

Understanding the Impact of Racial and Ethnic Disparities from Arrest to Sentencing

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AUTHORS

Marijana Kotlaja, PhD
Justice System Partners

Sarah Jensen, PhD, J.D.
Justice System Partners

Pavithra Nagarajan, PhD
Justice System Partners

J. Ra'Chel Fowler
Justice System Partners

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INTRODUCTION

The MacArthur Foundation launched the Safety and Justice Challenge (SJC) in 2015 to reduce the over-reliance on jails across communities. This national initiative provides funding and technical assistance to local sites to help them develop and implement strategies to safely reduce jail populations, address racial and ethnic disparities, and improve community safety. Currently, many SJC sites report evidence of racial and ethnic disparities at different decision points in their case processing. However, SJC sites have less information about how disparities at one individual decision point can impact disparities at other subsequent decision points. That is, SJC sites understand the disparate outcomes at individual points, but may require more understanding into how disparities at one point affect the next and what drives these compounding, cumulative effects.

Racial disparities are widespread within the American criminal legal system, with racially and ethnically minoritized individuals overrepresented at multiple intercepts of the criminal legal system (Nembhard & Robin, 2021). Racial disparities are pervasive in arrest. One study of federal pretrial found that Black defendants were 34% more likely to receive a recommendation of pretrial detention than white defendants (Skeem et al., 2023). Previous SJC research has found racial and ethnic disparities in several diversion programs across SJC sites (Kutateladze et al., 2021). Although only 42% of Americans identify as a race or ethnicity other than white, racially or ethnically minoritized individuals comprise 64% of the prison population (Sawyer & Wagner, 2024). Black individuals are particularly overrepresented in the criminal legal system: they constitute only 14% of U.S. population (U.S. Census Bureau, 2023), but are incarcerated in state prisons at nearly five times the rate of white individuals (Nellis, 2021). In all, Black individuals constitute 35% of U.S. jail and prison populations (Sawyer & Wagner, 2024) and with longer average jail stays (Pew Charitable Trusts, 2023). Latine individuals are also overrepresented; however, the true scale of their overrepresentation is unknown because of measurement issues and limited data on ethnicity (Eppler-Epstein et al., 2016). Overall, disparities for racially and ethnically minoritized groups are driven by structural racism and systemic inequities (Alexander, 2010).

This report focuses on racial and ethnic disparities in New Orleans, LA. This report is part of a larger analysis of three SJC sites, including San Francisco, CA and Pima County, AZ [linked here]. First, we provide an overview of contextual information for New Orleans and information about how an individual is processed through their criminal legal system. Second, we describe the research design and data sources used in New Orleans, including a detailed discussion on data quality limitations that shaped our analytical approach. The results for the pretrial decision point, case disposition in Municipal Court, case disposition in District Court, and sentence outcome in District Court are presented. We conclude with policy, research, and practice recommendations.

SITE CONTEXT

New Orleans has been actively pursuing ambitious reforms to create a fairer criminal legal system, especially as a participant in the MacArthur Foundation's Safety and Justice Challenge (SJC). The city joined the SJC's first cohort in 2015, at a time when Louisiana had the nation's highest incarceration rate (Carson & Anderson, 2016) and New Orleans' jail population exceeded 1,500 detainees (Safety and Justice Challenge, 2025). Through the SJC, local officials implemented strategies aimed at safely reducing jail misuse and addressing racial disparities.

The jail is largely used for pretrial detention, with 89% of individuals incarcerated awaiting a case disposition (Safety and Justice Challenge, 2025). Louisiana requires monetary bail for every charge within an arrest, leading to the incarceration of individuals who cannot afford bail, rather than those who pose a risk to the community (Safety and Justice Challenge, 2025). Additionally, there are large disparities in arrest by race/sex intersectional groups, with Black men being arrested at twice the rate of white men and Black women being arrested at 1.6 times the rate of white women (Safety and Justice Challenge, 2025).

Through their participation in the SJC, New Orleans implemented a number of strategies to decrease disparities and the reach of the criminal legal system.

New Orleans invested in Pretrial Services to use data-driven decision-making to select individuals who can be released pretrial (Safety and Justice Challenge, 2025). Pretrial Services uses the Public Safety Assessment (PSA) to make recommendations about the use of Release on Recognizance (ROR), through which individuals are released to the community while having a pending case (Safety and Justice Challenge, 2025). This is a widely utilized practice in other jurisdictions, but it is more limited by Louisiana state law. Through the use of Pretrial Services, New Orleans has increased its usage of ROR, which lessens the impact of unaffordable bail on the overall pretrial population (Safety and Justice Challenge, 2025).

Additionally, New Orleans has strengthened its partnership between system actors and community members. This collaboration takes two forms: 1) the Community Advisory Group (CAG) and 2) the Ethnic and Racial Disparity Working Group (Safety and Justice Challenge, 2025). Through these groups, individuals with a wide range of lived and professional experience examine how to improve the criminal legal system and reduce disparities.

New Orleans also implemented the Public Defender at First Appearance Initiative (Safety and Justice Challenge, 2025). Research has found that individuals who have an attorney at initial appearance have less punitive outcomes at initial appearance than those who do not; however, public defenders are not typically provided at initial appearance unless an individual is able to pay for an attorney themselves (Safety and Justice Challenge, 2025).

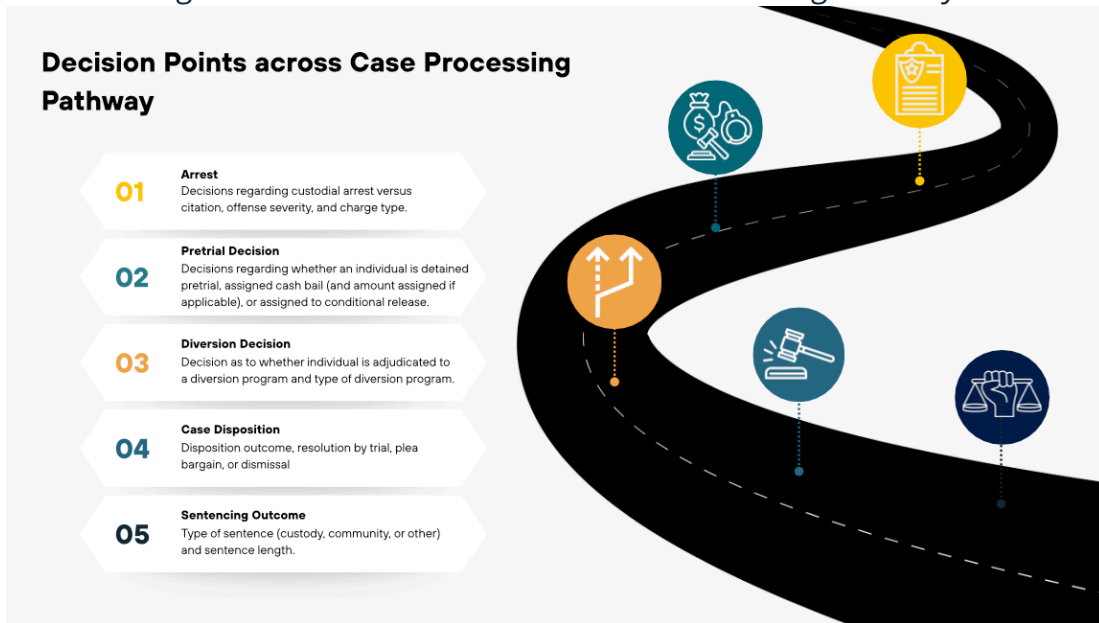
Therefore, in many cases, it is ironically the same people who cannot afford to pay monetary bail who cannot afford to hire an attorney who could advocate for them to have a more affordable bail amount. Providing a public defender helps to make pretrial release more accessible for everyone, especially those who do not pose a risk to the community but cannot afford to pay their monetary bail.

New Orleans also implemented a law enforcement-led diversion program for individuals who live with a mental health condition, substance use, or other challenges (Safety and Justice Challenge, 2025). The Law Enforcement Assisted Diversion (LEAD) program provides law enforcement officers with resources to connect individuals with, as opposed to citing or booking an individual into jail (Safety and Justice Challenge, 2025). Individuals receive intensive case management services and community-based treatment, as opposed to further entanglement within the criminal legal system.

DECISION POINTS IN NEW ORLEANS

Across the three sites, the analysis aimed to focus on five major decision points in the criminal legal process: 1) custodial arrest (versus citation) by law enforcement (excluded from this analysis due to lack of data), 2) pretrial detention, 3) diversion (excluded from this analysis due to lack of data), 4) case disposition, and 5) sentencing. This section describes what those decision points are and how each site differs in their approach to handling cases at these decision points. Understanding these differences sets the point for understanding the results given the distinct demographic, economic and policy contexts across the three jurisdictions.

Figure 1: Decision Points Across Case Processing Pathway



The first key decision point is arrest, which encompasses decisions regarding whether a custodial arrest or citation is issued, the severity of the alleged offense, and the specific

type of charge imposed. This decision point is excluded from the San Francisco analysis due to lack of data.

The second decision point is the pretrial decision. At this initial appearance, the court makes preliminary determinations regarding pretrial release, including whether an individual will be detained, assigned a cash bail and its amount, or released on their own recognizance with or without conditions such as pretrial monitoring or supervision. In this analysis, we operationalize pretrial detention within the context of monetary bail and length of jail stay pretrial. A longer length of pretrial detention or higher associated bail amount are considered the more punitive outcome in this analysis, as opposed to citations. Pretrial detention has major implications for the case overall, with individuals who are detained pretrial more likely to accept a plea deal than those who are released pretrial (Dobbie et al., 2018). Once an individual is arrested and booked into jail, they must appear before a judge for an initial appearance.

The third decision point is the diversion decision: whether an individual is approved into an alternative program that removes them from traditional case processing for a diversion program. This decision point is excluded from the San Francisco analysis due to lack of data.

The fourth decision point is case disposition: the outcome of the case determining whether the charges result in conviction. This pivotal decision point precedes sentencing and represents a culmination of earlier decisions in the case processing pathway: cases cannot reach disposition without arrest, pretrial processing, and charging. The disposition, therefore, is a particularly decision point for analyzing compounding racial disparities. Convictions carry severe consequences beyond sentencing—a conviction on one's record significantly impacts eligibility for public benefits, access to housing, and employment opportunities, among other barriers. Additionally, the number of charges someone resulting in conviction directly affects sentencing and future opportunities reflecting earlier charging decisions. Across the United States, including these three jurisdictions, the vast majority of cases are resolved through plea agreements, through which individuals exchange a guilty plea to one or more charges for a more lenient sentence or dropped charges (e.g., Johnson, 2023; Subramanian et al., 2020). Some jurisdictions distinguish between municipal court and district court, with municipal court handling lower-level offenses and district court overseeing more severe misdemeanors and felonies. We include analyses of both courts, when possible, to distinguish potential racial disparities in low-level offenses that may be attributed more towards "crimes of poverty" in comparison to more serious offenses. Some jurisdictions distinguish between municipal courts handling lower-level offenses and district courts overseeing serious misdemeanors and felonies. We include analyses of both courts, where possible, to distinguish potential racial disparities in low-level offenses that may be attributed more towards "crimes of poverty" in comparison to more serious offenses.

Finally, sentencing outcomes address the type of sentence handed down: custodial/incarcerative or community-based. Incarceration is far more restrictive than community supervision, making it the more severe outcome of the sentencing decision point. While community supervision imposes conditions such as drug testing, housing and treatment, individuals retain considerably more freedom than individuals who are incarcerated. Disproportionate incarceration sentences for historically minoritized individuals signal racial disparities in the case processing pathway, particularly since disparities at earlier decision points can compound to produce harsher sentences.

In the New Orleans analysis, we focus on the pretrial decision point, case disposition in Municipal Court, case disposition in District Court, and sentencing decisions. We do not use all decision points outlined above due to data limitations (see Appendix A).

RESEARCH DESIGN & DATA

The data from New Orleans came from three data sources: Pretrial Services, Municipal Court, and the Criminal District Court. Without common identifiers across datasets, each analysis was conducted independently. New Orleans operates a bifurcated court system: Municipal Court processes misdemeanors, while the Criminal District Court handles felonies.

Pretrial Services Data. The data from Pretrial Services consisted of 18,585 first appearances in New Orleans. We restricted our sample to cases with complete demographic information, excluding 3,474 cases (18.7%) with missing race/ethnicity, age, sex, risk level, or detention status, resulting in a final sample of 15,111 individuals. The sample demographics consisted of a mean age of 33.4 years (SD = 11.3) and a majority male sample at 84.4%. The racial/ethnic breakdown was 85.8% Black (n = 12,960), 13.1% white (n = 1,979), 0.8% Latine (n = 116), 0.3% Asian (n = 52), and 0.0% American Indian/Alaska Native (n = 4). Among all first appearances, 84.4% (n = 12,756) resulted in pretrial detention rather than release on recognizance. Due to the lack of consistent identifiers across datasets within the pretrial decision point, we were unable to control for case and charge severity in a similar manner to other jurisdictions. Instead, we utilized risk assessment score as a control variable when modeling pretrial detention. While we were initially hesitant to use risk assessment as a control variable due to potential issues of confounding, we found that there were significant differences in detention outcomes within the same risk level differing by race. This demonstrates that we can use risk level as a control variable while still detecting racial disparities.

Municipal Court Data. The Municipal Court sample consisted of 54,827 cases. A total sample of 42,107 cases was included in the analysis after we excluded 12,720 cases (23.2%) with missing demographic or case data. The sample had a mean age of 34.3 years (SD = 11.4) and was predominantly male (77.9%). The racial/ethnic breakdown was 70.7% Black (n = 29,759), 27.6% white (n = 11,605), 1.5% Latine (n = 633), and 0.3% Asian (n = 110). The

average number of charges per case was 6.9 (SD = 9.7). Among all cases, 69.5% (n = 29,264) resulted in a conviction.

Criminal District Court Data. A total of 129,274 cases were available in the Criminal District Court data; however, 55,930 cases (43.3%) had missing race/ethnicity, age, sex, charge type, or disposition data, resulting in a final sample of 73,344 cases. The District Court handles only felony cases, so this sample represents more serious charges than the Municipal Court sample. The mean age of this sample was 32.1 years (SD = 11.2) and was a majority of the sample was male (86.9%). The racial/ethnic breakdown was 82.2% Black (n = 60,273), 17.1% white (n = 12,511), 0.4% Latine (n = 310), 0.3% Asian (n = 230), and 0.0% American Indian/Alaska Native (n = 20). Felony charges comprised 78.8% of cases, with an average of 24.1 charges per case (SD = 93.6). Among all cases, 74.9% (n = 54,933) resulted in conviction. Among those convicted (N = 51,220), 57.8% (n = 29,607) received incarceration sentences.

Our analysis examined system-level patterns at each decision point rather than tracking individual pathways through the entire criminal legal system. Additionally, the small sample sizes for Latine (n = 116–633), Asian (n = 52–230), and American Indian/Alaska Native (n = 4–20) individuals across decision points limited reliable estimates for these groups, thus we limited our analysis to Black versus white comparisons.

Table 1. Race/Ethnicity Breakdown by Decision Point in New Orleans

Race/Ethnicity	New Orleans Population	Pretrial Detention ¹	Municipal Court ²	District Court ³	Incarceration (Convicted) ⁴
White	30.1%	1,979 (13.1%)	11,605 (27.6%)	12,511 (17.1%)	8,732 (17.0%)
Black	55.2%	12,960 (85.8%)	29,759 (70.7%)	60,273 (82.2%)	42,172 (82.3%)
Latine	7.9%	116 (0.8%)	633 (1.5%)	310 (0.4%)	182 (0.4%)
Asian	2.8%	52 (0.3%)	110 (0.3%)	230 (0.3%)	125 (0.2%)
Indigenous	0.3%	4 (0.0%)	—	20 (0.0%)	9 (0.0%)
Total	100%	15,111	42,107	73,344	51,220

Note: Population percentages from 2024 U.S. Census estimates. Each decision point represents a separate analytical sample. ¹Pretrial Detention = Pretrial Services data. ²Municipal Court = Municipal Court conviction data. ³District Court = District Court conviction data. ⁴Incarceration = subset of District Court cases resulting in conviction.

MEASURES

Independent Variable

Race and ethnicity were coded from jail and court records into mutually exclusive categories: non-Latine white (reference category), non-Latine Black, Latine, Asian, and American Indian/Alaska Native (AIAN). Due to insufficient sample sizes across all decision points, Latine, Asian, and AIAN were excluded from regression analyses. Also, all cases with unknown race/ethnicity were excluded from analysis.

Outcomes by Decision Point

Detention (at the Pretrial Decision Point): Whether the individual was detained pretrial, operationalized as not receiving release on recognizance (ROR). Among the 15,111 cases in the pretrial sample, 84.4% (n = 12,756) were detained pretrial.

Conviction (at the Disposition Decision Point):

Municipal Court Conviction: Whether the misdemeanor case resulted in conviction. Of the 42,107 cases in the Municipal Court sample, 69.5% (n = 29,264) resulted in conviction.

District Court Conviction: Whether the felony case resulted in conviction. Of the 73,344 cases in the District Court sample, 74.9% (n = 54,933) resulted in conviction.

Incarceration (at the Sentencing Decision Point): Whether convicted individuals received incarceration versus other sentence types. Among the 51,220 convicted individuals in the District Court sample, 57.8% (n = 29,607) received incarceration sentences.

Control Variables

The logistic regression models included demographic controls (age, sex) and available case characteristics. The pretrial detention model additionally controlled for pretrial risk assessment level (scores 1–5) and COVID-19 period (March 2020 onward). Municipal Court models controlled for number of charges and COVID-19 period. District Court conviction and incarceration models controlled for number of charges, charge severity (felony vs. misdemeanor), and COVID-19 period. Due to data limitations, criminal history variables (prior violations, bench warrants, failures to appear) and violent offense indicators were not reliable in the New Orleans data.

ANALYSES

For New Orleans, we utilized R version 4.4.2, and the following packages: tidyverse for data manipulation, broom for model summaries, marginaffects for predicted probabilities and average marginal effects, and scales for formatting. All models used robust standard errors to account for heteroskedasticity. Due to the absence of common identifiers across datasets and New Orleans' bifurcated court system, we conducted separate analyses for each decision point rather than pathway analysis.

For the logistic regression models, white individuals served as the reference group. We estimated four separate binary logistic regression models. The racial disparity analysis was limited to Black versus white comparison.

The pretrial detention model was specified as:

$$\text{logit}(P(Y = 1)) = \beta_0 + \beta_1\text{Race} + \beta_2\text{Gender} + \beta_3\text{Age} + \beta_4\text{RiskLevel} + \beta_5\text{COVID}$$

The Municipal Court and District Court conviction models, and the incarceration model, were specified as:

$$\text{logit}(P(Y = 1)) = \beta_0 + \beta_1\text{Race} + \beta_2\text{Gender} + \beta_3\text{Age} + \beta_4\text{NumCharges} + \beta_5\text{ChargeSeverity} + \beta_6\text{COVID}$$

where Y represents the outcome at each decision point:

- Model 1: Pretrial Detention (vs. release on recognizance)
- Model 2a: Municipal Court Conviction (vs. non-conviction)
- Model 2b: District Court Conviction (vs. non-conviction)
- Model 3: Incarceration (vs. non-incarceration among convicted)

Sample sizes for each model were: pretrial detention (n = 15,111), Municipal Court conviction (n = 42,107), District Court conviction (n = 73,344), and incarceration among convicted (n = 51,220). Note that the pretrial detention model used risk assessment level rather than charge severity as a control variable due to the lack of consistent charge identifiers in the pretrial dataset.

Predicted probabilities were calculated for each racial group at typical values of all covariates using marginal standardization. This approach provides the expected probability of each outcome if all individuals had average characteristics of the sample except for race. For each model, we calculated:

$$P(Y = 1 | \text{Race} = r, \bar{X}) = \sum_i \text{expit}(\hat{\beta}_0 + \hat{\beta}_1 \cdot I_i + \hat{\beta}_2 \cdot \bar{X})$$

where expit is the inverse logit function, I_i is an indicator for race group r, and \bar{X} represents typical values of all control variables (male, median age, median risk level or number of charges, felony charge where applicable, pre-COVID period).

Average marginal effects (AMEs) were calculated to estimate the percentage point difference in outcome probability for Black individuals compared to white individuals:

$$\text{AME} = \hat{P}(Y = 1 | \text{Race} = \text{Black}) - \hat{P}(Y = 1 | \text{Race} = \text{White})$$

where \hat{P} represents predicted probabilities. AMEs provide an intuitive interpretation of racial disparities: a positive AME indicates higher probability of the outcome for Black individuals compared to white individuals, while a negative AME indicates lower probability.

NEW ORLEANS FINDINGS

LOGISTIC REGRESSION MODEL-NEW ORLEANS

The tables below display the likelihood of a specific outcome (e.g., being detained pretrial, convicted, or sentenced to incarceration). Results are shown as odds ratios (OR), which indicate how each variable affects the odds of the outcome while holding all other variables constant. Table 2 displays the results from the logistic regression analyses examining four key decision points available in New Orleans: pretrial detention, disposition, and sentencing. The pretrial detention model controls for risk assessment level, gender, age, and COVID-19 period. The models for disposition (models 2a and 2b) and sentencing control for legal factors (charge severity, number of charges) and demographic characteristics (gender, age) as well as COVID-19 pandemic temporal effects.

Pretrial detention: Black individuals had 54% higher pretrial detention odds compared to white individuals (OR = 1.54, $p < .001$), controlling for risk level and demographic factors. This disparity persisted even after accounting for pretrial risk assessment scores, suggesting that factors beyond assessed risk contribute to detention decisions. The males within the sample had 70% higher odds of detention compared to females (OR = 1.70, $p < .001$). Unsurprisingly, higher risk assessment scores were associated with increased odds of detention (OR = 1.27 per level increase, $p < .001$). Individuals who are determined to be at higher risk are more likely to be seen as risk for being arrested for a new offense or for not appearing to court, and therefore they are more likely to be assessed higher bail, which can be unaffordable and lead to pretrial detention. The COVID-19 period was associated with substantially higher odds of detention (OR = 2.42, $p < .001$), which may reflect changes in release policies or court operations during the pandemic.

Case disposition: In New Orleans, cases could go before either the Municipal Court or the District Court. Misdemeanor cases typically appear before the Municipal Court, while cases that have at least one or more felony charge appear before the District Court. Therefore, case disposition outcomes are analyzed within the context of the court before which the case appeared.

For misdemeanor cases (i.e., Municipal Court cases), Black individuals had 11% lower odds of conviction compared to white individuals (OR = 0.89, $p < .001$). This finding contrasts with patterns observed at other decision points and may reflect differences in case processing, plea bargaining practices, or case dismissal rates in the Municipal Court system. Males had slightly higher odds of conviction than females (OR = 1.09, $p < .001$). For individuals in the sample, each additional charge increased conviction odds by 10% (OR = 1.10, $p < .001$). This is likely due to plea bargaining practices, in which an individual will plead guilty to one or more charges (and thus be convicted) in exchange for other charges being dropped or more serious charges being reduced. Therefore, each additional filed charge increases the incentive to plead guilty. Additionally, if someone is charged with multiple offenses, there are simply more charges that someone could be convicted of, and the increased opportunity for convictions might lead to higher odds of conviction. The COVID-19 period

was not significantly associated with Municipal Court conviction outcomes (OR = 1.13, $p = .729$).

For felony cases (i.e., District Court cases) Black individuals had 20% higher conviction odds compared to white individuals (OR = 1.20, $p < .001$). Gender differences were more pronounced, with male defendants having 52% higher odds of conviction than female defendants (OR = 1.52, $p < .001$), demonstrating a common finding that women often experience less punitive case outcomes than men (Fernando Rodriguez et al., 2006). Interestingly, felony charges were associated with slightly lower odds of conviction compared to misdemeanors (OR = 0.92, $p < .001$), which may reflect more stringent evidentiary standards or greater likelihood of dismissal for serious charges. Each additional charge marginally increased conviction odds (OR = 1.01, $p < .001$), reflecting a similar trend to misdemeanor cases before Municipal Court. The COVID-19 period was associated with substantially lower odds of conviction (OR = 0.25, $p < .001$).

Finally, the outcomes at the sentencing decision point revealed the most substantial racial disparities. Black individuals had 51% higher odds of receiving an incarceration sentence compared to white individuals (OR = 1.51, $p < .001$). Gender disparities were particularly pronounced at this point, with males having over three times the odds of incarceration compared to females (OR = 3.24, $p < .001$). This suggests that, as with case disposition, women are experiencing less punitive case outcomes. Felony charges were associated with substantially higher odds of incarceration compared to misdemeanors (OR = 1.70, $p < .001$). This is unsurprising, because felony cases are more serious and, with statutory sentencing guidelines, felony offenses have the potential for higher sentences than misdemeanors. The number of charges and COVID-19 period were not significantly associated with incarceration outcomes (OR = 1.00, $p < .001$ and OR = 0.97, $p = .257$, respectively).

Table 4 presents these findings as predicted probabilities. The probability of pretrial detention was 73.0% for white individuals compared to 80.7% for Black individuals, a 7.7 percentage point difference, demonstrating a sizable racial disparity that incarcerates a disproportionate number of Black individuals pretrial. Misdemeanor conviction probabilities (in Municipal Court) were similar across groups, with White individuals at 67.6% and Black individuals at 65.1% (a 2.6 percentage point difference favoring Black defendants). Conviction probabilities in District Court showed the opposite pattern: 76.6% for white individuals compared to 79.8% for Black individuals, a 3.2 percentage point difference. Among those convicted in District Court, incarceration probabilities showed the largest disparity: 53.4% for white individuals compared to 63.4% for Black individuals, a 10.0 percentage point difference.

Table 5 presents Average Marginal Effects (AMEs), which quantify the percentage point change in outcomes attributable to race. Black individuals experienced disadvantages at three of the four decision points: a 5.89 percentage point increase in detention probability ($p < .001$), a 3.27 percentage point increase in District Court conviction probability ($p < .001$), and a 9.38 percentage point increase in incarceration probability ($p < .001$). Only at

the Municipal Court conviction point did Black individuals show a slight advantage, with a 2.33 percentage point lower probability of conviction ($p < .001$). Interestingly, the Municipal Court demographics have at least a 10% higher proportion of white individuals, compared to pretrial detention, District Court, and sentencing. This may suggest that the Municipal Court handles a lot of cases pertaining to tourists committing low-level offenses rather than permanent residents and thus explaining the trend reversal. A tourist-heavy demographic would also explain the lack of COVID-19 period impact. These disparities suggest that Black individuals in New Orleans face compounding disadvantages as they move through the criminal legal system, with the largest disparities emerging at sentencing.

Table 2. Logistic Regression Results Across Criminal Legal System Decision Points in New Orleans

Predictor	OR (Detention)	p (Detention)	OR (Misdemeanor or Conv. Muni)	p (Misdemeanor or Conv. Muni)	OR (Conv. Dist)	p (Conv. Dist)	OR (Incarceration)	p (Incarceration)
Intercept	2.20	< .001***	0.96	0.371	2.14	< .001***	0.23	< .001***
Black (vs. White)	1.54	< .001***	0.89	< .001***	1.20	< .001***	1.51	< .001***
Age	0.97	< .001***	1.01	< .001***	1.00	0.010*	1.00	< .001***
Male (vs. Female)	1.71	< .001***	1.09	< .001***	1.52	< .001***	3.25	< .001***
Number of Charges	—	—	1.10	< .001***	1.01	< .001***	1.00	< .001***
Charge Severity (Felony)	—	—	—	—	0.91	< .001***	1.70	< .001***
Risk Level	1.27	< .001***	—	—	—	—	—	—
COVID Period	2.42	< .001***	1.13	0.725	0.25	< .001***	0.97	0.308

Note. OR = Odds Ratio. † p < .10, * p < .05, ** p < .01, *** p < .001. Conv. Muni = Municipal Court Conviction; Conv. Dist = District Court Conviction. — indicates variable not included in model. Asian, Latine, and Indigenous/American Indian excluded due to insufficient sample sizes.

Table 3. Predicted Probabilities Across Criminal Legal System Decision Points by Race/Ethnicity in New Orleans

Race	Prob % (Detention)	Diff (Detention)	Prob % (Misdemeanor Conv. Muni)	Diff (Misdemeanor or Conv. Muni)	Prob % (Conv. Dist)	Diff (Conv. Dist)	Prob % (Incarceration)	Diff (Incarceration)
White	73.09	0.00	67.62	0.00	76.59	0.00	53.45	0.00
Black	80.72	7.63	65.10	-2.52	79.75	3.17	63.38	9.93

Note. Predicted probabilities calculated for typical case: male, median age, median risk level (Detention), median number of charges, felony charge (District/Incarceration), pre-COVID period. Diff = Difference from White (percentage points). Asian, Latine, and Indigenous/American Indian excluded due to insufficient sample sizes.

Table 4. Average Marginal Effects Across Criminal Legal System Decision Points in New Orleans

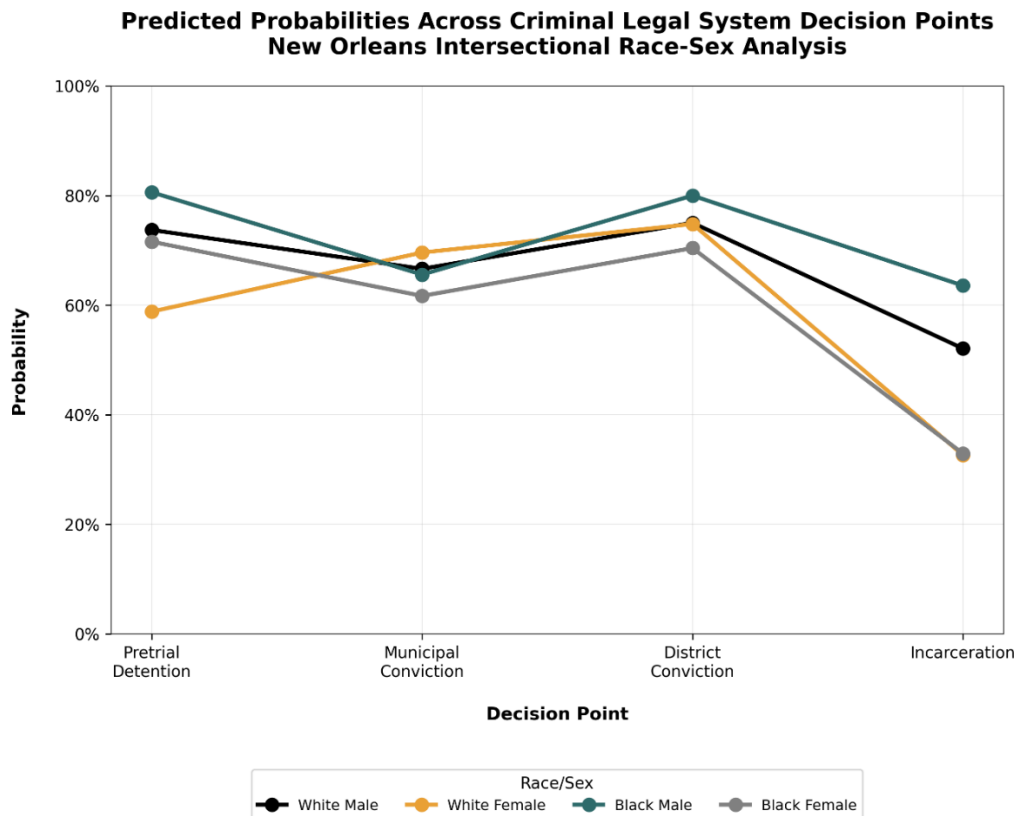
Variable	AME (Detention)	p (Detention)	AME (Misdemeanor Conv. Muni)	p (Misdemean or Conv. Muni)	AME (Conv. Dist)	p (Conv. Dist)	AME (Incarceration)	p (Incarceratio n)
Black (vs. White)	5.88	< .001***	-2.29	< .001***	3.27	< .001***	9.36	< .001***

Note. AME = Average Marginal Effect, expressed as percentage point differences. † p < .10, * p < .05, ** p < .01, *** p < .001. Conv. Muni = Municipal Court Conviction; Conv. Dist = District Court Conviction. Asian, Latine, and Indigenous/American Indian excluded due to insufficient sample sizes.

INTERSECTIONAL ANALYSES- NEW ORLEANS

In Figure 2, it is evident that white women benefit from lower detention, conviction and incarceration rates compared to white males (reference group). White women have a 14.9 percentage point lower detention rate (58.8% vs. 73.7%), representing a 49% reduction in odds of pretrial detention (OR = 0.51, $p < .001$). This protective effect persists through sentencing, where white women face a 19.5 percentage point lower incarceration rate (32.6% vs. 52.1%) compared to white men. In contrast, Black women have lower conviction and incarceration rates but are also incarcerated at similar rates to white Men (71.6% vs. 73.7%, $p = .205$). Black men face higher rates at detention, conviction, and especially incarceration. These patterns suggest that gender provides protection, but this protection is much weaker for Black women at the front end of the system. At pretrial detention, Black men are 6.9 percentage points more likely to be detained than white men (OR = 1.48, $p < .001$). This disparity is also high at District Court conviction (+5.0 percentage points, OR = 1.33, $p < .001$) and is most pronounced at incarceration, where Black men face an 11.5 percentage point higher probability of custodial sentencing (63.6% vs. 52.1%, OR = 1.60, $p < .001$). Refer to Table 1 in Appendix B for the logistic regression results across New Orleans's criminal legal system.

Figure 2: New Orleans Intersectional Analyses



Discussion

This study examines disparities across four criminal legal system decision points in New Orleans: 1) pretrial decision, 2) disposition of misdemeanor cases in Municipal Court, 3) disposition of felony cases in District Court, and 4) sentencing in District Court.

In the pretrial decision point, Black individuals had more punitive outcomes than white individuals in pretrial detention, with a higher likelihood of being detained pretrial. Black individuals also had more punitive outcomes in District Court, with a higher likelihood of a conviction. Black individuals also had more punitive outcomes in sentencing, with a higher likelihood of receiving an incarcerative sentence. However, white individuals had more punitive outcomes in Municipal Court than Black individuals, with a higher likelihood of conviction. This suggests that the Municipal Court may be playing a different function than the rest of the system, which may reflect differences in demographics, case types, and context for the cases (e.g., whether they are overly saturated with cases of disorderly conduct from tourists). However, Black individuals are experiencing disparate, more punitive outcomes in more severe cases, with worsening disparities in sentencing.

Although due to data matching constraints we are unable to follow individuals across the criminal legal system in pathways, findings suggest that Black individuals may experience compounding disparities in which more punitive outcomes at the previous decision point contribute to more punitive decision points in the following decision point.

Recommendations

Recommendation 1: Conduct a disparity analysis of sentencing guidelines.

Finding: Of the three sites participating in this study, New Orleans demonstrated the largest sentencing disparities between Black and white individuals in who receives in-custody sentences (versus community supervision).

This suggests that there may be an opportunity to increase racial equity by examining whether there are statutory or policy mechanisms contributing to these specific sentencing disparities and whether there are opportunities for alternative sentences. New Orleans could select key case types with the largest disparity in incarcerative versus community supervision sentences and examine the mechanisms that contribute to these disparities.

Recommendation 2: Conduct an evaluation of the Public Defender at First Appearance Initiative to see who is receiving services, their outcomes, and related disparities.

Finding: The Public Defender at First Appearance Initiative is an innovative strategy to reduce pretrial detention, particularly among those who would be eligible for pretrial release but cannot afford bail.

New Orleans should evaluate access to and the impact of the program to determine if racial or ethnic disparities arise in who uses the program and in pretrial detention

conditions resulting from program utilization. This study should be mixed methods and include interviews with stakeholders, public defense attorneys, individuals who have utilized the program in the past, and individuals who are incarcerated but have not utilized the program.

Recommendation 3: Collaborate across agencies to improve data-sharing and facilitate research.

Finding: Currently, New Orleans lacks the ability to match data at the person-level between agencies and decision points.

Although New Orleans has worked towards data matching in the past, the individual identifier to follow one person across the system was created manually and was not reliable. For example, there could be one person who had multiple different ID numbers, or multiple people with the same ID number. This led to inaccuracies in analyses using those identifiers. New Orleans should partner with a research institution to create automated unique identifiers that can match individuals between agencies.

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Appendix A. Data Quality Considerations

High rates of missing data rendered some variables unusable. Additionally, some agencies did not provide data for certain years, resulting in analytic gaps.

DATA QUALITY OVERVIEW

In this analysis, we see five primary challenges to data quality across sites:

1. Lack of unique person-level identifiers
2. Number of datasets and lack of codebooks
3. Issues with date cutoffs for datasets aligning with practical case processing timelines
4. Discrepancies in dataset structure, variables, and values within decision points
5. Missing data

These issues occurred both between and within decision points. These overall issues occurred across datasets and are not specific to any one site. In each site's analytic section, we provide additional detail as to data quality challenges within that site. These challenges are detailed in Appendix A.

Lack of Unique Person-Level Identifiers

Across the criminal legal process, different decision points are overseen by distinct agencies. Those agencies document what occurs within their decision point and create administrative data. For example, the jail booking process is (typically) overseen by the county sheriff's office, and the sheriff's office is the entity to collect and record the administrative data on bookings. Even when booking information is relevant to other agencies within the criminal legal system, the data typically still belongs to the sheriff's office and large-scale data sharing is limited. While there has been an increase in data-sharing between local criminal legal system agencies, particularly among jurisdictions participating in the Safety and Justice Challenge, longstanding practices still silo data. Now, even when datasets are shared between agencies, there are often still substantial barriers.

One of the biggest challenges of administrative data sharing within the criminal legal system is the lack of a unique person-level identifier across the criminal legal system. For example, one individual may have different unique identification numbers by police department, sheriff's office/jail, pretrial, public defender, prosecutor, court, and corrections within one jurisdiction. Therefore, even when data are shared between agencies, the data may not be particularly useful if there is no way to match individual people across the different agencies, which therefore does not allow stakeholders and researchers to track individuals and their cases across the criminal legal system process. Even when there is a unique person identifier across the criminal legal system, a single individual who appears within the system multiple times (e.g., has multiple bookings or cases within the analytic time period) may not have case, booking, or charge information available across the system, which necessitates matching on other variables that are less accurate (such as date

approximation). These issues are particularly problematic in New Orleans and Pima County.

Opportunities for Enhanced Data Documentation

In this analysis, we first examined the data quality within each decision point within each site. Sites participated in the Safety and Justice Challenge for approximately seven years, and participation required cooperation and partnership between agencies across the criminal legal system. As discussed above, this meant that many different data owners were involved in sharing a great deal of administrative data.

For this analysis, ISLG shared a total of 580 datasets: 267 datasets for Pima County, 221 for New Orleans, and 92 for San Francisco. The vast majority of these datasets were not prepared for analysis in their current form, and many of the datasets were disregarded as not containing relevant or usable information. Unfortunately, there were no traditional codebooks accompanying any of these datasets. While we did receive a spreadsheet identifying the files we were sent by name and the variable names each dataset contained, there was no indication as to what these variables substantively meant, what their corresponding values or frequencies were, when they were utilized and by whom under what conditions, variation in variables between years (for analysis and substantive policy interpretation), or assistance in interpreting inconsistent or illogical variables. Without this information, it was unclear whether the datasets were matchable. Despite the plethora of different ID variables in each dataset, researchers could not determine which variables matched between what datasets consistently. Without a codebook, researchers also did not know what ID variables substantively referred to in terms of the criminal legal system process and could not use that to investigate potential matches in a targeted way. Even after processing by an intermediary research partner, ID variables were not named in a consistent or meaningful way that was interpretable by secondary researchers. For example, within one decision point in one site, researchers had to determine which unique case ID number without any documentation to use among the following: *caseid*, *case_no*, *c_caseno*, *Case*, *caseid_supervision*, and *Case_caseid*. Matching to other datasets in other decision points, which often did not contain *any* variables of the same variable names, no identifiable matching information, and a wealth missing data, was not feasible.

The sheer number of datasets also made approaching the analysis far more difficult, as in many cases we were unable to ascertain what each dataset contained in a meaningful way before reviewing them individually ourselves. Without a codebook, we also could not tell what variables were actually usable, leading to us testing many variables with variable names that sounded like potential control or dependent variables only to find that they had excessively high missing rates (e.g., field not filled out), did not contain usable information (e.g., all observations had the same value), or were erroneous (e.g., all dates are in or prior to the year 1900). Additionally, we periodically had to return to staff at the site to understand how to interpret some of the values entered throughout the dataset.

One of our main analytic challenges with data quality was determining which of these datasets were reviewed, prepared, and usable prior to us receiving them. The scope of this

issue varied between sites. For example, it was clear which San Francisco datasets were prepared for research use, even if some datasets that were not prepared were included in the data transfer. However, in other sites, it was hard to even determine which datasets to use without individual review which, with over 450 files, was a laborious process. Having a codebook would streamline this issue.

Timing Gaps in Dataset Coverage

Building upon the above issues, we typically received datasets as discrete years. For example, we would receive the following as three distinct, unmerged datasets: Pima County – Justice Court Case Event – Baseline; Pima County – Justice Court Case Event – Year 1; Pima County – Justice Court Case Event – Year 2. However, with datasets extracted in this way, cases that extended across multiple years were often duplicated in inconsistent formats (explained in greater detail below). For example, a case that was filed in 2018 and had a disposition in 2019 would appear in both datasets, with disposition data only in the 2019 dataset. However, because dataset structure varied between years, even within the same agency in the same decision point, it was challenging to determine whether observations were being erroneously duplicated. When we received datasets that were already structured to include multiple years (e.g., Baseline to Year 2), we could avoid these duplication concerns, and we could be confident that the data structure did not change between years.

Structural Inconsistencies Across Decision Points

As mentioned above, dataset structure often varied between years, even within the same agency in the same decision point. Sometimes, datasets contained different variables between different years, even if we received them together and with parallel file names. There were also differences in how variables were named, ranging from minor spelling differences to completely different names. Without a codebook, it was difficult to determine if variables that were named differently between years but seemed to have consistent values and refer to the same item could be collapsed. Variables could also be stored in different formats, often differing between numeric and string variables, which is a common issue among administrative datasets but posed additional concerns within the broader context of inconsistencies between datasets. Values and value labels were also sometimes formatted differently between years (such as differences in capitalization, abbreviations, or adding new response options), even if the variable names were the same, which posed challenges in running descriptives and recoding.

Missing Data Considerations

Missing data is a widespread issue across administrative data, and it posed a challenge to data quality in this study as well. There were fields with excessively high missing rates, whether as a matter of practice or an export issue, that rendered the variables unusable. There were also years of data from some agencies that were never sent to ISLG or JSP, which led to some gaps in our analyses.

New Orleans Data Quality

We received 262 datasets for New Orleans, most of which were not suitable for analysis. Unfortunately, without any codebooks, it was very laborious to identify what ID variables were usable and whether decision points could be matched between the available datasets. After extensive testing, we determined that there was no usable ID variable to link all datasets. The ID number that was most present in New Orleans datasets was generated manually by staff within the jurisdiction to match between datasets. However, the same ID numbers were sometimes used for multiple different people, and one person could have multiple ID numbers associated with them. This was determined using race:gender:year of birth, and it is likely that, with additional information like date of birth, the issue is wider. While we did eventually find several other ID variables may be more accurate, several key datasets only included the variable manually generated by New Orleans.

When we did receive standardized files, they often did not include key variables relevant for analysis. For example, while there were several standardized law enforcement datasets, they only contained custodial arrests, although the decision point was whether an arrest was custodial or non-custodial. Non-custodial data were not available upon request. Similarly, the prosecutor datasets only included accepted charges and cases, although the decision point was whether a charge was accepted or declined. Data on charges that were declined were not available upon request. Similarly, no datasets contained data on diversion.

Additionally, dataset structure varied between years, even within the same decision points and agencies, which complicated the appending and merging process, particularly without a codebook to confirm that variables with slightly different names were functionally the same. Overall, the number of datasets and lack of codebooks complicated every component of the analysis.

Appendix B. Supplemental Analytic Table

Table 1. Logistic Regression Results of Intersectional Race/Ethnicity and Sex Groups Analyses in New Orleans

Predictor	OR (Detention)	p (Detention)	OR (Misdemeanor Conv. Muni)	p (Misdemeanor Conv. Muni)	OR (Conv. Dist)	p (Conv. Dist)	OR (Incarceration)	p (Incarceration)
Intercept	3.87	< .001***	1.01	0.811	2.96	< .001***	0.70	< .001***
White Female (vs. White Male)	0.51	< .001***	1.15	0.007**	0.99	0.842	0.45	< .001***
Black Male (vs. White Male)	1.48	< .001***	0.95	0.080†	1.33	< .001***	1.60	< .001***
Black Female (vs. White Male)	0.90	0.205	0.81	< .001***	0.79	< .001***	0.45	< .001***
Age	0.97	< .001***	1.01	< .001***	1.00	0.003**	1.00	< .001***
Number of Charges	—	—	1.10	< .001***	1.01	< .001***	1.00	< .001***
Charge Severity (Felony)	—	—	—	—	0.91	< .001***	1.69	< .001***
Risk Level	1.27	< .001***	—	—	—	—	—	—
COVID Period	2.42	< .001***	1.12	0.736	0.25	< .001***	0.97	0.298

Note. OR = Odds Ratio. Reference group = White Male. † p < .10, * p < .05, ** p < .01, *** p < .001. Conv. Muni = Municipal Court Conviction; Conv. Dist = District Court Conviction. — indicates variable not included in model. Asian, Latine, and Indigenous/American Indian excluded due to insufficient sample sizes.



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