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Race, Ethnicity and Prosecution in Clay, Duval and Nassau Counties, Florida

MacArthur Foundation

Advancing Prosecutorial Effectiveness and Fairness Report Series

August 2019

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Introduction

What The Project Is About

This project is a groundbreaking partnership between prosecutors and researchers to promote more effective, just, and transparent decision making in prosecution. It is a bipartisan effort to be smart on crime, to think about new ways to maximize public safety, to enhance fairness, and to create a new system of accountability to the public. It involves four forward-thinking prosecutors in Chicago, Jacksonville, Milwaukee, and Tampa working with researchers at Florida International University and Loyola University Chicago to take a new look at prosecutorial performance and decision making. This partnership is supported by the **John D. and Catherine T. MacArthur Foundation**.

Improving prosecutorial performance and decision making is impossible without data. Data takes center stage in the project, because it tells prosecutors what problems are the biggest threats to community well-being, and it points to ways to tackle those problems. Data helps measure the overall impact of prosecutors' work, and it alerts them that a policy or practice needs to be continued or changed. Unfortunately, most prosecutors' offices lack the ability to collect, analyze, and apply data to these ends. Many offices do not record the data they need. Others are missing the staff and knowledge necessary to analyze their data. Still other offices—probably most—do not have the ability and commitment to use data to guide their decisions and reforms. This project focuses on helping our partner offices and other interested jurisdictions overcome these hurdles.

The project has four distinct objectives:

1. To expand offices' data and analytical capacity by assessing case management systems, making better use of existing data, and exploring options for capturing new information without creating additional burdens for prosecutors.

2. To assist prosecutors with tracking their progress toward greater efficiency, effectiveness, and fairness using prosecutorial performance indicators at the office and unit levels (as opposed to the individual prosecutor level).

3. To identify possible racial and ethnic disparities at various stages of case processing across offense categories, and to work with stakeholders to develop specific solutions to reduce them.

4. To establish a practice of using data to measure monthly or quarterly performance and engage with the communities.

While the project targets performance in our four partner jurisdictions, it also aims to use the knowledge generated from this experiment to advance the field of prosecution nationally. There are more than 2,300 local prosecutors' offices in the United States, but very few organizations specialize in prosecutorial research and technical assistance. Realistically, most prosecutors' offices will not receive any direct meaningful assistance. By building sustainable data collection, performance measurement, and communication practices for the four offices, this project provides a set of blueprints that offices across the country can use to make their own internal improvements. We realize there is no one-size-fits-all approach to prosecutorial office management that will meet every office's needs. Writing a prescription for a patient we have not examined is hard. However, the project provides a model that other offices can use to start thinking about forming local partnerships, improving data capacity, and producing metrics for assessing their own impact.

The backdrop for this project is the *Safety & Justice Challenge*, the MacArthur Foundation initiative to reduce jail misuse and overuse as both a crucial component and a major driver of America's over-reliance on incarceration. Unnecessary jail incarceration carries significant costs to individuals, families, communities, and society at large. These costs take their greatest toll on low-income people and communities of color. The *Safety & Justice Challenge* supports local leaders who are dedicated to safely reducing jail populations, improving justice systems, and ultimately strengthening their communities.

What The Report Is About

The fair and just treatment of racial and ethnic minorities at all stages of the criminal justice system is of significant importance to communities of color, practitioners, and scholars alike. Central to this discourse is a recognition of the discretionary power that prosecutors wield in shaping the outcomes of criminal cases. This includes, among other things, the decision to file or drop a case, amend the severity and number of charges, and dispose of criminal cases through plea bargaining.

This report focuses on the outcomes of prosecutorial decision making in Clay, Duval, and Nassau Counties, Florida. Specifically, it assesses the extent to which racial and ethnic disparities exist across the following five decision points in criminal case processing: (1) Case filing; (2) Charge changes from arrest to filing; (3) Disposition type; (4) Charge changes from filing to disposition; and (5) Sentencing.

We encourage the reader to interpret the results while recognizing that criminal case processing can trigger disparate outcomes for racial and ethnic minorities for a number of different reasons. Some of these reasons, such as defense attorney role and judicial discretion, are beyond the immediate control of prosecutors. At the same time, our partners are keenly aware that prosecutors can and should play a vital role in uncovering and addressing racial and ethnic disparities in the criminal justice system, and this report stems from that recognition.

The intent of this report is to prompt discussion and raise questions, rather than provide definitive answers. We also want to stress that the findings presented throughout this report cannot be used to support or refute possible racial and ethnic biases. Our methodology simply does not permit that. Rather than serving as an end point, we view this report as a starting point from which to engage in meaningful discussions concerning policies and procedures that can ameliorate racial and ethnic disparities in case outcomes. Furthermore, given that prosecutorial decision making does not operate in a vacuum, certain findings direct attention to ways state attorney's offices, the defense bar, law enforcement agencies, and the judiciary can galvanize future reform efforts. Even more importantly, continued efforts to engage with minority communities will be critical for increasing public trust in and cooperation with the criminal justice system.

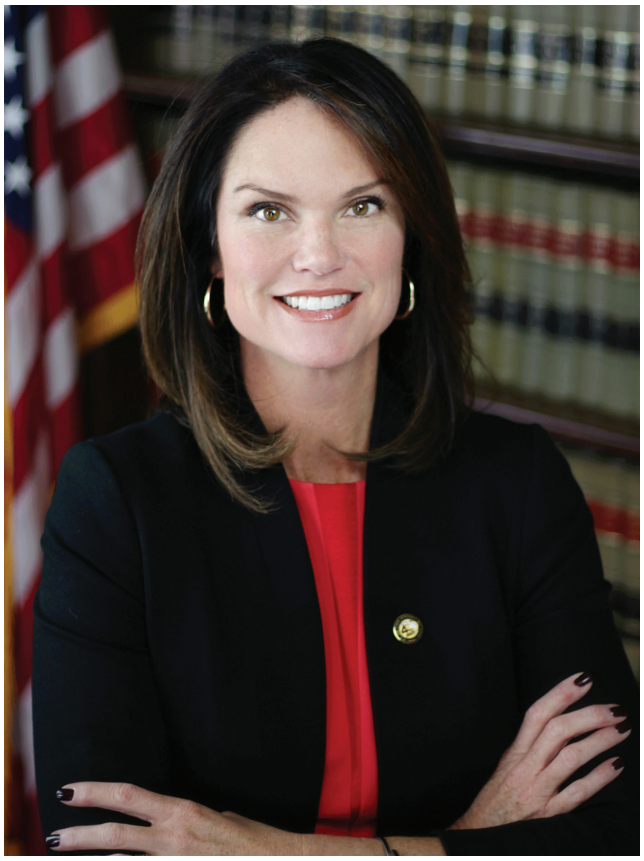
This report is part of a series of publications resulting from this partnership. The first report, *Prosecutorial Attitudes, Perspectives, and Priorities: Insights from the Inside,* was released in December, 2018. The second report, *Race, Ethnicity and Prosecution in Hillsborough County, Florida*, was released in July, 2019. The final report in the series, focused on prosecutorial performance indicators, will be released near the end of 2019.

We also welcome your questions. Our contact information is provided on the back cover.

Foreword from Melissa Nelson

State Attorney

The Office of the State Attorney
for the 4th Judicial Circuit
Jacksonville, FL



A Vision for Greater Impartiality and Fairness

We cannot achieve the important goal of improving public safety without an unwavering commitment to fairness and impartiality. Researchers and prosecutors agree that public trust and confidence in the justice system is a necessity for crime reporting and witness cooperation. When a crime goes unreported, the offender avoids accountability, and victims are deprived of the help they need. When the government loses a case because a key witness refuses to cooperate, the offender escapes punishment, the deterrence function of the criminal justice system is undermined, and society is less just and less safe as a result. Beyond the pragmatic goal of public safety, though, we know that treating all people equally–with dignity and respect–is the right thing to do. This sentiment is widely shared across our office. Clearly our decisions should be free from intentional biases, but if we are truly committed to treating people equally, we must work hard to uncover and remove unconscious biases from our decision-making process too. We should all do our part to understand and reduce inequity of any kind.

Soon after I took office in 2017, we engaged with Florida International University's research team, which specializes in prosecutorial decision-making and racial justice. We gave the researchers full access to all available data and personnel in our office, because we wanted and needed a fully independent assessment of the office's actual practices and data, not just the latest unsubstantiated anecdotal assessments, which too often drive policy.

This report is a helpful conversation starter. We need to keep thinking about when, where and how race may play a role in the decisions we make. I am thankful to my team for their commitment to this important pursuit, to the researchers at Florida International University for producing this report, and to the John D. and Catherine T. MacArthur Foundation for its support of this work.

What We Learned

Based on statistical analysis of data for 88,559 cases handled by our office in Clay, Duval, and Nassau Counties in 2017 and 2018, the researchers found that, overall, the influence of race or ethnicity was minimal. Race was not an influential factor for the prosecutorial filing decision or the decision to reduce charges.

Some areas worth noting follow:

The data shows that from 2017 to 2018, many of the differences by race and ethnicity shrank across the decision point spectrum.

- We learned that black defendants were more likely to have their cases dismissed at the initial filing stage, and the case dismissal rate was particularly high among felony offenses. The prosecutorial dismissal (nolle prosequi) rate was also higher for black defendants, particularly for felony person and property offenses where witness cooperation is often a key to securing conviction.

- We learned that black defendants were generally least likely to receive pre-filing as well as post-filing diversion.

The difference was largest for drug offenses, and especially for drug possession cases. Variation in offense severity and prior record, which are diversion eligibility criteria, did not explain these differences. Unfortunately, our data does not permit accounting for an individual's decision to decline an offer of diversion, which might at least partially explain this difference. However, this area is one we can examine further, to determine the circumstances that may give rise to these dissimilarities.

- We learned that white defendants were more likely to receive custodial sentences for felony person and property offenses, and black defendants were more likely to receive custodial sentences for felony drug cases. Given that felony drug cases are typically disposed of through guilty pleas, our office has the ability to analyze this difference and hopefully reduce this gap.

- We learned that for drug cases, Hispanic defendants were most likely to receive a charge reduction from the original arrest charge to the actual charge filed; they were also most likely to have their cases dismissed by a prosecutor post-filing.

What We Can Do

There are many takeaways from this groundbreaking work, and we will continue to learn from these findings. While no finding is insignificant to my office—or me—we want to prioritize several areas where we believe we can start moving the needle toward greater fairness and impartiality.

Reevaluate Diversion Offers and Expand Access to Diversion Programs

Our first line of inquiry will be with diversion programs. Experience tells us that diversion of low-level offenders often can be the difference between a life of crime and a life as a productive citizen. For nonviolent offenses, diversion has become a viable alternative to traditional criminal case processing. These programs help prosecutors prioritize those cases where public safety is truly at stake. They also help individuals in a number of ways: keeping them out of the criminal justice system, preventing a conviction record, providing access to counselling, and, perhaps most important, allowing them to maintain employment and pay restitution to victims, while also saving tax dollars used to fund our criminal justice efforts.

We are committed to ensuring that diversion is offered and made accessible to all eligible defendants. We need to understand why some defendants reject offers of diversion programs and determine if there are opportunities for increasing acceptance rates. We can also improve the ways we document our offers of diversion, acceptance, and completion rates.

Identify Unprosecutable Cases as Early as Possible

Another area of immediate focus concerns the relationship between the cases we receive for filing and the cases that are not filed or dismissed at a later stage. Having a case dismissed may seem like a desirable outcome for defendants on the surface, but a closer look at the issue may provide a different perspective. It is important that we screen cases even more thoroughly, to eliminate unprosecutable cases at the filing stage. Dismissing cases at later stages does not improve public safety, the community's confidence in the justice system, or crime prevention. Late dismissals are especially problematic for individuals who end up in pretrial detention, which damages their employment prospects and family ties.

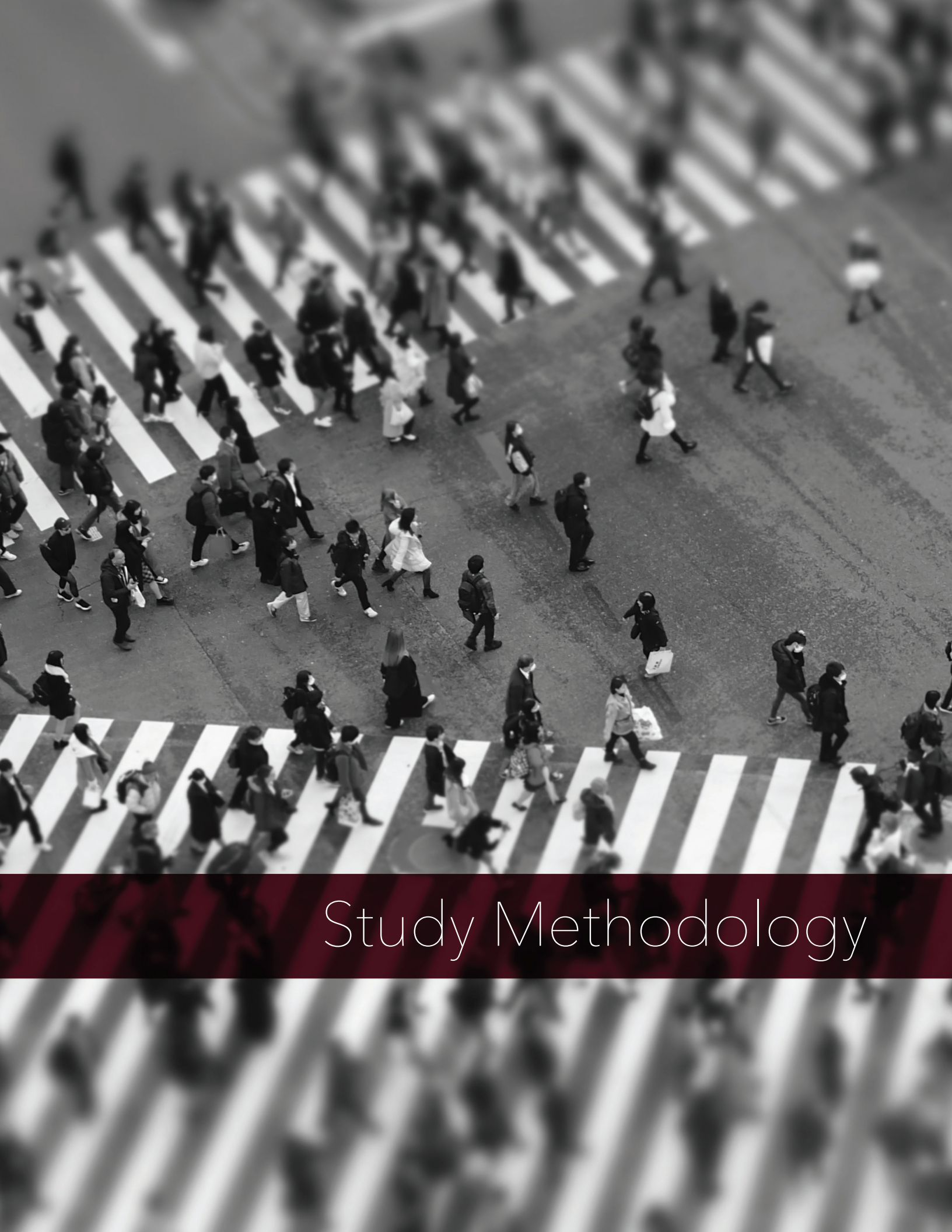
Foster Community Trust

Building trust in the justice system is no easy task. While accurate and appropriate decision making facilitates trust, community prosecution strategies and working with diverse community stakeholders can also help us get there. Coupled with other innovative strategies, such as the work of our Conviction Integrity Unit and the increasing diversity of our office, these efforts can lead to significant improvements in crime reporting, witness cooperation, and public trust in our work.

Record Plea Offers and Ensure Their Equitable Application

Plea offers and plea bargaining present additional opportunity for reform. Currently, we do not systematically record our plea offers. With better recording practices, we can continue to monitor our data for differences in plea offers. We will work toward building our data infrastructure to capture offers conveyed by our office to defense counsel. We will also train managers at all levels to become intelligent consumers of data. Lastly, in early 2020, we will begin using office-wide Prosecutorial Performance Indicators to track progress over time, to include issues of race.

We realize all of these ventures will be a significant undertaking. But this office is committed to promoting fairness and impartiality in our criminal justice system. I look forward to working with my team, with law enforcement and other local government agencies, and with our community partners to examine these findings and improve the safety and well-being of all residents in our jurisdiction.



Study Methodology

Data

Data for this report came from the Clay, Duval, and Nassau Counties' State Attorney's Office's (SAO) case management system. The dataset includes over 85,000 felonies and misdemeanors disposed of by the SAO in 2017 and 2018.

Race and Ethnicity

While the SAO's case management system lists defendants' race as recorded by law enforcement, Hispanic ethnicity was not reported in the dataset. Therefore, we used a separate method to identify Hispanic defendants. Defendants were designated as "Hispanic" if their surnames matched the U.S. Census Bureau's Hispanic Surname List, meaning that at least 75% of individuals in the United States with that surname self-identify as Hispanic. Though it is important to examine case processing outcomes for Asian and Native American defendants, there were not enough cases to conduct robust disparity analyses for these groups. Appendix B, however, includes basic descriptive information for the cases involving Asian and Native American defendants.

Defining a Case

This report offers a case-level as opposed to charge-level analysis, which means that many cases in the dataset have multiple charges and/or counts. The information on multiple charges and counts is captured and accounted for when appropriate. Also, some defendants had more than one case disposed of within the 24-month period analyzed.

Decision Points

This report presents results for the following five decisions points: (1) Case filing; (2) Charge changes from arrest to filing; (3) Disposition type; (4) Charge changes from filing to disposition; and (5) Sentencing. A description of each decision point is provided at the beginning of each section.

Accounting for Legal and Non-Legal Factors

The results account for differences in case, defendant, defense attorney, and prosecutor characteristics among racial groups. However, the results do not take into account case evidence, pretrial detention, diversion eligibility, plea bargaining details, and defendants' socioeconomic characteristics.

Offense Categories

Results are provided for all offenses together, and then broken down into person, property, and drug offenses separately. Public order and traffic offenses, which are the largest but most diverse category, are not analyzed as their own offense type. Given the increased interest in the processing of drug, particularly marijuana, possession cases, results for these cases are also described for each decision point. Excluded from this analysis are "driving under the influence" cases and cases flagged by the SAO as "domestic violence," because these two types of cases tend to have unique trends which would have unduly influenced the overall results.

Presentation of Results

Bar graphs

Figures 1-5

Graphs show simple percentages for each decision outcome that do not take into account racial differences in case, defendant, defense attorney, and prosecutor characteristics. Percentages are provided for all defendants, then for White, Black, and Hispanic defendants separately.

Tables

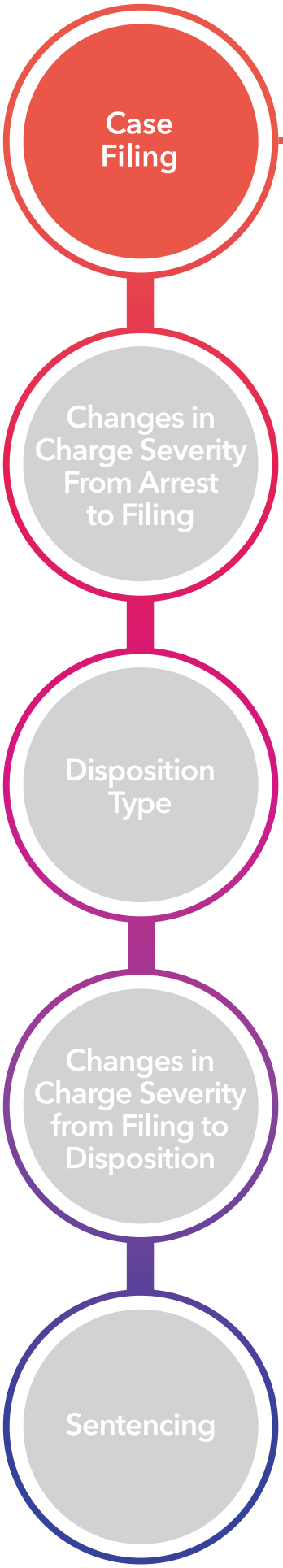
Tables 1-5, 1a-5a & 1b-5b

Tables display expected rates per 1,000 cases for White, Black and Hispanic defendants of each decision outcome after accounting for case, defendant, defense attorney, and prosecutor characteristics. The rates are predicted probabilities calculated following multinomial logistic regressions. Tables 1-5 present rates for felonies and misdemeanors combined, while Tables 1a-5a present rates for felonies only and Tables 1b-5b present rates for misdemeanors only.

Dashboards

Appendix A

Dashboards provide a visual overview of racial and ethnic disparities for all five decision points included in this report, broken down by offense type. These dashboards also display changes in disparities between 2017 and 2018. Please see page 36 for detailed information about how to interpret these charts.



1

When a criminal case is referred for prosecution to the SAO by the police or a citizen, a filing prosecutor reviews the available evidence and decides whether to accept the case and bring charges against the defendant ("file"), to divert the case to one of several intervention programs prior to filing ("pre-filing diversion"), or to decline to prosecute ("not file"). Not all defendants are eligible for pre-filing diversion programming, and diversion requires consent from the defendant and victim.

Figure 1: Simple Percentage of Case Filing Outcomes by Defendant Race

These bar graphs represent simple percentages of case filing outcomes for all defendants together, followed by White, Black, and Hispanic defendants separately. The graphs do not take into account racial differences in case, defendant, and defense attorney characteristics.

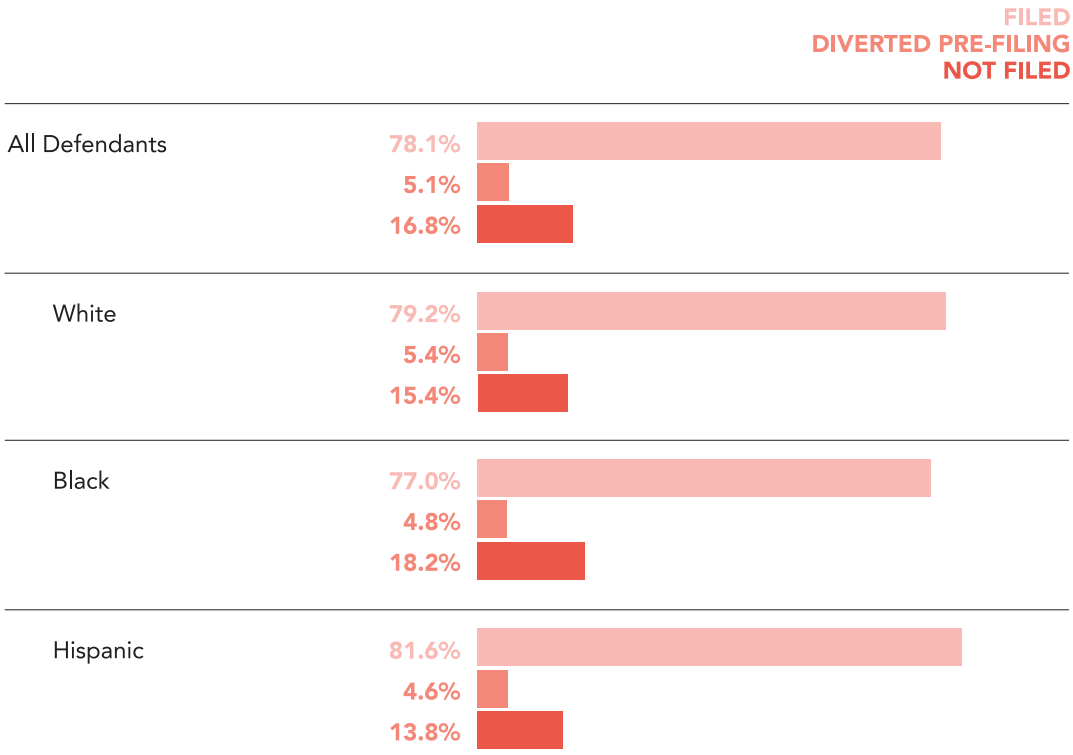


Table 1: Likelihood of Case Filing by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) charge counts, (4) whether the case originated with an arrest, (5) prior convictions, (6) prior prison sentences, (7) prior bench warrants, (8) criminal history designations such as habitual offender, (9) year of disposition, (10) defendant gender, and (11) defendant age. Results for person offenses also take into account (12) number of victims, (13) victim race, (14) victim gender, (15) victim age, and (16) whether a business or government agency was involved as a victim. Results for drug offenses also take into account (17) drug type, (18) whether the offense involved possession or sale/trafficking/manufacturing, and (19) the presence of drug paraphernalia. Please see the text provided after this table for additional description of these rates.

	All Cases Brought for Filing	Person Offenses	Property Offenses	Drug Offenses
CHARGES FILED				
White	795 out of 1,000 cases	710	**790**	**795**
Black	772 out of 1,000 cases	687	751	786
Hispanic	**824** out of 1,000 cases	**725**	778	758
PRE-FILING DIVERSION				
White	**51** out of 1,000 cases	**60**	81	92
Black	41 out of 1,000 cases	49	68	64
Hispanic	42 out of 1,000 cases	45	**85**	**97**
NO CHARGES FILED				
White	154 out of 1,000 cases	230	129	113
Black	**187** out of 1,000 cases	**264**	**181**	**150**
Hispanic	134 out of 1,000 cases	230	136	144
Number of Cases	85,344	8,010	17,989	14,571

Most influential factors

Filing: Race/ethnicity was not an influential factor for this decision. Charges were more likely to be filed when:

- the defendant was older
- the case involved more arrest charges
- the case originated with a non-traffic arrest
- the top arrest charge was a misdemeanor (especially a 2nd degree misdemeanor)

Pre-Filing Diversion: Race/ethnicity was not an influential factor for this decision. Cases were more likely to be diverted when:

- the defendant was younger
- the defendant had fewer prior convictions
- the top arrest charge was a drug offense
- the case did not originate with a non-traffic arrest
- the defendant had fewer prior incarceration sentences.

For **all cases**, Hispanics were most likely to have their cases filed and Whites were most likely to receive pre-filing diversion, after accounting for legal and extralegal characteristics.

- Among similarly situated defendants, Hispanics were most likely to have their cases filed (824 out of 1,000 cases), followed by Whites (795 out of 1,000 cases) and Blacks (772 out of 1,000 cases). Whites were most likely to receive pre-filing diversion (51 out of 1,000 cases), followed by Hispanics (42 out of 1,000 cases), and then Blacks (41 out of 1,000 cases).

For **person** offenses, Hispanics were most likely to have their cases filed and Whites were most likely to receive pre-filing diversion, after accounting for legal and extralegal characteristics.

- Among similarly situated defendants, Hispanics were most likely to have their cases filed (725 out of 1,000 cases), followed by Whites (710 out of 1,000 cases) and Blacks (687 out of 1,000 cases). Whites were most likely to receive pre-filing diversion (60 out of 1,000 cases), followed by Blacks (49 out of 1,000 cases), and then Hispanics (45 out of 1,000 cases).

For **property** offenses, Whites were most likely to have their cases filed and Hispanics were most likely to receive pre-filing diversion, after accounting for legal and extralegal characteristics.

- Among similarly situated defendants, Whites were most likely to have their cases filed (790 out of 1,000 cases), followed by Hispanics (778 out of 1,000 cases) and Blacks (751 out of 1,000 cases). Hispanics were most likely to receive pre-filing diversion (85 out of 1,000 cases), followed by Whites (81 out of 1,000 cases), and then Blacks (68 out of 1,000 cases).

For **drug** offenses, Whites were most likely to have their cases filed and Hispanics were most likely to receive pre-filing diversion, after accounting for legal and extralegal characteristics.

- Among similarly situated defendants, Whites were most likely to have their cases filed (795 out of 1,000 cases), followed by Blacks (786 out of 1,000 cases) and Hispanics (758 out of 1,000 cases). Hispanics were most likely to receive pre-filing diversion (97 out of 1,000 cases), followed by Whites (92 out of 1,000 cases), and then Blacks (64 out of 1,000 cases).

- All drug possession cases (10,394 cases): Blacks were most likely to have their cases filed (772 out of 1,000 cases), followed by Whites (765 out of 1,000 cases) and then Hispanics (738 out of 1,000 cases). Hispanics were most likely to receive pre-filing diversion (123 out of 1,000 cases), followed by Whites (116 out of 1,000 cases) and then Blacks (82 out of 1,000 cases).

    - Marijuana possession cases (5,540 cases): Consistent with the pattern for all drug possession cases, Blacks were most likely to have their cases filed (789 out of 1,000 cases), followed by Whites (775 out of 1,000 cases) and then Hispanics (736 out of 1,000 cases). Hispanics were most likely to receive pre-filing diversion (170 out of 1,000 cases), followed by Whites (152 out of 1,000 cases) and then Blacks (118 out of 1,000 cases).

Table 1a: Felony Likelihood of Case Filing by Defendant Race

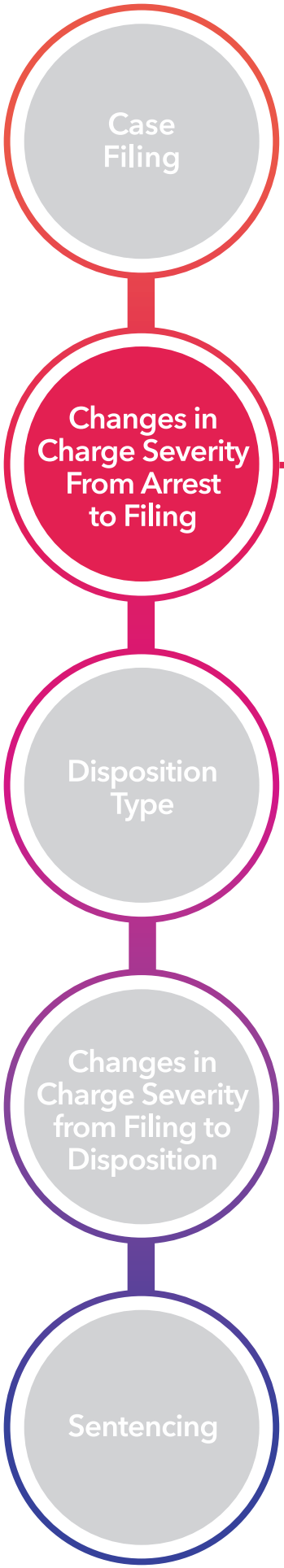
Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 1.

	All Cases Brought for Filing	Person Offenses	Property Offenses	Drug Offenses
CHARGES FILED				
White	**780** out of 1,000 cases	**723**	**751**	**795**
Black	759 out of 1,000 cases	671	738	765
Hispanic	769 out of 1,000 cases	722	741	744
PRE-FILING DIVERSION				
White	**57** out of 1,000 cases	**52**	**87**	**57**
Black	47 out of 1,000 cases	45	76	36
Hispanic	54 out of 1,000 cases	41	86	**57**
NO CHARGES FILED				
White	163 out of 1,000 cases	225	162	148
Black	**194** out of 1,000 cases	**284**	**186**	**200**
Hispanic	177 out of 1,000 cases	237	174	198
Number of Cases	30,261	5,336	9,415	7,862

Table 1b: Misdemeanor Likelihood of Case Filing by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 1.

	All Cases Brought for Filing	Person Offenses	Property Offenses	Drug Offenses
CHARGES FILED				
White	803 out of 1,000 cases	682	**833**	798
Black	779 out of 1,000 cases	724	764	**810**
Hispanic	**845** out of 1,000 cases	**739**	828	774
PRE-FILING DIVERSION				
White	**47** out of 1,000 cases	**72**	74	129
Black	38 out of 1,000 cases	58	60	100
Hispanic	36 out of 1,000 cases	57	**80**	**141**
NO CHARGES FILED				
White	150 out of 1,000 cases	**246**	93	73
Black	**183** out of 1,000 cases	218	**176**	**90**
Hispanic	119 out of 1,000 cases	204	92	85
Number of Cases	55,083	2,674	8,574	6,709



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Changes in Charge Severity From Arrest to Filing

When a prosecutor decides to accept a case and file charges, that prosecutor must also decide whether to file the exact charges that were referred by the police or to alter the charges. Changes in charge severity from arrest to filing are determined by the severity degree/level of the top arrest charge and the top filed charge. The top filed charge may be less severe than the top arrest charge ("charge reduction"); the top filed charge may be more severe than the top arrest charge ("charge increase"), or the charge severity may stay the same ("no change").

Figure 2: Simple Percentage of Cases with Charge Changes at Filing by Defendant Race

These bar graphs represent simple percentages of charge change outcomes for all defendants together, followed by White, Black, and Hispanic defendants separately. The graphs do not take into account racial differences in case, defendant, and defense attorney characteristics.

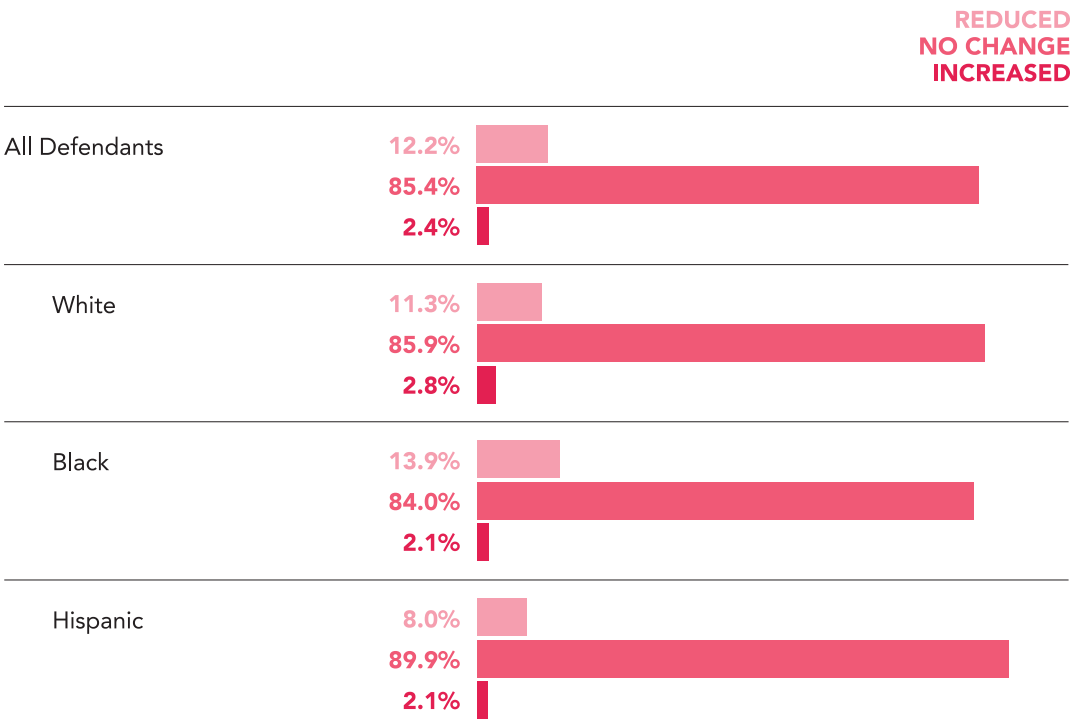


Table 2: Likelihood of Changes in Charge Severity from Arrest to Filing by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) charge counts, (4) whether the case originated with an arrest, (5) prior convictions, (6) prior prison sentences, (7) prior bench warrants, (8) criminal history designations such as habitual offender, (9) attorney type (private attorney, public defender, or pro se), (10) year of disposition, (11) defendant gender, and (12) defendant age. Results for person offenses also take into account (13) number of victims, (14) victim race, (15) victim gender, (16) victim age, and (17) whether a business or government agency was involved as a victim. Results for drug offenses also take into account (18) drug type, (19) whether the offense involved possession or sale/trafficking/manufacturing, and (20) the presence of drug paraphernalia. Please see the text provided after this table for additional description of these rates.

	All Filed Cases	Person Offenses	Property Offenses	Drug Offenses
REDUCTION IN CHARGES				
White	118 out of 1,000 cases	**241**	111	146
Black	**131** out of 1,000 cases	227	119	178
Hispanic	130 out of 1,000 cases	208	**123**	**188**
NO CHANGE IN CHARGES				
White	**854** out of 1,000 cases	714	849	**842**
Black	848 out of 1,000 cases	725	**853**	813
Hispanic	850 out of 1,000 cases	**748**	827	800
INCREASE IN CHARGES				
White	**28** out of 1,000 cases	45	39	**12**
Black	21 out of 1,000 cases	**48**	28	10
Hispanic	20 out of 1,000 cases	44	**49**	**12**
Number of Cases	66,735	5,586	13,878	11,462

Most influential factors

Reduction in charges: Race/ethnicity was not an influential factor for this decision. Charges were more likely to be reduced when:

- the top arrest charge was a felony
- the top arrest charge was a public order/traffic offense
- the case originated with a non-traffic arrest
- the defendant represented him/herself
- the defendant was not a juvenile at the time of arrest.

Increase in charges: Race/ethnicity was not one of the most influential factors for this decision. Charges were more likely to be increased when:

- the defendant was represented by a public defender
- the top arrest charge was a 2nd degree misdemeanor
- the top arrest charge was not a drug offense
- the case involved more arrest charges.

For **all cases**, Whites were least likely to have their charges reduced and most likely to have their charges increased.

- Among similarly situated defendants, Blacks were most likely to have their charges reduced (131 out of 1,000 cases), followed by Hispanics (130 out of 1,000 cases), and then Whites (118 out of 1,000 cases). Whites were most likely to receive a charge increase (28 out of 1,000 cases), followed by Blacks (21 out of 1,000 cases) and then Hispanics (20 out of 1,000 cases).

For **person** offenses, Hispanics were least likely to have their charges reduced, whereas Blacks were most likely to have their charges increased.

- Among similarly situated defendants, Whites were most likely to have their charges reduced (241 out of 1,000 cases), followed by Blacks (227 out of 1,000 cases), and then Hispanics (208 out of 1,000 cases). Blacks were most likely to receive a charge increase (48 out of 1,000 cases), followed by Whites (45 out of 1,000 cases) and Hispanics (44 out of 1,000 cases).

For **property** offenses, Whites were least likely to have their charges reduced, and Hispanics were most likely to have their charges increased.

- Among similarly situated defendants, Hispanics were most likely to have their charges reduced (123 out of 1,000 cases), followed by Blacks (119 out of 1,000 cases), and then Whites (111 out of 1,000 cases). Hispanics were most likely to receive a charge increase (49 out of 1,000 cases), followed by Whites (39 out of 1,000 cases) and Blacks (28 out of 1,000 cases).

For **drug** offenses, Whites were least likely to have their charges reduced, and Hispanics and Whites were most likely to have their charges increased.

- Among similarly situated defendants, Hispanics were most likely to have their charges reduced (187 out of 1,000 cases), followed by Blacks (178 out of 1,000 cases), and then Whites (146 out of 1,000 cases). Hispanics and Whites were more likely to receive a charge increase (12 out of 1,000 cases) than Blacks (10 out of 1,000 cases).

- All drug possession cases (7,943 cases): Consistent with the overall pattern for drug offenses, Whites were least likely to have their charges reduced, and Whites and Hispanics were most likely to have their charges increased. Blacks were most likely to receive a charge reduction (167 out of 1,000 cases), followed by Hispanics (164 out of 1,000 cases) and Whites (144 out of 1,000 cases). Hispanics and Whites were more likely to receive a charge increase (10 out of 1,000 cases) than Blacks (6 out of 1,000 cases).

    - Marijuana possession cases (4,296 cases): Whites were least likely to have their charges reduced and were also the most likely to have their charges increased. Blacks were most likely to receive a charge reduction (80 out of 1,000 cases), followed by Hispanics (70 out of 1,000 cases) and Whites (68 out of 1,000 cases). Whites were most likely to receive a charge increase (12 out of 1,000 cases), followed by Hispanics (11 out of 1,000 cases) and Blacks (6 out of 1,000 cases).

Table 2a: Felony Likelihood of Changes in Charge Severity from Arrest to Filing by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 2.

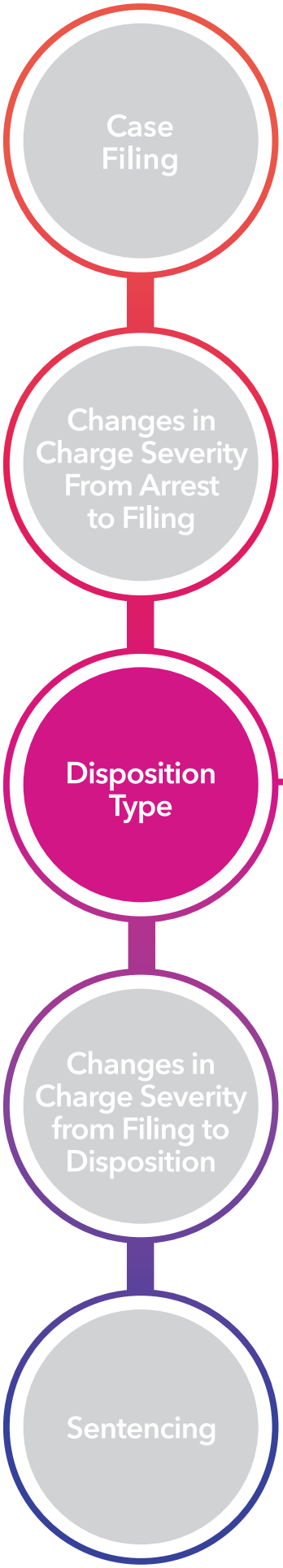
	All Filed Cases	Person Offenses	Property Offenses	Drug Offenses
REDUCTION IN CHARGES				
White	319 out of 1,000 cases	**359**	208	268
Black	**354** out of 1,000 cases	335	229	314
Hispanic	353 out of 1,000 cases	317	**242**	**326**
NO CHANGE IN CHARGES				
White	**651** out of 1,000 cases	589	**753**	**725**
Black	617 out of 1,000 cases	597	745	670
Hispanic	617 out of 1,000 cases	**620**	725	655
INCREASE IN CHARGES				
White	**30** out of 1,000 cases	53	**39**	8
Black	28 out of 1,000 cases	**68**	26	15
Hispanic	**30** out of 1,000 cases	63	33	**19**
Number of Cases	23,272	3,697	7,032	6,105

Table 2b: Misdemeanor Likelihood of Changes in Charge Severity from Arrest to Filing by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 2.

	All Filed Cases	Person Offenses	Property Offenses	Drug Offenses
REDUCTION IN CHARGES				
White	10 out of 1,000 cases	*	**11**	*
Black	**11** out of 1,000 cases	*	7	*
Hispanic	10 out of 1,000 cases	*	0	*
NO CHANGE IN CHARGES				
White	964 out of 1,000 cases	*	950	*
Black	**972** out of 1,000 cases	*	**962**	*
Hispanic	**972** out of 1,000 cases	*	936	*
INCREASE IN CHARGES				
White	**26** out of 1,000 cases	*	39	*
Black	17 out of 1,000 cases	*	31	*
Hispanic	18 out of 1,000 cases	*	**64**	*
Number of Cases	43,463	*	6,846	*

*Cannot estimate due to the infrequency of charge reductions and increases.



3

This report distinguishes four main ways that a case can be resolved, or disposed of, after filing. The prosecutor can seek conviction through either a plea deal or a trial ("plea/trial"); the prosecutor can drop the case for reasons such as insufficient evidence ("prosecutorial dismissal"); the case can be dropped for administrative reasons or by a judge ("administrative/judicial dismissal"); or the case can be diverted without a conviction to one of several intervention programs offered in Hillsborough County ("post-filing diversion"). Not all defendants are eligible for diversion programming, and diversion requires consent from the defendant and victim.

Figure 3: Simple Percentage of Cases Resulting in Each Major Disposition Type by Race

These bar graphs represent simple percentages of disposition types for all defendants together, followed by White, Black, and Hispanic defendants separately. The graphs do not take into account racial differences in case, defendant, and defense attorney characteristics.

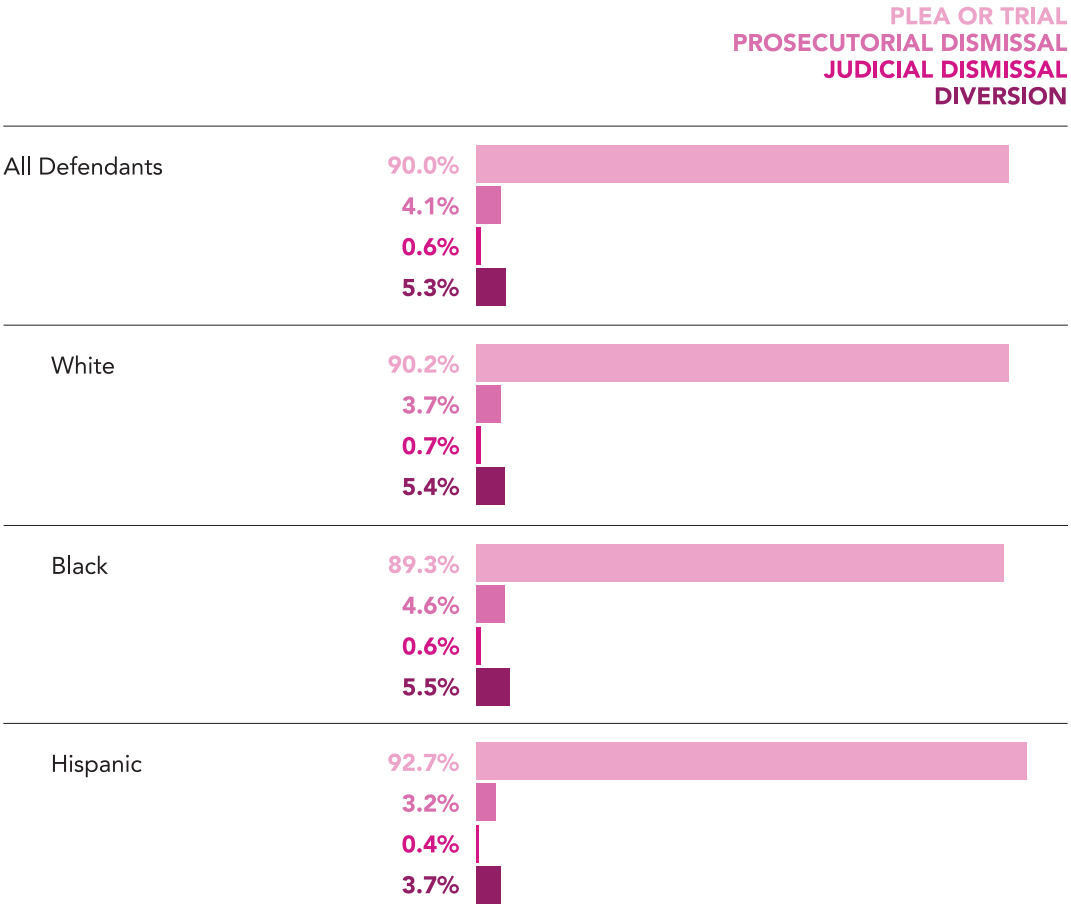


Table 3: Likelihood of Disposition by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) charge counts, (4) charge changes from arrest to filing, (5) whether the case originated with an arrest, (6) whether the defendant failed to appear in the current case, (7) prior convictions, (8) prior prison sentences, (9) prior bench warrants, (10) criminal history designations such as habitual offender, (11) attorney type (private attorney, public defender, or pro se), (12) year of disposition, (13) defendant gender, and (14) defendant age. Results for person offenses also take into account (15) number of victims, (16) victim race, (17) victim gender, (18) victim age, and (19) whether a business or government agency was involved as a victim. Results for drug offenses also take into account (20) drug type, (21) whether the offense involved possession or sale/trafficking/manufacturing, and (22) the presence of drug paraphernalia. Please see the text provided after this table for additional description of these rates.

	All Disposed Cases	Person Offenses	Property Offenses	Drug Offenses
OUTCOME 1: GUILTY PLEA OR TRIAL				
White	914 out of 1,000 cases	**874**	**887**	867
Black	908 out of 1,000 cases	867	867	**884**
Hispanic	**928** out of 1,000 cases	875	868	865
OUTCOME 2: PROSECUTORIAL DISMISSAL POST-FILING (NOLLE PROSEQUI)				
White	35 out of 1,000 cases	81	38	31
Black	**45** out of 1,000 cases	**96**	**50**	36
Hispanic	32 out of 1,000 cases	77	49	**40**
OUTCOME 3: ADMINISTRATIVE/JUDICIAL DISMISSAL POST-FILING				
White	**7** out of 1,000 cases	13	**5**	**3**
Black	5 out of 1,000 cases	9	**5**	2
Hispanic	3 out of 1,000 cases	**15**	2	0
OUTCOME 4: POST-FILING DIVERSION				
White	**44** out of 1,000 cases	31	70	**99**
Black	41 out of 1,000 cases	28	78	78
Hispanic	36 out of 1,000 cases	**34**	**81**	94
Number of Cases	63,652	5,119	13,165	10,270

Prosecutorial Dismissal Findings
Most influential factors

Race/ethnicity was one of the most influential factors for this decision. Prosecutorial dismissals were most likely when:

- the defendant had a private attorney
- the top filed charge was a violent offense
- the top filed charge was more severe than a 2nd degree misdemeanor
- the defendant was a juvenile at the time of arrest
- the defendant was Black

For **all cases**, Blacks were most likely (45 out of 1,000 cases) and Hispanics were least likely (32 out of 1,000 cases) to have their case dismissed by a prosecutor. The corresponding number for Whites is 35.

For **person** offenses, Blacks were most likely (96 out of 1,000 cases) to have their cases dismissed by a prosecutor, followed by Whites (81 out of 1,000 cases), and then Hispanics (77 out of 1,000 cases).

For **property** offenses, Blacks were most likely (50 out of 1,000 cases) to have their cases dismissed by a prosecutor, followed by Hispanics (49 out of 1,000 cases), and then Whites (38 out of 1,000 cases).

For **drug** offenses, Hispanics were most likely (40 out of 1,000 cases) to have their cases dismissed by a prosecutor, followed by Blacks (36 out of 1,000 cases), and then Whites (31 out of 1,000 cases).

- All drug possession cases (7,372 cases): Hispanics were most likely (42 out of 1,000 cases) to have their cases dismissed by a prosecutor, followed by Blacks (37 out of 1,000 cases), and then Whites (33 out of 1,000 cases).

    - Marijuana possession cases (3,970 cases): Whites were more likely (31 out of 1,000 cases to have their cases dismissed by a prosecutor than Blacks and Hispanics (30 out of 1,000 cases).

Judicial Dismissal Findings
Most influential factors

Race/ethnicity was not one of the most influential factors for this decision. Judicial dismissals were most likely when:

- the defendant had fewer prior convictions
- the defendant failed to appear during the current case
- the top filed charge was a violent offense
- the defendant was a juvenile at the time of arrest
- the defendant was younger

For **all cases**, Whites were most likely (7 out of 1,000 cases) to have their case dismissed by a judge, followed by Blacks (5 out of 1,000 cases), and then Hispanics (3 out of 1,000 cases).

For **person** offenses, Hispanics were most likely (15 out of 1,000 cases) to have their case dismissed by a judge, followed by Whites (13 out of 1,000 cases), and then Blacks (9 out of 1,000 cases).

For **property** offenses, Whites and Blacks were more likely (5 out of 1,000 cases for each) to have their case dismissed by a judge than Hispanics (2 out of 1,000 cases).

For **drug** offenses, Whites and Blacks were more likely (2 out of 1,000 cases) to have their case dismissed by a judge than Hispanics (0 out of 1,000 cases).

- All drug possession cases (7,372 cases): Whites were more likely (3 out of 1,000 cases) than Blacks (2 out of 1,000 cases) or Hispanics (0 out of 1,000 cases) to have their case dismissed by a judge.

    - Marijuana possession cases (3,970 cases): Whites were most likely (3 out of 1,000 cases) to have their case dismissed by a judge, followed by Blacks (1 out of 1,000 cases), and then Hispanics (0 out of 1,000 cases).

Diversion Findings
Most influential factors

Race/ethnicity was not an influential factor for this decision. Diversion was most likely when:

- the top filed charge was a drug offense
- the top filed charge was a 3rd degree felony
- the defendant was younger
- the defendant had fewer prior convictions
- the defendant did not represent him/herself

For **all cases**, Whites were most likely (44 out of 1,000 cases) and Hispanics were least likely (36 out of 1,000 cases) to have their case diverted. The corresponding number for Blacks was 41.

For **person** offenses, Hispanics were most likely (34 out of 1,000 cases) to have their case diverted and Blacks were least likely (28 out of 1,000 cases) to have their case diverted. The corresponding number for Whites was 31.

For **property** offenses, Hispanics were most likely (81 out of 1,000 cases) to have their case diverted, followed by Blacks (78 out of 1,000 cases), and then Whites (70 out of 1,000 cases).

For **drug** offenses, Whites were most likely (99 out of 1,000 cases) to have their case diverted, followed by Hispanics (94 out of 1,000 cases), and then Blacks (78 out of 1,000 cases).

- All drug possession cases (7,372 cases): Consistent with all drug offenses, Whites were most likely (129 out of 1,000 cases) to have their case diverted, followed by Hispanics (123 out of 1,000 cases), and then Blacks (104 out of 1,000 cases).
    - Marijuana possession cases (3,970 cases): Whites were more likely (82 out of 1,000 cases each) than Blacks (77 out of 1,000 cases) and Hispanics (72 out of 1,000 cases) to have their case diverted.

Table 3a: Felony Likelihood of Disposition by Defendant Race

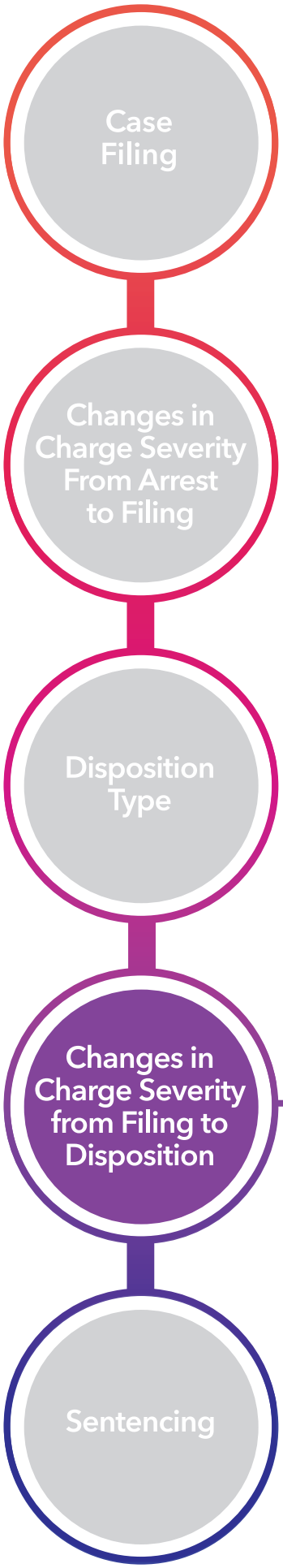
Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 3.

	All Disposed Cases	Person Offenses	Property Offenses	Drug Offenses
OUTCOME 1: GUILTY PLEA OR TRIAL				
White	**859** out of 1,000 cases	**899**	**842**	835
Black	842 out of 1,000 cases	870	809	**840**
Hispanic	841 out of 1,000 cases	864	800	794
OUTCOME 2: PROSECUTORIAL DISMISSAL POST-FILING (NOLLE PROSEQUI)				
White	48 out of 1,000 cases	53	49	36
Black	**69** out of 1,000 cases	**91**	**66**	50
Hispanic	53 out of 1,000 cases	65	64	**58**
OUTCOME 3: ADMINISTRATIVE/JUDICIAL DISMISSAL POST-FILING				
White	**9** out of 1,000 cases	20	4	2
Black	5 out of 1,000 cases	11	**5**	**3**
Hispanic	7 out of 1,000 cases	**28**	0	0
OUTCOME 4: POST-FILING DIVERSION				
White	85 out of 1,000 cases	28	105	128
Black	84 out of 1,000 cases	29	120	107
Hispanic	**100** out of 1,000 cases	**44**	**136**	**148**
Number of Cases	16,693	2,874	5,509	4,530

Table 3b: Misdemeanor Likelihood of Disposition by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 3.

	All Disposed Cases	Person Offenses	Property Offenses	Drug Offenses
OUTCOME 1: GUILTY PLEA OR TRIAL				
White	934 out of 1,000 cases	847	**918**	900
Black	930 out of 1,000 cases	862	910	**913**
Hispanic	**954** out of 1,000 cases	**884**	**918**	906
OUTCOME 2: PROSECUTORIAL DISMISSAL POST-FILING (NOLLE PROSEQUI)				
White	31 out of 1,000 cases	**115**	30	27
Black	**37** out of 1,000 cases	101	38	26
Hispanic	26 out of 1,000 cases	95	**40**	**30**
OUTCOME 3: ADMINISTRATIVE/JUDICIAL DISMISSAL POST-FILING				
White	**6** out of 1,000 cases	6	**5**	**3**
Black	**6** out of 1,000 cases	**8**	**5**	1
Hispanic	3 out of 1,000 cases	0	3	0
OUTCOME 4: POST-FILING DIVERSION				
White	**29** out of 1,000 cases	**32**	**47**	**72**
Black	27 out of 1,000 cases	29	**47**	59
Hispanic	17 out of 1,000 cases	21	39	64
Number of Cases	46,959	2,245	7,656	5,740



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The charges recorded at disposition may differ from the filed charges, for reasons such as charge bargaining or newly uncovered evidence. Changes in charge severity from filing to disposition are determined by the severity degree/level of the top filed charge and the top disposition charge. The top disposition charge may be less severe than the top filed charge ("charge reduction"); the top disposition charge may be more severe than the top filed charge ("charge increase"), or the charge severity may stay the same ("no change").

Figure 4: Simple Percentage of Cases with Charge Changes at Disposition by Defendant Race

These bar graphs represent simple percentages of charge changes for all defendants together, followed by White, Black, and Hispanic defendants separately. The graphs do not take into account racial differences in case, defendant, and defense attorney characteristics.

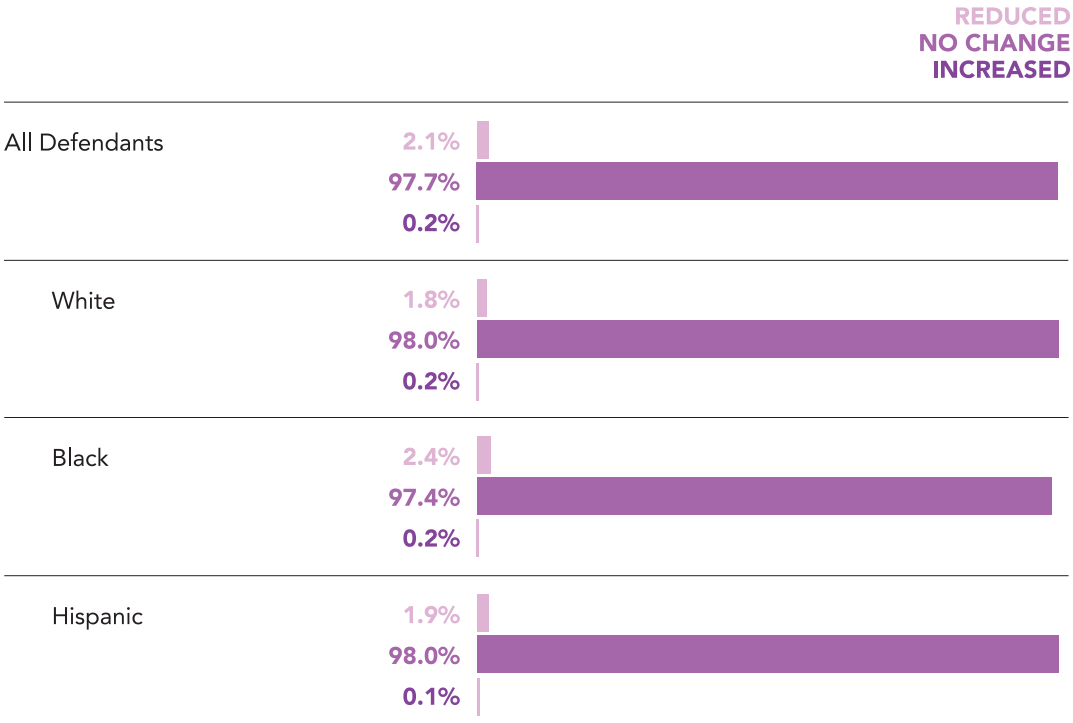


Table 4: Likelihood of Changes in Charge Severity from Filing to Disposition by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) charge counts, (4) charge changes from arrest to filing, (5) disposition type, (6) whether the case originated with an arrest, (7) whether the defendant failed to appear in the current case, (8) prior convictions, (9) prior prison sentences, (10) prior bench warrants, (11) criminal history designations such as habitual offender, (12) attorney type (private attorney, public defender, or pro se), (13) year of disposition, (14) defendant gender, and (15) defendant age. Results for person offenses also take into account (16) number of victims, (17) victim race, (18) victim gender, (19) victim age, and (20) whether a business or government agency was involved as a victim. Please see the text provided after this table for additional description of these rates.

	All Disposed Cases	Person Offenses	Property Offenses	Drug Offenses
REDUCTION IN CHARGES				
White	19 out of 1,000 cases	**76**	**2**	*
Black	**25** out of 1,000 cases	63	**2**	*
Hispanic	21 out of 1,000 cases	**76**	**2**	*
NO CHANGE IN CHARGES				
White	**980** out of 1,000 cases	917	996	*
Black	974 out of 1,000 cases	**923**	**997**	*
Hispanic	978 out of 1,000 cases	920	994	*
INCREASE IN CHARGES				
White	**2** out of 1,000 cases	7	2	*
Black	**2** out of 1,000 cases	**13**	1	*
Hispanic	1 out of 1,000 cases	3	**4**	*
Number of Cases	63,695	5,125	13,177	*

*Cannot estimate due to the infrequency of charge reductions and increases.

Most influential factors

Reduction in charges: Race/ethnicity was not one of the most influential factors for this decision. Charges were more likely to be reduced when:

- the top filing charge was not a 2nd degree misdemeanor
- the top filing charge was a public order/traffic offense
- the case was disposed via a guilty plea or trial
- the defendant represented him/herself

Increase in charges: Race/ethnicity was not an influential factor for this decision. Charges were more likely to be increased when:

- the defendant did not represent him/herself
- the top filing charge was a 2nd degree misdemeanor
- the defendant was older
- the top filing charge was a violent offense
- there was a reduction in the severity of the top charge from arrest to filing

For **all cases**, Whites were least likely to have their charges reduced and Blacks and Whites were most likely to have their charges increased.

- Among similarly situated defendants, Blacks were most likely to have their charges reduced (25 out of 1,000 cases), followed by Hispanics (21 out of 1,000 cases), and then Whites (19 out of 1,000 cases). Blacks and Whites were more likely to have their charges increased (2 out of 1,000 cases) than Hispanics (1 out of 1,000 cases for each).

For **person** offenses, Blacks were least likely to have their charges reduced and also most likely to have their charges increased.

- Among similarly situated defendants, Hispanics and Whites were more likely to have their charges reduced (76 out of 1,000 cases) than Blacks (63 out of 1,000 cases). Blacks were most likely to receive a charge increase (13 out of 1,000 cases), followed by Whites (7 out of 1,000 cases) and Hispanics (3 out of 1,000 cases).

For **property** offenses, there were no differences in charge reductions. Hispanics were most likely to have their charges increased.

- Among similarly situated defendants, Whites, Blacks, and Hispanics were equally likely to receive a charge reduction (2 out of 1,000 cases for each). Hispanics were more likely to receive a charge increase (4 out of 1,000 cases) than Whites (2 out of 1,000 cases) and Blacks (1 out of 1,000 cases).

For **drug** offenses, differences could not be examined due to the infrequency of charge reductions (62) and increases (7).

Table 4a: Felony Likelihood of Changes in Charge Severity from Filing to Disposition by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 4.

	All Disposed Cases	Person Offenses	Property Offenses	Drug Offenses
REDUCTION IN CHARGES				
White	**20** out of 1,000 cases	**76**	3	*
Black	17 out of 1,000 cases	60	3	*
Hispanic	**20** out of 1,000 cases	54	**5**	*
NO CHANGE IN CHARGES				
White	**977** out of 1,000 cases	911	**995**	*
Black	**977** out of 1,000 cases	918	**995**	*
Hispanic	975 out of 1,000 cases	**940**	985	*
INCREASE IN CHARGES				
White	3 out of 1,000 cases	12	2	*
Black	**6** out of 1,000 cases	**23**	2	*
Hispanic	4 out of 1,000 cases	6	**10**	*
Number of Cases	16,735	2,881	5,520	*

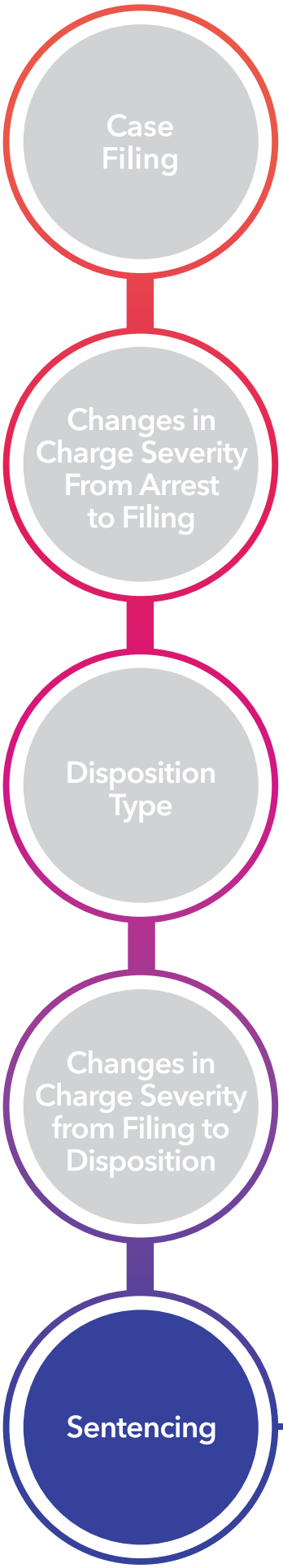
*Cannot estimate due to the infrequency of charge reductions and increases.

Table 4b: Misdemeanor Likelihood of Changes in Charge Severity from Filing to Disposition by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 4.

	All Disposed Cases	Person Offenses	Property Offenses	Drug Offenses
REDUCTION IN CHARGES				
White	19 out of 1,000 cases	74	**1**	*
Black	**27** out of 1,000 cases	70	**1**	*
Hispanic	22 out of 1,000 cases	**97**	0	*
NO CHANGE IN CHARGES				
White	**980** out of 1,000 cases	921	996	*
Black	972 out of 1,000 cases	**930**	999	*
Hispanic	978 out of 1,000 cases	897	**1000**	*
INCREASE IN CHARGES				
White	**1** out of 1,000 cases	5	**2**	*
Black	0 out of 1,000 cases	0	1	*
Hispanic	0 out of 1,000 cases	**6**	0	*
Number of Cases	46,960	2,244	7,657	*

*Cannot estimate due to the infrequency of charge reductions and increases.



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Cases resulting in a plea deal or trial conviction may be sentenced to either a non-custodial sentence, a sentence of time served, or a custodial sentence. Non-custodial sentences include any sentence in which probation, fines, court costs, community service, or other punishments are assigned but the defendant is not incarcerated. The analyses are unable to distinguish withholds of adjudication from other non-custodial sentences. Time served sentences include any sentence in which credit for time served in jail prior to conviction accounts for the entirety of a custodial sentence. Custodial sentences include any jail or prison sentence that is longer than credit for time served.

Figure 5: Simple Percentage of Sentence Type by Defendant Race

These bar graphs represent simple percentages of sentence types for all defendants together, followed by White, Black, and Hispanic defendants separately. The graphs do not take into account racial differences in case, defendant, and defense attorney characteristics.

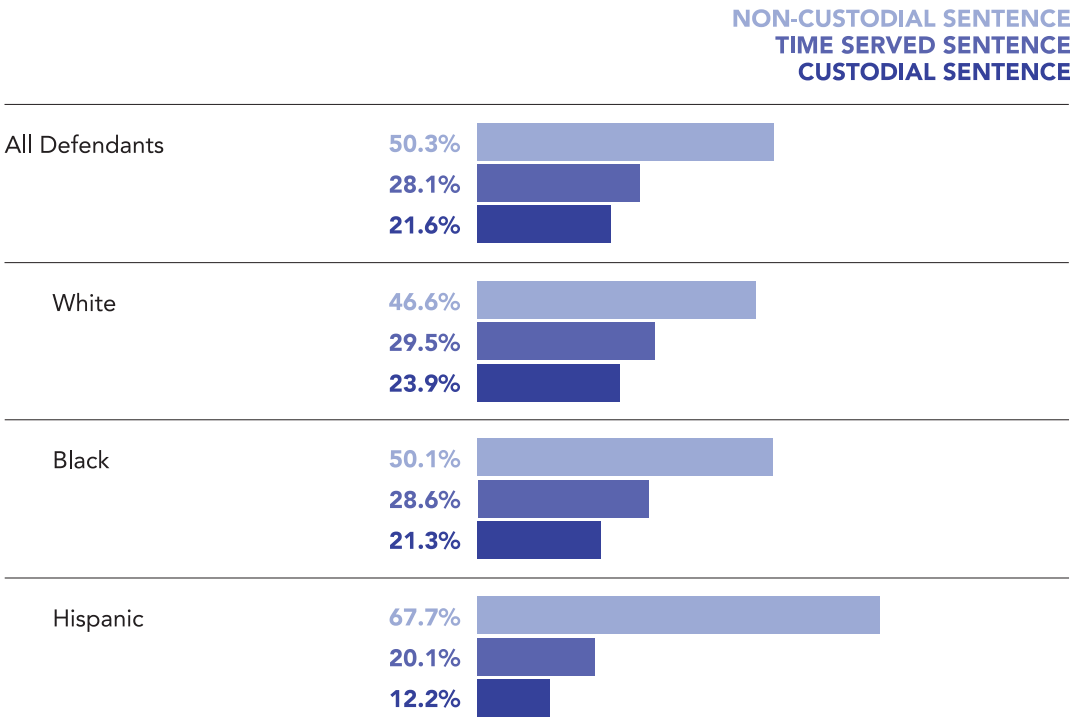


Table 5: Likelihood of Sentence Type by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) charge counts, (4) charge changes from arrest to filing, (5) whether the case was disposed via plea or trial (6) charge changes from filing to disposition, (7) whether the case originated with an arrest, (8) whether the defendant failed to appear in the current case, (9) prior convictions, (10) prior prison sentences, (11) prior bench warrants, (12) criminal history designations such as habitual offender, (13) whether a minimum mandatory sentence was applied, (14) whether a 10-20-Life sentence was applied, (15) attorney type (private attorney, public defender, or pro se), (16) year of disposition, (17) defendant gender, and (18) defendant age. Results for person offenses also take into account (19) number of victims, (20) victim race, (21) victim gender, (22) victim age, and (23) whether a business or government agency was involved as a victim. Results for drug offenses also take into account (24) drug type, (25) whether the offense involved possession or sale/trafficking/manufacturing, and (26) the presence of drug paraphernalia. Please see the text provided after this table for additional description of these rates.

	All Sentenced Cases	Person Offenses	Property Offenses	Drug Offenses
NON-CUSTODIAL SENTENCE				
White	490 out of 1,000 cases	283	275	**390**
Black	487 out of 1,000 cases	252	259	350
Hispanic	**521** out of 1,000 cases	**289**	**290**	367
TIME SERVED SENTENCE				
White	278 out of 1,000 cases	273	333	314
Black	**296** out of 1,000 cases	**303**	**370**	342
Hispanic	270 out of 1,000 cases	252	374	**352**
CUSTODIAL SENTENCE				
White	**232** out of 1,000 cases	444	**392**	296
Black	218 out of 1,000 cases	445	372	**308**
Hispanic	208 out of 1,000 cases	**459**	336	280
Number of Cases	57,762	4,208	11,549	8,946

Most influential factors

Time Served: Race/ethnicity was not one of the most influential factors for this decision. Cases were more likely to result in time served when:

- the defendant was not a juvenile
- the case originated with a non-traffic arrest
- the top disposition charge was a felony
- the defendant was represented by a public defender
- the top disposition charge was a property offense.

Custodial sentence: Race/ethnicity was not one of the most influential factors for this decision. Cases were more likely to result in a custodial sentence when:

- the defendant was not a juvenile
- the top disposition charge was a felony
- the defendant had more prior convictions
- the top disposition charge was a property or person offense
- the case originated with a non-traffic arrest.

For **all cases**, Blacks were most likely to receive a sentence of time served and Whites were most likely to receive a custodial sentence.

- Among similarly situated defendants, Blacks were most likely to receive a sentence of time served (296 out of 1,000 cases), followed by Whites (278 out of 1,000 cases) and Hispanics (270 out of 1,000 cases). Whites were most likely to receive a custodial sentence (232 out of 1,000 cases), followed by Blacks (218 out of 1,000 cases), and then Hispanics (208 out of 1,000 cases).

For **person** offenses, Blacks were most likely to receive a sentence of time served and Hispanics were most likely to receive a custodial sentence.

- Among similarly situated defendants, Blacks were most likely to receive a sentence of time served (303 out of 1,000 cases), followed by Whites (273 out of 1,000 cases) and Hispanics (252 out of 1,000 cases). Hispanics were most likely to receive a custodial sentence (459 out of 1,000 cases), followed by Blacks (445 out of 1,000 cases), and then Whites (444 out of 1,000 cases).

For **property** offenses, Hispanics were most likely to receive a sentence of time served and Whites were most likely to receive a custodial sentence.

- Among similarly situated defendants, Hispanics were most likely to receive a sentence of time served (374 out of 1,000 cases), followed by Blacks (370 out of 1,000 cases) and Whites (333 out of 1,000 cases). Whites were most likely to receive a custodial sentence (392 out of 1,000 cases), followed by Blacks (372 out of 1,000 cases), and then Hispanics (336 out of 1,000 cases).

For **drug** offenses, Hispanics were most likely to receive a sentence of time served and Blacks were most likely to receive a custodial sentence.

- Among similarly situated defendants, Hispanics were most likely to receive a sentence of time served (352 out of 1,000 cases), followed by Blacks (342 out of 1,000 cases) and Whites (314 out of 1,000 cases). Blacks were most likely to receive a custodial sentence (308 out of 1,000 cases), followed by Whites (296 out of 1,000 cases), and then Hispanics (280 out of 1,000 cases).

- All drug possession cases (5,665 cases): Consistent with the pattern for all drug offenses, Hispanics were most likely to receive a sentence of time served (365 out of 1,000 cases), followed by Blacks (341 out of 1,000 cases) and Whites (317 out of 1,000 cases). Blacks were most likely to receive a custodial sentence (229 out of 1,000 cases), followed by Whites (205 out of 1,000 cases) and Hispanics (179 out of 1,000 cases).

    - Marijuana possession cases (3,494 cases): Consistent with the pattern for all drug and drug possession offenses, Hispanics were most likely to receive a sentence of time served (307 out of 1,000 cases), followed by Blacks (276 out of 1,000 cases) and Whites (266 out of 1,000 cases). Blacks were most likely to receive a custodial sentence (74 out of 1,000 cases), followed by Whites (51 out of 1,000 cases) and Hispanics (33 out of 1,000 cases).

Table 5a: Felony Likelihood of Sentence Type by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 5.

	All Sentenced Cases	Person Offenses	Property Offenses	Drug Offenses
NON-CUSTODIAL SENTENCE				
White	**207** out of 1,000 cases	**273**	**250**	**120**
Black	146 out of 1,000 cases	220	213	53
Hispanic	174 out of 1,000 cases	266	249	78
TIME SERVED SENTENCE				
White	207 out of 1,000 cases	133	176	289
Black	297 out of 1,000 cases	**192**	273	334
Hispanic	**299** out of 1,000 cases	166	**285**	**361**
CUSTODIAL SENTENCE				
White	**586** out of 1,000 cases	**595**	**573**	591
Black	556 out of 1,000 cases	588	514	**613**
Hispanic	526 out of 1,000 cases	567	466	561
Number of Cases	14,095	2,483	4,541	3,766

Table 5b: Misdemeanor Likelihood of Sentence Type by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the same factors detailed in the note in Table 5.

	All Sentenced Cases	Person Offenses	Property Offenses	Drug Offenses
NON-CUSTODIAL SENTENCE				
White	583 out of 1,000 cases	305	292	**582**
Black	596 out of 1,000 cases	299	292	560
Hispanic	**626** out of 1,000 cases	**326**	**316**	581
TIME SERVED SENTENCE				
White	**301** out of 1,000 cases	471	**437**	332
Black	296 out of 1,000 cases	**464**	430	**354**
Hispanic	267 out of 1,000 cases	379	424	352
CUSTODIAL SENTENCE				
White	**116** out of 1,000 cases	224	271	**86**
Black	109 out of 1,000 cases	236	**278**	**86**
Hispanic	107 out of 1,000 cases	**295**	260	66
Number of Cases	43,667	1,725	7,008	5,180

Appendix A
Racial and Ethnic Disparity Dashboards

These dashboards provide the reader with a visual overview of how outcomes for different racial and ethnic groups compare across the five decision points detailed in this report.

Dashboards are broken down by offense type: (1) all cases, (2) person, (3) property, and (4) drug. They are also separated by year, 2017 and 2018.

Differences between Black and White defendants, and between Hispanic and White defendants, are presented as rates per 1,000 cases. These rates take into account the influence of legal (e.g. offense severity, prior record) and non-legal (defendant age, defense counsel type) factors described in the tables throughout the report.

Each bar in the dashboards has three components:

Color - Lighter bars show differences in rates for Black defendants compared to White defendants, while darker bars show differences in rates for Hispanic defendants compared to White defendants.

Number - The number at the end of each bar shows the difference in rates for each outcome. Positive numbers indicate that Black or Hispanic defendants have a higher rate of the outcome than White defendants, while negative numbers indicate Black or Hispanic defendants have a lower rate of the outcome than White defendants.

Direction – The direction of the bar reflects whether the difference in rates benefits Black or Hispanic defendants. Bars to the right of the 0 axis represent differences that potentially benefit Black or Hispanic defendants. Bars to the left of the 0 axis represent differences that are unlikely to benefit Black or Hispanic defendants.

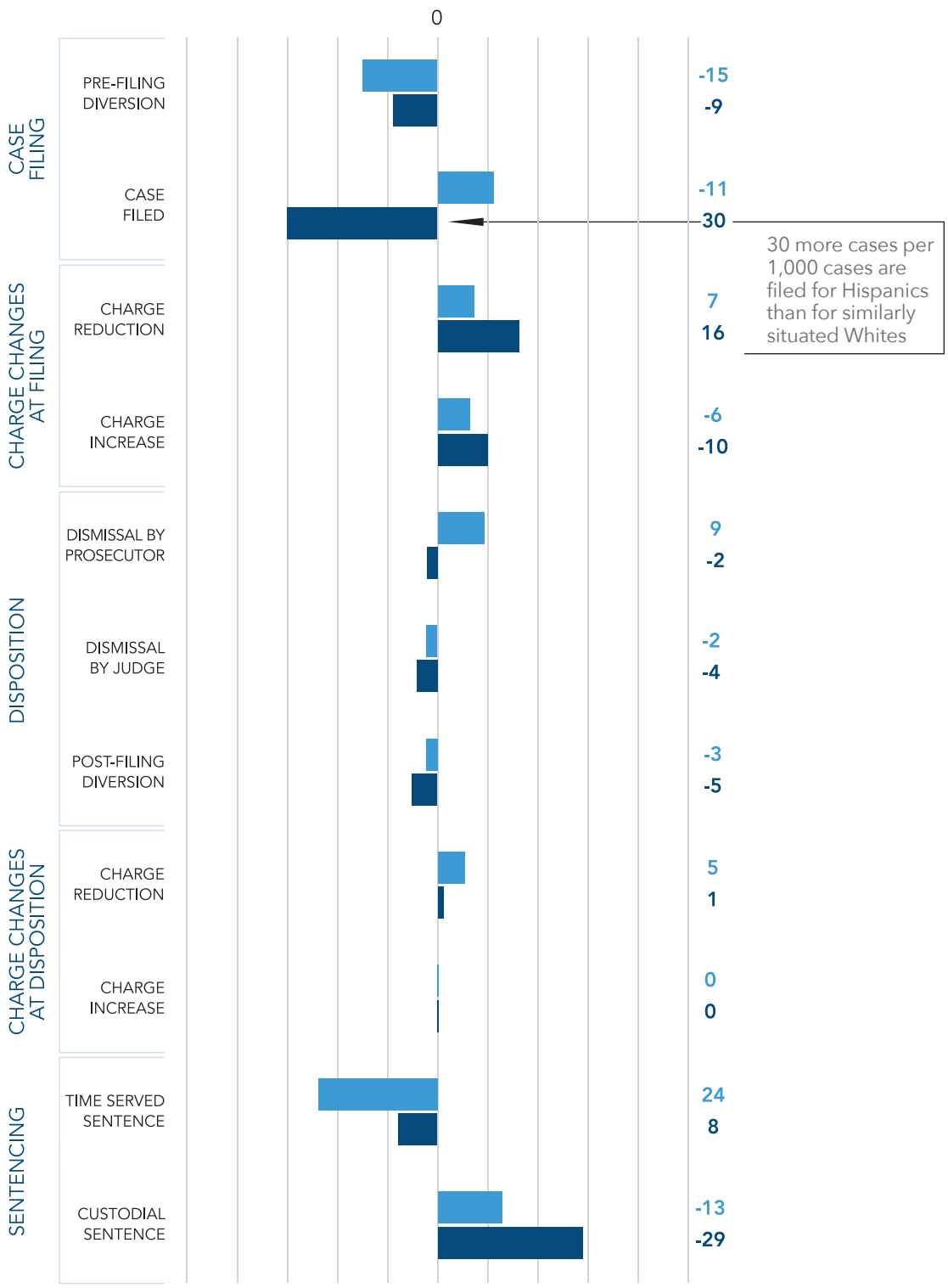
Outcome preferences are defined by whether defendants would rather receive each outcome over its immediate alternative, *regardless of what happened earlier in case processing*. Although earlier outcomes may influence differences observed in later outcomes, preferences are determined only by the alternatives available within the same decision point. An example interpretation is provided for one bar in each chart.

Example: We have categorized prosecutorial dismissals as a possible preferred outcome for defendants. If we look at the overall picture, a higher dismissal rate may suggest unfavorable treatment at case filing; a higher rate of prosecutorial dismissals for minority defendants could indicate that some of these cases should have never been filed. However, for cases that have been filed, defendants would likely prefer to receive a dismissal rather than plead guilty or go to trial.

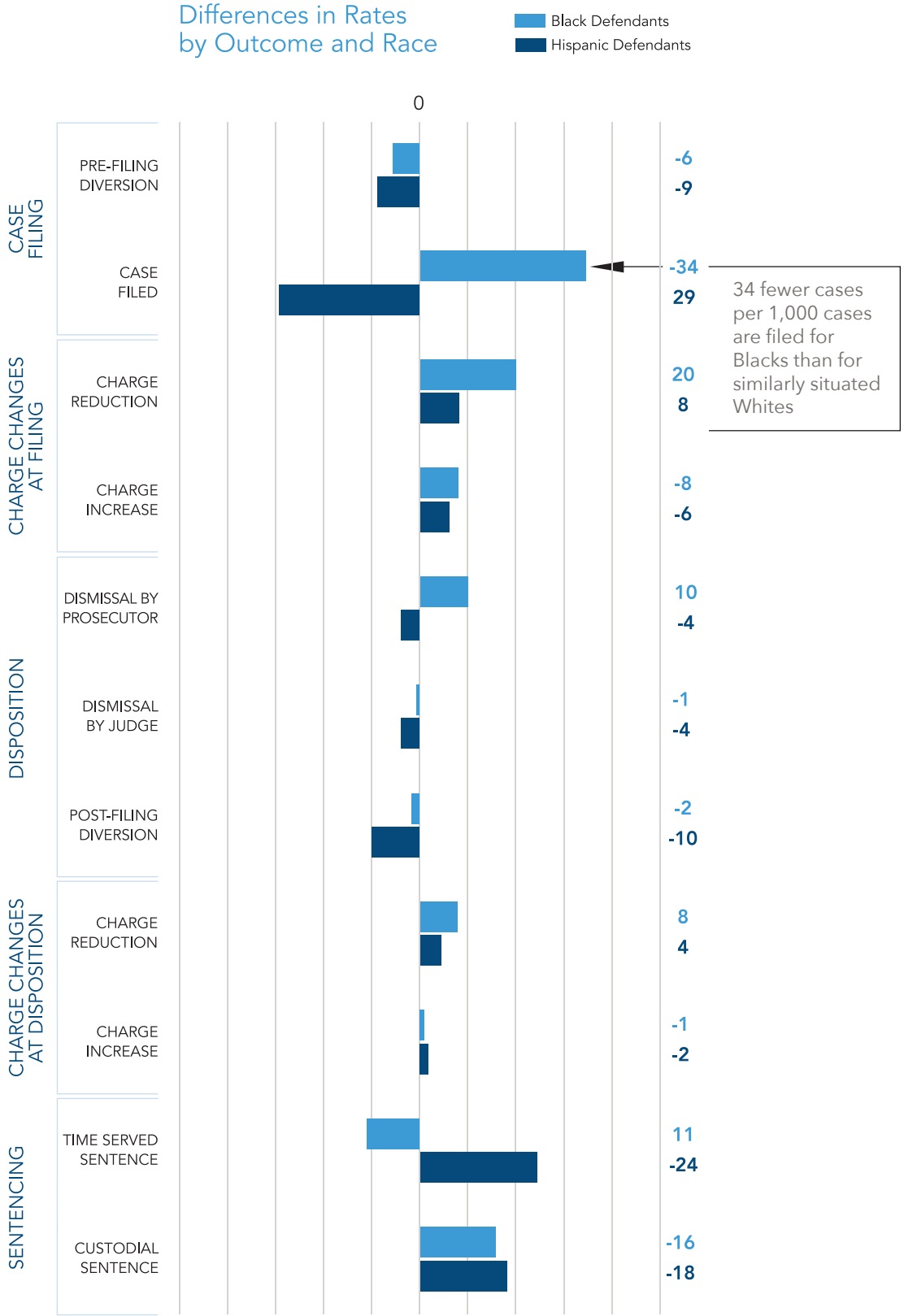
Outcomes that defendants are likely to prefer include:
- pre-filing diversion as compared to case filing
- charge reduction at filing as opposed to no charge change at filing
- dismissal by prosecutor (nolle prosequi) as opposed to guilty plea/trial
- dismissal by a judge as opposed to guilty plea/trial
- post-filing diversion as opposed to guilty plea/trial
- charge reduction at disposition as opposed to no charge change at disposition

Outcomes that defendants are likely not to prefer include:
- case filing as opposed to case rejection at filing
- charge increase at filing as opposed to no charge change at filing
- charge increase at disposition as opposed to no charge change at disposition
- time served sentence as opposed to non-custodial sentence
- custodial sentence as opposed to non-custodial sentence

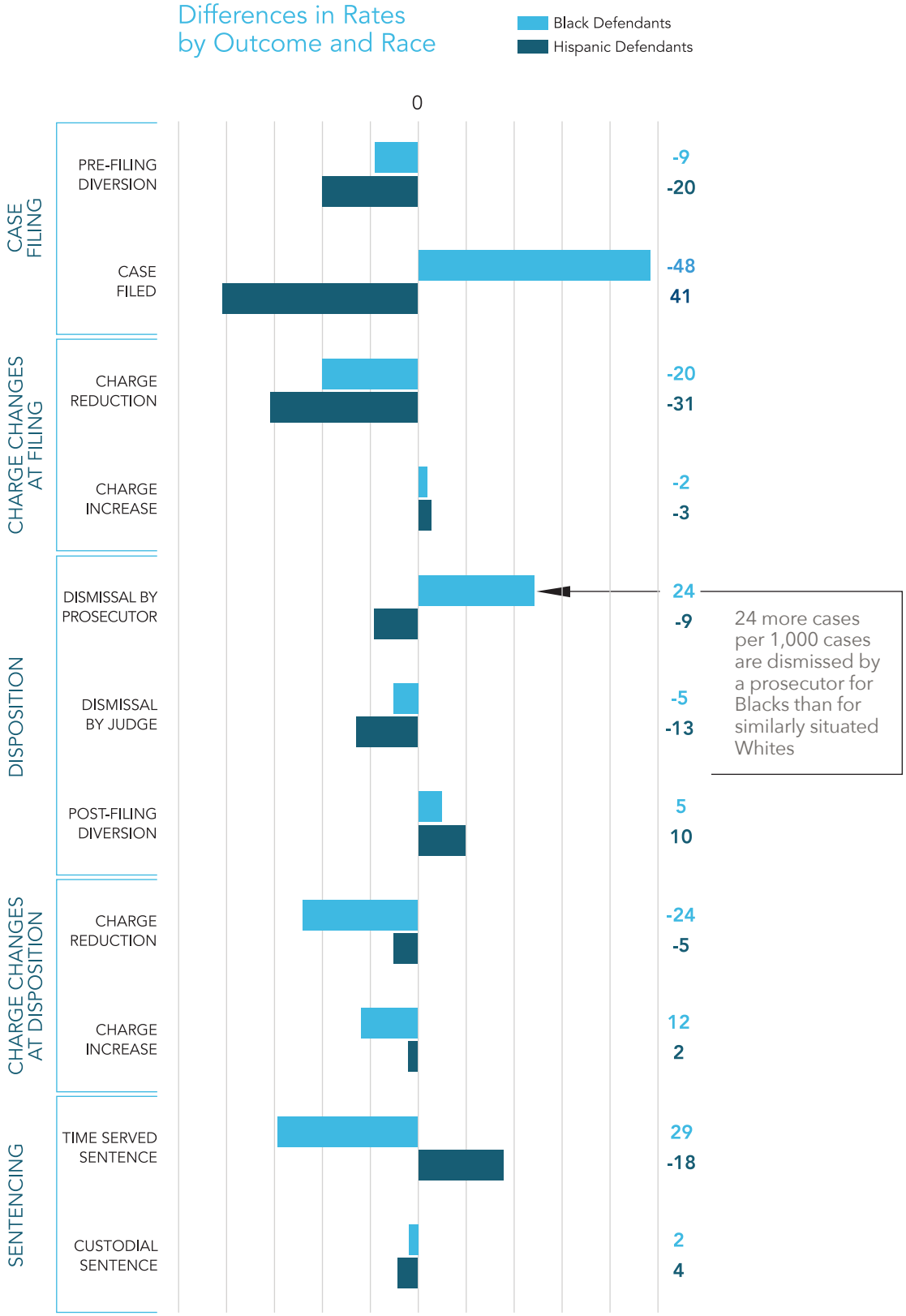
2017 All Cases
Differences in Rates by Outcome and Race



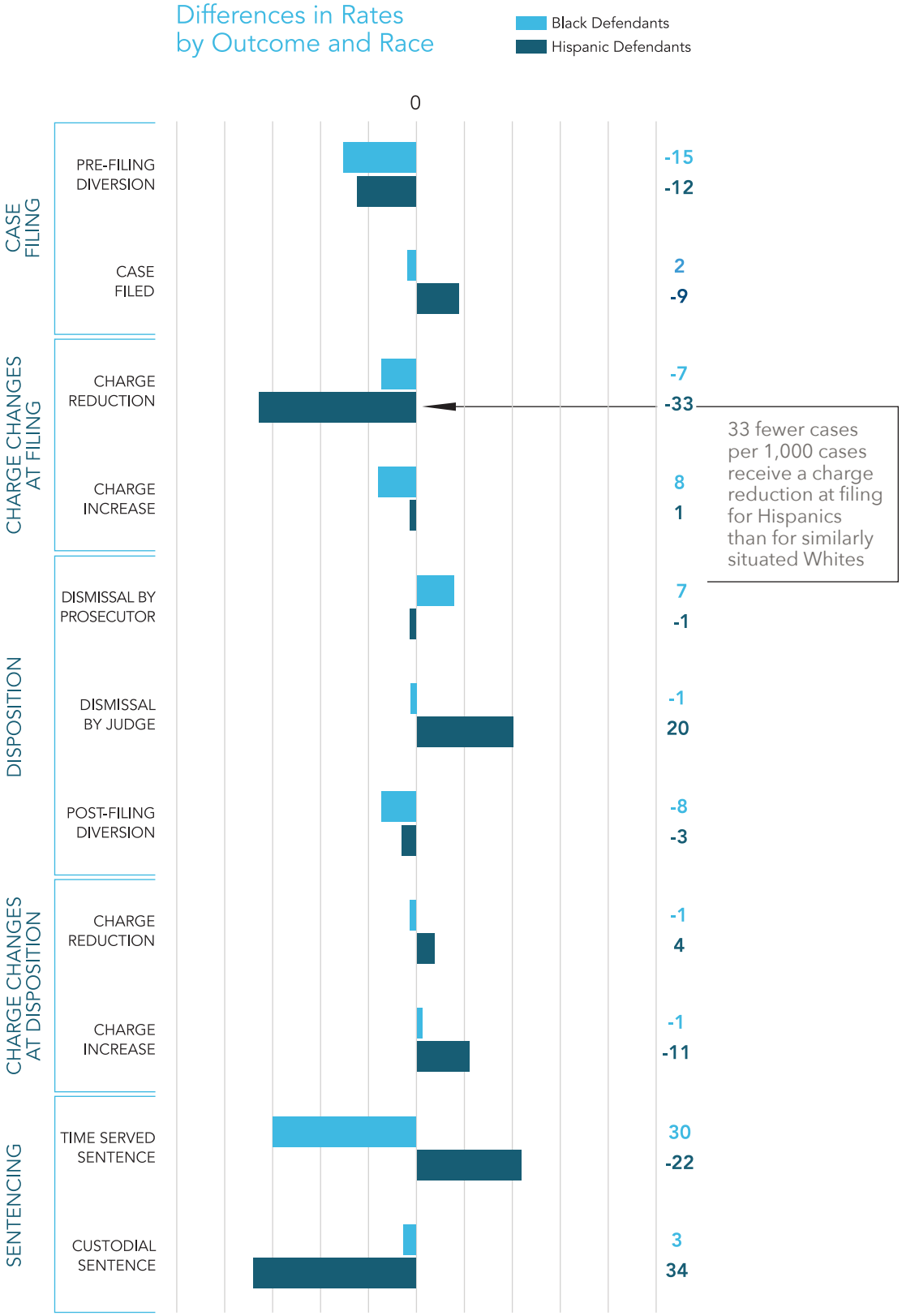
2018 All Cases
Differences in Rates by Outcome and Race



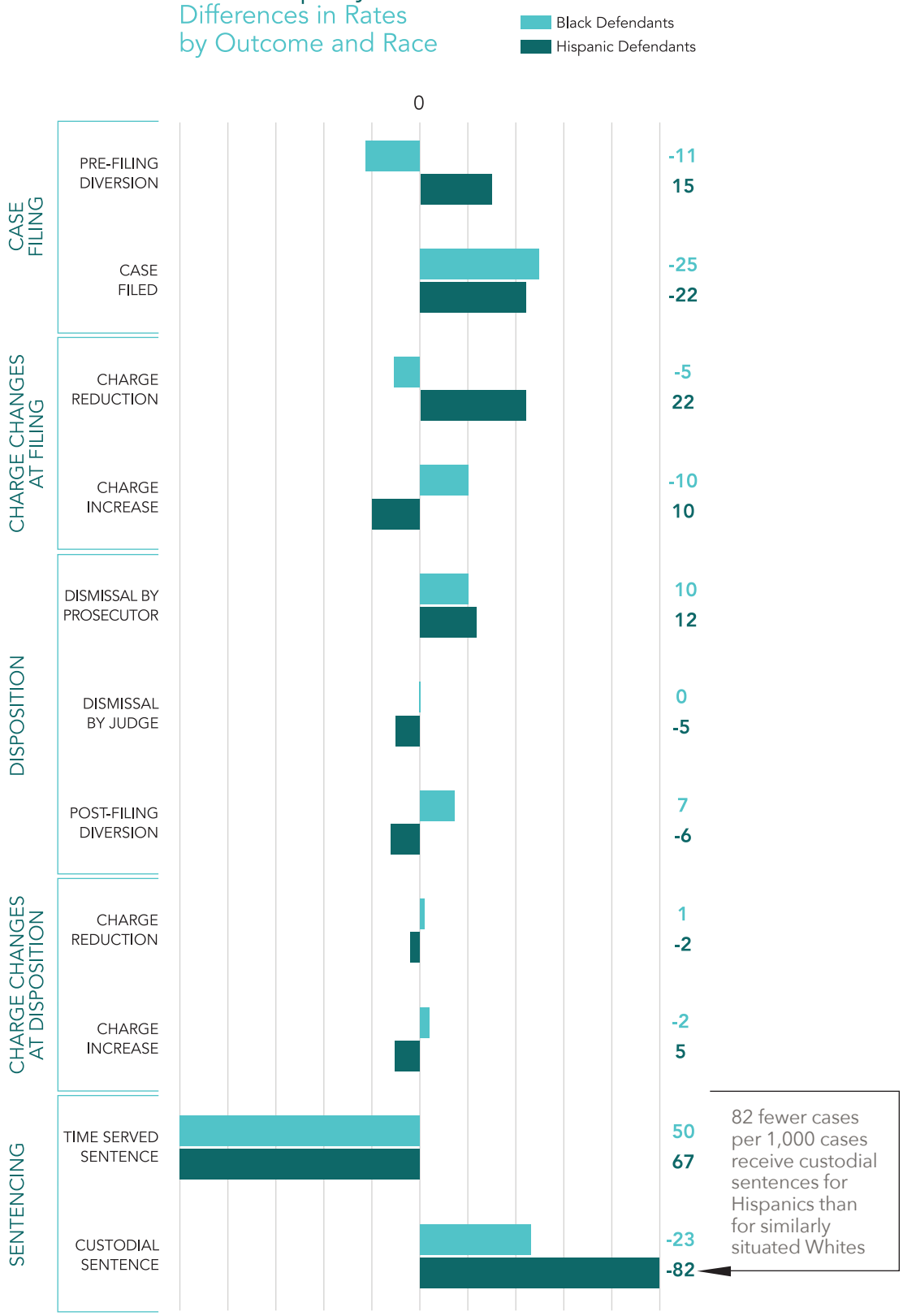
2017 Person Cases
Differences in Rates by Outcome and Race



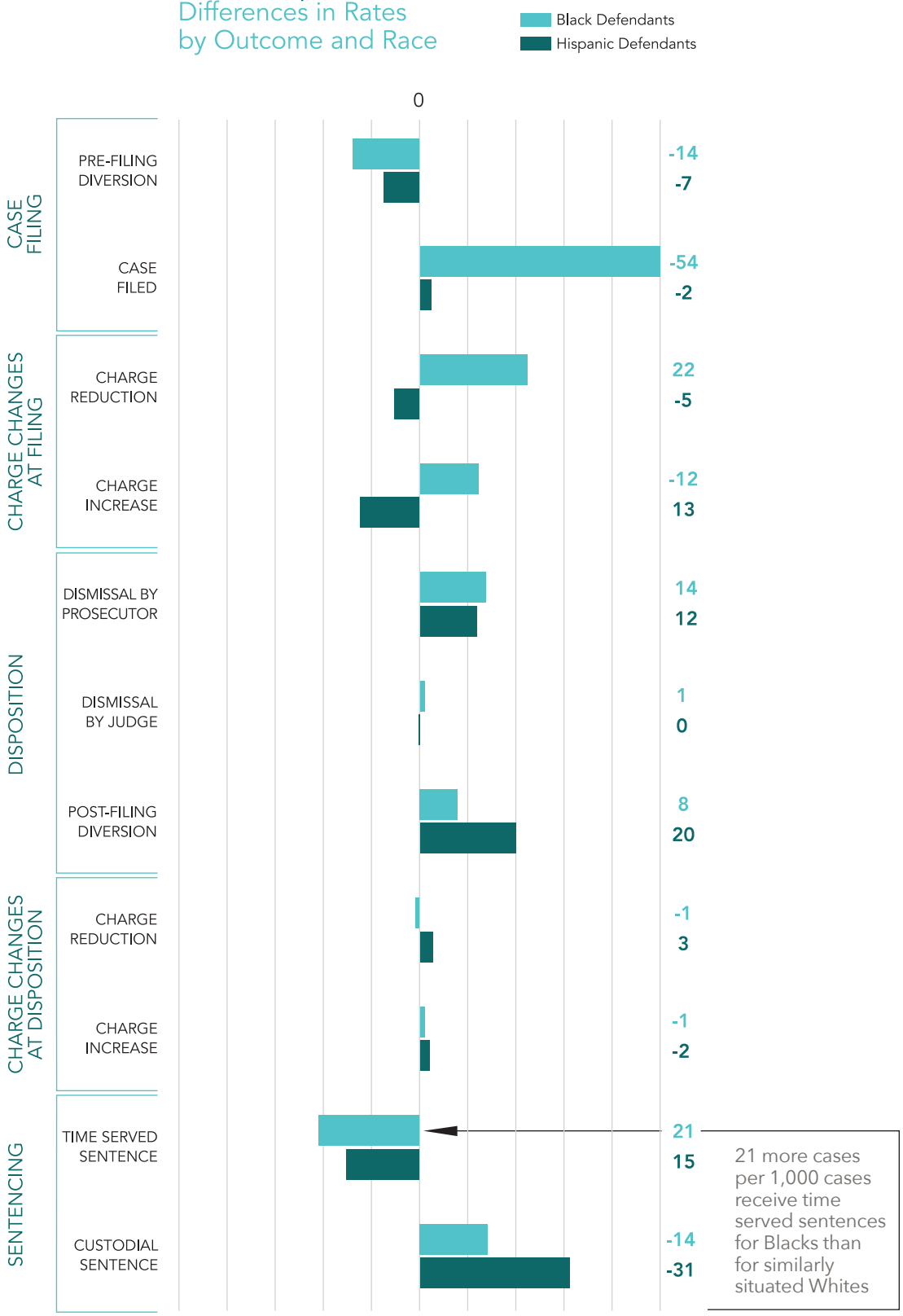
2018 Person Cases
Differences in Rates by Outcome and Race

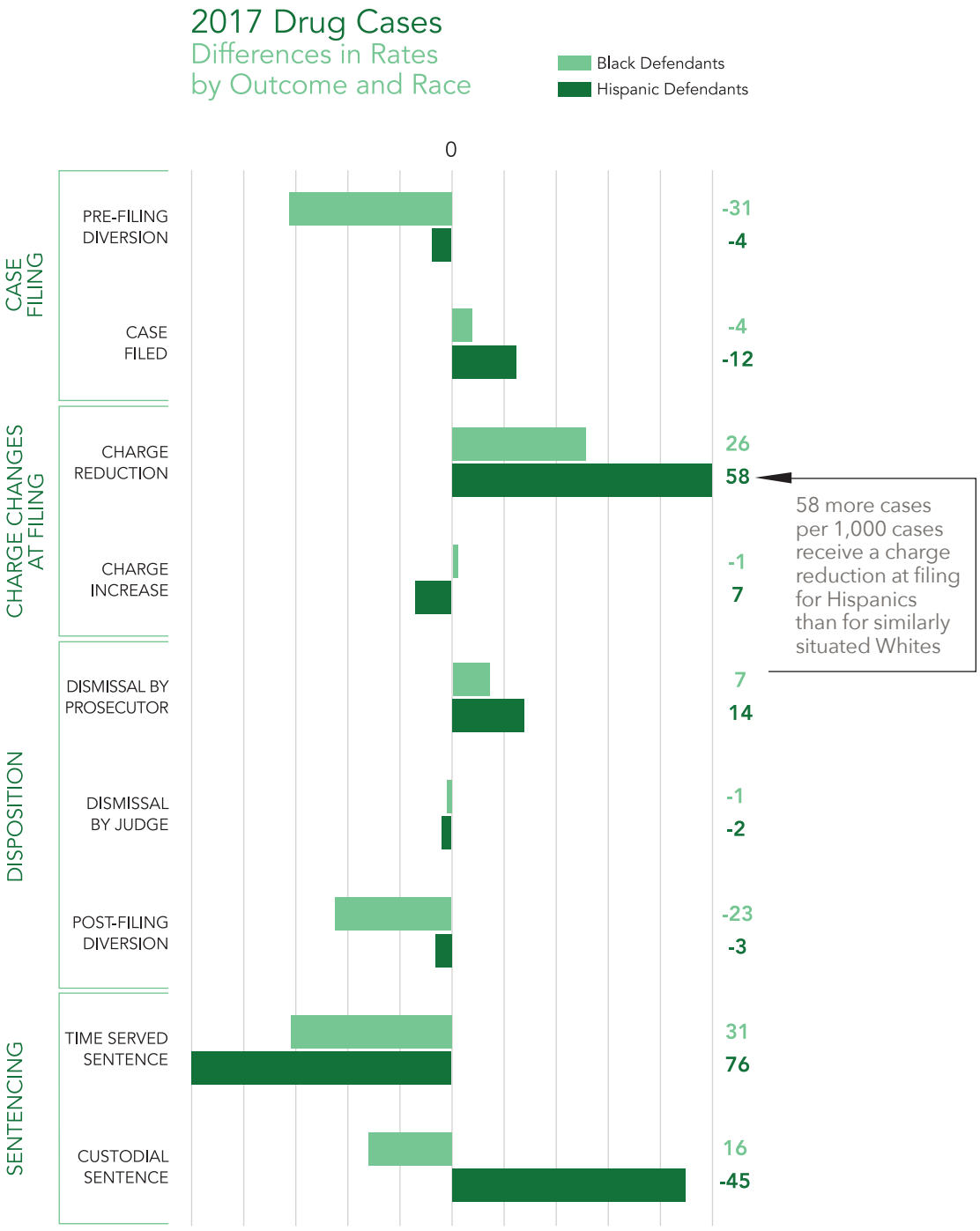


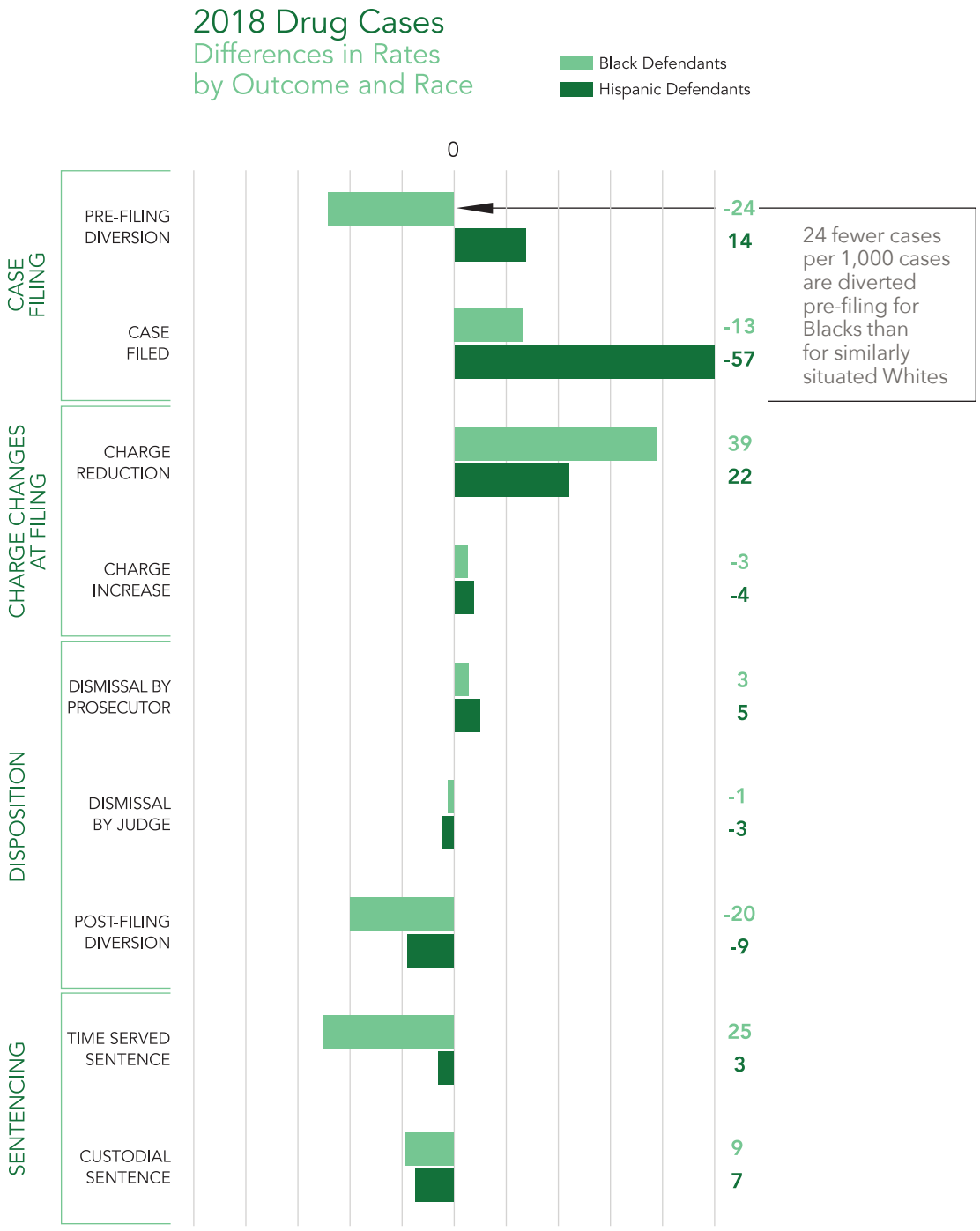
2017 Property Cases
Differences in Rates by Outcome and Race



2018 Property Cases
Differences in Rates by Outcome and Race




2017 Drug Cases
Differences in Rates
by Outcome and Race
Black Defendants
Hispanic Defendants
0
CASE FILING
PRE-FILING DIVERSION
-31
-4
CASE FILED
-4
-12
CHARGE CHANGES AT FILING
CHARGE REDUCTION
26
58
CHARGE INCREASE
-1
7
DISPOSITION
DISMISSAL BY PROSECUTOR
7
14
DISMISSAL BY JUDGE
-1
-2
POST-FILING DIVERSION
-23
-3
SENTENCING
TIME SERVED SENTENCE
31
76
CUSTODIAL SENTENCE
16
-45
58 more cases per 1,000 cases receive a charge reduction at filing for Hispanics than for similarly situated Whites


2018 Drug Cases
Differences in Rates
by Outcome and Race
Black Defendants
Hispanic Defendants
0
CASE FILING
PRE-FILING DIVERSION
-24
14
CASE FILED
-13
-57
CHARGE CHANGES AT FILING
CHARGE REDUCTION
39
22
CHARGE INCREASE
-3
-4
DISPOSITION
DISMISSAL BY PROSECUTOR
3
5
DISMISSAL BY JUDGE
-1
-3
POST-FILING DIVERSION
-20
-9
SENTENCING
TIME SERVED SENTENCE
25
3
CUSTODIAL SENTENCE
9
7
24 fewer cases per 1,000 cases are diverted pre-filing for Blacks than for similarly situated Whites

Appendix B
Descriptive Statistics

Table 1: Descriptive Statistics for Cases Brought for Filing

	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
TOTAL CASES	N=88,559	N=38,334	N=43,436	N=4,629	N=1,667	N=57,600	N=30,959
FILING DECISION							
No charges filed	16.8%	15.4%	18.2%	13.8%	20.3%	16.3%	17.8%
Diverted pre-filing	5.1%	5.4%	4.8%	4.6%	4.4%	4.6%	5.8%
Charges filed	78.1%	79.2%	77.0%	81.6%	75.3%	79.0%	76.4%
CHARGE CHANGES							
Reduced	12.3%	11.3%	14.0%	8.1%	5.3%	1.1%	33.7%
No Change	85.3%	85.9%	84.0%	89.8%	93.6%	96.8%	63.4%
Increased	2.4%	2.8%	2.0%	2.1%	1.1%	2.1%	2.9%
DEFENDANT DEMOGRAPHICS							
White	43.5%	n/a	n/a	n/a	n/a	43.7%	43.2%
Black	49.3%	n/a	n/a	n/a	n/a	47.6%	52.4%
Hispanic	5.3%	n/a	n/a	n/a	n/a	6.2%	3.6%
Other Race	1.9%	n/a	n/a	n/a	n/a	2.5%	0.8%
Female	29.8%	31.8%	28.6%	25.5%	29.0%	32.9%	24.1%
Male	70.2%	68.2%	71.4%	74.5%	71.0%	67.1%	75.9%
Juvenile	6.6%	4.6%	8.6%	5.6%	3.5%	4.5%	10.4%
Age (mean years)	32.5	34.3	31.0	31.7	33.2	33.0	31.6

Table 1: Descriptive Statistics for Cases Brought for Filing *Continued*

	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
Felony - capital	0.1%	0.1%	0.0%	0.2%	0.0%	n/a	0.2%
Felong - life	0.4%	0.3%	0.6%	0.2%	0.2%	n/a	1.2%
Felony - punishable by life	1.4%	0.9%	1.8%	1.0%	0.5%	n/a	3.9%
Felony - 1st degree	1.7%	1.1%	2.3%	1.4%	1.1%	n/a	4.8%
Felony - 2nd degree	7.7%	7.6%	8.3%	5.5%	2.9%	n/a	22.0%
Felony - 3rd degree	23.7%	24.9%	24.3%	15.6%	9.8%	n/a	67.9%
Misdemeanor - 1st degree	23.8%	25.5%	23.2%	19.3%	15.2%	36.6%	n/a
Misdemeanor - 2nd degree	41.2%	39.7%	39.5%	56.8%	70.2%	63.4%	n/a
Person	13.3%	11.5%	15.5%	10.5%	7.1%	5.6%	27.5%
Property	21.1%	24.5%	19.3%	15.2%	10.4%	15.4%	31.8%
Drug	16.7%	18.3%	16.4%	11.4%	6.6%	11.9%	25.6%
Public order/traffic	48.9%	45.7%	48.8%	62.9%	75.9%	67.1%	15.0%
Number of charges (mean)	1.5	1.5	1.5	1.3	1.2	1.2	1.9
Case initiated by arrest	48.5%	51.2%	48.7%	36.6%	24.7%	32.9%	77.5%
Disposed in 2017	49.2%	49.2%	49.7%	48.0%	39.7%	49.2%	49.1%
Disposed in 2018	50.8%	50.8%	50.3%	52.0%	60.3%	50.8%	50.9%
CRIMINAL HISTORY							
Number of prior arrests (mean)	3.4	3.2	3.9	1.7	0.8	2.9	4.3
Number of prior convictions (mean)	2.6	2.6	2.8	1.4	0.7	2.3	3.1
Number of prior jail sentences	1.5	1.5	1.7	0.7	0.3	1.3	1.9
Number of prior prison sentences	0.2	0.2	0.2	0.1	0.0	0.1	0.3
Habitual offender designation	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%	0.3%
Number of prior bench warrants	0.3	0.3	0.3	0.2	0.1	0.3	0.4
VICTIM INFORMATION							
Number of victims	1.3	1.3	1.3	1.4	1.3	1.2	1.4
Case involves white victim	41.6%	52.9%	29.7%	48.6%	37.8%	31.9%	48.8%
Case involves female victim	37.5%	33.0%	41.9%	37.6%	43.1%	34.8%	39.6%
Case involves child victim	4.6%	3.5%	5.4%	6.8%	7.3%	1.9%	6.6%
Case involves teenage victim	6.3%	4.7%	7.9%	7.2%	7.3%	5.1%	7.3%
Case involves elderly victim	9.6%	10.9%	8.6%	7.0%	6.6%	6.7%	11.9%
Case involves business/public agency	35.0%	39.7%	30.8%	32.9%	27.1%	40.9%	30.2%

Table 2: Descriptive Statistics for Disposed Cases	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
Total Cases	N=68,692	N=30,121	N=33,226	N=3,749	N=1,236	N=51,099	N=17,593
DISPOSITION TYPES							
Prosecutorial Dismissal	4.1%	3.7%	4.6%	3.3%	4.1%	3.5%	6.0%
Judicial Dismissal	0.6%	0.7%	0.6%	0.4%	0.3%	0.6%	0.6%
Diversion	5.4%	5.4%	5.6%	3.7%	2.2%	4.0%	9.4%
Plea or Trial	89.9%	90.2%	89.2%	92.6%	93.4%	91.9%	84.0%
CHARGE CHANGES							
Reduced	2.1%	1.9%	2.5%	1.9%	1.5%	2.2%	1.9%
No change	97.7%	97.9%	97.3%	98.0%	98.5%	97.7%	97.7%
Increased	0.2%	0.2%	0.2%	0.1%	0.0%	0.1%	0.4%
DEFENDANT DEMOGRAPHICS							
White	44.1%	n/a	n/a	n/a	n/a	43.8%	44.9%
Black	48.6%	n/a	n/a	n/a	n/a	47.8%	50.9%
Hispanic	5.5%	n/a	n/a	n/a	n/a	6.2%	3.5%
Other Race	1.8%	n/a	n/a	n/a	n/a	2.2%	0.7%
Female	29.1%	31.2%	27.6%	24.3%	28.3%	31.6%	21.5%
Male	70.9%	68.8%	72.4%	75.7%	72.0%	68.4%	78.5%
Juvenile	5.7%	3.8%	7.6%	4.6%	3.3%	3.1%	13.1%
Age (mean years)	32.7	34.5	31.1	31.9	32.9	33.3	31.0
OFFENSE INFORMATION							
Felony - capital	0.1%	0.1%	0.1%	0.1%	0.0%	n/a	0.3%
Felony - life	0.3%	0.2%	0.4%	0.2%	0.2%	n/a	1.2%
Felony - punishable by life	1.0%	0.7%	1.4%	0.7%	0.4%	n/a	4.0%
Felony - 1st degree	1.1%	0.8%	1.5%	1.0%	1.1%	n/a	4.5%
Felony - 2nd degree	6.5%	6.5%	7.0%	4.7%	2.0%	n/a	25.5%
Felony - 3rd degree	16.5%	17.9%	16.5%	9.7%	6.1%	n/a	64.5%
Misdemeanor - 1st degree	31.1%	32.6%	31.3%	23.0%	16.8%	41.8%	n/a
Misdemeanor - 2nd degree	43.3%	41.2%	41.8%	60.5%	73.3%	58.2%	n/a
Person	10.8%	9.6%	12.5%	8.3%	5.2%	5.5%	26.4%
Property	20.6%	24.5%	18.4%	14.1%	8.8%	16.0%	33.9%
Drug	17.2%	18.5%	17.3%	10.6%	7.0%	13.1%	29.0%
Public order/traffic	51.4%	47.5%	51.8%	67.0%	79.0%	65.4%	10.7%
Number of charges (mean)	1.3	1.4	1.4	1.3	1.2	1.2	1.9
Case initiated by arrest	50.3%	53.7%	50.1%	36.9%	23.2%	42.4%	73.2%
Failure to appear in current case	9.1%	9.5%	9.0%	7.0%	5.3%	10.1%	6.1%
Charges reduced at filing	12.2%	11.2%	13.9%	8.0%	5.3%	12.9%	10.0%
Charges increased at filing	2.4%	2.8%	2.1%	2.1%	1.2%	1.5%	5.2%
Top charge dropped at filing	5.4%	5.5%	5.5%	4.3%	2.4%	5.2%	6.0%
Disposed in 2017	50.6%	50.0%	51.5%	49.3%	41.2%	50.4%	51.0%
Disposed in 2018	49.4%	50.0%	48.5%	50.7%	58.8%	49.6%	49.0%
CRIMINAL HISTORY							
Number of prior arrests (mean)	3.5	3.4	4.0	1.7	0.7	3.2	4.3
Number of prior convictions (mean)	2.8	2.8	3.0	1.5	0.7	2.6	3.1
Number of prior jail sentences	1.6	1.7	1.8	0.7	0.3	1.5	1.9
Number of prior prison sentences	0.2	0.2	0.2	0.1	0.0	0.2	0.3
Habitual offender designation	0.2%	0.1%	0.2%	0.1%	0.0%	0.0%	0.1%
Number of prior bench warrants	0.3	0.3	0.3	0.2	0.1	0.3	0.3

Table 2: Descriptive Statistics for Disposed Cases *Continued*

	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
VICTIM INFORMATION							
Number of victims	1.3	1.3	1.4	1.5	1.4	1.2	1.5
Case involves white victim	41.2%	51.1%	30.1%	48.5%	36.8%	33.3%	51.0%
Case involves female victim	36.6%	32.0%	41.2%	37.6%	46.7%	34.1%	39.9%
Case involves child victim	3.8%	2.9%	4.4%	6.3%	6.3%	2.4%	5.6%
Case involves teenage victim	5.7%	4.4%	6.9%	7.0%	7.3%	4.6%	7.0%
Case involves elderly victim	9.9%	11.0%	8.9%	7.9%	6.9%	7.1%	13.3%
Case involves business/public agency	37.8%	42.4%	33.7%	34.4%	27.3%	41.7%	32.8%
DEFENSE COUNSEL TYPE							
Public defender	46.6%	47.0%	49.6%	30.4%	17.7%	36.6%	76.1%
Private counsel	13.5%	14.8%	10.1%	26.7%	29.6%	10.5%	22.8%
Pro se	39.9%	38.2%	40.3%	42.9%	51.7%	52.9%	1.1%

Table 3: Descriptive Statistics for Sentenced Cases	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
Total Cases	N=61,807	N=27,201	N=29,627	N=3,477	N=1,172	N=47,096	N=14,711
SENTENCE TYPE							
Non-Custodial Sentence	50.3%	46.5%	50.1%	67.8%	81.0%	60.6%	17.4%
Time Served Only	28.0%	29.4%	28.5%	19.9%	12.5%	28.6%	25.9%
Custodial Sentence	21.7%	24.1%	21.4%	12.3%	6.5%	10.8%	56.7%
DEFENDANT DEMOGRAPHICS							
White	44.2%	n/a	n/a	n/a	n/a	44.0%	45.0%
Black	48.2%	n/a	n/a	n/a	n/a	47.3%	50.9%
Hispanic	5.7%	n/a	n/a	n/a	n/a	6.4%	3.4%
Other Race	1.9%	n/a	n/a	n/a	n/a	2.3%	0.7%
Female	28.4%	30.7%	26.8%	23.8%	27.1%	31.2%	19.5%
Male	71.6%	69.3%	73.2%	76.2%	72.9%	68.8%	80.5%
Juvenile	4.5%	2.8%	6.3%	3.9%	2.9%	2.1%	12.5%
Age (mean years)	33.0	34.8	31.4	32.1	32.9	33.5	31.2
OFFENSE INFORMATION							
Felony - capital	0.1%	0.1%	0.0%	0.1%	0.0%	n/a	0.2%
Felony - life	0.3%	0.2%	0.4%	0.2%	0.2%	n/a	1.2%
Felony - punishable by life	1.0%	0.7%	1.4%	0.8%	0.4%	n/a	4.2%
Felony - 1st degree	1.1%	0.8%	1.4%	0.8%	0.9%	n/a	4.6%
Felony - 2nd degree	6.4%	6.3%	6.9%	4.4%	1.9%	n/a	26.7%
Felony - 3rd degree	15.0%	16.2%	15.2%	8.3%	5.0%	n/a	63.0%
Misdemeanor - 1st degree	29.5%	31.4%	29.5%	20.9%	14.7%	38.7%	n/a
Misdemeanor - 2nd degree	46.7%	44.3%	45.3%	64.6%	77.0%	61.3%	n/a
Person	10.0%	8.7%	11.7%	7.3%	4.3%	4.6%	27.3%
Property	19.7%	23.9%	17.3%	13.0%	8.0%	15.7%	32.7%
Drug	16.6%	17.5%	17.2%	9.5%	6.0%	12.8%	28.7%
Public order/traffic	53.7%	49.9%	53.8%	70.1%	81.7%	66.9%	11.4%
Number of charges (mean)	1.3	1.4	1.4	1.2	1.1	1.2	1.9
Case initiated by arrest	49.9%	53.1%	50.2%	35.8%	20.7%	42.5%	73.6%
Failure to appear in current case	8.3%	8.6%	8.3%	6.5%	4.9%	9.3%	5.0%
Charges reduced at filing	12.2%	11.1%	14.0%	7.8%	4.5%	12.7%	10.5%
Charges increased at filing	2.3%	2.8%	2.0%	1.9%	1.0%	1.3%	5.5%
Top charge dropped at filing	6.1%	6.3%	6.1%	5.0%	4.0%	6.0%	6.4%
Charges reduced at disposition	2.0%	1.7%	2.3%	1.6%	1.5%	2.0%	1.8%
Charges increased at disposition	0.2%	0.2%	0.2%	0.1%	0.0%	0.1%	0.5%
Top charge dropped at disposition	0.1%	0.1%	0.1%	0.0%	0.0%	0.1%	0.1%
Plea disposition	99.6%	99.8%	99.4%	99.9%	99.8%	99.9%	98.6%
Trial disposition	0.4%	0.2%	0.6%	0.1%	0.2%	0.1%	1.4%
Disposed in 2017	51.1%	50.5%	52.2%	49.6%	41.0%	50.9%	51.9%
Disposed in 2018	48.9%	39.5%	47.8%	50.4%	59.0%	49.1%	48.1%
CRIMINAL HISTORY							
Number of prior arrests (mean)	3.6	3.5	4.1	1.7	0.7	3.3	4.6
Number of prior convictions (mean)	2.9	2.9	3.1	1.5	0.7	2.7	3.3
Number of prior jail sentences	1.7	1.8	1.8	0.7	0.3	1.6	2.1
Number of prior prison sentences	0.2	0.2	0.2	0.1	0.0	0.2	0.4
Habitual offender designation	0.2%	0.1%	0.2%	0.1%	0.0%	0.0%	0.7%
Number of prior bench warrants	0.3	0.3	0.3	0.2	0.1	0.3	0.4

Table 3: Descriptive Statistics for Sentenced Cases *Continued*

	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
VICTIM INFORMATION							
Number of victims	1.4	1.3	1.4	1.5	1.4	1.2	1.5
Case involves white victim	41.1%	50.4%	30.3%	48.3%	37.0%	33.0%	51.4%
Case involves female victim	36.4%	31.8%	41.1%	38.4%	45.9%	33.8%	39.9%
Case involves child victim	3.8%	3.0%	4.4%	6.4%	5.1%	2.4%	5.6%
Case involves teenage victim	5.6%	4.3%	6.8%	7.2%	7.3%	4.4%	7.2%
Case involves elderly victim	10.0%	11.1%	8.8%	8.3%	7.4%	7.3%	13.2%
Case involves business/public agency	39.4%	43.7%	35.5%	34.9%	27.5%	44.0%	33.3%
DEFENSE COUNSEL TYPE							
Public defender	45.1%	45.8%	47.8%	28.6%	16.4%	35.3%	76.8%
Private counsel	12.8%	13.8%	9.5%	26.6%	28.5%	9.9%	22.3%
Pro se	42.1%	40.4%	42.7%	44.8%	55.1%	54.8%	0.9%

Appendix C

Most Common Person, Property, and Drug Charges Brought for Filing, 2017-2018

Person offenses:

1. §784.03 Battery (3,037 cases, excluding domestic violence cases)
2. §790.23 Felon in possession of a firearm (865 cases)
3. §827.03 Abuse/neglect of a child (774 cases)
4. §812.13 Robbery (765 cases)
5. §784.021 Aggravated assault (714 cases)
6. §790.01 Carrying a concealed firearm (648 cases)
7. §784.07 Assault or battery of a law enforcement officer (639 cases)
8. §784.045 Aggravated battery with a deadly weapon (590 cases)
9. §810.02 Armed burglary (326 cases)
10. §794.011 Sexual battery (276 cases)

Property offenses:

1. §812.014 Theft (8,765 cases)
2. §810.02 Burglary (3,035 cases)
3. §810.09 Trespassing on property not structure/conveyance (2,799 cases)
4. §812.019 Dealing in stolen property (777 cases)
5. §810.08 Trespassing in structure/conveyance (633 cases)
6. §831.09 Uttering forged bills/checks (375 cases)
7. §414.39 Public assistance fraud (354 cases)
8. §832.05 Giving worthless checks (190 cases)
9. §817.61 Fraudulent use of credit cards (166 cases)
10. §443.071 Unemployment compensation fraud (211 cases)

Drug offenses:

1. §893.13.6A Possession of controlled substance (5,143 cases)
2. §893.13.6B Possession of cannabis, less than 20 grams (5,030 cases)
3. §893.147.1 Possession of drug paraphernalia (1,728 cases)
4. §893.13.1A Sale/possession with intent to sell controlled substance (1,715 cases)
5. §893.13.1E Sale/possession with intent to sell within 1,000 feet of church/ convenience business (374 cases)
6. §893.13.1C Sale/possession with intent to sell within 1,000 feet of school (171 cases)
7. §893.13.7A Obtaining a controlled substance by fraud/withholding information (80 cases)
8. §893.13.3 Delivery of cannabis, less than 20 grams (79 cases)
9. §893.135.1B Trafficking in cocaine (70 cases)
10. §893.135.1C Trafficking in illegal drugs (morphine, opium, heroin, etc.) (62 cases)

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Florida International University is classified by Carnegie as a R1: Doctoral Universities - Highest Research Activity and recognized as a Carnegie engaged university. It is a public research university with colleges and schools that offers 196 bachelor's, master's and doctoral programs in fields such as engineering, computer science, international relations, architecture, law and medicine. This project is housed in the Department of Criminology and Criminal Justice and the Center for the Administration of Justice, which are part of the Steven J. Green School of International and Public Affairs.

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