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## **WHITE MEN DOMINATE ELECTED PROSECUTOR SEATS NATIONWIDE; 60% OF STATES HAVE NO ELECTED BLACK PROSECUTORS**

***As National Dialogue on Bias in the Criminal Justice System Intensifies, New Research Shows that Nationwide 95% of Elected Prosecutors Are White and 79% Are White Men***

**San Francisco, CA – July 7, 2015**—A groundbreaking analysis by the Women Donors Network’s Reflective Democracy Campaign entitled *Justice for All\*?* shows that 95% of elected prosecutors in the U.S. are white and 79% are white men, revealing a stark imbalance between those with enormous power in the criminal justice system and the people they are elected to represent.

“Americans are taking a new look at the relationship between race, gender, and criminal justice—in the failures to indict police officers from Ferguson to Staten Island, the rogue prosecutions of women who terminated their pregnancies from Indiana to Idaho, and in the epidemic of mass incarceration,” said Donna Hall, President and CEO of the Women Donors Network. “Elected prosecutors have an enormous influence on the pursuit of justice in America, yet 79% of them are white men whose life experiences do not reflect those of most Americans.”

Prosecutors decide whether to pursue a criminal case or not, whether a crime will be charged as a misdemeanor or a felony, and even whether prison time is served and how long. In the U.S., positions responsible for criminal prosecution range from County District Attorneys to State Attorneys General. The *Justice for All\*?* research counted 2,437 elected prosecutors holding office in the summer of 2014, matching race and gender to those individuals using voter file records, review of publicly-accessible resources, and direct inquiry to officials.

In many instances, prosecutors face election in “down-ballot” races that take place in off-year elections when voter turnout is at its lowest. The result is that these powerful positions are not subject to a rigorous and democratic system of checks and balances.

In fact, according to a recent study by Ronald Wright, a professor at Wake Forest University School of Law, 85% of all incumbent prosecutors run unopposed.<sup>1</sup>

“The tremendous power and discretion in the hands of prosecutors, combined with the concentration of those positions among one demographic group, virtually guarantees inequality in our criminal justice system,” said Brenda Choresi Carter, Director of the Reflective Democracy Campaign. “In the context of such skewed numbers, when a

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<sup>1</sup> <http://moritzlaw.osu.edu/students/groups/osjcl/files/2012/05/Wright-FinalPDF.pdf>

white male prosecutor fails to secure an indictment in Ferguson and another sends a woman of color in Indiana to prison for 20 years for feticide, we have to ask serious questions about systemic bias.<sup>2</sup>

The *Justice for All\*?* research was released at <http://WhoLeads.Us/Justice>, in conjunction with a conference call with national organizations whose advocacy work is connected to the role of elected prosecutors, including:

- **Bryan Stevenson**, Executive Director of the Equal Justice Initiative, which provides legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the legal system and advocates for criminal justice reform.
- **Lynn Paltrow**, Executive Director of National Advocates for Pregnant Women, which works to secure the human rights of pregnant and parenting women, particularly low-income women and women of color most vulnerable to state control and punishment.

In addition to open access to the full database of 2,437 prosecutors, the <http://WhoLeads.Us/Justice> site includes infographics and additional background information to engage the public and the advocacy community on this crucial issue.

Other key findings of *Justice for All\*?* include:

- 3/5 of states, including Illinois, have no elected Black prosecutors.
- In 15 states, all elected prosecutors are white.
- Outside of Virginia and Mississippi, only 1% of elected prosecutors are Black.<sup>3</sup>
- Latinos are 17% of the population, and only 1.7% of elected prosecutors.
- Only in New Mexico are white men less than 50% of elected prosecutors
- There is only one state (Maine) where the percentage of women prosecutors matches their percentage of the population (50%).

*Justice for All\*?* builds on the Reflective Democracy Campaign's groundbreaking research released in October 2014 revealing the race and gender of 42,000 elected office holders in the U.S., from the President down to the county level (available at <http://WhoLeads.Us>).

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**Women Donors Network** is a community of progressive women philanthropists who contribute to a more just and fair world through collaborative learning and action. Learn more at [womendonors.org](http://womendonors.org).

The Reflective Democracy Campaign works to increase the power of women and people of color in American public life through ground-breaking research, catalytic grantmaking, and strategic communications. Learn more about WDN's Reflective Democracy Campaign at [WhoLeads.Us](http://WhoLeads.Us).

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<sup>2</sup> The St. Joseph County judge sentenced Purvi Patel to 41 years for the crimes of feticide and neglect of a dependent (Patel will serve 20 of the 41 years in prison).

<sup>3</sup> Mississippi and Virginia have the highest concentration of African American prosecutors, together accounting for more than half (33) of the 61 black prosecutors nationwide.



The Reflective Democracy Campaign, an initiative of the Women Donors Network (WDN), works to increase the power of women and people of color in American public life through groundbreaking research, engaging communications, and catalytic grantmaking. The campaign raises awareness of the racial and gender imbalance of our political system, demonstrates the policy impact of that imbalance, and seeks to address the structural barriers that prevent us from achieving a reflective democracy.

## RESEARCH

*Justice for All\*? shows that white Americans hold 95% of elected prosecutor positions.*

Building on our previous research that tracked the race and gender of 42,000 elected officials from the federal level to the county level, in our new Justice For All\*? project we looked at the 2,437 elected prosecutors across the nation as of the summer of 2014. We found that:

	Female	Male	Total
Prosecutors of Color	1%	4%	5%
White Prosecutors	16%	79%	95%
<b>Total</b>	<b>17%</b>	<b>83%</b>	<b>100%</b>

## METHODOLOGY

The number of jurisdictions that elect prosecutors varies greatly by state, but across all 50 states the median number of elected prosecutors per state is 42.<sup>1</sup> While some states also have a number of prosecutors who are appointed, we focused entirely on the positions that are elected directly and are therefore presumed to be accountable to the people they represent. In addition to reviewing voter files and other publicly accessible information, our researchers conducted direct outreach to officials to ensure the accuracy of their findings.<sup>2</sup>

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<sup>1</sup> Kentucky has 161 prosecutors; Rhode Island and Connecticut have one. Alaska and New Jersey have no elected prosecutors. We did not include New Hampshire and Hawaii due to the limited role of their elected prosecutors.

<sup>2</sup> We were able to match race and gender to 94% of the overall dataset with a match rate consistent across states.

## THE DEEPER DIVE

Beyond the core findings, a deeper analysis of the research reveals these significant findings:

- 3/5 of states, including Illinois, have no elected Black prosecutors.
- In 15 states, all elected prosecutors are white, including Washington with 39 elected prosecutors and Tennessee with 31. All but one of Missouri's 113 prosecutors are white.
- Outside of Virginia and Mississippi, only 1% of elected prosecutors are Black.<sup>3</sup>
- Latinos are 17% of the population, and only 1.7% of elected prosecutors.
- White men make up less than 50% of elected prosecutors in only one state (New Mexico).
- There is only one state (Maine) where the percentage of women prosecutors matches their percentage of the population (50%).

## THE UNCHECKED POWER OF PROSECUTORS

In the May 11, 2015 issue of *The New Yorker*, Jeffrey Toobin explained in clear terms the power that prosecutors hold in our criminal justice system:

*... in the U.S. legal system prosecutors may wield even more power than cops. Prosecutors decide whether to bring a case or drop charges against a defendant; charge a misdemeanor or a felony; demand a prison sentence or accept probation. Most cases are resolved through plea bargains, where prosecutors, not judges, negotiate whether and for how long a defendant goes to prison. And prosecutors make these judgments almost entirely outside public scrutiny.<sup>4</sup>*

Contributing to this unchecked power is the fact that 85% of elected prosecutors run unopposed, in down-ballot elections with minimal public attention and scrutiny.<sup>5</sup>

## REPRESENTATION MATTERS

White men make up 31% of the population, yet they control 79% of elected prosecutor positions. The current overrepresentation of white people, and white men in particular, among elected prosecutors, is a structural flaw in a criminal justice system that has:

- Failed to indict or convict police officers for the killing of unarmed Black men and women from Ferguson to Staten Island to Cleveland.
- Failed to secure murder convictions for the killing of unarmed Black men and women from Oakland to Orlando.

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<sup>3</sup> Mississippi and Virginia have the highest concentration of Black prosecutors, together accounting for more than half (33) of the 61 Black prosecutors nationwide.

<sup>4</sup> <http://www.newyorker.com/magazine/2015/05/11/the-milwaukee-experiment>

<sup>5</sup> <http://moritzlaw.osu.edu/students/groups/osjcl/files/2012/05/Wright-FinalPDF.pdf>

- Allowed rogue prosecutions of women who terminated their pregnancies from Indiana to Idaho.<sup>6</sup>
- Perpetuated racial discrepancies in the prosecution of nonviolent drug-related offenses, contributing to an epidemic of mass incarceration.<sup>7</sup>

### **WDN'S REFLECTIVE DEMOCRACY CAMPAIGN**

In October 2014 the Women Donors Network commissioned research revealing the race and gender of 42,000 elected office holders in the U.S. from the President down to the county level (available at WhoLeads.Us). Using that data set, we created the National Representation Index, an interactive tool that ranks each state, based on the degree to which elected leaders reflect the state's demographics. We also conducted a national opinion survey that showed that a bipartisan majority of the electorate supports measures to bring more women and people of color into political leadership.

Last month WDN announced funding for an initial group of Reflective Democracy Innovators, six projects that are addressing the structural barriers that perpetuate the unbalanced representation of our political system.

At WhoLeads.Us/Justice the campaign presents an array of resources, including infographics and open-source access to the full elected prosecutor data set.

### **FOR MORE INFORMATION**

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<sup>6</sup> [http://advocatesforpregnantwomen.org/blog/2015/05/press\\_release\\_federal\\_appeals.php](http://advocatesforpregnantwomen.org/blog/2015/05/press_release_federal_appeals.php)

<sup>7</sup> <http://www.prisonpolicy.org/profiles/>