

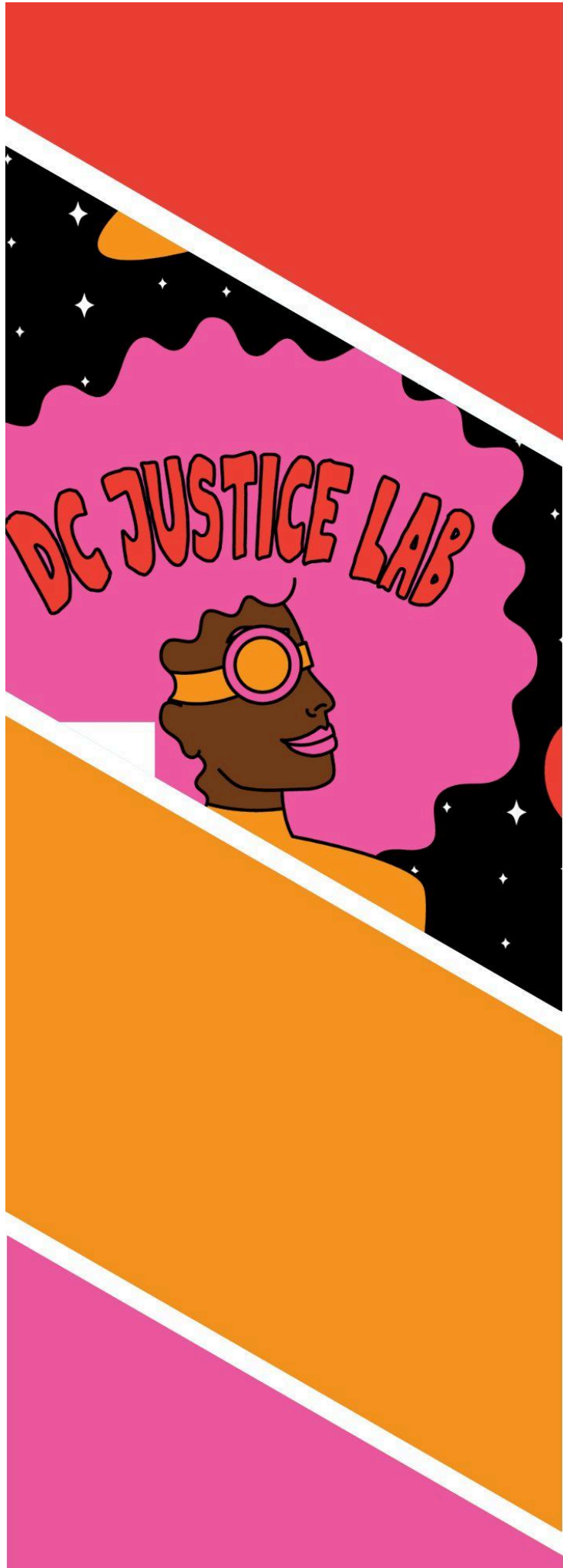
**FALL 2024**

**PUAD 688  
POLICY  
PRACTICUM**

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**FINAL REPORT:  
PROSECUTORIAL  
DECISION MAKING**

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# Table of Contents

<b>Table of Contents</b>	<b>1</b>
<b>1   Executive Summary</b>	<b>4</b>
<b>2   Background</b>	<b>4</b>
<b>3   Methodology</b>	<b>5</b>
3.1   Project Design	5
3.2   Data and Methods	7
3.3   Project Limitations	9
<b>4   Best Practices</b>	<b>9</b>
<b>5   Analysis</b>	<b>10</b>
5.1   Community Safety and Well-Being	10
5.1.1   Police Shootings	11
5.1.2   Case Studies	11
5.1.3   Analysis	14
5.2   Fairness and justice	15
5.2.1   Sentencing	15
5.2.2   Exoneration Programs	16
5.2.3   Diversion Programs	18
5.2.5   Analysis	18
5.3   Capacity and efficiency	18
5.3.1   Data Dashboards	20
5.3.2   Data Stories	21
5.3.3   Open Data	22
5.3.4   Case Studies	24
5.3.5   Analysis	25
<b>6   Recommendations</b>	<b>26</b>
6.1   Recommendations for Community Engagement	26
6.2   Recommendations for USAO-DC and OAG:	27
<b>7   Conclusion</b>	<b>28</b>
<b>8   References</b>	<b>30</b>
<b>9   Appendix</b>	<b>35</b>
9.1   Appendix 1	35
9.2   Appendix 2	37
9.3   Appendix 3	38
9.4   Appendix 4	40
9.5   Table 1	41
9.6   Figure 1	42
9.7   Figure 2	43
9.8   Table 2	44

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# 1 | Executive Summary

The DC Justice Lab is partnering on a project with graduate students in American University's Master of Public Policy program to perform a comparative analysis on the impact of prosecutorial decision making on outcomes including crime across 10 states and Washington D.C. The results of this analysis will be used to support advocacy around reforming USAO-DC.

In this report we highlight the conclusions of our comparative analysis of prosecutorial decision making across the 10 jurisdictions and Washington D.C. The DC Justice Lab was interested in analyzing data on policies and practices on how prosecutorial decision making policies around sentencing decisions - plea bargaining, case dismissals, sentencing reductions, data collection, caseload management, political ideology, and local governance impact outcomes such as violent crime rates, fatal police involved shootings, case processing time, sentencing outcomes, capacity and efficiency, community safety and well-being, and fairness and justice. In order to provide context as to why the DC Justice Lab is conducting such research, we will review the political background on criminal justice reform advocacy and its origins first.

Then we will outline our data collection and analysis methodology. For this analysis, we collected data from the 10 jurisdictions which included both quantitative and qualitative data. Our quantitative data was collected by our team with data requests to several jurisdictions and publicly available prosecutorial decision making data from each DA's office. Our qualitative data was collected by our team by conducting interviews and surveys with jurisdictions whose prosecutors were willing to provide us with information on their prosecutorial decision making process. The results of this process of collecting, interviewing, and analyzing data on prosecutorial decision making are detailed in this report. From the quantitative and qualitative data we gathered from each jurisdiction, we analyzed general prosecutorial decision making themes surrounding sentencing decisions, violent crime rates, data culture, and caseload management.

We judged our data from each jurisdiction based on the Prosecutorial Performance Indicators criteria - capacity and efficiency, community safety and well-being, and fairness and justice. We detail the results of our analysis for each criteria in this report with data visualizations, information on prosecutorial decision making such as mandatory minimum sentencing decisions, plea bargaining, DNA exonerations, diversion programs, deterrence, and other information on office makeup, staffing, data collection, and city budget.

We then discuss the best practices that come out of each jurisdiction on each criteria with information from our interviews with other non-jurisdictional partners and case studies from specific jurisdictions. We conclude with the implications of our research, recommendations for the DC Justice Lab and USAO, and the sustainability of prosecutorial reform efforts.

# 2 | Background

The DC Justice Lab requested that the American University's Practicum Course research prosecutorial decision making and reform policies in light of analysis that shows growing disparities in sentencing, racial inequities, police brutality, pre-trial detention increases, and

massive expansion of incarcerations (Subramanian et al., 2023). It's been suggested that the criminal justice system is failing to provide true justice, fairness, and community safety and well-being for racial minorities (Subramanian et al., 2023). This dilemma is exacerbated by “tough on crime” policies promoted by policymakers and an increasing number of fatal police involved shootings, brutality, and murder. In 2020, when George Floyd was tragically and unjustly murdered by police brutality and we had an increase in police backlash, new attention was brought on policing, prosecution and punishment practices: The response included Black Lives Matter protests, calls to “defund the police”, riots, and calls for reform to the justice system. This led to a wave of a group of prosecutors who offered that they sought to embrace evidence-based practices that hold some promise that there can be meaningful improvements in safety and justice outcomes. To that end, the researchers engaged in activity laid out in the methodology to better understand how prosecutor offices are seeking to improve their work through various domains that include data analysis, analysis of outcomes, expansion of indicators they study, and communication of this information to the community they serve.

## 3 | Methodology

### 3.1 | Project Design

Our project changed considerably over the course of the semester. This section details what work our client, the DC Justice Lab (DCJL) requested, how we translated that request into a scope of work, what events impacted our project, and how we adjusted to those events.

DCJL initially requested that we provide an analysis comparing the Office of the United States Attorney for the District of Columbia (USAO-DC) to district attorneys' offices in ten other jurisdictions, five with self-identified “progressive” prosecutors and five without. We were asked to compare ways prosecutors across jurisdictions made decisions, to determine how USAO-DC's unique status as a federal and local prosecutor impacted its decision making, and to analyze crime trends across our chosen jurisdictions by establishing a baseline of aggregate cases, case resolutions, and office budgets.

We began by reviewing existing literature on the effect prosecutors' ideological leanings have on crime in their jurisdictions. The literature spent considerable effort in attempting to define the ideological leanings of prosecutors. One critic of progressive prosecution developed a system to code prosecutors based on their self-identification and select policy positions into one of three categories: traditional, middle, or progressive (Hogan, 2022). A study on violent crime and progressive prosecution by the Munk School adopted his general categorization while making slight adjustments for their own analysis (Foglesong et al., 2022). A larger study, led by Nick Petersen, on progressive prosecution from 2000-2020 built more robust categorization methods to define progressive based on the actions of the prosecutor while in office (Petersen et al., 2024). The overall consensus between the studies agreed that “progressive” prosecution had a higher focus on decarceration and increasing fairness within the criminal justice system. Hogan used his categorization to analyze the crime with Philadelphia from from 2010 to 2019. By examining 100 cities across the country using a difference-in-difference analysis with Philadelphia as the control city, he estimated that progressive policies led to an increase in 74

homicides a year in Philadelphia between 2015 and 2019 (Hogan, 2022). The Munk School analysis used a dataset encompassing all crime in Florida and California counties since 2015 and found that there were no noticeable increases in crime after those counties elected a progressive prosecutor (Foglesong et al., 2022). Petersen criticized Hogan’s study for using arbitrary time periods and using city level data, when most prosecutors are elected at the county level. Petersen’s study used a difference-in-difference analysis to examine the 100 largest counties between 2000 and 2020 using progressive prosecutors as a proxy for the policies they enact. Their study found no significant statistical relationship between progressive and traditional prosecutors over a 21-year period (Petersen et al., 2024).

We intended to expand on this research and to meet DCJL’s request by conducting both correlative and comparative analyses. For the correlative analysis, we planned to assign a code to different kinds of prosecutorial decisions and perform a quasi-experimental analysis that would determine the impact of each kind of decision on outcomes for three criteria: community safety and well-being, fairness and justice, and capacity and efficiency.<sup>1</sup> For the comparative analysis, we proposed to analyze how the ten jurisdictions we selected compared to the District of Columbia, both in how prosecutors made decisions and in the impact of those decisions. We sought to use these findings to develop recommendations for implementing more progressive prosecutorial policies in the District of Columbia.

Our first adjustment came when we began searching for cities with “progressive” prosecutors, which required us to define what made a prosecutor progressive. Through our research and conversations with the DCJL, Fair and Justice Prosecution, and Vera Institute, we learned that prosecutorial reform often takes the guise of data-driven practices such as increasing data infrastructure and capacity, measuring nontraditional indicators, and making data more transparent to the public. It also frequently involves an increased reliance on diversion tactics. A jurisdiction does not become inherently “progressive” once a prosecutor has decided to implement data-driven practices. These changes take time to influence office procedures and to impact outcomes such as crime rates. It takes significant political will to continue these changes long-term. Therefore, we selected cities based on their availability of crime and sentencing data while making a concerted effort to include a variety of geographic locations in both red and blue states (see [Table 1](#) on the next page). We selected these jurisdictions to encompass a spectrum of prosecutorial approaches, reflecting different data collection capacities, local political environments, and self-identified reform agendas. By intentionally including both offices recognized for employing progressive, data-driven strategies and those that have not publicly embraced reform narratives, we aimed to understand how varying degrees of transparency, community engagement, and policy priorities affect prosecutorial decision making.

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<sup>1</sup> These criteria come from the Prosecutorial Performance Indicators (PPI), described in section 3.2 | Data and Methods.

**Table 1.**

Selection of Jurisdictions (Alphabetical by State)			
Jurisdiction	State	Jurisdiction	State
Maricopa County*	Arizona	Borough of Manhattan	New York
San Francisco	California	Multnomah County	Oregon
Fourth Judicial Circuit	Florida	Philadelphia County	Pennsylvania
Cook County	Illinois	Harris County	Texas
Orleans Parish	Louisiana	Fairfax County	Virginia
Montgomery County	Maryland	Office of Attorney General	D.C.
Hennepin County	Minnesota	U.S. Attorney's Office	D.C.

\* After Maricopa County declined an interview with our team, we substituted it for Hennepin and Multnomah Counties in our analysis.

More information can be found about each of these jurisdictions in [Appendix 1](#).

## 3.2 | Data and Methods

### Quantitative Data

Once we identified jurisdictions, we began compiling data that could be used for our analyses. We collected raw datasets from each jurisdiction through a combination of data requests and publicly available records (see [Appendix 2](#) and [Appendix 3](#)). These datasets included information such as arrest dates, filing dates, disposition outcomes, case types, and demographic details of defendants.

The Washington Post maintains a database on Github of incidents in which police fatally shoot a civilian (*Police Shootings Database 2015-2024*, 2024). We downloaded this data and created a clean dataset that included only the incidents that occurred in our chosen jurisdictions.

The University of California Irvine Newkirk Center for Science & Society, University of Michigan Law School, and Michigan State University College of Law maintain the National Registry of Exonerations, which includes exonerations dating back to 1989. Though there are forms to request this data on both the National Registry and the Innocence Project, we found this source too late to submit a request. Instead, we used the National Registry's annual reports to create our own spreadsheet, including the number of exonerations by year from 2015 - 2023 in every state in which one of our jurisdictions was located (See [Table 2 in the Appendix](#)). Though exoneration data is only available at the state level, in section 5.1 of this report, we explain why exoneration data is significant for our jurisdictions and how this informed our recommendations.

## **Qualitative Data**

We supplemented these datasets with feedback from survey responses and live interviews, which we obtained by reaching out to nonprofits that focus on criminal justice reform and to District Attorneys' offices in our chosen jurisdictions. In our initial outreach, we explained the scope of our project and requested that recipients schedule a 30-minute interview with our team. We also asked the District Attorneys' offices to fill out a 15-minute Qualtrics survey that included questions about the offices' staff makeup and data capacity that could not be found in publicly available sources such as their websites. The survey and live interview questions vetted by DC Justice Lab. A list of the questions we asked can be found in [Appendix 4](#).

Two nonprofits, Fair and Just Prosecution and the Vera Institute for Justice, agreed to meet with our team. We asked these organizations about their partnerships with District Attorneys' offices, general trends within those offices, how offices use data, and factors that influence prosecutorial decision making. This input helped shape our understanding of how District Attorneys' offices operate and contributed to the framing of this report.

Four jurisdictions, Maricopa County, AZ; Orleans Parish, Louisiana; Multnomah County, OR; and Fairfax County, VA responded to our request. We planned to secure survey data and an interview with Orleans Parish, but our point of contact went on leave. Maricopa county declined to be interviewed. After this, we changed our jurisdiction selection and replaced Maricopa County with Multnomah and Hennepin Counties in our analysis because both had robust data dashboards and were deeply impacted by 2020's Black Lives Matters protests.

Fairfax and Multnomah Counties filled out our survey and agreed to an interview. A majority of the case studies offered in this report come from one of these two counties.

## **Evaluation: Prosecutorial Performance Indicators**

Traditional metrics of a prosecutors' success, such as conviction rates, have driven "tough-on-crime" policies and fueled the epidemic of mass incarceration ("Accountability, Transparency and Measuring Success," 2023). For advocates of prosecutorial reform, this has led to the need for new measures of success centered on fairness and justice. There are several frameworks for collecting and using data that enables offices to operate more fairly and efficiently. A 2023 white paper from Fair and Just Prosecution, one of the nonprofit organizations we interviewed, offers one such example ("Accountability, Transparency and Measuring Success," 2023). The American Prosecutors Research Institute's (APRI) Performance Measures for Prosecutors Project is another (Budzilowicz, 2007).

In this paper, we use Florida International University and Loyola University of Chicago's Prosecutorial Performance Indicator (PPI) as a tool to evaluate prosecutorial success. The PPI uses 55 indicators to measure three goals: Capacity & Efficiency, Community Safety & Well-being, and Fairness & Justice. Six of the fourteen jurisdictions we reached out to—Cook County, IL; the Fourth Judicial Circuit, FL; and Montgomery County, MD; Multnomah County, OR; Orleans Parish, LA; and the Borough of Manhattan, NY—are PPI partners and use at least some of the 55 indicators in their data dashboards and office policies and practices.



### 3.3 | Project Limitations

Two factors limited our ability to collect research for this report. First, our initial project design relied heavily on qualitative feedback we hoped to secure through survey and interview responses. However, we failed to anticipate how much time would be required to conduct outreach to jurisdictional partners, wait for responses, send follow up messages, and schedule meetings. In our efforts to establish interviews and collect survey data, we made numerous attempts to email and call selected offices without success in establishing meaningful contact. Given more time, we would have undertaken a more robust effort to reach out to prosecutorial offices and incorporated more responses in this report. Our research occurred during the 2024 election cycle, and we believe this affected our response rates within our selected jurisdictions. Given the election of these prosecutors coincided with a contentious Presidential election where the debate on crime rates was salient, there was additional attention on local prosecutors' records and jurisdictions. These offices may have been unwilling or unable to respond out of political considerations or skepticism about how this research would ultimately be used.

In order to perform correlative or comparative analyses, we would have needed to confirm interviews with the United States Attorney's Office of the District of Columbia (USAO-DC) and the Office of the Attorney General (OAG) and ask questions about the office's internal policies and procedures (see [Appendix 4](#)). We were unable to find certain indicators for measuring Fairness & Justice and Capacity & Efficiency on D.C.'s data dashboards (see [Appendix 2](#) and [Appendix 3](#)). Instead this report provides a largely descriptive analysis that seeks to lay out the best practices gathered from the information we learned from interviews with nonprofit and jurisdictional partners and from information we gathered from publicly available sources.

Examining this material through our selected criteria—Community Safety & Well-being, Fairness & Justice, and Capacity & Efficiency—we were able to derive common themes and behaviors that prosecutorial offices adopted when implementing data-driven reforms (*The Prosecutorial Performance Indicators*, n.d.). In section 4 we lay out the best practices. In section 5, our analysis will echo each of these practices and display how they apply to each criteria area. In section 6 we offer a set of recommendations for both the prosecutorial offices within DC and for community organizations seeking to organize around criminal justice reform efforts. Finally in section 7, we offer concluding thoughts and areas where future research can build off our findings.

## 4 | Best Practices

Through our research and conversations with Fair and Just Prosecution, the Vera Institute for Justice, and prosecutors in Fairfax and Multnomah counties, we identified the common challenges prosecutors faced across jurisdictions and, taking these challenges into account, developed a list of best practices for implementing data-driven policies.

Prosecutorial reform is not a technical problem as much as a human one. The investment in data infrastructure and human capital over extended periods of time and the willingness to use research to inform prosecutorial decision making necessitates tremendous buy-in from diverse stakeholders including the District Attorney, other prosecutors, police

officers, news media, and the public. Below, we offer three considerations for reform-minded prosecutors looking to implement more data-driven policies in their offices.

1. **Engage the Community:** Prosecutors should strive for transparency and make data publicly available whenever possible. They should build relationships with community members and create opportunities to present data directly to them. These relationships must be bidirectional, and offices should also solicit feedback from community members and use this feedback to inform their policies and practices.
2. **Be Political:** District Attorneys, both reform and traditional, are subject to the whims of their colleagues and constituents. They must use research, narrative and messaging strategy, and relationship-building to gain both internal (within their office) and external (public) support. This support is critical to ensuring the viability of their chosen policies.
3. **Build External Accountability and Capacity Measures:** Prosecutorial reform can be difficult to implement independently. Prosecutors can improve their chances of success by partnering with organizations that can provide additional research or funding support. These partnerships may involve contracts that obligate a prosecutor's office to engage in data-driven practices over a period of time, which can insulate the office from political changes that would otherwise force an office to abandon nascent data projects. Finally, there are nonprofit and academic partners that specialize in helping prosecutors use data to make decisions that lead to more just outcomes. Prosecutors can benefit from their tools and their experience working with prosecutors in other jurisdictions.

## 5 | Analysis

### 5.1 | Community Safety and Well-Being

Traditionally, prosecutors have been judged successful when crime rates have decreased, arrest rates have increased, and there have been low rates of recidivism (“Accountability, Transparency and Measuring Success,” 2023). Most District Attorneys are elected, and while public opinion on criminal justice can change over time, increases in public support for tough-on-crime policies can motivate prosecutors to pursue more convictions and harsher penalties. These policies disproportionately impact Black and Brown communities and can lead to adverse effects such as wrongful convictions, backlogged courts, and a growing geriatric prison population (Baumgartner et al., 2021; Swarns, 2023).

As we acknowledge in the previous section, prosecutors must exhibit an awareness of public opinion and an ability to shape it in order to maintain support for their policy agendas. Though it is not enough for prosecutors' offices to track *only* traditional measures of success such as crime and conviction rates, there is merit to them recording this data. Every one of the fourteen jurisdictions we examined recorded traditional measures of prosecutorial success.

In this section, we analyze how prosecutors' decisions impact community safety and well-being. Through our analysis of police shooting data, we discuss factors that can motivate

prosecutors to convict police officers who fatally shoot civilians, which can be a politically and professionally unpopular action for prosecutors to take. We also discuss what police shooting data implies about the benefits and limitations of PPI indicators. Pulling from our interviews with nonprofit and jurisdictional partners, we also describe how prosecutors have used data-informed practices to maximize the utility of traditional metrics including crime and conviction rates and how this informed the development of our best practices list.

### 5.1.1 | Police Shootings

According to The Washington Post’s database, police have fatally shot 10,305 civilians since 2015 (*Police Shootings Database 2015-2024*, 2024). Though this is a small number of total annual firearm-related deaths—the Center for Disease Control (CDC) estimates that there were more than 48,000 firearm-related deaths in 2022 alone—each death is a tragedy that calls for justice (CDC, 2024). Police shootings also disproportionately impact Black Americans, who are shot at twice the rate of white Americans (*Police Shootings Database 2015-2024*, 2024). This damages Black communities’ trust in and willingness to work with the police (Ben-Menachem & Torrats-Espinosa, 2024). Families of police shooting victims are also often thwarted when they seek justice. Families may hope prosecutors will convict police officers who use excessive force of murder, but prosecutors may instead have incentives to protect the police (Hodson, 2018).

Traditionally, prosecutorial success has not been tied to the conviction of police officers who fatally shoot civilians. However, as the number of police shootings continues to rise (there were a record 1,164 police shootings in 2023), it has become clear that police shootings are antithetical to community safety and well-being and thus an important measure to track (*Police Shootings Database 2015-2024*, 2024). [Figure 1 in the Appendix](#) displays the number of police shootings that occurred in each of our chosen jurisdictions between January 2015 and September 2024.

Police shootings are not one of the 55 indicators included in PPI (*The Prosecutorial Performance Indicators*, n.d.). This framework is not intended to be comprehensive, but instead a useful tool for designing practices that improve data-collection and transparency.<sup>2</sup> Still, some jurisdictions such as the City of Portland (which is part of but not coextensive with Multnomah County) have data dashboards that make police shooting data publicly available, demonstrating their clear commitment to data transparency and public accountability (*PPB Open Data*, n.d.).

### 5.1.2 | Case Studies

#### **Fort Bend County, Texas**

Constituents’ beliefs about the prevalence of crime are often shaped by inflammatory media coverage and political rhetoric that distorts data and leads audiences to believe crime rates are

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<sup>2</sup> The PPI framework is also not intended to be prescriptive and offices that use PPI should exercise discretion in deciding how and which indicators to implement. For example, PPI encourages jurisdictional partners to track the percent of filed cases involving a victim in which a victim subpoena was issued (*The Prosecutorial Performance Indicators*, n.d.). This is intended to prevent victim coercion. Multnomah County issues subpoenas in 100 percent of cases involving a victim to give the victim an official reason to leave work and participate in legal proceedings (C. Wong, personal communication, November 22, 2024). This indicator was not useful for their work.

skyrocketing (*Fear, Media, and Politics: How Politics Perpetuate Fear of Crime Amid Historical Lows* | *Applied Social Psychology (ASP)*, 2024). Contrary to what this media coverage might suggest, FBI Uniform Crime Report (UCR) data shows historic declines in violent crime rates (Mallin, 2024). District Attorneys' offices monitor crime rates closely and know there is often a discrepancy between constituents beliefs and actual crime rates. Information asymmetry may pose a political risk to prosecutors, whose actions are unfairly judged to be too soft when constituents fear victimization from violent crime (Okafor, 2021). Many prosecutors give in to these concerns, and one study finds "being in a DA election year increases per capita admissions and months sentenced to state prisons" (Okafor, 2021). However, prosecutors can take alternative approaches that do not expand the carceral state. In Fort Bend County, prosecutors successfully used data-informed practices to assuage public concerns over crime. We identified this example through our interview with Fair and Just Prosecution.

Fort Bend County, where Brian Middleton has been District Attorney since 2019, has been ranked one of the fastest growing counties in the United States (Grieder, 2024). Its total population is around 822,000 people and the Migrant Policy Institute estimates that this includes 39,000 unauthorized residents (*Profile of the Unauthorized Population - Fort Bend County, TX*, n.d.; *QuickFacts Fort Bend County Texas*, 2020). This would mean 4.7 percent of Fort Bend County's residents are unauthorized. Immigrants are a frequent target of scapegoating, especially in right wing media, and blamed for both real and perceived crime (Jiang & Erez, 2017; Longazel, 2013). Demographic change, coupled with significant increases in property crime, have led to concerns in Fort Bend about public safety (Fountain, 2024).

District Attorney Brian Middleton directly addressed public safety concerns by speaking to constituents at an event titled, "State of Criminal Justice: Are You Safe in Fort Bend County?" (Fountain, 2024). At this event, Middleton hosted a panel that included two Houston-based criminal justice professors who shared findings from their multi-jurisdictional study on crime rates in and around Fort Bend County. Middleton shared that violent crime rates were actually decreasing and increases in property crime rates were partially attributable to the inclusion of temporary residents in the data, which meant Fort Bend County residents were not necessarily being victimized.<sup>3</sup> Middleton also provided an overview of his department's plans to address crime in Fort Bend County. Fair and Just Prosecution indicated that this community outreach successfully defused tensions and restored some faith in local law enforcement.

Prosecutors can play an active role in shaping public opinion about crime and public safety, but this necessitates robust data collection, data transparency, and proactive community engagement. When successful, prosecutors can generate support for their leadership and policy objectives by creating opportunities for community engagement, sharing data, and developing authentic relationships in the community. As District Attorney Middleton explains in a Fair and Just Prosecution brief from January 2023, "Trust is built from relationships with the community, which are predicated on interactions that are grounded in understanding and a sense of mutual respect and safety" ("Collateral Consequences, Immigration and Second Chances," 2023).

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<sup>3</sup> Construction workers who temporarily resided in Fort Bend County while building new residential developments reported that their cars had been burglarized (Fountain, 2024). These incidents were included in Fort Bend's property crime reporting.

## **Multnomah County, Oregon**

Sometimes prosecutors are subject to factors outside their control. They may implement the policies their constituents demand and still face political backlash. When Maricopa County declined our request for an interview, we reached out to two additional jurisdictions, Multnomah County and Hennepin County. Both counties witnessed violent police reaction to Black Lives Matter protests during the summer of 2020, which deeply impacted local residents and shaped public opinion of tough-on-crime policies. In Multnomah County, District Attorney Mike Schmidt was elected on a wave of public support for prosecutorial reform. Notably, he declined to pursue criminal charges in protest cases, effectively dismissing 91 percent of the protest cases in his office's docket (Schmidt, 2020). During his four years in office, public opinion of tough-on-crime policies shifted and he was ultimately ousted from office for supporting the same reform policies that got him elected. We interviewed Caroline Wong, a prosecutor in the Multnomah County District Attorney's office, to better understand these trends.

Events unfolded quickly in Multnomah County during 2020. Mike Schmidt was elected District Attorney on May 19. George Floyd was murdered on May 25. Black Lives Matter protests in Multnomah County began May 28 and continued intermittently for almost a year. District Attorney Rod Underhill retired in July, five months before his term was due to conclude, and Governor Kate Brown appointed Mike Schmidt to assume his role starting August 1. District Attorney Mike Schmidt was elected before George Floyd's murder and subsequent calls for prosecutorial reform. His office's reaction to political upheaval and discontent during this period dramatically shaped public perception of prosecutorial reform policies.

Between May and August 2020, 550 protest cases were referred to the county District Attorney's office. This included 417 misdemeanor and 133 felony cases (Riski, 2020). District Attorney Schmidt presumptively declined to pursue criminal charges that resulted solely from protest or mass demonstration, choosing to pursue charges in only 47 of the 550 cases in his office's docket (Schmidt, 2020). During his election campaign, he also publicly expressed support for Oregon Ballot Measure 110, which decriminalized drug possession. Meanwhile, crime rates in Multnomah County increased between 2020 and 2022. In 2022, there were a record 96 homicides in Portland (Rush, 2024). Multnomah County constituents grew critical of District Attorney Schmidt's leadership, arguing that his office was not prepared to challenge crime and restore stability to the district. Schmidt also failed to maintain relationships with key members in his office, leading to several high profile resignations (Crombie, 2022; Wilson, 2021).

During the 2024 election, Nathan Vasquez, a traditional attorney with centrist political leanings who worked in the Multnomah County District Attorney's office for over 20 years, denounced District Attorney Schmidt's decision to not prosecute protestors in 2020 (Rush, 2024). He secured the support of voters, police officers, and other prosecutors within the District Attorney's office. His tough-on-crime stance won back Multnomah County voters who had favored prosecutorial reform just four years earlier.

There are several lessons to be learned from Multnomah County. First, it is important for District Attorneys' offices to be responsive to feedback from the community. The benefits of incorporating this feedback can extend across administrations. Throughout 2020, the Multnomah County District Attorney's office was inundated with requests for information on protest cases. Both District Attorney Schmidt and other prosecutors within the Multnomah

County office demonstrated their commitment to data transparency by launching a [dashboard](#) that made demographic and outcome data for protest cases publicly available (“Data Dashboards | Multnomah County District Attorney,” n.d.). Multnomah County similarly responded to requests for information about hate crimes by introducing a bias crime dashboard. Caroline Wong, who led the introduction of these dashboard, is confident that they will continue to be updated once the new District Attorney, Nathan Vasquez, assumes office (C. Wong, personal communication, November 22, 2024). Data transparency is popular with the public, which creates incentives for the District Attorney’s office to continue allocating resources toward collecting and sharing data.

Second, prosecutors must maintain political influence inside their offices and outside in the public domain in order to ensure the implementation and longevity of their policy agendas. District Attorney Schmidt assumed office in a difficult moment. While prosecutors are expected to manage crime through their policies, crime can also be influenced by socio-political factors outside prosecutors’ control. This was certainly the case during District Attorney Schmidt’s time in office. He assumed leadership during a pandemic and period of political discord. He was voted out of office during a time when progressive prosecutors across many jurisdictions were being recalled. However, that does not absolve District Attorney Schmidt of his failure to be political secure buy-in among key stakeholders. Staff turnover within the Multnomah County District Attorney’s office indicates that he failed to develop trust within his own office. This came to a head when the Multnomah County prosecutors’ union endorsed Vasquez for office (Manfield, 2024).

Finally, this case shows why it is so important to build external accountability and capacity measures. Multnomah County is one of PPI’s first partners. PPI provided Multnomah County with technical assistance to improve their data collection and presentation. This partnership provides an additional incentive for Multnomah County to continue its extensive data-informed practices even once District Attorney Schmidt leaves office.

### 5.1.3 | Analysis

This section relied primarily on independent research and interviews with nonprofit and jurisdictional partners to determine how traditional measurements of prosecutorial success could be improved to consider aspects of community safety beyond crime rates, recidivism, and conviction rates. The case studies in this section are intended to provide real-life examples of ways prosecutors’ offices have used data-collection and sharing to build trust in their communities, though consideration is given to how external political factors can limit these efforts.

We were unable to provide a substantive comparative analysis without conducting an interview with the UASO-DC and OAG. We recommend future groups undertake this work and build on this analysis by offering specific examples of how prosecutors in the District of Columbia are using data (or failing to use data) to improve community safety and well-being.

## 5.2 | Fairness and justice

Advocates of prosecutorial reform, including our nonprofit interviewees Fair and Justice Prosecution and the Vera Institute for Justice, argue that District Attorneys' offices should be driven primarily by the desire for increased fairness and efficiency. Departments should use improved measurements of prosecutorial success primarily to provide more transparent data to the public (R. Blair & R. Gentzler, personal communication, November 7, 2024). Reductions in crime rates would be a secondary positive side effect.

Whereas overemphasis on crime and conviction rates can lead to racial discrimination in the criminal legal system, District Attorneys' offices that monitor racial disparities and procedural and ethics violations are motivated to expend more resources on diversion and exoneration programs (Swarns, 2023). In this section, we draw from our research and conversations with District Attorneys' offices and criminal justice reform nonprofits to show how jurisdictions are using sentencing practices, and exoneration and diversion programs to promote fairer outcomes.

### 5.2.1 | Sentencing

Prosecutors are afforded tremendous discretion to decide which cases to pursue or dismiss, how plea deals are structured, what sentences to offer, and whether to cooperate with post-conviction re-examinations of cases. Without external accountability measures, this discretion can intentionally or unintentionally lead to dramatic sentencing disparities within the criminal legal system (Lu, 2007). Some jurisdictions have implemented policies and procedures to standardize sentencing decisions and promote more equitable outcomes. This provides a guardrail to prosecutorial discretion, but gives prosecutors latitude to make sentencing decisions based on the unique circumstances of each case.

In Multnomah County, some sentencing decisions are statutory. By statute, prosecutors must offer diversion to defendants accused of driving under the influence or possessing a controlled substance. Their charges may be dismissed after they complete a diversion program. For more serious misdemeanors and felonies, prosecutors use a [Sentencing Guidelines Grid](#) to make sentencing decisions. Mandatory minimum and maximum sentences are set by the type of crime committed and the number of felonies a defendant has on their record. Prosecutors can choose whatever sentence within those minimum and maximums that best fits the case. Cases involving mandatory minimum prison sentences for violent crimes undergo additional review. A group of prosecutors may collectively discuss the facts of a case and the unit's Chief Deputy will approve the final sentence in order to normalize case sentences of similar offences over time.

Several PPI indicators are intended to help jurisdictional partners record data that supports implementing more moderate sentencing policies and practices. For example, one indicator recommends tracking the percent of convictions in which the prosecutor recommended a sentence (a) below the maximum sentence prescribed by guidelines/statutes and (b) below the minimum sentence prescribed by guidelines/statutes. This is one way to systematize and quantify the kinds of implications of prosecutorial decision making described above. Another indicator suggests tracking the percent of all incarceration sentences that were issued for A/B/C or 1st/2nd degree felonies. This indicator is intended to help prosecutors preserve their limited time and resources by prioritizing serious offenders.



Statutes, institutionalized sentencing guidelines, and the implementation of data-driven practices outlined in frameworks like PPI are important external measures to improve accountability and capacity in prosecutors' offices.

## 5.2.2 | Exoneration Programs

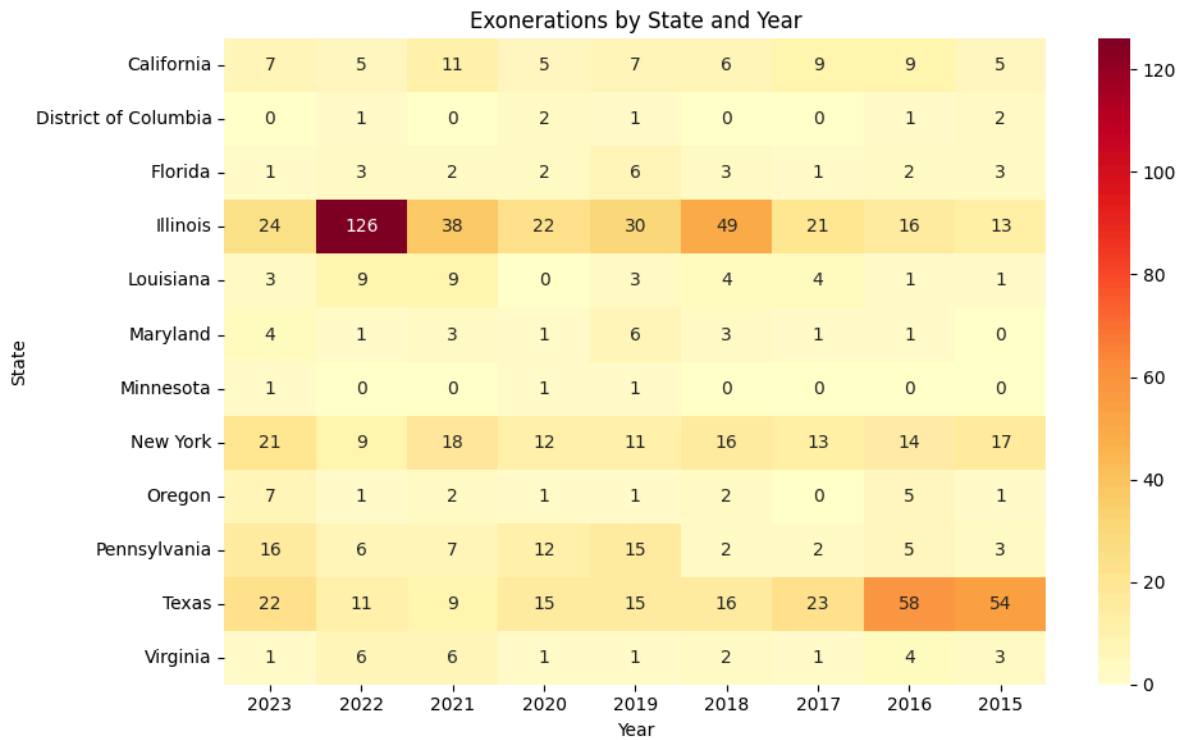
For most of history, factors including poor eyewitness identification, inadequate legal defense, police and prosecutorial misconduct, false confessions, and racism have led prosecutors to wrongfully convict defendants in some cases (*Why Do Wrongful Convictions Happen?*, n.d.). The Urban Institute estimates that DNA evidence supports a wrongful conviction claim in as many as 11.6 percent of cases in which “physical evidence produces a DNA profile of known origin” (Walsh et al., 2017). These false convictions disproportionately impact Black communities. Black people are seven times more likely than white people to be falsely convicted (Gross et al., 2022).

Those wrongfully convicted have historically had few options for recourse. DNA testing ushered in a new era of liberation for victims of false convictions. The first DNA exonerations in the United States occurred in 1989. Since then, the annual number of exonerations has increased steadily from a low of 23 exonerations in 1989 to an all-time high of 253 exonerations in 2022 (2023 Annual Report, 2024). According to the National Registry of Exonerations, there were 3,478 exonerations in the United States between January 1989 and December 2023 (2023 Annual Report, 2024). Though prosecutors are sometimes reluctant to relitigate cases, the year-over-year increase in exoneration numbers is reflective of a growing willingness among some prosecutors in District Attorneys offices to identify and redress wrongful convictions (Webster, 2018). Reform minded offices signal their commitment to fairness and justice by investing resources in conviction integrity investigations and, as recommended by PPI, recording the number of investigations they conduct and number of exonerations they achieve (*The Prosecutorial Performance Indicators*, n.d.). In this section we discuss how our chosen jurisdictions are investing in and measuring their dedication to conviction integrity.

[Table 2](#), below, shows the number of exonerations that have happened in each of the states in which our jurisdictions are located between the years of 2015 and 2023. Though it shows state-level instead of jurisdiction-level data, we have included it to provide context for our analysis of how prosecutors in District Attorneys offices can drive exonerations.



**Table 2.**



Looking at the table, it is immediately clear that, among states included in the sample, the vast majority of exonerations have taken place in Illinois and Texas. In fact, Cook County, IL and Harris County, TX are responsible for the majority of the exonerations that take place in both their respective states and also the entire United States. In 2015, Harris County alone was responsible for 76 of the nation’s total 151 exonerations (50.3 percent) (The National Registry of Exonerations: Exonerations in 2015, 2016). Three of our chosen jurisdictions—Cook County, IL; Orleans Parish, LA; Harris County, TX—have had more exonerations per capita than any other jurisdiction in the country (*Top Ten Counties*, n.d.).

The primary factor these jurisdictions have in common is a Conviction Integrity Unit (CIU). CIUs vary in efficiency and capability from jurisdiction to jurisdiction, but are responsible for the majority of exonerations that take place each year. In 2023, 63% of exonerations involved a CIU (The National Registry of Exonerations: Exonerations in 2023, n.d.). Though CIUs have proven highly effective in some jurisdictions, the most important lesson is that investments in conviction integrity yield results and lead to fairer and more just outcomes.

The U.S. Attorney’s Office for the District of Columbia was the first U.S. Attorney’s Office in the country to create a CIU (*District of Columbia | U.S. Attorney Machen Announces Formation Of Conviction Integrity Unit Initiative Follows Comprehensive Review Of Older Cases | United States Department of Justice*, 2014). This demonstrates the Attorney’s Office’s public commitment to promoting justice in the criminal legal system. We believe the fact that there

have been relatively few exonerations in the District of Columbia is partially due to there being comparatively fewer people convicted by USAO-DC than by, for example, the Office of the Harris County Attorney.

### 5.2.3 | Diversion Programs

Diversion programs have been described as “exit ramps” that “move people away from the criminal legal system, offering an alternative to arrest, prosecution, and a life behind bars” (Johnson & Ali-Smith, 2022; Wang & Quandt, 2021). Traditionally, prisons have been seen as a tool to improve public safety. If the lawbreakers and violent offenders were behind bars, the law abiding citizens would be safe, or so the argument went. Now, it is better understood that the criminal legal system frequently targets Black and Brown communities and that prison populations are more likely to reflect systemic biases than to house people who pose a risk to the safety of their communities.<sup>4</sup> Diversion programs target the underlying causes of crime and are often designed to address systemic inequities such as housing insecurity, economic insecurity, and lack of educational attainment (Johnson & Ali-Smith, 2022).

PPI indicators recommend measuring the percent of all diversion terminations that were due to successful program completion, felony recidivism among diversioners (measured by the percent of felony cases filed in which defendant terminated a diversion program within previous 12 months), and demographic differences (i.e. race and ethnicity) of people participating in diversion programs (*The Prosecutorial Performance Indicators*, n.d.).

In our interview with the Vera Institute for Justice, Mona Sahaf recommended additional ways to measure results from diversion programs. These considerations included whether program leaders shared a background with diversion program participants (e.g. previous interaction with the criminal legal system, race and ethnicity, etc.) and whether the diversion program provided needed supportive services such as child care for program participants. Sahaf referred to these as “community informed” metrics, underscoring the importance of building relationships with community members that are grounded in trust and in using community feedback to inform program development.

### 5.2.5 | Analysis

“As with the previous section, this section was developed using independent research and interviews with nonprofit and jurisdictional partners. Some consideration was given to how the District of Columbia invests in conviction integrity programs and how this compares to other jurisdictions. However, we were unable to provide a substantive comparative analysis without conducting an interview with the UASO-DC and OAG. We recommend future groups undertake this work and build on this analysis by offering specific examples of how prosecutors in the District of Columbia can use moderate sentencing practices and diversion programs to promote fairness and justice.

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<sup>4</sup> The majority of people imprisoned in the United States today are nonviolent offenders.

## 5.3 | Capacity and efficiency

The ability of the prosecutor's office to conduct their duties in a timely, efficient, and just way is critical to the overall functioning of the justice system. The Sixth Amendment of the Constitution guarantees a speedy trial yet court systems across the United States, including here in the District of Columbia, experience substantial backlogs and case processings. This issue was exacerbated by the Covid-19 pandemic, which halted and slowed the justice system in many jurisdictions. Like many institutions, prosecutorial offices sought to adapt to these changes in order to eliminate the backlogs. Changes in how a prosecutor files their cases, pursues diversion programs as an option for defendants, whether or not to dismiss cases, or how they craft plea agreements were all efforts in reducing the time invested in trials. Speedy trials are not just a constitutional right, they have been shown to affect victims, defendants, and the community. Delays affect cooperation from both victims and witnesses, evidence quality, increases jail population as defendants are held for longer periods, and decreases community trust in the legal system (FJP, 2023). Prosecutors do not entirely control the timing of a case, but they do maintain discretion over decisions of a case that have significant implications on how that case is resolved. Their efforts to reduce the time it takes for a case to process, for example by making plea bargains more attractive or increasing the amount of defendants sent into diversion programs, can have negative consequences if those solutions threaten public safety (FJP, 2023).

Transparency in an office's overall staffing capacity - the lawyers, clerical, paralegal, data analysts, general support staff - and information on the caseload and efficiency on processing that caseload is critical for both internal office use and for the community. Is the office understaffed and resulting in unnecessary delays? Do the demographics of the leadership reflect the community which they serve? Are resources being allocated in a way that enables the efficient pursuit of priorities of the community? Without transparent and available data, these aspects of a prosecutor's office they make will remain securely in the black box of prosecutorial decision-making.

There are three methods that offices have decided to share data. Each method has implications on the amount of investment, in terms of budget, time, and staffing resources, that an office needs to commit for their chosen data infrastructure to be successful. These categories were described by Fair and Just Prosecution after surveying a broader collection of jurisdictions and our research has supported their categories ("Accountability, Transparency and Measuring Success," 2023). Some offices that we researched for this report have chosen to invest in multiple of these data methods to varying degrees.

1. **Data Dashboards:** Interactive online visualizations that display data overtime. This method allows users to explore trends within the jurisdiction. While the data is much more accessible to the user, it leaves the interpretation of that data to the reader. Dashboards are becoming a common tool to increase transparency and engage with the public. Additionally, dashboards have the option to become largely automated if the office chooses to invest resources into creating those pathways both internally and with their data partners.

2. **Data Stories:** Semi-regular reports that the prosecutor's office releases to update the community on areas of progress or to highlight recent achievements of the office. The reports allow for in-depth, curated snapshots rather than continuous updates. These reports can be written to invite engagement and feedback from the community and other partners. This method requires a higher level of investment than the other options to ensure that the data is digestible and responsive.
3. **Open Data:** Publishing large volumes of data on their website or to another source. This data requires users to have a higher level of data literacy and motivation to process the information. Offices must thoroughly clean and prepare the data to avoid potential misinterpretation. This method requires a relatively lower level of investment than the other options.

We were unable to secure an interview or survey response with either the District's Office of Attorney General (OAG) or the United States Attorney's Office for the District of Columbia Superior Court Division (USAO-DC). The information below was gathered from publicly available sources or on their respective websites. Information we were not able to gather included key organizational data and data on case efficiency. The following subsections describes how the DC offices use each data transparency method, if they use them at all, and then highlights notable jurisdictions using that method. Additional subsections are dedicated to how offices build external and internal buy-in for their reforms. Lastly, there is an analysis on overall capacity building for our selected jurisdictions and on the issues that both the OAG and USAO-DC faces in building a data driven office.

### 5.3.1 | Data Dashboards

#### **Office of Attorney General**

The Office of Attorney General has adopted a data dashboard. Their data dashboard contains demographic and case data for cases reviewed and disposed by their office from 2019 to November 15, 2022. On their dashboard page there is a commitment to add the following to their Prosecution Data Portal:

- Diversion Program Data
- Maps linking the geographic area in the District where the offense occurred to the subsequent prosecution and disposition metrics
- Anonymized case-level data that can be download (Open Data)

Their data dashboard is in the earlier stages for development. No timeline for the announced additions has been found. While no updates to their underlying has been made to include data past the current, most recent data available through the dashboard (November 15, 2022) no conclusion can be made whether building the data dashboard is a priority for their office without first speaking with someone from their office. Cases can span a considerable length of time and their office may have made a decision to include data only from cases that have concluded. However, a key aspect to a data dashboard's success are semi-regular updates therefore the OAG should make greater efforts at making the data available in this format at a more frequent pace.

## **Other Jurisdictions**

Of the 11 other jurisdictions included in this report, all of them maintain data dashboards to some extent. Six out of the 11 use the PPI framework as a basis of their dashboards (see Appendix 1). The other five jurisdictions designed their dashboards in partnership with local universities or research institutions, or with a third party consultant.

The two neighboring jurisdictions, Fairfax County, VA and Montgomery County, MD, both maintain data dashboards. Montgomery County, MD partnered with PPI and the University of Maryland to design their data dashboards. Their office maintains multiple web pages dedicated to their data operation in order to explain to the public how to contextualize the data they present, including explanations of the legal process and definitions of legal terms found within their dashboards. Overall, the Montgomery County State Attorney's Office represents a robust and mature data presentation operation.

Fairfax County, VA partnered with a third party consultant and American University to create their first data dashboard in the Summer of 2024. This represented two years of work to release their first dashboard presenting data on bail bond recipients. Commonwealth Attorney Steve Descano articulated an effort to reform bond policy and practices within Fairfax to decrease the inequities of bail bonds. He used this data to craft both the policy change and the support for that change. Since the introduction of their bond data dashboard, Fairfax has introduced a Red Flag data dashboard, displaying the occurrences of law enforcement temporarily removing weapons from a person's possession, and a general case overview dashboard, displaying data on all cases that come through the county. Based on our interview, Fairfax county is expected to release more dashboards in the next year but no specifics were shared as the official announcements have not yet been released. Fairfax has been working to publicize their data for several years but have only just made their data public in 2024. Since then their announcements at new iterations of dashboards have been rapid and meaningful to reforms occurring within their office.

### **5.3.2 | Data Stories**

#### **United States Attorney's Office for the District of Columbia**

Every month the USAO-DC Superior Court Division releases a one-page update on their office's work. This document contains:

- Cases charged;
- Defendants with at least 1 felony;
- Felony cases indicted;
- Guilty pleas;
- Number of trials;
- Active Prosecutions;
- Highlighted press releases of notable trials within that month.

All information is the aggregate data gathered from January 1 to the month of release of that year. This information is generated from their case management system and is partially populated by the DC Superior Court. Because of the highlighted press releases, this report is considering their data release a data story as it provides a, albeit minimalistic, form of a curated experience into the activities of the USAO-DC.

### **Other Jurisdictions**

Only three other jurisdictions use data stories to some extent outside of the USAO-DC office. Both Montgomery County and the Borough of Manhattan make limited use of data stories. Montgomery has released one curated data story on Racial Justice Prosecution within their county in 2023. The Borough of Manhattan has released data one-pagers on Witness Aid Services, Hate Crimes, and Gun Violence. Their stories represent a sporadic use of data stories as a method of making data transparent within their offices.

Philadelphia, PA represents the most robust example of data story use. Their office releases regular data research and stories ranging from preliminary hearing for homicide shootings to prosecutorial discretion in plea bargaining. They have partnered with numerous Pennsylvania universities to conduct longer form research as well.

### **5.3.3 | Open Data**

The USAO-DC is included in two broader Department of Justice (DOJ) open data initiatives:

- 1. Annual Statistical Reports:** The DOJ releases annual reports containing both national and district caseload data. There is one page dedicated to the Superior Court Division of the USAO-DC detailing data gathered until September 30, the end of the federal fiscal year.

**Table 17**  
**District of Columbia Superior Court Matters and Cases Handled by the United States Attorney's Office\***  
**Fiscal Year Ended September 30, 2023**

DAY-OF-ARREST CHARGING DECISIONS 1/ ARREST CHARGE CATEGORY			Cases		Cases	
	Number	% of Total	Presented	% of Total	Declined	% of Total
Felony	4,368	31.4%	2,626	60.1%	1,742	39.9%
Misdemeanor	9,556	68.6%	3,457	36.2%	6,099	63.8%
Total	13,924	100.0%	6,083	43.7%	7,841	56.3%

MISDEMEANOR TRIALS TRIAL TYPE	Overall		Convictions		Acquittals	
	Number	% of Total	Number	% of Total	Number	% of Total
Jury Trial	14	4.5%	11	78.6%	3	21.4%
Bench Trial	295	95.5%	204	69.2%	91	30.8%
Total	309	100.0%	215	69.6%	94	30.4%

MISDEMEANOR DISPOSITIONS	
Disposition	Number
Trials	309
Guilty Plea	1,506
Diversion Completed	394
Dismissed Per Plea Agreement	570
Abatement	44
Dismissal	1,097

\*INCLUDES ALL PROCEEDINGS ON WHICH AUSAS SPEND ONE HOUR OR MORE OF TIME. MATTERS ARE PROCEEDINGS NOT YET IN COURT.  
 1/ THE DATA DISPLAYED IN THIS TABLE REFLECTS ONLY CHARGING DECISIONS AT THE TIME OF ARREST, WHEN THE POLICE MAKE AN ARREST BASED ON PROBABLE CAUSE BUT PROSECUTORS DETERMINE THERE IS NOT A REASONABLE LIKELIHOOD OF PROVING A CASE BEYOND A REASONABLE DOUBT. PROSECUTORS MUST DECLINE THE CASE AT THAT TIME. HOWEVER, THE INVESTIGATION CAN, AND OFTEN DOES, CONTINUE.  
 IF THERE IS ADDITIONAL INVESTIGATION DONE AND EVIDENCE GATHERED, SUCH AS DNA OR OTHER FORENSIC EVIDENCE, CHARGES CAN BE BROUGHT AT A LATER POINT. THOSE CHARGES ARE NOT REFLECTED IN THIS TABLE.  
 DATA DISPLAYED IN TABLE 17 IS NOT INCLUDED IN THE OTHER TABLES CONTAINED IN THIS REPORT.  
 DATA SOURCE: D.C. UNITED STATES ATTORNEY'S OFFICE REPLICATED CRIMINAL INFORMATION SYSTEM (RCIS).

**2. National Caseload Data:** The DOJ also collects and releases on a monthly basis detailed national caseload data for each jurisdiction beyond their Annual Statistical Reports. This data contains around 700 data fields tracked in LIONS, Legal Information Office Network System, with exceptions of fields that are required to be redacted, for each DOJ division. In total, this represents about 20 Gigabytes of data divided between 28 ZIP files each month that the DOJ makes public. However, data within these datasets are not comparable between jurisdictions due to each USAO office having some flexibility in how they utilize LIONS.

These open datasets are not meant for general public consumption but rather for dedicated researchers. They do represent the internal capability to collect data which can be presented in a more digestible way to the public. In 2022, the DOJ's Chief Information Officer released a data strategy with the following goals:

1. Develop and execute architectures, policies, practices, and procedures that properly manage the full data lifecycle needs of DOJ.
2. Promote DOJ-wide capabilities for the appropriate and efficient sharing of information

3. Provide secure, appropriate, timely, cost-effective, and efficient access to mission-critical information
4. Build a sustainable data culture in a modern information technology (IT) workforce.

Building data-driven infrastructures and culture within the USAO-DC Superior Court Division is a small part of the DOJ's overall mission but it is critical to the administration of justice within DC and aligns with the overall goals set forth by their own data strategy.

### **Other Jurisdictions**

Both Cook County, IL and Philadelphia, PA offices release raw data to the public. Cook County releases raw data in addition to their data dashboard. This data can be found on Github. While amateur data analysts can access this data with relative ease, without some knowledge of Github or how to interpret the data, there is a barrier to effectively gathering and interpreting the data they release.

Philadelphia, PA also releases open data in addition to their other data releases. Data is downloaded directly from their site and they provide a field to filter which data fields and years are included in the downloaded dataset. This provides some structure to those with limited data knowledge to access the raw data collected by their office.

## 5.3.4 | Case Studies

### **External Buy-In and Partnerships**

#### **Philadelphia County, Pennsylvania**

A prominent example of an office that has engagement in partnerships to create their data program is the Philadelphia district attorney's office. Since 2018 when the Philadelphia DA founded the DATA Lab, the office has partnered with the Philadelphia Police Department, the American Civil Liberties Union, Media Mobilizing Project, the Youth Sentencing Project, CoLab, and universities based in the state - Temple University, University of Pennsylvania, and Drexel University. Their partnerships with universities have come with grants ranging from \$100,000 to \$4.5 million to fund data driven research into public safety initiatives within the city (DAO, 2024). With these partnerships, the Philadelphia DA went beyond using data to inform their decisions, but began original research on criminal justice topics, such as bail reform, police shootings, and racial injustices within their city, began community outreach to involve those most impacted by the criminal legal system into the process, and started internal trainings for attorneys in the DA's office to improve the overall functioning of the office (DAO, 2019).

#### **Cook County, Illinois - Hacking 4 Justice**

Cook County, Illinois was one of the early partners with PPI in adopting their framework for a data driven office. In addition to that framework, they sought to engage with the community to improve and seek feedback about their data programs from scholars, lawyers, activists, and members of the community in their Hacking 4 Justice events. Hacking 4 Justice is a recurring event since 2018 which was originally hosted by the State's Attorney's office, but has since



become an independent program in partnership with the office . Hacking 4 Justice is a training and networking workshop event to teach community members or other interested parties about their data programs. Over the course of two days participants learn basic data analysis coding utilizing the R programming language using datasets provided by the State’s Attorney Office then applying that knowledge to an area of their own interests about the criminal justice process in Cook County (H4J, 2024). Not only has this been successful in achieving a level of buy-in from the community, but it also has attracted knowledge data scientists interested in participating in this event to engage with their program as well.

### **Internal Buy-In and Office Culture**

In our conversations with Fair and Just Prosecution and the Vera Institute, several key themes emerged about the offices that saw success in building a data culture. Conversations building internal support for a data driven culture needs to start at the beginning stages of adoption. There is an emphasis that support needs to be focused on the culture, not just the policies that the DA seeks to adopt. Without first building the culture, any subsequent policy will not see success as the line prosecutors will not engage or see value in that work. Additionally, there is a perceived tension between data-driven decision making by prosecutors and the traditional ideas of prosecutorial independence. Line prosecutors have traditionally seen independence in their work paramount to fair administration of justice and the perception is that data driven sentencing or charging decisions is not compatible with engaging with a case based on the facts of the individual case.

Rather than letting line prosecutors believe this work will be in tension to their independence or that it is an additional function to their workload, building the processes of a prosecutor around data is key to achieving buy-in. This can be done by both process functions and technically. Changing office procedures and policies to reformulate how prosecutors are expected to engage with data in the office can set the expectations within the data culture. Additionally, updating or reconfiguring the case management systems the office uses can be a powerful tool to gain the data the leadership is seeking and build data engagement into existing processes for the line prosecutors.

### 5.3.5 | Analysis

Data transparency efforts are increasingly prevalent among jurisdictions of all resource levels. As seen in [Appendix 9.1](#), among the jurisdictions researched for this report there is a wide range of diversity in terms of jurisdiction population, budgets, and data analyst on staff in each office. Jurisdictions with significantly smaller budgets and larger or equivalent populations have invested in the technical infrastructure and staff to build their dashboards, data stories, and open data environments. No budget was found for the USAO-DC’s office and no data was gathered on the number of data analysts on staff for 9 prosecutorial offices. Additionally, DC is an outlier for both the city budget and the OAG budget. The district receives large federal transfers given its unique status as the nation’s capital, the number of federal workers living outside its jurisdiction, and the unique role municipal institutions maintain compared to other jurisdictions (Urban Institute, 2020). From the information available, it can be inferred that resource

constraints are not the primary reason the OAG has not invested more heavily into their data dashboard or that the USAO-DC has not invested to make more data transparent about their office.

Rather, as noted throughout the report, the biggest impediments to implementing data practices are human considerations. Without prior contact with either DC office, we cannot provide a reasonable analysis on where each office is facing difficulties, such as internal office pushback against reforms or they lack external mechanisms to create long term accountability towards reform. If further research into the DC offices is to occur, that engagement should begin with the internal office cultures of each office. Each office is unique among prosecutorial offices and will face different structural and political challenges to engage in reform towards data transparency. The consistent force to pressure these offices into reform is outside external engagement with the community, which has shown to be successful in jurisdictions throughout the country.

## 6 | Recommendations

Though there are challenges to prosecutorial reform, there are examples nationwide of prosecutorial offices from diverse jurisdictions of building a data-driven office. From our research and conversations with selected jurisdictions and non-profits working in criminal justice reform there were valuable lessons gained for both prosecutorial offices and organizations outside the system working towards reform. Below are our recommendations to the District's Office of Attorney General, the United States Attorney's Office of the District of Columbia, and the DC Justice Lab.

### 6.1 | Recommendations for Community Engagement

#### 1. **Determine priorities for the OAG and USAO-Data Program**

Building a data driven office requires a serious investment of time and resources from a prosecutor's office. It is an iterative process of learning about what culture is right for the office, which data infrastructure and processes function best for their attorneys, and decisions on what data to share with the public. These decisions can be influenced by outside community organizations.

- What type of data should the offices prioritize making public first? Is there an issue that data transparency will be crucial for your organization to inform advocacy? How should the data be presented to the public? **We recommend advocating for a data dashboard.**
- At what frequency should the data be presented? **We recommend that data should be updated monthly.**
- Should the offices adopt an existing framework, such as PPI, or build a framework unique to their office? **We recommend advocating for the PPI framework.**

No recommendation from the report's authors were provided for the first question as the nature of criminal justice within the District is dynamic. Fairfax County offers a close and recent example of prioritizing data that informed their bail bond reform efforts. With their first dashboard released over the summer, they have built off the success of their first data dashboard and are on track to make more data transparent in 2025. Prioritizing an issue area for data transparency is both a viable and recommended path to build a data driven office.

Calls from the community have been successful for offices in other jurisdictions to make internal data transparent to the public. In our conversations with the Multnomah County District Attorney's Office, calls for data transparency during the 2020 Black Lives Matter protests were a significant factor in deciding to make Covid-19 and protest related charging decision data public. In the case for the OAG's office, they have already begun the process of adding dashboards to their website. However, based on the frequency with which the dashboard has been updated, this effort has stalled. Community engagement and demands can renew their interests in pursuing data transparency.

A stand-alone 501C3 would be best able to pull together organizations, convene them, and hold discussions to help bring clarity and focus to what the USAO-DC and OAG goals should be in terms of developing expanded data reporting capacities.

## 6.2 | Recommendations for USAO-DC and OAG:

### 1. **Build Internal Support and Make Data Central to Office Functions**

Building buy-in from inside the office is a critical step in adopting a data driven approach. The perceived tension between prosecutorial independence and data driven decision making require leadership to persuade and encourage their line prosecutors that data is not an impediment or contrary to their work, but central to the office's success in administering justice.

Building a data driven office means building a culture that values data. Data should be incorporated to:

- Office meetings and communications;
- Feedback to attorneys;
- Office goals and initiatives, making data central to how success is defined;
- Written policies and procedures.

### 2. **Build an Interoperable Data System**

Originally recommended by Fair and Just Prosecution for all jurisdictions seeking to build a data system, we find this even more relevant for the District of Columbia and its unique local and federal structure. Public safety is incumbent on both the OAG and the USAO-DC to pursue and while the two offices are distinct and separate, the institutions they work with - the Metropolitan Police Department and the DC Superior Court System - are the same. By ensuring the data infrastructures adopted are interoperable both the

OAG and USAO-DC can share data but also ensure their partner organizations can supply data to both offices without undue burden of maintaining two systems.

### 3. Partner with an Outside Organization

Each prosecutorial office that has successfully adopted a data program has partnered with an outside organization. Six out of the 13 offices examined have partnered with the Prosecutorial Performance Indicators organization. Other offices have partnered with local research institutions or universities, non-profits, community-based organizations, or third-party consultants. These options are not mutually exclusive and offer an array of benefits.

- **Non-Profits:** May provide grant money to partially fund programs. They have specialized knowledge and networks that can enhance data adoption efforts. May have programs that if agreed to will provide support over a specified number of years in exchange for commitments to share data and remain committed to efforts over that time period.
- **Universities:** May provide grant money to partially fund programs. They have specialized knowledge and networks that can enhance data adoption efforts.
- **Consultants:** Can provide specialized knowledge and skill sets with no long-term commitments.
- **Community-Based Organizations:** Can provide networks and feedback to ensure that efforts are meaningful and responsive to public needs.

#### **We recommend partnering with Prosecutorial Performance Indicators**

They offer an extensive framework that can be individualized to meet each jurisdiction's needs. Their organization is experienced and has partnered with at least 16 offices to start their data programs. Additionally, the dashboards they help establish within their partner offices are designed to be consumable and informative to the public.

## 7 | Conclusion

The District of Columbia has an opportunity to reform prosecutorial practices in both the OAG and USAO-DC to improve the overall community safety, fairness within the system, and transparency of their internal decision making. This report evaluated both the OAG and the USAO-DC with 11 other jurisdictions across the country using publically available data, interviews, and surveys from the jurisdictions and nonprofits working to reform criminal justice systems. In conducting our research we faced notable limitations, such as limited success in outreach to prosecutorial offices, that constrained our ability to conduct a more robust analysis of each jurisdiction, especially the OAG and USAO-DC. Despite those limitations and with the successful outreach we did conduct, we were able to identify a set of best practices - Engage the Community, Be Political, and Build External Accountability and Capacity Measures - practiced by jurisdictions that implemented data-driven practices in their offices. In our analysis we laid out how the OAG, USAO-DC, and our selected jurisdictions make sentencing decisions and how any reform efforts have evolved the practices, policies, and procedures that guide

those decisions. We echoed the best practices throughout our analysis and demonstrated how reform is not a technical problem but rather a human one. Our recommendations give actionable steps for both community groups seeking to engage on prosecutorial reforms and for both the OAG and USAO-DC offices to undertake when building a data-driven office.

There are opportunities to build upon our report and research that would give more insight on how the USAO-DC and the OAG operate. Future research should focus on securing interviews with both offices as critical information relevant to how those offices operate and make decisions are not made public. Additionally, throughout our research there is an emphasis on the importance of reforming office culture to be open to change for any change to be successful or persist after changes in leadership. The USAO-DC line prosecutors operate on six month to one year appointments before potentially moving into another reassignment area. The effects of the constant change in line prosecutors on culture and safety within the District can be studied with successful communication with their office.

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# 9| Appendix

## 9.1 | Appendix 1

This table represents comparative resource and population data on the jurisdictions their respective prosecutorial office serves. Additionally, it includes what methods of data transparency the prosecutorial office uses with a link to their data pages.

Jurisdiction	State	District Attorney	Population (2024)	Jurisdiction Budget (2024)	District Attorney's Office Budget (2024)	Data Analysts on Staff	Data Presentation	Link to Data
San Francisco	California	Brooke Jenkins	808,988	\$15.9 billion	\$93 million	UNK	Dashboard	<a href="https://sfdistrictattorney.org/policy/data-dashboards/">https://sfdistrictattorney.org/policy/data-dashboards/</a>
US Attorney's Office for the District of Columbia	District of Columbia	Matthew M. Graves	678,972	N/A	UNK	UNK	Open Data/Data Stories	<a href="https://www.justice.gov/usao-dc/superior-court-reports">https://www.justice.gov/usao-dc/superior-court-reports</a>
Office of the Attorney General - District of Columbia	District of Columbia	Brian L. Schwalb	678,972	\$19.8 billion	\$153 million	UNK	Dashboard	<a href="https://oag.dc.gov/oag-prosecution-data-portal">https://oag.dc.gov/oag-prosecution-data-portal</a>
Fourth Judicial Circuit (Clay, Duval, Nassau)	Florida	Melissa W. Nelson	<b>Nassau:</b> 101,501 <b>Duval:</b> 1,030,822 <b>Clay:</b> 232,439	<b>Nassau:</b> \$118 million <b>Duval:</b> \$2.85 billion <b>Clay:</b> \$545 million	\$35 million	4 (2023)	Dashboard	<a href="https://sao4thdatadashboard.com/">https://sao4thdatadashboard.com/</a>
Cook County (Chicago)	Illinois	Kim Foxx	5.087 million	\$9.26 billion	\$1.441 million	UNK	Dashboard/Open Data	<a href="https://www.cookcountystatesattorney.org/data">https://www.cookcountystatesattorney.org/data</a>
Orleans Parish	Louisiana	Jason	364,136	\$1.566	\$9 million	7	Dashboard	<a href="https://orleansda.com/our-work/opda">https://orleansda.com/our-work/opda</a>

		Rogers Williams		billion				<a href="#">-data-dashboards/</a>
Montgomery County	Maryland	John McCarthy	1.058 million	\$7.1 billion	\$25.1 million	UNK	Dashboard/Data Stories	<a href="https://data.samaryland.org/montgomery/">https://data.samaryland.org/montgomery/</a>
Hennepin County (Minneapolis)	Minnesota	Michael O. Freeman	1.259 million	\$2.675 billion	\$78 million	UNK	Dashboard	<a href="https://www.hennepinattorney.org/about/dashboard/data-dashboard">https://www.hennepinattorney.org/about/dashboard/data-dashboard</a>
Borough of Manhattan	New York	Alan Bragg	1.646 million	\$107 billion	\$157 million	UNK	Data Stories/ Dashboard (under construction)	<a href="https://manhattanda.org/data/">https://manhattanda.org/data/</a>
Multnomah County	Oregon	Mike Schmidt	789,698	\$3.6 billion	\$50.3 million	5	Dashboard	<a href="https://www.mcda.us/index.php/data-dashboards">https://www.mcda.us/index.php/data-dashboards</a>
Philadelphia County	Pennsylvania	Larry Krasner	1.551 million	\$6.29 billion	\$50 million	UNK	Dashboard/Data Stories/ Open Data	<a href="https://data.philadao.com/">https://data.philadao.com/</a>
Harris County (Houston)	Texas	Kim Ogg	2.314 million	\$2.739 billion	\$116 million	UNK	Dashboard	<a href="https://app.dao.hctx.net/publicdata/">https://app.dao.hctx.net/publicdata/</a>
Fairfax County	Virginia	Steve Descano	1.142 million	\$5.107 billion	\$9 million	5	Dashboard	<a href="https://www.fairfaxcounty.gov/commonwealthattorney/data-dashboards">https://www.fairfaxcounty.gov/commonwealthattorney/data-dashboards</a>

\*Funds provided by the State of Florida

## 9.2 | Appendix 2

The table below represents the categories of data each office makes public via dashboard, data stories, or an open data source. These categories are notable categories and do not represent the full range of data some of these offices make available. Each office may represent the data made public differently under our categories.

Jurisdiction	State	PPI?	Conviction Integrity Unit?	Number of incidents Disaggregated by Type and Date	Police Shootings	Data Disaggregated By Defendant or Victim Characteristics (e.g. Race/Ethnicity or Gender)	Bond Data (e.g. Cases Filed on Multiple Felony Bonds)	Resolution by Type (Dismissal, Diversion, Sentenced, Plea)
San Francisco	California	No	Yes (2016)	Yes	Yes	Yes	No	Yes
US Attorney's Office for the District of Columbia	District of Columbia	No	Yes (2014)	Yes	No	Yes*	No	Yes*
Office of the Attorney General - District of Columbia	District of Columbia	No	No	Yes	No	Yes	No	Yes
Fourth Judicial Circuit (Clay, Duval, Nassau)	Florida	Yes	No	Yes	No	Yes	No	Yes
Cook County (Chicago)	Illinois	Yes	Yes (2012)	Yes	No	Yes	Yes	Yes
Orleans Parish	Louisiana	Yes	Yes (2021)	Yes	No	Yes	Yes	No
Montgomery County	Maryland	Yes	Yes (Date UNK)	Yes	No	Yes	No	Yes
Hennepin County (Minneapolis)	Minnesota	No	Yes (Statewide)	Yes	No	No	No	Yes

Borough of Manhattan	New York	Yes	Yes (2010)	No (NYPD realise city level data; DA Office dashboard is under construction)	No	no (Only city level data available; dashboard website is under construction)	No	no (dashboard website is under construction)
Multnomah County	Oregon	Yes	Yes (2014)	Yes	No	Yes	No	Yes
Philadelphia County	Pennsylvania	No	Yes (2014)	Yes	No	Yes	Yes	Yes
Harris County (Houston)	Texas	No	Yes (2009)	Yes	No	No	No	Yes
Fairfax County	Virginia	No	No	Yes (by type only)	No	Yes	Yes	Yes

\*Data coming from aggregated National Caseload Database from Department of Justice

## 9.3 | Appendix 3

The table below represents the categories of data each office makes public via dashboard, data stories, or an open data source. These categories are notable categories and do not represent the full range of data some of these offices make available. Each office may represent the data made public differently under our categories.

Jurisdiction	State	PPI?	Conviction Integrity Unit?	Caseload Over Time Period (i.e. monthly, quarterly, annually)	Processing Time (Median Days Arrest to Close)	Prosecutorial Staff Demographics (e.g. Race and Gender)	Notable Unique Data Tracking
San Francisco	California	No	Yes (2016)	Yes	Yes	No	
US Attorney's Office for the District of Columbia	District of Columbia	No	Yes (2014)	Yes	Yes	No	
Office of the Attorney General - District of Columbia	District of Columbia	No	No	Yes	No	No	No
Fourth Judicial Circuit (Clay, Duval, Nassau)	Florida	Yes	No	Yes	Yes	Yes	
Cook County (Chicago)	Illinois	Yes	Yes (2012)	Yes	Yes	No	
Orleans Parish	Louisiana	Yes	Yes (2021)	Yes	No	Yes	
Montgomery County	Maryland	Yes	Yes (Date UNK)	Yes	Yes	Yes	Racial Injustice Data
Hennepin County (Minneapolis)	Minnesota	No	Yes (Statewide)	Yes	No	No	Appeals; Crime Heat Maps
Borough of Manhattan	New York	Yes	Yes (2010)	Yes (city level)	No	No	
Multnomah County	Oregon	Yes	Yes (2014)	Yes	No	Yes	Gun Violence; Bias Crimes; Protest (2020 - 2022) data

Philadelphia County	Pennsylvania	No	Yes (2014)	Yes	Yes	No	Covid-19 Incident Data; Exoneration; and Racial Injustice data
Harris County (Houston)	Texas	No	Yes (2009)	Yes (Data available for download)	Yes (Data available for download)	No	No Probable Cause Data
Fairfax County	Virginia	No	No	Yes	No	No	Red Flag Law Cases

## 9.4 | Appendix 4

### Survey questions ([Link to Survey Form](#))

1. Name
2. Title
3. Department
4. Jurisdiction
5. How long have you held your current position? (Duration in months)

### Caseload & Operations

6. How many cases does your office process on a monthly basis?
7. Does your office update cases at regular stages or intervals - such as during intake, filing, or at disposition? If yes, how often?
8. How long does it take your office to process cases? (Median days from arrest to close)
9. What services and supports does your city provide to perpetrators and victims of crime?

### Staff & Organization

10. How many full-time Staff work in your department?
11. How many full-time data analyst does your department have on staff?
12. How many part-time data analyst does your department have on staff?



### Data Analysis Capacity & Usage

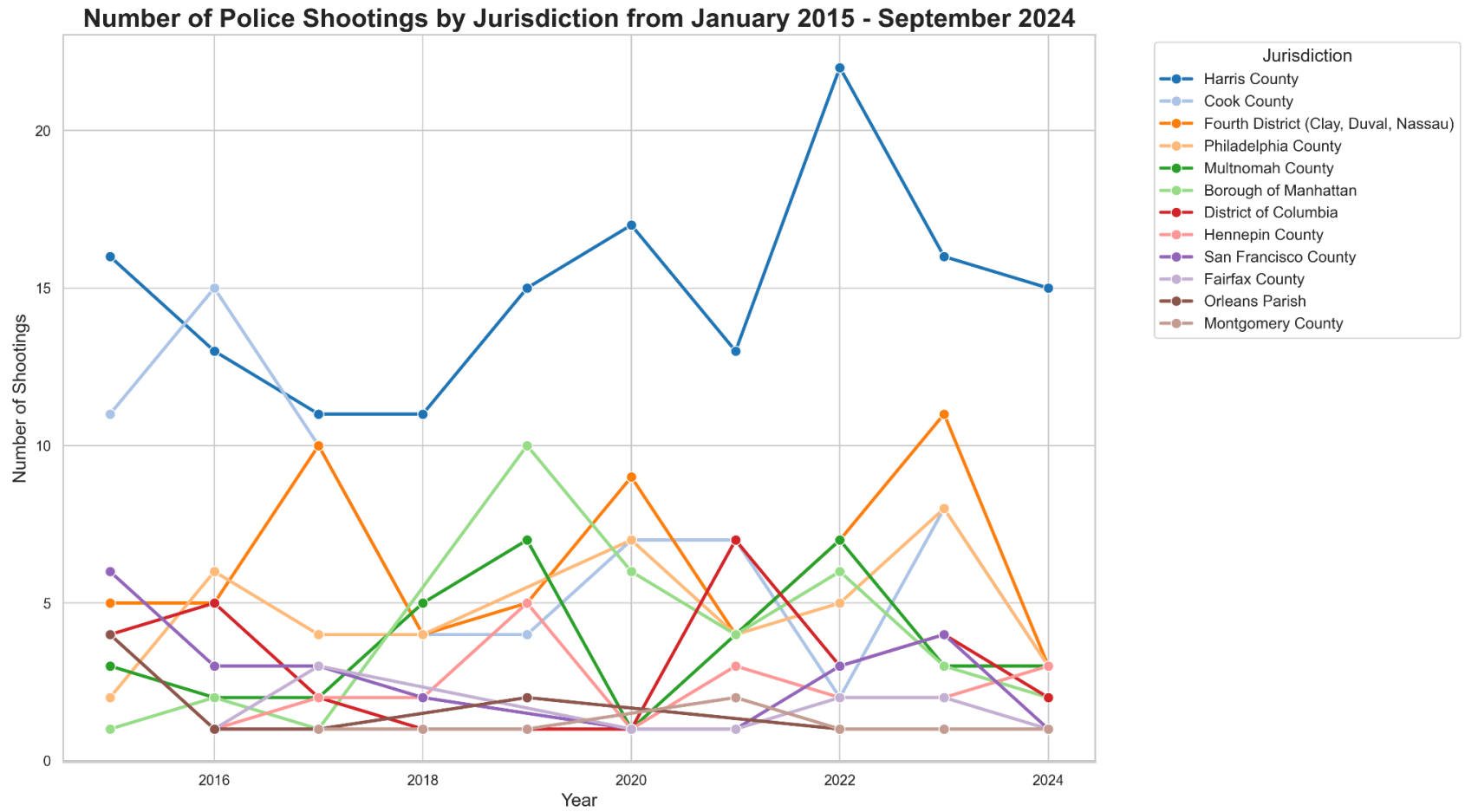
13. What are the outcomes you report out to the public on the office's work, and what is the format of reporting? (e.g. a data dashboard with key outcome indicators on a public website? A section on the website for press releases on outcomes?)
14. How would you describe your DA office's capacity for data analysis in support for prosecutorial decisions?
  - a. Limited: There are no dedicated data analysts or tools for performing data analysis and decisions are not informed by data practices
  - b. Basic: At least one staffer in the office is able to provide reports and statistical analyses to inform office policies. There may be dedicated data tools such as Stata, R, SPSS, or Python. Prosecutorial decisions do not always take this data into account.
  - c. Moderate: There is a dedicated data analyst or team of data analysts responsible for performing data analysis who has/have access to tools such as Stata, R, SPSS, Python and these findings are used to drive policy.
  - d. Comprehensive: There is a dedicated team of data analysts who use advanced tools and techniques such as predictive analytics and comprehensive - There are no dedicated data analysts or tools performing data analysis and decisions are not informed by data practices
15. In what areas does your DA office currently use data analysis? (Select all that apply)
  - a. Case outcome tracking
  - b. Sentencing recommendations
  - c. Identifying trends in criminal activity
  - d. Resource allocation and staffing
  - e. Predictive policing or crime prevention
  - f. Other (please specify)
16. If you selected other, please submit your response here:

## 9.5 | Table 1

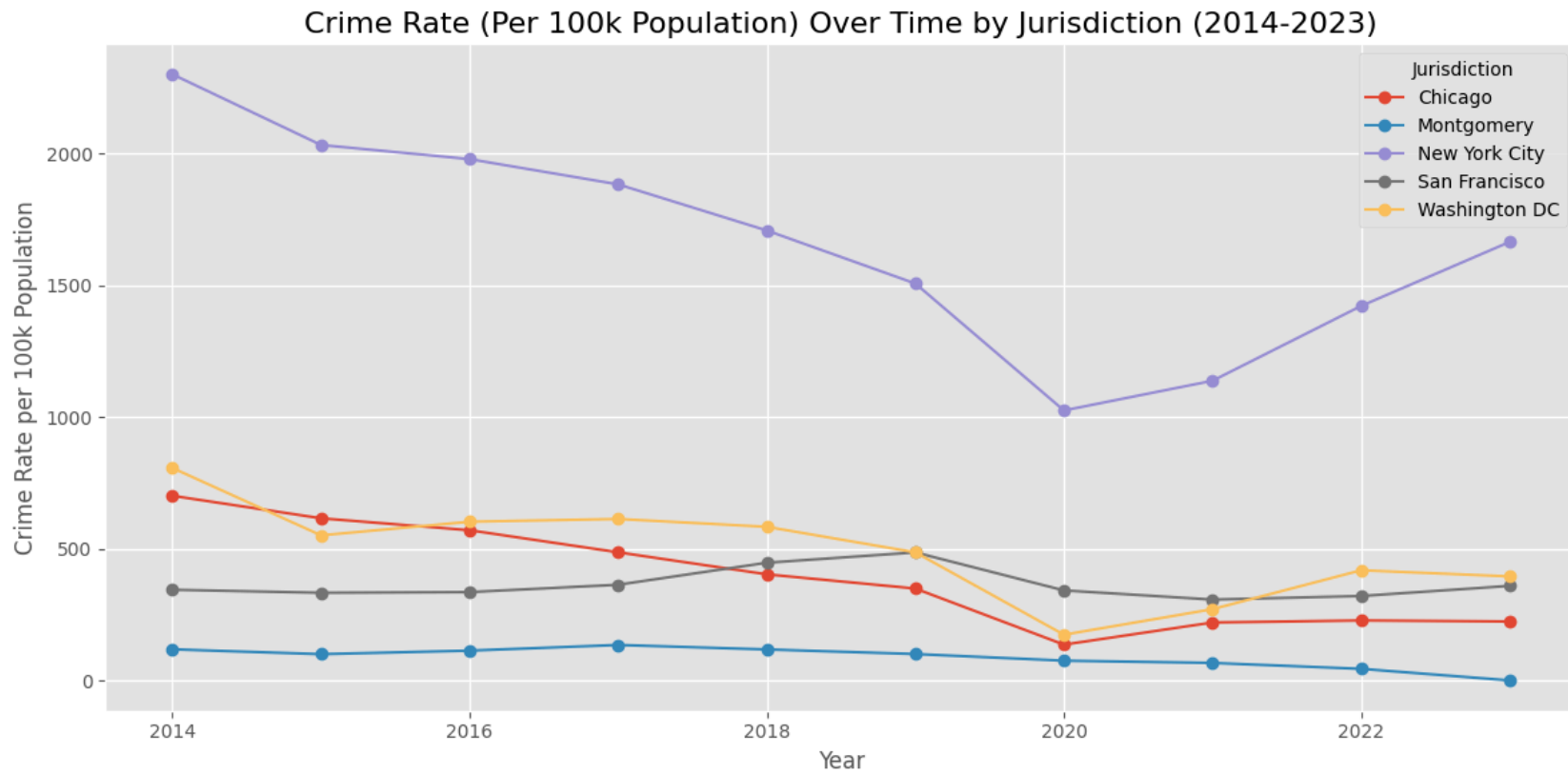
Selection of Jurisdictions (Alphabetical by State)			
Jurisdiction	State	Jurisdiction	State
Maricopa County*	Arizona	Borough of Manhattan	New York
San Francisco	California	Multnomah County	Oregon
Fourth Judicial Circuit	Florida	Philadelphia County	Pennsylvania
Cook County	Illinois	Harris County	Texas
Orleans Parish	Louisiana	Fairfax County	Virginia
Montgomery County	Maryland	Office of Attorney General	D.C.
Hennepin County	Minnesota	U.S. Attorney's Office	D.C.

\* After Maricopa County declined an interview with our team, we substituted it for Hennepin and Multnomah Counties in our analysis.

## 9.6 | Figure 1



## 9.7 | Figure 2



## 9.8 | Table 2

