, there is room for future research into the failures of defendants in diversion programs and their resulting outcomes.

The Center for Court Innovation conducted a survey in 2019 focusing on diversion programs nationwide. The results indicated that half of the programs had charge-type restrictions limiting the number of eligible participants (Lowry & Kerodal, 2019). According to the 220 responses from prosecutors with access to diversion programs, 56 percent of these programs accepted individuals facing charges for nonviolent felonies, while only 4 percent accepted those facing charges for violent felonies (Lowry & Kerodal, 2019). Access to diversionary programs benefited defendants as approximately 69 percent of individuals who completed these programs had their cases dismissed.

Historically, prosecutors have focused diversion programs on lower-level cases, and many defendants in these cases would have received a sentence that included little or no incarceration. As more prosecutors have begun to use diversion programs, researchers at Florida International University questioned whether adopting decarceration policies for lower-level defendants comes at the expense of defendants charged with more serious offenses (Kutateladze et al., 2022). The study tested the bifurcation hypothesis, which suggests that "prosecutorial offices adopt a dual approach to criminal justice reforms" (Kutateladze et al., 2022, p. 373). When jurisdictions adopt decarceration policies, this is often at the expense of increased punitiveness toward defendants charged with more serious offenses (Kutateladze et al., 2022). This study's conclusion is consistent with national trends of serious offenders having less viable options to receive pre-/post-diversion compared with lower-level offenders. The empirical research we reviewed indicated that diversion programs are often focused on addressing such issues as

[9] These were the terms used within the cited article. The authors recognize that this does not cover all methods of entry into diversion programs and that this varies by jurisdiction.

drug abuse, mental health issues, or community service. However, there is little to no research on whether expanding diversion services to incorporate more serious offenders might affect violent crime and prosecutorial caseloads.

When deciding to use diversion programs, prosecutors aim to hold defendants accountable while rehabilitating underlying issues, using resources effectively, and reducing caseloads. Although these programs have some well-known benefits, empirical research into the decision-making process of prosecutors to divert defendants is lacking. Future research should concentrate on understanding how diversion policies are set in prosecutorial offices and on how data are captured for diverting defendants. Additionally, for jurisdictions working toward decarceration, future studies should investigate how expanding the pool of divertible cases may further accelerate this process (Kutateladze et al., 2022).

Plea bargaining

Plea bargaining has been defined as "an explicit or implicit exchange of concessions by parties" (Colquitt, 2000, p. 701). In the most common sense, plea bargaining is the exchange of a guilty plea (self-conviction) for some concessions by the court/prosecutor (usually, reduced sentences or charges) (Alschuler, 1979). Essentially, defendants are required to knowingly and voluntarily waive their right to a trial in exchange for reduced charges or sentencing (Alschuler, 1979). The overwhelming majority of criminal cases are disposed of via a guilty plea (Crespo, 2018; Henderson & Levett, 2019; Johnson, 2019). Studies typically conclude that more than 90 percent of criminal charges brought by a prosecuting attorney are resolved by the defendant pleading guilty to some criminal offense (Kutateladze et al., 2016; Testa & Johnson, 2020). This rate of plea bargaining also extends to federal cases (Fellner, 2013). Prosecutors exercise their discretionary power to decide which cases require the resources necessary for trial versus those that can be resolved via plea agreements.

Plea bargaining requires prosecutors to decide when it is appropriate to offer a plea and to define the terms of that offer (Angioli, 2014). Some research expresses that, with few guidelines to assist prosecutors on how best to determine their offer, prosecutors often use their discretion to make plea determinations (Angioli, 2014). Upon setting the terms of a plea, prosecutors can also make sentencing recommendations to the judge (who ultimately has sentencing authority) (Angioli, 2014). One study determined that most prosecutors make these decisions independently, with minimal input from fellow prosecutors or supervising attorneys (Wright et al., 2022). In offices that do have specific plea-bargaining policies, these policies usually pertain to high-priority crimes with more punitive charges and may not apply to misdemeanor cases (Garrett et al., 2021). Criminological research frequently expresses concerns about the effects of prosecutors deciding to use plea agreements, particularly the "trial penalties" often associated with plea offers (Grossman, 2017), and about an overall lack of transparency in the decision to offer a plea to a defendant.

With few guidelines to enable consistent decision-making practices, several factors tend to influence a prosecutor's decision to offer a plea agreement. Criminological research notes that several factors (e.g., the nature of the crime, public safety concerns, the criminal history of the accused, and the strength of the case) tend to be considered when deciding to offer a plea

(Garrett et al., 2021). Furthermore, media influence has become a considerable factor: the greater interest the media has in a crime, the less likely a prosecutor will be to offer a plea (Angioli, 2014). Other studies on prosecutors and plea bargaining focus on the role of extralegal factors and typically conclude that racial and gender biases influence prosecutorial decision-making at all stages of a criminal case, including the decision to offer a plea bargain (Berdejó, 2018; Bontrager et al., 2013; Metcalfe & Chiricos, 2018).

Some prior research contends that defendants who refuse to accept plea bargains are often subject to "trial penalties," in which they receive more punitive sentences if convicted at trial. The New York State Association of Criminal Defense Lawyers (2021), which has expressed concern about the current plea system overtaking the criminal process in New York, investigated the impacts of defendants refusing plea agreements. This study concluded that trial penalties are used to successfully "pressure" defendants into accepting plea agreements—prior to defendants engaging in a pretrial motion, reviewing discovery, or the prosecutor presenting to a grand jury—to avoid the harsher sentences associated with denying a plea (New York State Association of Criminal Defense Lawyers, 2021). In fact, research on federal criminal cases from 2006 to 2008 found that defendants who went to trial received sentences that were 64 percent longer than those for individuals in a similar situation who accepted a plea bargain (New York State Association of Criminal Defense Lawyers, 2021). Prosecutors have the discretion not only to offer the plea on their terms but also to alter plea agreements if the defendant does not accept the offer (New York State Association of Criminal Defense Lawyers, 2021). Researchers note that this places defendants in a peculiar situation: they must decide to go through the judicial process and potentially receive a lengthier sentence or receive a reduced sentence and serve their time as quickly as possible.

Criminological researchers are also concerned that defendants surrender their right to appeal and the ability to file for discovery, which collaterally protects law enforcement from post plea scrutiny (New York State Association of Criminal Defense Lawyers, 2021). As the number of criminal trials continues to decline, it is of particular interest for researchers to evaluate prosecutorial decision-making relating to pleas. Researchers express concern over what they view as few protections for defendants facing pressures to take a plea bargain. Although criminological and legal scholars frequently opine on the potential hazards of plea bargaining, the constitutionality of the practice has been firmly established by the US Supreme Court. The past decade has brought more cases focusing on the rights associated with plea bargaining in front of the Supreme Court, but the Court's justices have reaffirmed the constitutionality of the plea bargain (Dervan, 2019).

As with research sources pertaining to other case-processing decision points (see the previous discussion of pretrial, intake, and bail decisions), several sources in our dataset discuss how defendants from racial and ethnic minority groups are systematically disadvantaged in plea negotiations, receiving, on average, less desirable plea deals than similarly situated White defendants (Berdejó, 2018, 2019; Bloch et al., 2014; Kutateladze & Andiloro, 2014; Lee & Richardson, 2020; Testa & Johnson, 2020). For instance, examining data from the Wisconsin circuit court case-management system, Berdejó (2018) found that during the plea-bargaining phase of misdemeanor case processing (controlling for other relevant factors), Black

defendants were 8.2 percent less likely than White defendants to have their top charge reduced, a circumstance that contributes to longer overall sentences and higher rates of imprisonment for Black defendants. Lee and Richardson's (2020) examination of data pertaining to felony defendants in large urban counties found that Black defendants were less likely than White defendants to plead guilty (i.e., accept a plea deal), and they were also less likely to receive pretrial diversion/deferral recommendations from prosecutors. The authors hypothesized that this difference may result from Black defendants systematically being offered less desirable plea deals than their White counterparts. However, it is important to note that this is, at most, an educated and research-informed supposition made by the researchers. Ultimately, Lee and Richardson (2020) concluded that the most appropriate solution to the potential racial disparities growing from unequal plea offers is more stringent oversight of the plea-bargaining process (by both the courts and external organizations). Other studies in our dataset did not find significant differences in plea-bargaining outcomes according to the defendant's race (Hu, 2021; Kutateladze et al., 2019b). Instead, they found that other case-relevant facts (including crime type, defendant age, and quality of legal representation) exerted far stronger effects on the nature of plea bargaining across defendants.

A number of sources in the empirical research we found comport with prior scholarship regarding the intersection of a defendant's gender and prosecutorial discretion and decision-making, finding that males experience worse outcomes in the plea-bargaining process than females, receiving fewer charge reductions (Berdejó, 2019; Bloch et al., 2014; Hu, 2021; Johnson, 2014). Furthermore, several sources include findings supporting the contention that Black males are subject to especially punitive treatment at the plea-bargaining phase of case processing (Berdejó, 2019; Sommers et al., 2014). Berdejó's (2019) investigation of data from Wisconsin state circuit courts found that the charge-reduction rate for White female defendants was nearly twice that of Black male defendants, while the charge-reduction rates for Black females and White males was approximately the same. These results indicate that race and gender interact in ways that create additive effects, especially for Black males. Findings like these are echoed by authors (such as Sommers et al., 2014) who found that Black males were less likely to receive favorable plea deals for violent crime cases, especially when the victim was White. Somewhat conversely, Bloch and colleagues' (2014) investigation of felony case data in North Carolina found that Black women were more likely than White women, and far more likely than Black men, to receive charge reductions during plea bargaining, indicating that, at least in this specific context, focal concerns of threat related to gender may outweigh those related to race.

Sentencing

Research surrounding prosecutorial participation in sentencing is necessarily fraught given that multiple parties are involved in sentencing decisions (namely, prosecutors and judges), and disentangling the effects of these parties is difficult given the quality of data (Edwards et al., 2019). However, the research team did find 63 discrete sources in which the information and results pertaining to prosecutors are sufficiently isolated. These articles covered a range of topics, including how prosecutorial sentencing decisions interact with defendants' extralegal

characteristics (including race, gender, age, and citizenship status), how sentencing guidelines influence prosecutorial decision-making, and prosecutors' role in mandatory minimum, Three Strikes, and death penalty sentencing.

Many of the sources pertaining to sentencing in the dataset examine the interaction of prosecutorial decision-making with defendants' extralegal characteristics. Specifically, many articles argue that defendants from minority groups (especially Black and Hispanic defendants) face disparate and unequal outcomes during the sentencing phase of case processing as a result of prosecutorial decision-making. Sources in the dataset found that defendants from minority groups face greater risks of being sentenced to custodial punishments rather than alternative sentences (such as substance use treatment or probation) (Kutateladze et al., 2016; Omori, 2017; Stevenson & Mayson, 2018). In addition, they are generally sentenced to longer custodial sentences (Bishop et al., 2021; Fealk et al., 2017; Hartley et al., 2021; Rehavi & Starr, 2014; Stolzenberg et al., 2013; Ulmer et al., 2016), are more likely to be sentenced according to stringent mandatory minimum and Three Strikes sentencing guidelines (Chen, 2014; Holmes, 2020; Tuttle, 2019), and are less likely to benefit from substantial assistance reductions (Howley, 2019; Nutting, 2015).[10] The authors contended that this sentencing disparity is explained (at least in part) by the initial charging decisions of prosecutors, with prosecutors being more likely to charge defendants from minority groups with crimes carrying mandatory minimum sentences. For instance, using data from several federal case processing systems (including the Executive Office for United States Attorneys and the Administrative Office of the US Courts), Rehavi and Starr (2014) found that Black individuals received 10 percent longer sentences than White individuals, and that more than half of this disparity was accounted for by the higher likelihood of prosecutors filing charges with mandatory sentencing requirements. Ultimately, prosecutors are nearly twice as likely to file mandatory minimum-requiring charges against Black individuals as compared to White individuals (Rehavi & Starr, 2014; Starr & Rehavi, 2012, 2013). In addition, examining data on federal drug trafficking prosecution, Nutting (2015) found that compared with White individuals, Black and Hispanic individuals were less likely to receive substantial assistance[11] reductions (and smaller overall sentence reductions when granted) during sentencing.

Fewer sources found that there is no significant relationship between defendants' race and prosecutorial sentencing decisions (in certain specific contexts). For instance, Yuan and Cooper's (2022) investigation of sentencing disparities in North Carolina state courts did not find meaningful variation in prosecutors' imposition of sentence enhancements for Black and Hispanic versus White defendants. In addition, Hu's (2021) examination of sentence lengths imposed in federal courts from 1998 to 2000 (notably, a time during which federal sentencing guidelines were mandatory as opposed to advisory) found no significant differences according to defendants' race.

Authors have explored the intersection of additional extralegal factors (namely, defendants' gender, socioeconomic status, and citizenship status) and prosecutorial sentencing-related decisions. Consistent with prior research and theory showing that males generally receive

[10] Substantial assistance reductions may be granted to defendants who provide assistance, information, or cooperation that assists in the investigation or prosecution of another defendant.

[11] Substantial assistance may be referred to as "cooperation" in certain jurisdictions.

harsher criminal justice outcomes than females (Daly & Tonry, 1997; Liberman & Fontaine, 2015; Mauer, 2018; Spohn & Beichner, 2000), the empirical research we found concluded that males received fewer downward departures and substantial assistance motions during sentencing (Cohen & Yang, 2019; Hill, 2021; Holmes, 2020; Howley, 2019; Nutting, 2015; Yuan & Cooper, 2022).

Far less of the research found during our review focused on sentencing-related topics that were dis-entangled from defendants' extralegal characteristics. Several sources in our dataset examined how prosecutors seek longer and/or more severe sentences for certain crimes with the goal of deterring future crime (Arora, 2019; Coloma, 2014; Klein et al., 2014; Liu et al., 2022; Petersilia et al., 2014). For instance, Klein et al. (2014) found that individuals who were sentenced more severely for domestic violence offenses were less likely to commit subsequent domestic violence, indicating that prosecutors play a pivotal role in deterrence. Conversely, Arora (2019) found that more severe sentencing for violent and property crimes (dictated by the charging decisions and sentencing philosophies of county-level district attorneys) did not translate to overall crime deterrence and instead contributed to longer sentences and growing prison populations. Other authors also noted these effects, contending that punitive prosecutorial tactics (e.g., aggressive charging practices and seeking sentencing enhancements) are a major contributor to high incarceration rates and prison overcrowding (Beckett & Beach, 2021; Parsons et al., 2015; Petersilia et al., 2014). Efforts to limit prosecutorial discretion in relation to high incarceration rates have been met with mixed support. For instance, in Petersilia et al.'s (2014) investigation of California's 2011 Public Safety Realignment Act (which greatly attenuated district attorneys' ability to recommend incarceration as a punishment for many felonies), researchers found that prosecutors applauded the act for introducing more treatment options for offenders. However, prosecutors also contended that the changing policies left them with a "shrinking hammer" (p. 118), because they were unable to use threats of imprisonment to deter future crime.

SENTENCING GUIDELINES

Additional sources examine the intersection of prosecutorial behavior and sentencing guidelines. Research on this topic is scattered, with the research we found pertaining only to a few very specific topics. For instance, using a mixed methods strategy, Frederick and Stemen (2012) investigated how prosecutorial decision-making varies in states with or without mandatory sentencing guidelines. Relying on an analysis of administrative records, surveys, and interviews with prosecutors from two counties (one in a state with mandatory guidelines and one in a state with advisory guidelines), the authors found that prosecutors across both offices considered the seriousness of an offense as an important factor when making sentence recommendations. However, prosecutors' decision-making also differed across the two offices, with prosecutors in the mandatory guidelines state relying on objective criminal history scores, while prosecutors in the advisory-guidelines state relied more on subjective evaluations of defendants' risk to the community when making sentencing recommendations.

Additional research investigated how the change from mandatory sentencing guidelines to advisory sentencing guidelines affects prosecutorial decision-making. For instance, Lynch (2019) examined how federal prosecutorial

sentencing-related decisions changed after the Supreme Court's decision in *United States v. Booker*,[12] which changed federal sentencing guidelines from mandatory to advisory (i.e., judges were given the discretion to deviate from mandatory sentences when appropriate). Looking at four federal districts, Lynch found that, following the decision in *United States v Booker*, prosecutors sought additional ways to control sentencing outcomes, including through "filing of mandatory minimum charges and/or through binding plea agreements" (p. 99). Consequently, Lynch (2019) contended that although the change from mandatory to advisory sentencing guidelines ostensibly increased judicial discretion (judges were able to set sentence lengths outside guidelines), a good deal of discretionary power post-*Booker* remained with prosecutors. This was because prosecutors retained their ability to make pre-sentencing decisions that strongly influenced case outcomes (including initial charging and plea-bargaining decisions).

There is ongoing debate as to whether mandatory guidelines ameliorate or exacerbate racial disparities in criminal sentencing.

Furthermore, there is ongoing debate as to whether mandatory guidelines ameliorate or exacerbate racial disparities in criminal sentencing. For instance, Hu's (2021) examination of sentencing disparities in three federal district courts (the District of Nebraska, the District of Minnesota, and the Southern District of Iowa) during the pre-*Booker* era found no significant variation in federal sentencing lengths according to defendants' racial characteristics. This supports the contention that the federal sentencing guidelines "achieved the goals they were designed to achieve—reducing unwarranted sentencing disparities and achieving uniformity and consistency in the sentences imposed" (Hu, 2021, p. 182). Conversely, some research suggests that there is a discernable racial disparity regarding prosecutorial discretion and sentencing guidelines, with defendants from minority groups less likely to receive downward departures and substantial assistance departures from guidelines (Holmes & D'Amato, 2020; Howley, 2019; Nutting, 2015). Using federal criminal sentencing data, Holmes and D'Amato (2020) compared governmental-initiated (i.e., prosecutor-led) and judicial downward sentencing departures, finding that extralegal factors such as defendants' race, gender, and age, exerted more influence on prosecutorial decision-making than on judicial decision-making. Young Black males (those 18 to 27 years old) fared especially poorly because of prosecutor-led sentencing departure decisions, receiving the smallest average sentence departures of any race-gender-age grouping. The authors posited that the fear of committing a "false-negative" error (which occurs when a defendant who was treated leniently reoffends), and suffering the attending negative public scrutiny, influences prosecutors to treat young Black males with marked harshness (Holmes & D'Amato, 2020, p. 462). Conversely, federal judges (who are usually appointed to a life term) feel less compelled to allow public sentiment to dictate their decision-making (Holmes & D'Amato, 2020).

[12] 543 US 220 (2005)

A great deal of sentencing reform over the past two decades has focused on attenuating the effects of harsh mandatory sentencing for low-level, nonviolent drug crimes (Didwania, 2020; Fealk et al., 2017; Parsons et al., 2015). Given this focus, it is not surprising that the research team found some sources that looked specifically at disparate application of substantial assistance sentencing departures in drug cases (though it is surprising that the team did not come across more empirical pieces pertaining to this topic). Results included Nutting's (2015) finding that cooperating defendants in federal drug-trafficking cases who were Black, Hispanic, or non-US citizens tended to receive substantially smaller sentence departures than defendants who were White and US citizens. In addition, Howley (2019) found that defendants who commit drug crimes are more likely than defendants in violent and property crime cases to receive substantial assistance departures (regardless of extralegal characteristics), indicating that drug defendants are generally viewed as "less blameworthy and dangerous than those who commit property and violent offenses" (p. 45).

MANDATORY MINIMUM, THREE STRIKES, AND DEATH PENALTY SENTENCING

Regarding mandatory sentencing, as noted above, a number of sources discuss how racially disproportionate sentencing outcomes grow in many instances from unequal charging of crimes requiring mandatory minimum sentences (Chen, 2014; Holmes, 2020; Rehavi & Starr, 2014; Tuttle, 2019). Numerous authors note that defendants from racial and ethnic minority groups (primarily Black and Hispanic individuals) are more likely than White defendants to be charged with crimes carrying mandatory minimum penalties (Rehavi & Starr, 2014; Starr & Rehavi, 2012; Tuttle, 2019). Significantly, authors found that such disparities exist even when controlling for other factors (including gender, age, education level, socioeconomic status, and criminal history).

Given this, some authors advocate for removing mandatory minimum sentencing, especially for low-level, nonviolent crimes and drug offenses, as a means to achieve greater racial equity in the criminal justice system (Boston Bar Association Criminal Justice Reform Working Group, 2017). Other authors contend that the lack of consistent data collection on prosecutorial charging decisions obscures the broader conclusions that researchers can draw about how mandatory sentencing operates in practice (Office of the Inspector General, 2017). A handful of sources and reports (Office of the Inspector General, 2017; Pryor, 2017) also examine how mandatory sentencing practices changed in the wake of such reforms as the Smart on Crime Initiative (which recommended that low-level drug offenders not be charged with sentences carrying mandatory minimum penalties). Didwania (2020) found that although there was meaningful compliance with these

reforms, they generally did not reduce sentence length for eligible defendants (indicating that prosecutorial discretion accounts for only a small portion of mandatory sentencing outcomes for certain crimes).

There is a notable dearth in our dataset of in-depth, qualitative examinations of prosecutorial discretion in mandatory sentencing charging. However, one interview study conducted with local prosecutors across Kansas found that prosecutors considered a variety of factors when deciding to comply with or circumvent a state law requiring mandatory probation and treatment for drug offenders (Stemen et al., 2015). Prosecutors in this study privileged consideration of defendants' treatment need/amenability over considerations of dangerousness/blameworthiness, indicating a rehabilitative-minded shift away from traditional decision-making structures that rely on punitiveness and deterrence (Stemen et al., 2015). One additional study conducted by Chen (2014) investigated the use of Three Strikes penalties by prosecutors across California. As the authors noted, prosecutors wield a great deal of discretion in Three Strikes sentencing due to their ability to dismiss previous charges or petition to waive prior offenses. In practice, this discretion serves to both ameliorate and exacerbate racial disparities in sentencing: in some jurisdictions, prosecutors dismiss charges as a means of "correcting" previous prosecutorial overreach; in other jurisdictions, prosecutors are more likely to seek Three Strikes sentences for minority defendants.

There is a notable dearth in our dataset of in-depth, qualitative examinations of prosecutorial discretion in mandatory sentencing charging.

A handful of sources discussed how prosecutorial decision-making intersects with death penalty sentencing. These sources generally examined the various factors that go into prosecutors deciding to seek the death penalty (Angioli, 2014) and evaluate the rigor and fairness with which prosecutors' offices handle death penalty cases (Douglass et al., 2013). For instance, an interview study of 10 former prosecutors (Angioli, 2014) found that prosecutors considered a wide variety of factors when deciding to seek the death penalty, including the strength of evidence, severity of the crime, criminal history, victim considerations, community opinions, and witness credibility. However, research also indicates that in some instances, the procedures by which prosecutors make these decisions lack consistency and rigor. Douglass et al.'s (2013) evaluation of prosecutors in Virginia (produced for the American Bar Association) found that many offices lacked formalized policies for evaluating crucial evidence in death penalty cases (including eyewitness identification and testimony from jailhouse informants).[13] Additional studies quantitatively examined how various factors—including offender characteristics, victim characteristics, and local political climate—interact with prosecutorial decision-making in death penalty cases (Pollock & Johnson, 2021; Thaxton, 2017). For instance, both Pollock and Johnson (2021) and Thaxton (2017) found that victim race exerted a strong influence over prosecutors' decisions to seek the death penalty in Texas and Georgia, respectively; prosecutors

13 Virginia subsequently abolished use of the death penalty in 2021.

in both studies were more likely to seek the death penalty when the victim was White versus another race. Furthermore, such factors as offender race and local political climate did not significantly influence prosecutorial decision-making (Pollock & Johnson, 2021).

Implicit bias

As highlighted above, many sources in our dataset support the contention that racial (and other) disparities exist in prosecutorial decision-making at several critical junctures in case processing (including in pretrial, intake, bail, plea-bargaining, and sentencing decisions). However, readers should be cautious about drawing broader conclusions from this research for several reasons. First, there are systemic problems with data collection and analysis in the realm of prosecutorial research; we will address these issues in detail in the following sections. Second, even assuming that the visible disparity in outcomes is attributable to prosecutorial discretion, the question remains as to whether this is the result of intentional decisions (guided by explicit racist attitudes) or unintentional decisions (guided by implicit racial biases). This is a prominent question in a great deal of criminal justice scholarship and is notoriously difficult to answer: criminal justice actors tend to be reluctant to express explicitly racist attitudes to researchers, and implicit bias is difficult to determine and measure given that it operates (ostensibly) within a black box of unconscious decision-making (Levinson et al., 2010; Levinson & Smith, 2012; Smith & Levinson, 2011). However, a number of studies in the broader criminological and psychological literature support the contention that implicit bias does indeed exist and strongly influences individuals' perceptions and decision-making in the criminological sphere (James, 2018; Nix et al., 2017).

Regarding the dataset presented here, although researchers discuss implicit bias as a potential contributing factor to the racial disparity seen across various outcomes, very few studies offer any empirical evaluation (or validation) of implicit bias. For instance, using a quasi-experimental vignette study, Robertson et al. (2019) did not find that race exerted "detectable prejudicial effects on prosecutorial decisions" (p. 1). In addition, Dunlea's (2022) interview examination of 47 line prosecutors found that respondents tended to espouse a "colorblind" approach to prosecution in which they voiced opinions that the defendant's race should be entirely disregarded during decision-making. In a qualitative study of district attorneys in Alabama (Hill, 2021), several interviewees actually expressed bias against White defendants, contending that they should be punished more harshly because they had "more societal opportunities for self-improvement" (p. 153). Regarding the Dunlea (2022) and Hill (2021) studies, however, it is vitally important to note that explicit denunciations of race-based decision-making does not mean that implicit bias is not active. As authors elsewhere in the criminological literature discuss, ostensibly "colorblind" approaches to criminal justice issues can be problematic because "criminal justice system actors often view the world through racial stereotyping or bias but are consciously unaware, or refuse to become aware, of that bias," (Taslitz, 2007, p. 1). This can result in a system that simultaneously reinforces racial inequality while espousing racial neutrality (Van Cleve & Mayes, 2015). Moving forward, it is vital that researchers rigorously investigate how implicit bias and the influence of extralegal factors affect prosecutorial

decision-making throughout the entirety of case processing. Absent this concerted effort, these potential inequalities and disparities are likely to continue without appropriate intervention.

Conclusion

Taken together, Section 1 provides a review of the research produced since 2012 pertaining to prosecutorial autonomy and decision-making. Within this broader category, researchers and authors have examined prosecutorial decision-making in relation to intake procedures and decisions (including initial charging, charge reduction, and bail decisions), risk assessment and decision-making tools, diversion programs, plea bargaining, sentencing (including sentencing guidelines and mandatory minimum, Three Strikes, and death penalty sentencing), and implicit bias. Although the research team found more research sources for Section 1 than for Sections 2 and 3, there were several subtopics for which the research team was unable to find any sufficiently rigorous empirical research that met the threshold for inclusion. Regarding sentencing, we were unable to find research pertaining to truth in sentencing, early-release acts, parole ineligibility, and aggravating/mitigating factors. Regarding intake procedures and decisions, we did not find any research pertaining to how prosecutors screen cases and determine eligibility for prosecutor-led diversion programs. Regarding prosecutorial autonomy and violent crime, the research team did not find any research pertaining to predictive analytics, caseload, training, policy, and prosecutorial oversight.

Although some of the studies found by the research team use qualitative or mixed methods investigations, the majority use quantitative statistical modeling of large datasets. For instance, many studies looking at prosecutorial decision-making in the federal domain use samples that include all federal cases occurring within a certain time period; these datasets can include hundreds of thousands of cases (or more). Because of this, readers should be cautious about drawing broader conclusions about the research presented here because of concerns about potential confounding factors, missing data, poor data quality, and limited generalizability. Although many sources in our dataset support the contention that racial disparities exist in prosecutorial decision-making at several critical junctures in case processing (including in pretrial, intake, bail, plea-bargaining, and sentencing decisions), due to methodological limitations, the possibility remains that the visible race-based variation is attributable to factors other than prosecutorial discretion (i.e., it is due to variables and mechanisms that researchers are not accounting for). In addition, the lack of relevant race-based data collection is a pervasive issue in prosecutorial research. For instance, a 2018 Urban Institute study of 158 city-level prosecutors' offices from across the United States found that only 42 percent of offices collected data on defendant characteristics (including race and criminal history) (Olsen, 2019). Findings such as these point to a startling reality: data required to understand the race-based decision-making of prosecutors are likely missing in more than half of all US jurisdictions. This greatly attenuates the broader conclusions and inferences researchers can make about how prosecutorial decision-making and racial disparity operate in practice.

Regarding generalizability, because the data comes from a patchwork of places across articles and other sources (including case data from federal, state, county, city, military, and tribal court systems), readers should not make the mistake of assuming that the results of one study apply uniformly across jurisdictions and domains. When looking at topics like racial biases, studies that were broader (e.g., of federal prosecutors or surveys nationwide) did not find the same results that authors noted in smaller, more localized studies.[14]

[14] Sentencing laws have various names depending on the state in which they are enacted. We recognize that different states may use different terms in their sentencing laws. The phrases we used in our search were determined by consultations between our partner organizations.

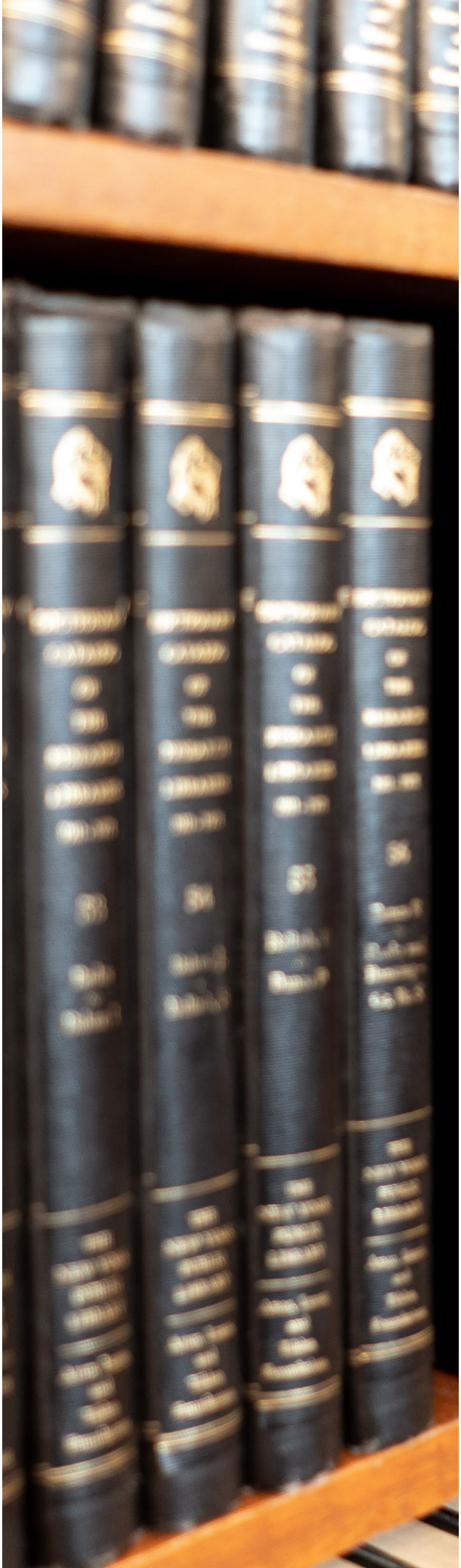
SECTION 2: PROSECUTORIAL CHALLENGES AND RESOURCE ISSUES

In this section, we review empirical research on the challenges and resource issues facing prosecutors' offices and how these challenges may be affecting violent crime reduction efforts.

In this portion of our systematic literature review, we had hoped to discuss such issues as digital evidence management, caseloads, case management systems, and wellness. However, our search failed to uncover research that met our inclusion criteria in many of our topics of interest. Research has not focused on the modern-day challenges prosecutors face, including lesser-known systemic issues that can make it difficult to properly investigate and prosecute cases. Issues such as modernizing prosecutors' offices, using case management systems, sharing information internally and externally, addressing retention and recruitment issues, managing growing caseloads, and even electing chief prosecutors present challenges that should be considered when evaluating prosecutorial decision-making and the ability of prosecutors to effectively serve their communities.

Challenges/changes in the system

In most jurisdictions, the head prosecutor (the District Attorney, Prosecutor, or the State's Attorney) is an elected position, with lower-level roles, typically, being appointed. Research has shown that the electoral process looks different based upon geography (Hessick & Morse, 2020). Urban and suburban prosecutorial candidates are far more likely to face challengers than rural prosecutors, because rural areas



are often devoid of qualified candidates (Hessick & Morse, 2020). The imbalance of qualified candidates within states has, at times, influenced governments to draw new district boundaries to increase the pool of qualified candidates (Hessick & Morse, 2020). Increasing the availability of eligible candidates is especially important in rural regions where incarceration rates are rising, which increases the importance of the head prosecutor and their policies (Hessick & Morse, 2020). Rural areas are also more likely to have unchallenged incumbents who remain in their role longer than prosecutors in more populated regions, which can reduce the opportunity for reform. The lack of candidates in various jurisdictions may present a challenge to prosecutorial reform. The impact of individual head prosecutors on reform is an area that needs further research.

Communication and collaboration between prosecutors and law enforcement is especially important in prosecuting crimes involving sexual assault.

Although successfully prosecuting cases requires effective collaboration and communication between law enforcement and prosecutors, there is not a uniform approach to collaboration across the nation (Police Executive Research Forum, 2018). Often, roles of prosecutors and law enforcement officers are not clearly defined, resulting in a power struggle between the two groups and distraction from combined crime-reduction efforts. For instance, in most homicide cases, prosecutors tend to have the final say in arresting decisions and must review and approve police investigators' applications for arrest warrants (Police Executive Research Forum, 2018). If, upon reviewing applications, the prosecutor determines that more evidence is needed before approving a warrant, they may ask the investigator to conduct a follow-up investigation to strengthen the case (Police Executive Research Forum, 2018). This process is often a point of contention between the two entities, because some police investigators contend that "giving prosecutors authority over decisions regarding arrests makes it difficult to make arrests in homicide cases" (Police Executive Research Forum, 2018, p. 100). In addition, prosecutors may choose to deny a warrant in a case with one witness, especially if the witness's character is questionable (Police Executive Research Forum, 2018). Police investigators, on the other hand, may argue that it is easier to cement witness cooperation after a suspect has been apprehended, whether there is one witness or multiple witnesses (Police Executive Research Forum, 2018). To avoid these potential challenges, it is important for prosecutors and police investigators to define roles and expectations regularly, so that cases can be reviewed and processed with less variance.

Communication and collaboration between prosecutors and law enforcement is especially important in prosecuting crimes involving sexual assault. Research conducted by Cole (2018) has suggested that "individual perceptions of professionalization and power disparities between professions pose challenges to interprofessional collaboration on Sexual Assault Response Teams (SARTs)" (Cole, 2018, p. 2682). Often, members from collaborating agencies understand that there are "'differences in philosophical

assumptions and theoretical perspectives because of a different focus to victims that each profession may have', increasing the likelihood of professional conflicts" (Cole, 2018, p. 2696).

Interagency communication has also been challenging when reviewing the timeliness of police agencies processing and submitting Sexual Assault Kits (SAKs), which have a key role in litigating crimes involving sexual assault. Research provided by Campbell et al. (2015) highlighted the fact that the failure of police to submit SAKs for forensic testing in a timely manner is a serious concern because it creates delay and prevents prosecutors' access to information vital to properly assessing a case.

Research suggests the need for joint training focusing on effective collaboration among criminal justice agencies, stakeholders, and organizations—collaboration that could mitigate conflicts. The ability to cross-train with partnering agencies will provide an environment to explore agency ideologies and processes to better understand the roles of each agency and to identify any shortcomings, challenges, or gaps that may prevent successful collaboration (Campbell et al., 2015). Unclear guidelines regarding collaboration may lead to delay, increasing case backlogs and reducing the strength of the case. A commitment to strengthening the criminal justice system begins with collaborating entities working constructively through the challenges the system currently presents, to build and improve it for the future.

Challenges/changes in the work and resources

The criminal justice system is facing a constant uphill battle of a finite number of available prosecutors versus an infinite number of crimes being committed. This imbalance tends to result in heavy caseloads for prosecutors to sift through to best determine which cases to move forward with.

One factor behind the increase in prosecutorial caseloads is mass misdemeanor case processing. In a 2012 analysis of misdemeanor case processing in the United States, researchers argued that the criminal justice system appears to operate under the working assumption that the "same safeguards against the erosion of due process hold in both felony and misdemeanor courts" (Barrett, 2017, p. 64). However, the study concluded that when a misdemeanor case moves through the criminal justice system, factual guilt or innocence is rarely considered important. The author further argued that misdemeanor convictions are more likely to result from the fact that an arrest occurred, and the individual arrested is seeking to resolve the issue as fast as possible, resulting in plea agreements. This scenario moves the entire system from a "due process" model to a "crime control model," placing prosecutors in a "weaker evaluative role" (Barrett, 2017, p. 64).

In states like New York, where felony arrests have steadily declined and misdemeanor arrests have steadily risen, it has become critical to document how misdemeanor cases are being handled and processed (Barrett, 2017). Research conducted by Kohler-Hausmann (2014) concluded that between 1993 and 2011, misdemeanor cases in New York City doubled, yet convictions rose only 21 percent (Barrett, 2017). At the

same time, dismissals of these cases increased 235 percent (Barrett, 2017). The authors noted that the results indicate that New York City courts are acting in a role of "managerial justice," as opposed playing an evaluative role that results in adjudication (Barrett, 2017). This increase in misdemeanor arrests has placed a significant strain on prosecutors' offices.It has also resulted in a disproportionate number of arrests for defendants from racial and ethic minority groups; these groups are more likely than White defendants to have repeat exposure to the criminal justice system for misdemeanor crimes (Barrett, 2017). In interviews conducted by Barret et al. (2017), New York City prosecutors indicated that they have become increasingly aware of the impact that their decisions in low-level misdemeanor cases can have on a defendant's life. As a result, prosecutors are seeking alternate measures that have a minimal impact on the long-term outlook of defendants. One such measure is an Adjournment in Contemplation of Dismissal, a delayed dismissal for six to nine months of good behavior in which the defendant is not required to admit guilt (Barrett, 2017). Additional measures, such as decriminalizing certain misdemeanors and using conditional pleas that require diversion programs, provide quick resolutions that can further reduce caseloads and lead to increased efficiency (Barrett, 2017).

Although all the challenges affecting the prosecutor's ability to work efficiently are important, one of the clearest challenges facing prosecutors is an overwhelming lack of resources.[15] In a nationwide survey of local prosecutors' offices in the United States, 56 percent of respondents said they did not have an on-staff investigator, and only 24.7 percent of respondents could afford more than one full-time investigator (Detotto & McCannon, 2017). Although an investigator might seem like a luxury in smaller jurisdictions, the absence of an on-staff investigator in prosecutors' offices reduces prosecutors' ability to gather as much information as possible to help "prove a case" (Detotto & McCannon, 2017). With resources being a primary concern for many prosecutorial offices, Detotto and McCannon (2017) explored whether consolidating such offices would be an efficient way to increase budgets and resources without straining productivity. Using a Data Envelopment Analysis to evaluate data collected on nearly 2,298 prosecutorial offices, researchers concluded that consolidating county offices into prosecutorial districts leads to more efficient prosecution (Detotto & McCannon, 2017). Results indicated that beyond the cost savings, the efficiency of prosecutorial output improves in merged districts as well (Detotto & McCannon, 2017). This finding is of particular importance because public finances are being used, and if a region is choosing between merging districts or consolidating them, the research supports the decision to merge (Detotto & McCannon, 2017).

The evolution of the criminal justice system has prompted some procedural improvements. For example, New Jersey's 2017 Bail Reform Law made meaningful changes to criminal justice practices in that state. A key initiative of the reform was to establish a precharge case-screening system to promote the accuracy of charges and complaints earlier in the process (New Jersey Office of the Attorney General, 2016). Effective precharge case screening allows prosecutors to appraise the facts and circumstances

[15] Although we did not find any empirical research on recruitment and retention of prosecutors or on the impact of burnout and caseloads, we recognize that, similar to many other criminal justice professions, prosecutors' offices are increasingly having trouble retaining more experienced attorneys.

surrounding a case before it is charged, resulting in cases being appropriately charged or declined (New Jersey Office of the Attorney General, 2016). Before this reform, case screening occurred in varying stages and degrees, depending on the respective office.

A major goal of Bail Reform was to uniformly shift the timing of case screening and to implement personnel changes to accommodate this effort. This required prosecutors' offices to determine how best to use staff and resources to implement the revisions. One approach was to stagger work shifts to ensure round-the-clock access to assistant prosecutors to screen cases before charging them (New Jersey Office of the Attorney General, 2016).

Before Bail Reform in New Jersey, nearly 90 percent of prosecutorial screenings took place during normal business hours (from approximately 8 in the morning until 5 in the afternoon) (New Jersey Office of the Attorney General, 2016). This timing was of interest to researchers, because they discovered that more than half (52 percent) of New Jersey Police arrests were made outside of business hours (New Jersey Office of the Attorney General, 2016). The authors further concluded that only emergency or major crimes were being reviewed by prosecutors outside of business hours, mainly because of limitations in available staffing (New Jersey Office of the Attorney General, 2016). When charge screening was implemented, prosecutors were challenged to adequately adopt these required changes, while working within the parameters of their available resources.

Further highlighting the importance of having well-funded prosecutorial offices, Goelzhauser (2013) explored the influence that available resources had on a prosecutor's decision to pursue or recommend death sentences (Goelzhauser, 2013). Data gathered from 301 prosecutorial offices, across 34 states,[16] suggested that the probability of a defendant facing the death penalty is higher in prosecutorial districts with larger budgets (Goelzhauser, 2013). Capital trials typically come with exorbitant costs that routinely exceed $1 million dollars, and depending on the length of the trial, the costs can reach up to $5 million (Goelzhauser, 2013).

Local governments and prosecutors' offices carry most of the financial burden associated with capital punishment trials, which can create a "'budgetary shock'" to local governments (Goelzhauser, 2013, p. 163). To help cover the costs, these governments may have to take such measures as raising taxes, halting development projects, and cutting services (Goelzhauser, 2013). For example, capital trials in Jasper County, Texas, led to an increase in property taxes, and a capital trial in Parke County, Indiana, caused government officials to raise the income taxes on economic development projects (Goelzhauser, 2013). Given that chief prosecutors tend to be elected, and therefore subject to voter scrutiny, these financial effects may weigh on them as they decide whether to pursue death-penalty cases.

Conclusion

As conversations around the role of the prosecutor in violent crime efforts continue to develop, it is essential for researchers to evaluate the challenges that prosecutors face that may affect their ability to most effectively address violent crime in their communities. Although our research has identified several challenges—such as issues within the electoral process for prosecutors, available funding, and heavy caseloads, all of which can have an impact on the daily practices

[16] These data were collected from 2004 to 2005.

of prosecutors—many additional areas would benefit from empirical research. The current staffing limitations facing prosecutorial offices across the country present an opportunity for researchers to further explore the recruitment and retention crisis facing these offices. In addition, there is little empirical research surrounding the levels of experience that head prosecutors tend to possess upon entering the role, as well as the most effective training regimen to support the role of executive-level prosecutors. Moreover, further research is needed on the outcomes of cross-agency training aimed at strengthening interagency collaboration.

Prosecutors play a demanding role that is commonly associated with high levels of stress and the risk of vicarious trauma. Research examining the impacts of stress on the profession would provide further insight into the challenges prosecutors face, especially post-COVID-19.

Prosecutors have also needed to adapt to new technologies—most notably, body-worn cameras—that are producing digital evidence. Learning more about how prosecutors and police agencies are sharing digital evidence, how that evidence is being used, and any policies around retaining it would provide needed insight on the integration of emerging technology.

SECTION 3: COMMUNITY-BASED APPROACHES TO VIOLENT CRIME REDUCTION

One of the goals in our literature review was to gain a better understanding of the impact of violent crime on communities and how prosecutors' offices can improve community relations. Therefore, we focused our search on community engagement (including community-based violence intervention, working with community stakeholders, use of social media, and how prosecutors can educate the community about their role in the criminal justice system). We also searched for empirical research on how prosecutors' offices can create transparency through such measures as prosecutorial dashboards, Brady lists, conviction integrity units, and making internal protocols public. Finally, we reviewed empirical research on crime victim support and assistance, including witness protection issues and victim impact statements.

As can be seen below, there is some overlap in these categories. Where the research focused more directly on the role of prosecution in successfully resolving cases in ways that are supportive of the community and of victims as a means to ultimately reduce violent crime, we included these studies in the community-based intervention sections. When the research focused more on the prosecutor-victim relationship, we included these studies in the crime victim support and assistance section.

Community engagement

In this section, we had anticipated presenting research on community-based interventions, working with community stakeholders, prosecutors' use of social media, and educating the community on the role of the prosecutor in criminal matters. However, we did not find articles related to most of these topics of interest. We did find many articles focusing on the effectiveness of interventions that require multifaceted response teams, including community-based organizations, law enforcement, and prosecutors. Most often, researchers examined sexual assault response teams (SART), community-based teams whose members include sexual assault nurse examiners (SANE), victim advocates, law enforcement, prosecutors, and judges (Alderden & Ullman, 2012; Campbell et al., 2014; Campbell, Greeson, et al., 2012; Campbell, Patterson, et al., 2012; Cole, 2018; Greeson & Campbell, 2013). These studies concluded that implementation of SARTs and SANEs lead to higher rates of prosecution (Campbell et al., 2014; Campbell, Patterson, et al., 2012; Greeson & Campbell, 2013). However, age plays a significant role: cases involving younger victims (those 13 to 15 years old) are significantly more likely to progress to prosecution than cases in which victims are older (Campbell, Greeson, et al., 2012). In addition, SART/SANE programs were found to increase referrals to services for victims, improve victim interactions with various criminal justice system actors, and reduce secondary trauma to victims (Greeson & Campbell, 2013). Other program evaluations found improved outcomes for federal, state, and local prosecution following the implementation of a multifaceted gang task force (McGarrell et al., 2013), a coordinated community response to domestic violence (Johnson & Stylianou, 2022), and a community policing program (Giblin, 2014).

Sources in our dataset also explore community engagement through the lens of victim services and violence intervention for various serious crime types, including intimate partner violence (IPV), human trafficking, and sexual assault and abuse. Researchers explored intimate partner violence (IPV) cases and effective intervention strategies (Gaines & Wells, 2017; Klein et al., 2014; Kothari et al., 2012; Morabito et al., 2019; Morrow et al., 2016; Myrstol, 2018; Nelson, 2013; O'Neal & Spohn, 2017). They have found that when IPV cases reach the prosecution stage, re-abuse is significantly reduced (Klein et al., 2014). This research was conducted in Rhode Island, where IPV cases were much more likely to be dropped than non-IPV cases. However, dropping cases can lead to an increase in revictimization. Therefore, many of the articles evaluated approaches that sought to increase the likelihood of prosecution in IPV cases. Morrow et al. (2016) found that the implementation of body-worn cameras for law enforcement facilitated prosecution of IPV, especially when victims were reluctant to testify. Other research demonstrated that paraprofessional police programs in rural areas increased the probability that a case would be accepted for prosecution and result in conviction (Myrstol, 2018). A program evaluation of a Domestic Violence Unit comprising specially trained police detectives, prosecutors, and victim advocates showed a positive impact in the number of cases that moved forward through the criminal justice system (Regoeczi & Hubbard, 2018). Research also explored law enforcement and prosecutorial discretion (Frederick & Stemen, 2012; Hart & Klein, 2013; O'Neal & Spohn, 2017) along with case rejection rationales for both IPV and sexual assault cases (Alderden & Ullman, 2012; Nelson, 2013; Olds, 2016). Frederick and Stemen (2012) identified multiple factors that influenced whether a prosecutor chose to

pursue a case or not. These included the strength of evidence, the seriousness of the offense, and victim circumstances and willingness to cooperate. Nelson (2013) also found that a lack of evidence was the most common reason that prosecutors reject IPV cases. The research highlighted that prosecutors depend on thorough police investigations to effectively prosecute such cases. Many prosecutors in the California office where this research was conducted contended that law enforcement did not present sufficient evidence to successfully prove cases.

Researchers also examined human trafficking cases and found that they were notoriously difficult to prosecute. One study found that trafficking techniques (e.g., coercion, online solicitation, concealed venues, and cross--jurisdictional movement) contributed to this difficulty (Nichols & Heil, 2015). In other cases, lack of precedent or relevant case law made prosecutors reluctant to bring human trafficking charges (Farrell et al., 2014). In many human trafficking cases, suspects were more likely to be charged with offenses other than human trafficking (Farrell et al., 2016).

Sexual assault and abuse cases (e.g., IPV, elder, abuse, and human trafficking) require criminal justice system actors to be careful not to revictimize people who have experienced such abuse; trauma-informed approaches can be helpful.[17] In addition, in many instances, victims may not be able, willing, or ready to cooperate with the process (Jackson, 2016; Jackson & Hafemeister, 2013a; Kaiser et al., 2017). Although many law enforcement officers, prosecutors, and judges receive training on interacting with victims, victim advocates often step in to provide direct support to victims. Research has shown that victim-focused contact can improve criminal legal outcomes (e.g., convictions) when compared with victims who do not receive additional contact (Cerulli et al., 2014; DePrince & Belknap, 2012; Nichols, 2014). Approaches and policies that center on victims' needs have also made victims feel safer (Finn, 2013; National Institute of Justice, 2017).

Research has also explored prosecutors' perceptions of victim advocates. Because these advocates provide emotional support, reduce victim stress, and help victims understand court proceedings, prosecutors generally view them favorably (Gaines & Wells, 2017). However, other research has shown that victims—particularly those who have lost a loved one—also want to form emotional connections with the prosecutors assigned to their case (Goodrum, 2013). A study of the National Crime Victim Law Institute's (NCVLI) victims' rights clinics indicated a shift toward "more favorable attitudes toward victims' rights and greater compliance with victims' rights by court officials" after the implementation of these clinics (Davis et al., 2012, p. 8). However, there are still situations in which victims are dissatisfied with the courts and criminal justice system professionals. Researchers have found that many victims are not properly notified about release, exoneration, and other changes in their cases. In the case of exoneration or wrongful conviction, victims request that court officials inform them about the process and treat them with "sensitivity and compassion" (Irazola et al., 2013).

Considerations of community engagement and violent crime reduction also extend to questions of the best ways to manage offenders. The

[17] While this should be true for all crime victims, criminological research heavily focuses on these specific crimes.

criminal justice system has become increasingly overburdened while simultaneously facing calls for reform. As a result, many offices have turned to diversion programs. Researchers have examined the impact and effectiveness of these programs. Offenders enrolled in diversion programs have shown decreased recidivism in the short and long term (Labriola et al., 2018). In addition, prosecutor-led diversion also provides cost and resource savings (Rempel et al., 2018). Further, researchers have explored the process of identifying cases for diversion, finding that it provides an opportunity for improved collaboration and communication among prosecutors, defense attorneys, and the court (Labriola et al., 2018).

Research has shown that providing victim resources is strongly related to charges being filed in sexual assault and IPV crimes.

In addition to traditional diversion programs, the criminal justice system has used restorative justice programs in an attempt to change offender accountability from a retributive model to a more rehabilitative one. Restorative justice programs use holistic principles to try to reduce injustice, which includes, but is not exclusive to, crime (Braithwaite, 2003; Van Ness & Strong, 2014). These programs also seek to aid victims in their own healing (Menkel-Meadow, 2007). Researchers have evaluated such programs and found mixed results. For instance, Choi et al.'s (2013, p. 113) examination of an Offender-Victim Mediation program in a midsize city found notable gaps between "the guiding principles of restorative justice theory and field practices," specifically when it came to sensitivity toward victims. These gaps resulted in victims feeling marginalized and underserved. Other research has found that restorative justice programs increase the likelihood that offenders take responsibility for their actions and seek help (Koss, 2014).[18]

Crime victim support and assistance

A victim's participation in their case and the support they receive have a large impact on how their case progresses through the criminal justice system. We included sources in this category when the main subject area related to victims as the data source, victims' role in prosecution, or the victim-prosecutor relationship. Before our initial search for articles, we expected the articles on prosecution and victims to focus on witness protection, community impact statements, and victim advocates. None of the articles included in the second round of coding focused on those anticipated categories but rather dealt with victim involvement in prosecution and victims' perception of procedural justice.

This category was primarily composed of articles studying victims of sexual assault and IPV, with some exception. Farrell and Pfeffer (2014), Nichols and Heil (2015), and Farrell et al. (2016) studied barriers to prosecuting human trafficking cases, finding that lack of precedent or relevant case law

[18] We recognize that these studies pertain to several of the topic areas covered in this review. However, given that the preceding studies focused on efficient case handling and victim support as a means of yielding more successful outcomes, we have decided to place these articles within this section

was a major impediment, and that prosecutors were more likely to pursue alternative charges. Jackson and Hafemeister (2013) and Cross and Whitcomb (2017) looked at legal responses to elder and child abuse, respectively, and found that victim cooperation had a positive effect on prosecution rates (also discussed below in regard to IPV and sexual assault cases).

Victim engagement, which includes providing resources and support to victims, was linked to more successful prosecutions due to increased victim cooperation during the investigation and court process (Cross & Whitcomb, 2017; National Institute of Justice, 2017). Most of the studies focused on sexual assault or IPV resources, which include descriptions of the forensic evidence collection process, but some articles also discussed mental health counseling or coordinated community responses (Campbell et al., 2014; Campbell, Greeson, et al., 2012; Johnson & Stylianou, 2022). Forensic evidence can also improve chances of conviction and is viewed positively by prosecutors (Peterson et al., 2012). These services and resources vary in availability by jurisdiction, which affects the generalizability of the articles (Johnson & Stylianou, 2022).

Research has shown that providing victim resources is strongly related to charges being filed in sexual assault and IPV crimes. Campbell et al. (2012, p. 141) found that "decreased allocation of community resources to adolescent sexual assault cases had a significant negative effect on prosecution case outcomes," and Cross et al. (2014, p. 20) found that "convictions were more likely to be secured following the implementation of SANE [sexual assault nurse examiner] programs." Often, without the cooperation of the victim, cases were unlikely to proceed to court (Campbell et al., 2014; Finn, 2013; Kaiser et al., 2017; O'Neal & Spohn, 2017).

Victim resources, though not always provided by the prosecutor's office directly, have a positive impact on victims' perceptions of the actors and institutions involved in their case. Calton and Cattaneo (2014) and Greeson and Campbell (2013) found that sexual assault and IPV victims who viewed their experiences with victim resources and prosecutors positively are more likely to use the legal system if they experience re-abuse or to recommend it to others in the future. When prosecutors use victim-centered policies, involving the victim in the case, IPV victims are "37% less likely to have a subsequent IPV-related police event" (Cerulli et al., 2014, p. 550), and they perceive themselves to be safer from revictimization (Finn, 2013). Victims interviewed by Davis et al. (2012) who used resources including SART/SANE or victim advocates said that their cases were given more individual attention, and they experienced better communication about their cases' progression. Personal, emotional connections between the victim and prosecutor also resulted in more positive views of the criminal justice system regardless of the case outcome (Goodrum, 2013). In addition, when victims are consulted as part of the prosecutorial decision-making process, they are more likely to participate in the process (Nichols, 2014).

Victim engagement and communication from the prosecutor can increase the victim's participation in the case, which, as stated above, has a significant impact on conviction rates for at least certain types of crimes (DePrince & Belknap, 2012). A pilot coordinated community response program founded in 2005 in Denver, Colorado, had community and legal actors take responsibility for ensuring that victims had access to resources, rather than just notifying the victims that the resources were available. Reports from December 2007 to July 2008 showed that victims who were engaged in this

victim-focused program were more likely to participate in their case than those in a control group (DePrince & Belknap, 2012).

Communicating with victims effectively has its challenges. One approach is automated victim notification systems, which require buy-in from police, corrections systems, parole boards, and prosecutors to be used meaningfully (Irazola et al., 2013; National Institute of Justice, 2017). Strong relationships between the prosecutor's office, victim advocates, and police help keep the victim engaged while distributing the workload of that engagement among multiple entities (Gaines & Wells, 2017; Muni, 2012; Regoeczi & Hubbard, 2018).

High quality evidence from the police (e.g., sexual assault kits) (Cross & Whitcomb, 2017; Davis & Wells, 2019) and a victim's cooperation with the interview process (Katz et al., 2014; Morrow et al., 2016) can strengthen criminal cases. Testimony by the victim and evidence collected during sexual assault examinations are the primary forms of evidence in sexual assault and IPV cases, and without such evidence, many prosecutors will decline to charge (Davis & Wells, 2019). When police and prosecutors are more collaborative in their approach with victims, it improves conviction rates and saves time spent on cases that will not progress (Katz et al., 2014; Morabito et al., 2019; Muni, 2012).

Although studies suggested the importance of victim participation on case progression, they also acknowledged the barriers to victim engagement at different steps in the justice process. The relationship between the victim and defendant, particularly if they were living together after the incident, was a prohibitive factor in moving IPV cases forward (Finn, 2013).

The articles collected on victims and prosecutors focused almost exclusively on sexual assault and IPV cases and the role of victim participation in those cases. We found only one article that specifically addressed victim statements. Backes et al. (2022) studied the effects of video-recorded testimony as evidence, as opposed to written statements, on prosecutors' charging decisions and did not directly involve victims in the study. This research noted that the use of video-recorded victim statements improved prosecution outcomes (e.g., strengthening negotiations with the defense while also providing details about the crime) and victim engagement. Although some of the articles discussed in this section explored the impact of victims' relationships with prosecutors (Calton & Cattaneo, 2014; Goodrum, 2013; Greeson & Campbell, 2013), their conclusions have limited generalizability based on the types of cases used as the study sample. Future research should investigate the prosecutor's role in the support programs more directly, as well as what victim engagement and resources might look like for other types of criminal cases. The resources mentioned in this section—for example, sexual assault response teams (SART) and victim communication systems—show a generally positive impact on the case outcomes.

Conclusion

In the research for this section, we looked for the impacts that prosecutor initiatives have on the community and victims and the reciprocal nature that their involvement can have on case outcomes. Research collected on community engagement and victim support included overlapping perceptions of procedural justice and of IPV and sex-crimes services, proving again that it is difficult to separate the individual from

the group. The number of articles included in this review of IPV and SART programs should not be mistaken for an overabundance of those programs in practice (Campbell et al., 2014; Campbell, Greeson, et al., 2012; Johnson & Stylianou, 2022; Morabito & Williams, 2019; Morrow et al., 2016). Conversely, the lack of articles on other community- and victim-oriented programs only means that we were unable to find articles that met our inclusion criteria. We expected to find much more coverage of restorative justice and diversion programs given that these initiatives aid community building while also reducing the resources required by prosecutors for individual cases (Rempel et al., 2018).

Topics not addressed in the literature included community-based violence interventions, working with community stakeholders, prosecutors' use of social media, Brady lists, witness protection, transparency and outreach, victim impact statements, and the use of public-facing dashboards. Some articles did discuss the effects of victim participation on case outcomes (Campbell et al., 2014; Finn, 2013; Kaiser et al., 2017; O'Neal & Spohn, 2017), but they used different tools to measure case success, and none specifically focused on the effect of victim impact statements on sentencing. Research into perceptions of prosecutors' offices, which was discussed in this section (Calton & Cattaneo, 2014; Davis et al., 2012), should expand into transparency and outreach attempts through social media and other less formal approaches. Further, a need remains for research focusing on community relationships and on how prosecutors can best work with their communities to implement violence-prevention strategies. The studies discussed in this section were not particularly generalizable to prosecutors across the country, because each program was structured differently, and outcomes were measured differently. In conclusion, we found much less literature on community and victim engagement than we had anticipated, leaving most topics undiscussed in research. Future research should also look further into the role that prosecutor-led programs have on case outcomes and perceptions.

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SECTION 4: RECOMMENDATIONS FOR FUTURE RESEARCH

Our team embarked upon a systematic review surrounding prosecutorial efforts in violent crime reduction with concerns that empirical research might be limited. While our team conducted an extensive literature review, we understand that this is not exhaustive of all topics relevant to prosecution. As anticipated, we found that prosecutors appear to remain understudied in criminological research. While many studies noted a lack of transparency from prosecutors, these studies often did not address whether they attempted to include prosecutors in their research efforts. Although more prosecutors' offices are partnering with researchers to provide data on specific practices or programs, these studies are often limited in scope and generalizability. By and large, the empirical research we reviewed appeared to have a limited understanding of the day-to-day work of prosecutors while also seeming to hold a negative view of the profession as a whole. For example, studies often failed to discuss or account for any rules of criminal procedure or local legislation that might affect prosecutorial decision-making. When considering decisions about how to determine a defendant's charges, research rarely discussed prosecutorial ethics rules and the need to have probable cause when making initial charging decisions. Similarly, research included limited (and sometimes no) discussion of how the grand jury process impacts criminal charging decisions or how judges have the final decisions on many topics, such as bail. For most the studies we reviewed, prosecutors were not consulted as part of the data collection. Given the underdeveloped nature of

research around prosecution, including qualitative data from practitioners is essential to add context and nuance to broad quantitative findings.

The research we reviewed often described prosecutors as the most powerful figures in the criminal justice system without focusing on the legislative checks and balances that greatly attenuate and shape their discretion (e.g., judicial oversight). For example, state lawmakers have a great deal of influence over sentencing decisions and can legislate on topics such as truth-in-sentencing laws and mandatory minimums. Additionally, quite often throughout the literature, authors implicated prosecutorial discretion as a primary driving force in creating and exacerbating extralegal disparities (mainly race- and gender-based) in the criminal justice system (primarily through charging and sentencing decisions). Although the literature often frames these disparities as owing to unscrupulous or biased prosecutorial practices (whether explicit or implicit), it ignores the greater contextual and procedural factors that dictate prosecutors' decision-making (i.e., local legislature and rules of criminal procedure).

In addition, few studies take electoral or staffing issues into account. Most head prosecutors are elected officials, and, as discussed earlier, no articles discussed the qualifications or requirements to be a head prosecutor. We know that there is a lack of prosecutorial candidates outside of urban areas, but we do not know exactly why. Furthermore, we did not find any studies that looked at how turnover of the head prosecutor affected how the office functioned (i.e., if there was a change in guidance for case handling). This turnover is important for criminological research, especially when looking at data that may be a few years old. Depending on the turnover rates for head prosecutors (for which we did not find specific information), researchers could potentially draw conclusions based on outdated internal processes. In addition, head prosecutors are elected officials who, upon election, often replace key executive-level positions.

Although we conducted similar searches for all predetermined areas of interest, we found few or no empirical studies on many of our focus areas. Most of the articles we found dealt with topics related to prosecutorial discretion, with a specific focus on potential racial or ethnic bias in the criminal justice system. Although these topics are certainly important (and ample evidence shows that disparities related to race and ethnicity exist across numerous domains and decision points in the criminal justice system (James, 2018; Nix et al., 2017)), our review uncovers the methodological limitations of many studies purporting to examine the intersection between prosecutorial discretion and race-based outcomes. Specifically, we found a notable lack of research that seeks to include and engage prosecutors themselves in empirical investigations. Because most of the studies included here are quantitative inquiries using large datasets and statistical analyses, they lack the needed qualitative components that would provide crucial levels of insight about how and why prosecutors make certain decisions. Quantitative studies are certainly important, but conducting more qualitative studies would build on these results by adding more detail and nuance to the findings. In addition, qualitative studies of prosecutors can help contextualize findings by exploring the experiences and the perspectives of the prosecutors and other criminal justice actors. Further, qualitative studies can help generate future research by identifying areas where the quantitative measures may be lacking

and by focusing on the problems that prosecutors are facing daily. Overall, combining increased qualitative research with the current quantitative research would help us gain a more comprehensive understanding of the complexities surrounding prosecutorial decision-making.

Similarly, criminological research and research in the social sciences more broadly suffer from publication bias (Franco et al., 2014; Rothstein, 2008). Publication bias, simply explained, refers to the tendency for research reporting statistically significant results to more likely result in publication (compared with research lacking statistically significant results). This means, for instance, that studies finding no significant relationship between prosecutorial discretion and race-based outcomes face greater odds against wide dissemination. Consequently, publication bias can distort the overall understanding of prosecutorial operation and effective prosecution practices. Our review attempted to overcome this bias by intentionally reviewing grey literature (which has a lower threshold for publication), but we need to recognize that publication bias stands as a foundational limitation to the conclusions we can draw through systematic reviews like the one presented here. This is also important to recognize, because published articles can have an impact on policies and laws that, in turn, will influence prosecutors.

As mentioned throughout our review, we believe that much of the research we found cannot be generalized to prosecutors around the country. (As noted earlier, generalizability refers to the extent to which the results of a study can be applied to populations outside of the study). Generalizability is important because it allows us to make broader inferences about the relationship between variables and to develop policies and practices that are effective across diverse jurisdictions. However, within the context of prosecutorial decision-making and policies, generalizability is nearly impossible to achieve without a discussion of how each jurisdiction's laws and regulations affect the work of the local prosecutor's office. Although assessments of individual offices remain important, these isolated research projects cannot be applied globally. Our team recognizes that varying laws and local requirements make generalizablity difficult. Laws and rules of criminal procedure can vary significantly between jurisdictions and these differences can affect how certain policies are implemented.

Our review highlights the complexity of the role of prosecutors and notes various factors that may be influencing their decision-making. Moving forward, further research is needed to better understand these factors, prosecutors' relationship with their local communities, and how a lack of resources may be affecting prosecutorial efforts around violent crime reduction. We need research reviewing such topics as caseloads, prosecutor burnout and mental health, recruitment and retention, community engagement, and how safeguards such as Brady lists are used in practice. In addition, most of the research we encountered surrounding victim services focused on sexual assault and intimate partner violence. Further research into additional victim services could help improve access to the criminal justice system for victims of other violent crimes.

This review also, and importantly, highlights the need for prosecutors' offices to both collect internal data and engage with criminological researchers more proactively. Collecting data is important both internally and externally. Internally, data collection can help offices evaluate their

AREAS FOR FUTURE RESEARCH

RESOURCE ISSUES

- Resource issues
- Staffing
- Recruitment/retention
- Caseload
- Trauma, stress, and burnout
- Electoral processes
- Qualifications for office

INTEGRATING TOOLS, TECHNOLOGY, AND INNOVATION

- Risk assessment tools
- BWC and other digital evidence
- Drug courts
- Case management systems
- Grant writing
- Diversion

COMMUNITY ENGAGEMENT

- Prosecutor-victim interaction
- Witness protection
- Social media and public dashboards
- Transparency and outreach
- Juvenile justice
- Community-based violence intervention
- Addressing implicit biases

own performances and identify areas that need improvement. By tracking case outcomes (e.g., plea bargains and sentencing decisions), offices may be able to identify patterns or trends that may be separate from racial or ethnic biases and work with their line prosecutors to improve equity in their decisions. In addition, internal data collection can enhance accountability by providing a means for external stakeholders (such as researchers) to review outcomes. Data collection will help ensure that prosecutors' offices are using evidence-based practices to ensure both fairness and effectiveness of the criminal justice system.

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APPENDIX B: SEARCH TERMS

Full Boolean for Community Engagement

("prosecut*")

AND

("community engagement" OR "Community Outreach" OR "social media" OR "Crime Reduction" OR "Reduction of Crime")

AND

("Prosecution Collaboration" OR "Collaboration with Law enforcement" OR "Prosecution Collaboration with Law Enforcement" OR "Public Health" OR "Community-Based Violence Intervention" OR "Violence Intervention" OR "Community Intervention" OR "Community Violence Intervention" OR "Press release*")

Google Scholar Search/Search using Synonyms

~prosecution AND (~community engagement OR ~social media OR ~crime reduction OR ~Prosecution Collaboration with Law Enforcement) AND (~Public Health OR ~Community-based violence intervention OR Community Violence Intervention OR ~Press Releases)

Full Boolean for Prosecutorial Dashboards

("prosecut* dashboard")

AND

("data collection" OR "data availability" OR "Data Availability Dashboard*" OR "Information Sharing" OR "Sharing Information" OR "Transparency" OR "Case Management" OR "System Information Sharing")

AND

("community" OR "Community Input" OR "public" OR "Public Input" OR "Community Relationship" OR "Community Engag*" OR "Accountability")

Google Scholar Search/Search using Synonyms

~prosecutorial dashboard AND (~data collection OR ~data availability OR Data Availability Dashboard) AND (~Community input OR ~community Engagement OR) AND (~information sharing OR ~Transparency OR ~Case Management System OR Accountability)

Full Boolean for Professional Responsibility

("prosecut*")

AND

("professional responsibility")

AND

("brady lists" OR "Officer involved shooting protocol" OR "Officer Shooting Protocol" OR "Officer Critical Incident Protocol" OR "conviction integrity unit*" OR "Ethics" OR "Internal Investigation*" OR "Internal Affairs")

Google Scholar Search/Search using Synonyms

~prosecutor AND (~Brady Lists OR ~Officer Involved Shooting Protocol OR Brady/Giglio) AND ~Prosecutor (~Ethics OR ~Conviction Integrity Unit OR ~Internal Investigations OR ~Internal Affairs)

Full Boolean for Community Participation

("prosecut*")

AND

("community")

AND

("victim notification" OR " Notification Process" OR "Protection of Witness*" OR "witness protection" OR "Victim protection" OR "victim impact statement*" OR "witness impact statement*" OR "Victim's Rights" OR "Rights of Victims" OR "telepresence")

Google Scholar Search/Search using Synonyms

~prosecutor AND (~community) AND (~victim notification OR ~witness protection OR ~victim impact statement OR ~witness impact statement OR ~Victim Notification Process OR Victim's Rights OR ~telepresence)

Full Boolean Challenges/Changes In The System

("prosecut*")

AND

("Challenge*" OR "System Challenge*" OR "Change*" OR "System Change*" OR "Adaption")

AND

("Case Management System*" OR "Costs" OR "Information Shar*" OR "Investig*" OR "Investigative Process*" OR "DEM" or "Digital Evidence Manag*" OR "Modernization" OR "Storage" OR "Retention" OR "E-discover*")

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Challenges OR ~Changes OR ~Adaption) AND (~Case Management System OR ~Costs OR ~Information Sharing OR ~Investigative Process OR ~Digital Evidence Management OR ~Modernization OR ~Storage OR ~Retention OR ~E-discovery)

Full Boolean Challenges/Changes in the Work

("prosecut*")

AND

("Challenge*" OR "Work Challenge*" OR "Changes" OR "Work Changes" OR "Adaption" OR "Training*" OR "Experience" OR "Mental Health")

AND

("Burn out" OR "Pandemic" OR "Covid-19" OR "Resources" OR "Case Backlog" OR "Safety" OR "Wellness" OR "Staff*" OR "Retention" Or "Recruitment" OR "Salary")

Google Scholar Search/Search using Synonyms

~Prosecution AND (~ Work Challenges OR ~Work Changes OR ~Adaptation OR~ Mental Health OR ~experiences) AND (~Burn out OR ~pandemic OR ~Resources OR ~Case Backlog OR ~Safety OR ~Wellness OR ~Retention OR ~Recruitment OR `Salary)~

Full Boolean Prosecutorial Autonomy and Violent Crime

(“prosecut*”)

AND

("Challenge*" OR “System Challenge*” OR "Change*" OR “System Change*” OR "Adaption")

AND

("Autonomy" OR “Prosecutor Autonomy” OR “Plea Bargain*” OR “Plea Arrangements” OR "Charging Decisions” OR “Discretion” OR “Predictive Analytics” OR “Racial Disparit*” OR “Caseload” OR “Train*” OR “Policy” OR “Implicit Bias” OR “Prosecutorial Oversight”)

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Challenges OR ~Changes OR ~Adaption) AND (~ Autonomy OR ~Prosecutor Autonomy OR ~Plea Bargaining Discretion OR ~Racial Disparities OR ~Predictive Analytics OR ~Caseload OR ~Training OR ~Policy OR ~Implicit Bias OR ~Prosecutorial Oversight)

Full Boolean Juvenile Justice Trends

(“prosecut*”)

AND

(“Violent Crime” OR “Crime Trend” OR “Crime Reduction” or “Effective”)

AND

("Juvenile*" OR "Juvenile Justice" OR "Delinquent" OR "Juvenile Delinquent*" OR “Youth*” OR “Youth Offender*”)

AND

("Vehicular Crime*" OR "Restorative Justice" OR "Community" OR "Community Alt*" OR "Detention" OR "Detention Alt*" OR “Alternatives to Incarceration” OR "Redact*" OR “Juvenile Interview” OR “Juvenile Statements” OR “Juvenile Interrogation*” OR “Waiver Hearing” OR “Juvenile Waiver*” OR “Juvenile Adult Offense”)

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Violent Crime OR ~Crime Trend OR ~Crime Reduction OR ~Effective) AND (~Juvenile Justice OR ~Delinquent OR ~Youth Offender) AND (~Vehicular Crimes OR ~Restorative Justice OR ~Community OR ~Alternatives to Incarceration OR ~Redaction OR ~Juvenile Statements OR ~Juvenile Interrogation OR Juvenile Testimony OR ~Juvenile Waiver Hearings OR ~Juvenile Adult Hearings)

Full Boolean Firearm Issues

("prosecut*")

AND

("Violent Crime" OR "Crime Trend" OR "Crime Reduction" or "Effective")

AND

("Firearm*" OR "Gun" OR "Automatic Weapon*" OR "Handgun")

AND

("Communit*" OR "Hot Spots" OR "Sentencing*" OR "Law*" OR "Gun Law*" OR "Public Health" OR "Community Health" OR "Victim Awareness" OR "NIBIN" OR "Shot Spotter*" OR "Intelligence Center*" OR "Gun Crime Intelligence Center*")

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Violent Crime OR ~Crime Trend OR ~Crime Reduction OR ~Effective) AND (~Community Partners OR ~Hot Spots OR ~Sentencing OR ~Gun Laws OR ~Public Health OR ~Victim Awareness OR ~Data collection OR ~iNIBIN OR ~Shot Spotters OR Gun Crime Intelligence Centers)

Full Boolean Family Violence and Substance Abuse

("prosecut*")

AND

("Violent Crime" OR "Crime Trend" OR "Crime Reduction" or "Effective")

AND

("Family Violence*" OR "Domestic Abuse" OR "Substance Use" OR "Substance Abuse*")

AND

("Restorative Justice*" OR "Family Justice" OR "Victim Services" OR "Sentencing " OR "Resources" OR "Caseload Management*" OR "Cultural Barriers" OR "Specialized court*" OR "Treatment Facilities*" OR "Domestic Violence" OR "BIP")

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Violent Crime OR ~Crime Trend OR ~Crime Reduction OR ~Effective) AND (~Domestic Abuse OR ~Family Abuse OR ~Substance Abuse) AND (~Restorative Justice OR ~Family Justice OR Victim Services OR ~Sentencing OR ~Resources OR ~Caseload Management OR ~Cultural Barriers OR ~Specialized Courts OR ~Treatment Facilities OR ~ Domestic Violence OR ~BIP)

Full Boolean Sentencing

("prosecut*")

AND

("Violent Crime" OR "Crime Trend" OR "Crime Reduction" or "Effective")

AND

("Sentencing*" OR "Sentencing Guideline*")

AND

("Mandatory Minimum*" OR "Truth in Sentencing" OR "Plea Bargain*" OR "Diversion" OR "Alternatives to Incarceration" OR "Discretion" OR "Three Strike*" OR "No early release" OR "Parole" OR "Parole Ineligibility" OR "Aggravating Factors" OR "Mitigating Factors" OR "Sentence Enhanc*")

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Violent Crime OR ~Crime Trend OR ~Crime Reduction OR ~Effective) AND (~Sentencing OR ~Sentencing Guidelines) AND (~Mandatory Minimums OR ~Truth In Sentencing OR ~Plea Bargaining OR ~Diversion programs OR ~Alternatives to incarceration OR ~Discretion OR ~ Three Strikes OR ~No Early Release Act OR ~ Parole Ineligibility OR ~ Aggravating Factors OR ~ Mitigating Factors OR ~Sentence Enhancement)

Full Boolean Intake Procedures and Decisions

("prosecut*")

AND

("Violent Crime" OR "Crime Trend" OR "Crime Reduction" or "Effective")

AND

("Bail*" OR "Bail Reform" OR "Cash Bail*" OR "Cash Bond*" OR "Pre-trial Detention" OR "Pre-Trial Release" OR "Case Screen*" OR "Prosecutorial Pre-Screen*" OR "Prosecutorial Pre-Screening*" OR "Resource* OR "Charging Decision*" OR "Discretion*" OR "Intake" OR "Dangerousness" OR "Intake Process* OR "Dangerousness" OR "Public Safety Assessment*" OR "Risk for Re-Offense" OR "Re-Offender Risk*" OR "Risk of Re-Offending" OR "Consider*" OR "Public Safety" OR "Assess*")

Google Scholar Search/Search using Synonyms

~Prosecution AND (~Violent Crime OR ~Crime Trend OR ~Crime Reduction OR ~Effective) AND (~Bail OR ~Bail Reform OR ~Cash Bail OR ~Cash Bond OR ~Pre-Trial Detention OR ~Pre-Trial Release OR ~Case Screening OR ~Prosecutorial Pre-Screening OR ~Resource OR ~ Charging Decisions OR ~ Discretion OR ~Intake Process OR ~ Dangerousness OR ~ Public Safety Assessment OR ~ Risk for Re-Offense)

PRC

Prosecution Research Collaborative

CNA