

An Exploration of Prosecutorial Discretion in Plea Bargaining in Philadelphia

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As we have come to reckon with our nation's overreliance on carceral punishment and the mass incarceration of people of color, particularly Black people, experts are turning to a key system point that is the primary method for resolving most criminal cases: plea bargaining.

Despite the wide use of plea bargaining, little is known about the practice, largely because it happens outside of public view, and little is documented by the key actors involved = prosecutors.

To better understand prosecutorial discretion in plea bargaining, the Urban Institute was funded by the MacArthur Foundation through the Safety and Justice Challenge Research Consortium, which is managed by the CUNY Institute for State and Local Governance, to conduct a study on plea bargaining policies, practices, and outcomes.

Urban partnered with the Philadelphia District Attorney's Office to assess the various influences guiding prosecutorial plea bargaining decision making, what trends in plea offers and outcomes exist, and what the perceptions of other key actors look like.

On November 30, 2022, we corrected several data points in figure 8 on page 36. We have corrected the average incarceration maximum for white people from 7.86 to 16.10 months. We have also corrected the average incarceration minimum for Black people from 18.76 to 18.63 months, the average incarceration minimum for white people from 7.87 to 7.38 months, and the average incarceration maximum for Black people from 38.47 to 38.01 months.

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