

Prosecutors embrace a color-blind approach to prosecution, highlights need for cultural rescripting in prosecution

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A new study explored how prosecutors think about race in criminal justice, providing ideas of how to break the color-blind approach to prosecution that can entrench racial disparities. The study found that prosecutors broadly argue that race should not be considered when processing cases.

Conducted by a researcher at Florida International University (FIU), the study is forthcoming in the American Society of Criminology's journal *Criminology*.

"Color-blindness is one piece of a very strong and cohesive prosecutorial culture," says Rebecca Dunlea, an assistant professor of criminology and [criminal justice](#) at FIU and the author of the study. "Getting prosecutors to see themselves as part of the solution to [racial disparities](#) will require changing their views on how to approach [race](#), but it will probably also require that they reevaluate other core beliefs about how they do their work and achieve [justice](#)."

Color-blindness does not address racial disparities, and may even worsen them by maintaining policies and practices that are facially race-neutral but disproportionately harm people of color. Some scholars argue that colorblindness in criminal justice has done more harm than good.

Based on interviews with 47 prosecutors from Jacksonville and Tampa,

Florida, in 2018, the study found that they widely embraced a color-blind approach to processing cases. Interviewees consistently said they believed that the best way to handle these disparities was to not consider the race of defendants, victims, or witnesses when making case decisions.

Support for the color-blind approach was informal and widespread, the study found, with prosecutors saying they worked to appear race-neutral, denying the possibility of discrimination in their offices. Prosecutors of color appeared to support the color-blind approach as much as their White counterparts.

This color-blind approach is reinforced by other scripts deeply embedded in prosecutorial culture, such as "every case is unique," "poverty and culture cause crime," and "we only prosecute what the police bring to us," the study found. All these seemingly race-neutral scripts are used by prosecutors to justify the rejection of their role in reforms that target racial disparities in criminal justice.

More information: No Idea Whether He's Black, White, or Purple": Colorblindness and Cultural Scripting in Prosecution, *Criminology* (2021).

Provided by American Society of Criminology

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