

# Looking at role of prosecutors, politics in mass incarceration

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Chika Okafor is a doctoral student in the Department of Economics working on research regarding prosecutors and their role in criminal sentencing. Credit: Rose Lincoln/Harvard Staff Photographer

District attorneys pursue crimes and longer sentences at higher rates in election years, according to a new working paper that looks at whether

politics affect the behavior of prosecutors and hints at how changing cultural attitudes about crime may influence incarceration rates.

Chika Okafor, a doctoral candidate in economics and the Reginald F. Lewis Fellow at Harvard Law School, recently released "Prosecutor Politics: The Impact of Election Cycles on Criminal Sentencing in the Era of Rising Incarceration," which looked at the political careers of district attorneys across the U.S. between 1986 and 2006.

"Using quasi-experimental economic methods, I found causal evidence that being in a local [prosecutor election](#) year increased total admissions rates and total months sentenced per capita on average during the period of the steepest rise in U.S. incarceration," Okafor said.

Okafor noted that evidence showed that election effects are larger when local prosecutor races are contested, as well as when they are in Republican counties or in the southern U.S. "All these factors are consistent with a view that election effects might be arising from political incentives that influence local prosecutors," he said.

Earlier research suggested that appointed district attorneys tend to have lower conviction rates than those who are elected, according to the paper. "The literature also suggests that those DAs who are in office for longer terms tend to prosecute fewer cases, which might be a result of the fact that they do not have to worry about re-election quite as much as DAs who only hold office for four-year terms," Okafor wrote.

Local prosecutor election effects declined between 1986 and 2006, the same time during which [public opinion](#) in the U.S. softened regarding criminal punishment. Okafor said that people are increasingly viewing courts as too harsh, which may be influencing local prosecutor behavior.

"What my recent research has suggested is that a lot of work on criminal

justice reform to date has focused on improvements to the justice system itself and the laws that govern it," he said. "If political incentives and the harshness of sentencing declined in response to public sentiment, then my recent research highlights that focusing on shifting public opinion toward punishment may prove another beneficial lever in changing sentencing outcomes and stemming mass incarceration."

The U.S. has seen a wave of progressive prosecutors winning elections in recent years after running on platforms of reducing the prison population, dropping charges, and more. Okafor said that there has been suggestive evidence of the influence of these reform-minded DAs on mass incarceration.

"Local prosecutors in general have a lot of discretion with the types of crime that they choose to prosecute, and also what charges they choose to charge and the terms of the plea deals," Okafor said, adding that progressive prosecutors Kim Foxx, the Cook County, Illinois, state attorney, and Larry Krasner, the Philadelphia district attorney, have opted not to prosecute certain low-level offenses, particularly some drug crimes.

But he noted that it's currently unclear what the overall effect is in terms of the nation's mass incarceration problem and that more research needs to be done to truly understand the role of prosecutors.

"Just from a policy perspective, I would expect that the incidence of people who have been arrested for certain low-level offenses would decrease," he continued. "I have not actually looked at a fully constructed data set since they've come to office to test it, but it's probably something that will be available in a couple more years when more data has been gathered around the impact of progressive prosecutors."

Incarcerated individuals in the U.S. make up nearly 25 percent of the world's [prison population](#), with an estimated 2.2 million people in jail or prison, according to the Bureau of Justice Statistics. Politicians on both sides of the aisle agree that the economic and social costs of mass incarceration are too high.

Okafor's latest paper is just the tip of iceberg that he hopes to research.

"My research only evaluates the short-term cyclical impact of being in an election year in terms of outcomes. It doesn't capture potential longer-term political consideration that might impact how local prosecutors perform their work throughout the election cycle. I'm just looking at the difference in election year versus nonelection, not the overall levels across the entire election cycle," he said. "This means that the full impact of political incentives on the criminal justice system and mass [incarceration](#) may be different or larger than what is found in my research alone. Part of the research agenda that I'm designing is to try to get a better handle on different manifestations—or a better understanding of the full scope—of how political considerations might be influencing decisions."

**More information:** Chika O. Okafor, Prosecutor Politics: The Impact of Election Cycles on Criminal Sentencing in the Era of Rising Incarceration. arXiv:2110.09169v1 [econ.GN], [arxiv.org/abs/2110.09169](https://arxiv.org/abs/2110.09169)

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