The Effects of Prosecution on Future Offending

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Abstract

In recent years, a prosecutor's decision to reject a case rather than file charges has become highly contentious. Critics of rejection argue that it forgoes the deterrence and incapacitation that prosecution provides, while reform-minded prosecutors counter that contact with the criminal justice system can instead increase reoffending. Evidence on how prosecution affects reoffending, and on how these effects vary across types of cases, remains limited. Using newly linked administrative records and the quasi-random assignment of cases to intake prosecutors and grand juries in Dallas and Harris Counties, Texas, I estimate the causal effect of prosecution on reoffending for felony and misdemeanor cases on the margin of rejection. Filing charges more than doubles the six-month reoffending rate for felonies and raises it by nearly three-quarters for misdemeanors. For felonies, the cumulative effect fades as custody and supervision accumulate and is no longer significant after three years. For misdemeanors, which bring little custody, it grows to 13.5 percentage points, or 46 percent, within three years. Indictment by a grand jury, which comes later and keeps many more defendants in custody, lowers reoffending by more than 80 percent in the first months, but this reduction fades as the added custody ends. These patterns suggest that prosecution lowers reoffending primarily in the periods when it brings incarceration or supervision. Where it brings neither, the increase is proportionally largest for defendants acquiring their first record of filed charges. Overall, I find no evidence that prosecuting marginal cases causes a lasting reduction in reoffending.

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1 Introduction

In the United States, nearly 97 million people, almost four in ten adults, have a criminal record (Goggins and DeBacco, 2020). This widespread exposure to the criminal justice system is justified in part by the belief that it reduces offending among the people who come into contact with it, either through specific deterrence (Becker, 1968) or through incapacitation. Reform-minded prosecutors argue that the system has expanded past the point where prosecution reduces offending. In their view, many defendants now charged would be less likely to commit new offenses if their cases were rejected, sparing them a criminal record, a pending court case, and time in jail. In recent years, the public debate over the decision to file charges—which largely determines whether a defendant enters the system at all—has become increasingly contentious.[1] At the center of this disagreement is an empirical question: does prosecuting these marginal cases increase or decrease defendants' likelihood of reoffending? Despite the stakes of this decision, credible estimates of its effects remain scarce. This paper brings new causal evidence to the debate.

Most of what is known about the causal effects of criminal justice contact comes from later stages of the process, where the random assignment of judges is often used to identify the effects of incarceration and conviction (Garin et al., 2024; Humphries et al., 2025; Kamat, Norris and Pecenco, 2024; Mueller-Smith and Schnepel, 2021). Much less is known about the earlier decision to expose a defendant to the system in the first place. This earlier decision is key because many of the consequences of prosecution mentioned above take hold before a judge ever decides whether to convict or incarcerate. Yet the causal evidence on the filing decision is limited to the prosecution of lower-level, non-violent offenses (Agan, Doleac and Harvey, 2023) and does not extend to felonies or violent offenses, the cases at the heart of the public debate (Office of the Attorney General of Texas, 2025). More generally, it is unclear how the effects of prosecution differ across types of cases, which carry very different consequences, from fines and probation to long terms of incarceration. This gap partially reflects data limitations: the judge designs used at later stages rely on court records that identify the judge and include every case that reaches court, but the filing decision leaves no comparable record. Rejected cases are not included in court files, and it is often not documented which prosecutor screened a case, whether it was filed or rejected. Even when these records exist, cases are often assigned to prosecutors non-randomly.

This paper provides new evidence on how prosecution affects reoffending, how this effect evolves over the following years, and how these effects vary across defendants, settings, and types of offenses. To estimate the effect of the filing decision, I use novel administrative data from the Dallas County District Attorney's Office, which include every case submitted for prosecution and identify the intake prosecutor who reviewed each one. Cases are assigned to these prosecutors quasi-randomly, and prosecutors differ in how often they file charges, so comparing defendants assigned to more and less stringent prosecutors identifies the effect of

[1] Over the last several years, a growing number of district attorneys have been recalled, impeached, or threatened with removal after declining to prosecute cases against defendants who later committed violent crimes (Lagos, 2022; Deppisch and Miller, 2026), and since 2017 at least seventeen states have introduced bills to constrain or remove prosecutors who refuse to charge or systematically dismiss categories of cases (Lacy, 2023; Collier, 2024).

prosecution, relative to rejection, for marginal cases, which I estimate separately for felonies and misdemeanors. I contrast these filing decisions with a later decision in the same process: whether a grand jury in Harris County indicts or rejects a felony case that has already been filed, so that the record of the charges already exists. The Harris County records identify the grand jury that heard each felony case and cover over half a million grand-jury decisions from 1990 to 2023, a sample large enough to estimate effects at a margin where declination rates are relatively low.

I find that for both felony and misdemeanor cases on the margin of rejection, the decision to file charges causes an immediate increase in reoffending. In the six months after the case reaches the District Attorney's office, prosecution more than doubles the probability of reoffending for felony defendants (an increase of 13.2 percentage points from 8.5 percent among dismissed compliers) and raises it by nearly three-quarters for misdemeanor defendants (9.1 percentage points from 12.5 percent). What happens next differs with how much custody and supervision (probation, deferred adjudication, or parole) follow the charge, and when. For misdemeanors, where prosecution adds the least custody and supervision, the increase persists and grows, so that by the end of the third year the cumulative probability of reoffending is 46 percent higher for prosecuted compliers (an increase of 13.5 percentage points from 29.5 percent among dismissed compliers). For felony defendants, the large reoffending effect is relatively short-lived: it falls from 13.2 percentage points in the first half-year to a statistically insignificant -4.1 points in the second half-year, coinciding with a rise in the effects on custody and state supervision. As these effects on custody and state supervision continue to grow in the following years, the reoffending effect remains muted, and the cumulative effect created in the first half-year slowly fades, so that by the end of year three it is a small and imprecise 4.1 percentage points. Even after three years and more than 170 added days in custody or under supervision, prosecuting a marginal felony case does not lead to a detectable reduction in reoffending.

At the grand jury stage, prosecution brings custody immediately, because indictment overwhelmingly keeps defendants who are already detained in custody. In the first quarter after the decision, indictment increases the probability of spending at least half of the quarter incarcerated roughly eightfold, a 29 percentage point increase from a baseline of 4 percent, more than three times the increase from the initial filing decision. For these compliers, indictment instead causes a sharp *decrease* in reoffending in the following six months, from 15 percent among no-billed compliers to about 2 percent among indicted compliers. This reduction mirrors the pattern in Dallas, as the effect fades toward zero once the additional incarceration that comes with indictment ends, and within three years indictment has no statistically significant effect on reoffending.

Across the three settings, I find little evidence that exposing the marginal defendant to the criminal justice system produces a lasting reduction in their likelihood of reoffending. If anything, the decision to file charges increases it, particularly for misdemeanors. When I compare effects across the three settings, groups of defendants, and time since the decision, the effect of prosecution on reoffending is about 3.0 percentage points smaller for every 10 added days in custody or under supervision. Where prosecution adds neither, the effect is about 11 percentage points. At intake, this describes the first six months after the case is received, when prosecution

adds little custody or supervision in either felony or misdemeanor cases.

During these first six months, the increase in reoffending is broad, spanning property, drug, and public order offenses – though violent offenses account for little of it. It is proportionally largest for economically motivated offenses such as theft, burglary, and drug sales. These roughly double after misdemeanor prosecution, from 4.1 to 8.5 percent of compliers, and rise from almost none among dismissed felony compliers to about 7 percent among prosecuted ones. The increase does not appear to come from violations of bond or other court orders, or from closer police attention, though I cannot rule out the latter playing some role. It is also not the result of missed court dates or probation revocations, which are not included in my reoffending measure.[2]

The felony increase arises in the first six months, before most defendants are convicted. As cases begin to close, the reoffending effects show no corresponding decline, and the misdemeanor increase persists after almost all cases have closed. This timing is difficult to reconcile with the demands of a lengthy court case or the mark of a conviction record as the main source of the increase. The patterns could instead be rationalized by the record of filed charges contributing to the rise in reoffending. A record, even for a minor offense, reduces employment and earnings (Pager, 2003; Agan and Starr, 2017; Hjalmarsson et al., 2025; Agan et al., 2024), which could in turn raise reoffending (Yang, 2017; Schnepel, 2018). The increase appears at intake, where filing makes the charges public.[3] It does not appear at the grand jury, where the charges are already public, even among defendants whom indictment does not detain. At intake, the increase is also proportionally larger for defendants acquiring their first record of filed charges – though this difference is imprecisely estimated, and the two groups may differ in other meaningful ways. Alternatively, the increase could reflect disruption and financial stress after charges are filed, such as paying for a lawyer or bond, missing work to appear in court, and meeting the conditions of release. The data cannot separate these consequences from those arising from a new record of charges, since both begin when the charges are filed.

This paper builds upon a large literature on how contact with the criminal justice system affects reoffending. Most of this work studies later stages of the criminal justice pipeline and has found that conviction, relative to dismissal or diversion, increases reoffending (Humphries et al., 2025; Kamat, Norris and Pecenco, 2024; Mueller-Smith and Schnepel, 2021). An incarceration sentence reduces reoffending while the defendant is incarcerated but has little long-run effect after release (Garin et al., 2024; Rose and Shem-Tov, 2021; Norris, Pecenco and Weaver, 2021). At both of these margins, defendants reoffend at high rates whether or not they are incarcerated or convicted. Some of this may reflect selection, but *earlier* contact with the system may also play a role. By the time defendants reach these later stages, they have already experienced substantial exposure to the system, and in most cases many months have passed since the

[2] A missed court date leads to a warrant on the existing case rather than a new charge, and only 8 of 573,809 DA submissions are failure-to-appear charges. Motions to revoke probation are filed in court on the existing case, and none of the DA submissions are motions to revoke.

[3] Defendants whose cases are rejected still have a record of their arrest, but federal guidance treats arrests differently from filed charges. The Equal Employment Opportunity Commission states that employers cannot refuse to hire people simply because they have been arrested, since an arrest is not proof that a person committed a crime, and it makes no similar statement about charges (https://www.eeoc.gov/arrestandconviction). Section 5 discusses this distinction.

initial offense. I study one of the earliest decisions in the process, the decision to file charges, which opens the door to the later consequences studied in this literature. I estimate its effects on reoffending over the following three years at two margins of prosecution.

I also show how much custody and supervision prosecution adds for defendants on the margin of being charged, when it arrives, and how it relates to future offending. A common argument for prosecution is that it reduces reoffending by incarcerating or supervising people who would otherwise reoffend (e.g., Wallace, 2022). Prior work has estimated the effects of incarceration after conviction (Rose and Shem-Tov, 2021; Norris, Pecenco and Weaver, 2021; Garin et al., 2024), pretrial detention (Dobbie, Goldin and Yang, 2018; Stevenson, 2018), and probation and parole supervision (Rose, 2021; Georgiou, 2014; Brinkman, Jordan and Neal, 2026; Mueller-Smith and Schnepel, 2021), but not how much of each the decision to charge adds, or when, particularly for those on the margin of prosecution. Using individual-level records of jail and prison spells and of supervision terms, I show that felony prosecution at intake adds little custody or supervision in the first six months and much more afterward. Misdemeanor prosecution adds less of both than felony prosecution, while indictment at the grand jury adds custody immediately for defendants who are already detained. The effect of prosecution on reoffending is smaller where and when it adds more of either.

The closest study to mine is Agan, Doleac and Harvey (2023), who find that not prosecuting non-violent misdemeanors in Suffolk County, Massachusetts, reduces the likelihood of a new criminal complaint over the next two years by 53 percent. I extend their work in several ways. First, I estimate the effects of prosecuting more serious crimes, including felonies and violent offenses, which are at the center of the public debate over prosecution (Office of the Attorney General of Texas, 2025). For these cases, the effect of prosecution on reoffending could be larger, smaller, or even of the opposite sign. Defendants accused of felonies and violent offenses are more likely to have criminal histories and to reoffend, which leaves more room for prosecution to reduce reoffending through incapacitation and deterrence. But the penalties that follow prosecution are also harsher, and the mark of a felony charge may be more severe. I find that felony prosecution also raises reoffending at first, although the increase is largely offset within three years. Second, I link each case to individual records of jail and prison spells and of supervision terms, which lets me measure how much custody and supervision prosecution adds and when. Misdemeanor prosecution adds less of both than felony prosecution, and its effect on reoffending persists. Third, I estimate the effect of misdemeanor prosecution in a new setting, where the point of the decision, the offense mix, and the custody, diversion, and probation regimes differ from those in Suffolk County. Finally, I contrast the filing decision with a later decision in the same process, the grand jury's indictment, which comes after the charges are public and brings custody immediately. Comparing the two margins helps me assess which consequences of prosecution could contribute to the increase in reoffending.

2 Setting and Data

I study the effects of prosecution at two decision points in the Texas criminal process: the decision of an intake prosecutor to file charges in Dallas County, and the decision of a grand

jury to indict in Harris County. My Dallas data come from the internal records of the District Attorney's office, which include cases that were never filed and so never appear in public court records, and my Harris County data come from district clerk records.

2.1 Case Processing in Texas

Figure 1 traces the path of a criminal case in Texas. After an arrest, the law enforcement agency submits the case to the county District Attorney's office, where an intake prosecutor decides whether to file charges. If the prosecutor rejects the case, no charge is ever filed. If the prosecutor accepts it, the charges are filed with the clerk of the court and the case becomes part of the public court record.[4] A filed misdemeanor then proceeds directly to court. A filed felony must first be indicted by a grand jury, which decides whether there is probable cause to proceed. If the grand jury returns a "true bill," the case is indicted and sent to a trial court, and if it returns a "no bill," the case is dismissed, although the filed charge remains on the record unless it is expunged. I study the first of these decisions in Dallas County and the second in Harris County.[5]

A prosecuted case can also place the defendant under supervision rather than in custody. Supervision programs, such as probation or deferred adjudication, allow defendants to remain out of custody under conditions such as reporting regularly to a supervision officer, paying supervision fees, submitting to drug testing, and not committing a new offense. Deferred adjudication works similarly to a plea agreement: the defendant pleads guilty or no contest, and the judge places the defendant on supervision without entering a finding of guilt, so that the charge is dismissed without a conviction if the defendant completes the term successfully. Defendants who violate the conditions of their deferred adjudication, for instance by committing a new offense, can be found guilty in the focal case and sentenced to incarceration, and defendants on probation, who have already been convicted, can have their probation revoked and be incarcerated for the focal offense.

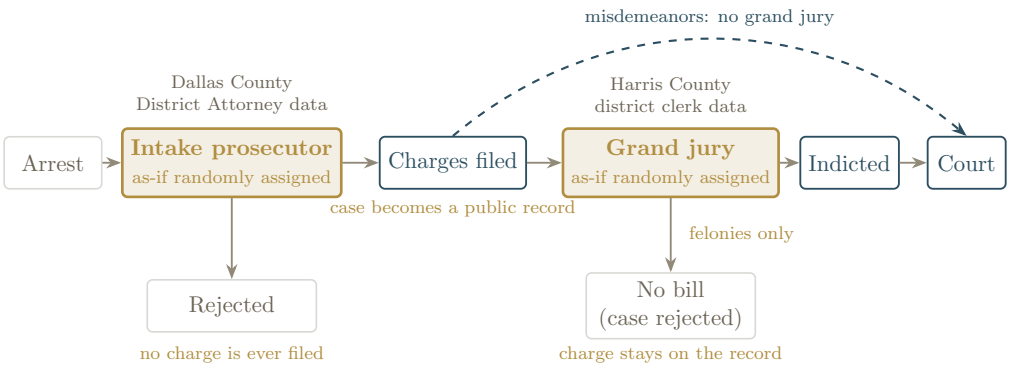
2.2 Intake Prosecutors in Dallas County

When a case arrives at the Dallas County District Attorney's office, it is routed to one of several numbered intake groups according to its offense, each handling a broad type of offense. For example, Intake Group 7 handles assault cases. Table A1 provides more detail on these intake groups. Each intake group is staffed by a set of intake attorneys, who review case files and decide whether to prosecute or reject each case. Cases are prosecuted if the evidence is legally and factually sufficient to support a conviction (Dallas County District Attorney's Office, 2026), and rejected otherwise. A case might be rejected if a key witness declines to cooperate,

[4] Filed cases appear in the county's public court records, including its online case search, under the defendant's name with the charges filed. A later dismissal does not remove them. Removal requires an expunction or an order of nondisclosure, for which the defendant must petition. A case rejected at intake is never filed and does not appear in these records.

[5] The Dallas District Attorney's records identify the intake prosecutor who decided each case and include the cases that were rejected, while the Harris County records do neither (Section 2.4). My Harris County records, in turn, cover more than three decades of grand jury decisions, against six years in Dallas, so I observe about 660 grand juries in Harris County and about 100 in Dallas, which makes a grand jury design informative in Harris County but not in Dallas (Section 2.6).

Figure 1: The path of a criminal case in Texas and the two decision points studied



Notes: Gold boxes are the decision-makers whose as-if random assignment provides the identifying variation. Blue boxes are the outcomes of their decisions. Filing places the charges in the public court record, so a felony case that is later no-billed by a grand jury keeps a record of the charges, while a case rejected at intake never acquires one. Misdemeanors require no indictment and proceed directly to court once filed.

if laboratory results do not support the charge, or if the intake prosecutor deems the evidence inadmissible or insufficient for any other reason.[6]

Intake prosecutors review a large number of cases. The typical case in my sample is reviewed by an attorney who handled roughly 65 cases that week. Less experienced attorneys tend to handle mostly misdemeanor cases and take on more felony cases as they gain experience. Attorneys tend to work primarily in just one intake group at a time, but they move across groups over time.

After a case arrives to an intake group, it waits in a queue until an intake prosecutor pulls it for review. When cases are observably similar and several attorneys who work mainly in that intake group are reviewing cases at the same time, which of them handles a given case is as good as random, a claim I test empirically in Section 3. I exclude cases for which this is less likely to hold – complex cases with many charges, and cases routed to smaller, specialized intake groups. I also exclude cases reviewed by attorneys working outside their main intake group or carrying an unusually small caseload in that month, since these occasional reviewers are more likely to handle a non-random selection of cases.

The intake prosecutor's role is limited to the filing decision. Intake prosecutors do not set bail, decide whether a defendant is offered deferred adjudication or diversion, which are negotiated later with the trial prosecutor and granted by the judge, or determine the court to which an accepted case is assigned.[7] Their decisions therefore affect defendants through whether a case is filed, and not through the terms of any later disposition.

2.3 Grand Juries in Harris County

In Harris County I study the grand jury's indictment decision. A grand jury is a group of 12 citizens impaneled for a three-month term. Five grand juries sit at any time, and accepted

[6]Rejected cases are rarely filed later. Among cases on the margin of prosecution, about 3 percent of rejected cases are resubmitted and filed within two years.

[7]The office confirmed that intake attorneys "just have the case for intake" and have nothing to do with bail or later stages of the case.

felony cases are assigned across them. Each grand jury meets twice per week and in recent years has heard 50 to 80 cases per day. For each case, an Assistant District Attorney summarizes the evidence and the jurors vote on whether there is probable cause, and the case is indicted if at least 9 of the 12 jurors agree. The grand jury acts weeks or months after the case is filed: the median felony case reaches a grand jury 41 days after it is filed. Grand juries differ systematically in how often they indict. Because misdemeanors require no indictment, the grand jury design covers felonies only.

2.4 Data

My primary dataset is sourced from the internal case management records of the Dallas County District Attorney's Office, made available for research purposes through a data usage agreement. These data include all cases submitted by law enforcement agencies to the DA's office for prosecution from January 2017 to June 2026. I also use a dataset of case records from the Harris County District Clerk, obtained through a Public Information Act request, which include all criminal cases (both felonies and misdemeanors) filed with the district clerk from 1990 through April 2026. I link these data to jail, court, police, and statewide criminal history records to construct a variety of measures that capture each defendant's path through the criminal justice system.

The District Attorney's office data include every case submitted by law enforcement agencies to the office from January 2017 to June 2026, including cases that are rejected at intake and never enter the public record.[8] For each case I observe the intake decision, the intake prosecutor who made it, the intake group the case was routed through, the date the case was received by the intake department, the offense type, offense code, and offense date, and the defendant's full name, date of birth, and demographic characteristics.

The Harris County district clerk records include every criminal case filed from 1990 through April 2026, both misdemeanors and felonies. For each case I observe the charges, final disposition, sentence, case number, and the defendant's name, date of birth, and demographic characteristics. For each felony case that reached a grand jury, I also observe the grand jury that acted on it and the date of its action.

Harris County's records do not support an intake design like the one used in Dallas. In Harris County, the District Attorney's office does not assign a single prosecutor to a case at intake: a charge can pass through more than one prosecutor before it is filed, and the prosecutor recorded in the data is often the one who completed the filing paperwork, not the one who made the decision.[9] The office also does not track every submission it receives, and its records cover only charges that were accepted and filed. I therefore study only the grand jury decision in Harris County.

The case records described above cover the focal case, the treatment, and the decision-maker, and I combine them with other sources to measure each defendant's past and future contact with the criminal justice system. To measure reoffending, I use new cases submitted to the Dallas

[8] Texas Government Code §552.108(a)(2) allows a district attorney's office to withhold records of investigations that did not end in a conviction or deferred adjudication, so rejected cases are generally not available through public information requests.

[9] Harris County District Attorney's Office, response to my Public Information Act request, December 17, 2025.

District Attorney or filed with the Harris County district clerk, arrests by the Dallas police department from June 2014 to October 2026, and new offenses anywhere in Texas recorded in the Texas Department of Public Safety's (DPS) Computerized Criminal History (CCH) database, which runs through October 2026. The police arrest records cover the city of Dallas only, but they are linked to incident reports and 911 calls, which describe the circumstances of each arrest. The CCH records arrests, dispositions, sentences, and state prison stays cases across the entire state of Texas, but only includes those that end in a conviction or deferred adjudication. Appendix Table A10 reports results that use only the Dallas County records.

I also use the CCH to measure supervision, which is a probation sentence, a deferred adjudication order, or release from prison to parole or mandatory supervision, and time in state prison, since it records the dates of each prison spell. I add local jail spells from the Dallas County and Harris County sheriff's offices, which tell me which defendants are in custody when their case reaches the District Attorney's office or the grand jury and give a fuller measure of incarceration, much of which occurs before sentencing and outside the state prison system. I combine the jail and state spells into a single record of custody, and I record whether the defendant was already in custody when the case arrived, on the day of receipt in Dallas and the day before the grand-jury decision in Harris County. I treat probation, deferred adjudication, and parole or mandatory supervision together as supervision. Because the CCH records when probation and deferred adjudication begin and the term the judge ordered but rarely when they end, I count each of these spells from its start through the full ordered term, so revocations and early terminations are not observed and the measure is an upper bound on time under supervision. The custody records date both the release to parole or mandatory supervision and its end, through discharge, revocation, or a return to prison, so parole spells are measured directly.[10] The Harris County jail records begin in March 2011, so every Harris County estimate for an outcome that involves custody uses grand-jury decisions from 2011 onward, which I call the jail-data sample, and because the Dallas jail records end in October 2025, Dallas estimates for custody over three years use cases received through October 2022.[11] I supplement the DPS records of dispositions and sentences with Dallas County court records, which run through January 2026.[12]

[10] I use the CCH for supervision in Harris County as well, so that both settings are measured from the same records. Appendix Table A3 compares this measure with the Harris County district clerk's records, which record when supervision ends but cover only Harris County cases. The statewide history records 93 percent of the clerk's supervision spells, with the same start date and almost always the same ordered term, and about a quarter of its own spells do not appear in the clerk's records.

[11] Appendix Table A2 compares Harris County decisions before and during the jail-data period. The Dallas custody sample has 51,245 felony and 77,782 misdemeanor incidents, against 59,646 and 90,342 in the full sample, and the Harris County jail-data sample has 279,012 decisions.

[12] Most links use identifiers the two sources share: the District Attorney's records carry each defendant's state identification number, which links them to the DPS records, court records are linked by case number and offense date, and the Harris County clerk and jail records share the county's person identifier. When a District Attorney's record lacks a state identification number, I take it from another record of the same defendant with the same name and date of birth. Where no shared identifier exists, I match on name within blocks of birth year and gender, using the birth year implied by age when a source records age rather than date of birth, as the Dallas jail and police arrest records do. When several jail records match a defendant equally well, I keep the one whose booking number appears on the defendant's earliest submission to the District Attorney, then the one whose recorded ethnicity agrees. Overlapping jail and state custody spells are merged into non-overlapping spells.

2.5 Unit of Observation, Treatment, and Timing

In the Dallas District Attorney's records, each charge carries its own case number, so the records do not link the charges from one arrest even though prosecutors usually handle them together. My unit of observation is therefore an "incident". In Dallas, an incident is the group of charges against one defendant that are submitted to the intake department on the same day and handled by the same intake prosecutor. In Harris County, an incident is the set of charges against one defendant with the same offense date that a grand jury decides on the same day. I use "incident" and "case" interchangeably from here on. I define treatment as a binary variable. In Dallas, a case is prosecuted if any of its charges are filed, and rejected only if all of its charges are rejected. At the grand jury margin, a case is indicted if any of its charges are indicted, and no-billed only if all of its charges are no-billed. All outcomes are measured relative to a starting date: the date a case arrives at the intake department in Dallas, or the date of the grand jury's decision in Harris County. My main outcome is reoffending: any new arrest by the Dallas police, new case submitted to the Dallas District Attorney, or new offense anywhere in Texas that led to a conviction or deferred adjudication, with an offense date after the starting date. In Harris County, it is any new case filed with the district clerk or new offense anywhere in Texas that led to a conviction or deferred adjudication.

2.6 Samples

2.6.1 Dallas County Intake Sample

I construct two samples for the Dallas County intake design: a felony sample and a misdemeanor sample. The misdemeanor sample includes incidents with only misdemeanor charges, while the felony sample requires at least one felony charge, but can also include misdemeanor charges in addition to a felony. Each sample includes incidents received from April 2017 through May 2023, so that every incident can be followed for three years after it arrives at the intake department.[13]

I restrict the universe of cases submitted to intake to a subsample in which cases are as good as randomly assigned to intake attorneys. I first exclude homicide and capital cases and other offenses that the office routes to specialized intake groups. In these intake groups a single attorney reviews most of the cases in a given month, so the attorney a case receives reflects that attorney's specialty rather than which of several attorneys working the queue picks it up. I then impose four restrictions so that the attorneys I compare within an intake group and month are substitutable for one another. First, I keep only attorneys who are regular and consistent reviewers in the intake group that month, defined as attorneys whose caseload in the group that month is at or above the median among the attorneys reviewing cases there. Second, I keep only the cases an attorney reviews in their primary intake group for the year, defined as the group in which they reviewed the most cases that year. Third, I drop intake group-months in which cases are concentrated among very few attorneys, keeping those in which the effective number of attorneys is at least 1.5, computed separately for felony and misdemeanor cases.[14]

[13] The intake records cover few cases before 2018, so incidents received in 2017 make up less than 1 percent of each sample.

[14] The effective number of attorneys is the inverse of the Herfindahl-Hirschman index of attorneys' shares of

Fourth, I drop misdemeanor cases reviewed by attorneys who mostly review felonies, since a misdemeanor case handled by a felony specialist, who is typically more experienced, may have been selected for that attorney rather than taken from the queue. I define these attorneys as those in the top half of the distribution of attorneys' felony shares, where an attorney's felony share is the fraction of all the charges they review over the period that are felonies.

I also drop cases received in 2019 that involve marijuana possession, other controlled-substance possession, or criminal trespass, because a blanket rejection policy for these charges took effect during that year.[15] Finally, I drop two groups of cases that cannot be linked reliably to other records. The first is incidents in which the defendant's state identification number is missing, both on the incident and on every other record of the same defendant in the District Attorney's data, since that number is what links a defendant's cases to one another and to the statewide criminal history (about 1 percent of cases). The second is defendants whose name and birth year match more than one person in the jail records, even after using the booking number recorded on the defendant's earliest submission, so that prior incarceration and custody at receipt cannot be measured (about 5 percent of cases). Defendants who do not appear in the jail or statewide records at all remain in the sample and are treated as having no record there.

I analyze felony and misdemeanor cases separately, as both the treatment and the population differ across the two groups of defendants. A filed felony exposes a defendant to prison time and, on conviction, to a felony record and its lasting collateral consequences, while a misdemeanor conviction carries at most a year in county jail and a fine. The populations also differ, in ways I document in the next section. This leaves me with two analysis samples at the intake margin: a felony sample of about 59,600 cases reviewed by 95 attorneys, and a misdemeanor sample of about 90,300 cases reviewed by 58 attorneys, both received over the same six years.[16]

2.6.2 Harris County Grand Jury Sample

In Harris County, I construct two analysis samples. The first is a "full" sample of every felony case acted on by a grand jury from 1990 to 2023, about 564,000 cases heard by about 660 grand juries, which allows three years of follow-up to measure reoffending for every case. To measure incarceration, I rely on both the state custody records in the CCH and jail spells from the Harris County Sheriff's Office booking data. The jail data are essential for understanding

the group's cases in that month. It equals the number of attorneys when cases are split evenly among them and approaches one as a single attorney handles nearly all of them. A value of 1.5 corresponds, for example, to two attorneys splitting the cases roughly 80 and 20 percent.

[15]The policy, implemented by District Attorney John Creuzot, directed the blanket rejection of charges for first-time marijuana possession offenses and for trespass cases not involving a residence, and cleared such cases that were already pending. The marijuana policy was circulated internally in February 2019 and announced publicly, with the trespass policy, in an open letter of April 11, 2019 (Creuzot, 2019). Rejections of these charges during 2019 reflect the rollout of the policy, including the clearing of pending cases, rather than the judgment of the reviewing attorney, and the policy took effect at different points in the year for different charges. Because the rejection of these cases was not left to the intake prosecutor, a prosecutor's measured rejection rate in 2019 would depend on how many covered cases they happened to receive rather than on their own judgment. Covered charges are identified from the submitted-offense description, and I drop all such 2019 incidents. After 2019 the policy was stable, so I keep these cases and control for each affected offense interacted with an indicator for the post-policy period.

[16]Some figures also show estimates for the two samples combined. In that pooled specification, every fixed effect, control, and leniency measure is specific to the level of the case, so it adds no comparisons between felony and misdemeanor cases.

the incarceration effects and mechanisms of prosecution, but they only cover the period from 2011 to 2023. I therefore construct a second "jail" sample of the grand jury decisions in that period, about 279,000 cases, and I estimate every custody outcome on this sample, with grand jury leniency rebuilt within it. Based on the CCH custody measures and the sentences recorded in the clerk data, which are available for both periods, the earlier period involved a much heavier use of incarceration: among indicted compliers, sentences to prison and the length of confinement were both far greater before 2011 than after. Appendix Table A2 describes the differences between the two periods in more detail and shows how comparing them is helpful for understanding the effects of indictment.

Dallas County also uses grand juries, and the District Attorney's records identify the grand jury that heard each felony case, but a grand jury design in Dallas is too imprecise to be informative (Appendix A1.3). Dallas impanels four grand juries at a time against five in Harris County, and over my sample period I observe just 100 grand juries in Dallas, compared to about 660 in Harris County. With so few grand juries in Dallas, the first stage is too weak to be useful, with an F-statistic of 113, compared to about 1,300 in Harris County (Section 3.1).[17]

2.7 Descriptive Statistics

Table 1 reports descriptive statistics for my three samples. For each setting, the first column describes all cases and the second describes the compliers, the cases whose filing or indictment decision depends on which prosecutor or grand jury happened to review them, and the cases for which my design identifies a causal effect. Appendix Table A7 splits each sample by whether the case was prosecuted or indicted.

Dallas County intake prosecutors file charges in 91 percent of the felony cases they review and 90 percent of the misdemeanor cases. Felony and misdemeanor cases differ along a variety of margins. Felony incidents are more often violent, drug, or property offenses, while misdemeanor incidents are more often public order offenses or driving under the influence. Defendants facing felony charges are more likely to have a felony conviction in the year before the case, more likely to have previously received an incarceration sentence, and more likely to be in custody when the case reaches the District Attorney's office.

Cases that are prosecuted are markedly different from the cases that are declined, often in characteristics that are strongly correlated with a defendant's likelihood of re-offending. Defendants whose cases are prosecuted are more likely to have a prior felony conviction, more likely to have been sentenced to incarceration before, and more likely to be in custody when the case arrives. They are also older, and among misdemeanors, they are more likely to be white. The differences in existing criminal records and custody are wider among felonies than among misdemeanor defendants.

Whether an individual is incarcerated when their case arrives with the decision-maker may predict their potential outcomes, and how prosecution affects their ability to reoffend. Someone who is prosecuted and already detained is more likely to remain detained than someone who

[17]The estimated effect of indictment on reoffending within one year in the Dallas data has a standard error of about 11 percentage points, so its 95 percent confidence interval spans more than 40 percentage points, and cannot distinguish an effect of the size I find in Harris County from no effect, or from an effect of the same size in the opposite direction. Appendix A1.3 reports the Dallas grand jury design and its estimates.

Table 1: Sample characteristics and complier means

	Dallas felony intake		Dallas misdemeanor intake		Harris County grand jury	
	All (1)	Compliers (2)	All (3)	Compliers (4)	All (5)	Compliers (6)
Demographics						
Male	0.80	0.72	0.76	0.69	0.84	0.79
Black	0.46	0.65	0.44	0.50	0.47	0.44
White	0.53	0.34	0.54	0.49	0.51	0.54
Hispanic	0.28	0.23	0.31	0.26	–	–
Age 18 to 23	0.15	0.15	0.20	0.15	0.21	0.22
Age 24 to 30	0.24	0.24	0.27	0.27	0.22	0.18
Age 31 to 40	0.32	0.34	0.28	0.29	0.24	0.22
Age 41 or older	0.29	0.26	0.25	0.29	0.20	0.22
Offense type						
Violent	0.29	0.79	0.23	0.76	0.29	0.43
Family violence	0.11	0.54	0.18	0.70	0.06	0.12
Property	0.11	0.05	0.14	0.03	0.28	0.16
Drug	0.43	0.14	0.01	0.01	0.26	0.21
Public order	0.15	0.02	0.37	0.16	0.12	0.14
Driving while intoxicated	0.04	0.00	0.25	0.01	0.04	0.02
Prior record and custody						
Any prior charge filed	0.50	0.31	0.32	0.21	0.66	0.54
Prior felony conviction, past year	0.16	0.03	0.08	0.04	0.09	0.04
Prior misdemeanor conviction, past year	0.09	0.03	0.09	0.06	0.14	0.12
Any prior incarceration sentence	0.24	0.11	0.14	0.09	0.58	0.46
In custody at arrival	0.48	0.31	0.36	0.29	0.45	0.30
Control complier mean, reoffending within 3 years		0.36		0.30		0.38
Share prosecuted or indicted	0.91		0.90		0.97	
Complier share	0.23		0.18		0.06	
Cases	59,646		90,342		564,254	

Notes: Shares unless stated otherwise. All: every case in the estimation sample. Compliers: complier means, estimated by instrumental variables as the coefficient on non-prosecution (non-indictment) in a regression of the characteristic times non-prosecution, using the rebuilt stringency of the adopted specification. Dallas: cases received at intake, felony and misdemeanor cases analyzed separately. Harris County: grand-jury decisions with three years of follow-up, 1990 to 2023. Custody at arrival (the day before the decision) is observed in Harris County only from 2011, so that row uses the 279,012 decisions in the jail-data period. Hispanic ethnicity is not recorded in the Harris County data. Any prior charge filed: in Harris County, any prior Harris County case. Complier share: first-stage slope on stringency times its 1st-to-99th percentile range. Dismissed compliers reoffend within 3 years: any new offense in the local records or anywhere in Texas (Section 2.5).

is prosecuted but has already been released. I measure this by creating a variable capturing whether a defendant is in county jail or state custody on the day the case reaches the District Attorney's office in Dallas, or the day before the grand-jury decision in Harris County. Because this uses jail data, I can only examine heterogeneity by custody status when using the jail sample in Harris County. Table 1 shows that about half of the felony defendants at intake in Dallas are in custody when their case arrives, compared to a third of misdemeanor defendants. Roughly 45 percent of felony defendants at the grand jury margin are in custody when their case is heard by the grand jury.

Compliers make up about 23 percent of Dallas felony cases, 18 percent of misdemeanor cases, and 6 percent of Harris County cases. They are much less likely to be in custody at arrival than the average defendant, at about 30 percent in each setting, so the defendants whose cases turn on which prosecutor or grand jury reviews them are mostly defendants who were not in custody when their case arrived. Compliers also have thinner criminal records, with only 3 percent of Dallas felony compliers having a felony conviction in the past year against 16 percent of all felony defendants, and in every setting compliers are less likely than the average defendant to have a prior incarceration sentence. Their reoffending rates are high despite these thinner records: within three years, 36 percent of dismissed felony compliers, 30 percent of dismissed misdemeanor compliers, and 38 percent of no-billed compliers in Harris County have a new offense. Some of them find themselves in custody or under supervision even if their case is dismissed, as 15 percent of dismissed felony compliers and 11 percent of dismissed misdemeanor compliers spend at least half of the first year in custody or under supervision, as do 11 percent of no-billed compliers in Harris County.[18]

Compliers also differ from the average case in offense type, and case rejection rates vary with offense type. Violent cases are the most likely to be declined, while property, public order, and driving-under-the-influence cases are more likely to be filed. About three quarters of Dallas compliers are accused of a violent charge, against less than a third of all cases, and compliers are less likely than the average defendant to face property or driving-while-intoxicated charges, while felony compliers are also much less likely to face drug charges.

Harris County grand juries indict 97 percent of the felony cases they hear, so compliers make up a much smaller share of cases (6 percent) than at the Dallas intake margin. Harris County defendants also have more extensive records than Dallas defendants, with two thirds having a prior Harris County case and more than half a prior incarceration sentence. No-billed cases differ from indicted cases in the same directions as rejected cases differ from prosecuted cases in Dallas, as no-billed defendants are more often charged with a violent offense, less likely to have a prior case or a prior incarceration sentence, and less likely to be in custody on the day before the decision.

Prosecuted felonies and misdemeanors also end differently, with filed felonies more likely than filed misdemeanors to end in deferred adjudication or a sentence of incarceration, and filed misdemeanors more often dismissed after filing. Section 4.1 describes how the compliers' cases end in each setting, and because the treatment itself differs with charge severity, I estimate its

[18]Complier means are estimated by instrumental variables as in Table 1. The custody-or-supervision shares use the full Dallas sample and the jail-data period in Harris County, because the Harris County jail records begin in 2011.

effects separately for felonies and misdemeanors.

Cases are not selected for prosecution at random. Defendants whose cases are filed differ from those whose cases are declined in a variety of observable measures that correlate with reoffending. Defendants with more extensive criminal records are more likely to have their case filed and more likely to reoffend, while younger defendants are more likely to have their case rejected than older defendants, but are also more likely to reoffend. Raw comparisons of outcomes reflect these differences, as within three years of receipt 48 percent of defendants whose felony cases are prosecuted have a new offense, against 41 percent of those whose cases are rejected, and the shares for misdemeanors are 42 and 40 percent. In Harris County, 41 percent of indicted defendants have a new offense within three years against 36 percent of no-billed defendants, and the two groups reoffend at the same rate within the first year, the period in which the design finds that indictment lowers reoffending. Because prosecution is correlated with characteristics that predict reoffending, and likely with unobservable characteristics as well, these comparisons mix the effect of prosecution with the selection of cases into it, and I cannot draw conclusions about its effect from them alone, which motivates the research design in Section 3.

3 Research Design

I want to estimate the effect of prosecuting a case on a defendant's later criminal justice outcomes. Consider the following model, where y_i is the outcome of interest for incident i (defined in Section 2.5), $x_i \in \{0, 1\}$ indicates that the case was prosecuted, filed at intake in Dallas County or indicted by a grand jury in Harris County, $\mathbf{w}_i$ is a vector of case- and defendant-level covariates together with the fixed effects described below, and ε_i is an error term:

$$y_i = \beta x_i + \mathbf{w}_i'\boldsymbol{\gamma} + \varepsilon_i. \tag{1}$$

β is my parameter of interest. The key problem for causal inference is selection: ordinary least squares estimates of equation (1) conflate the effect of prosecution with unobserved defendant and case characteristics that influence both the filing decision and later outcomes. This selection bias could run in either direction. Intake prosecutors are more likely to accept cases against defendants with longer criminal histories, and defendants with longer histories are also more likely to have subsequent criminal justice contact. Prosecutors are also more likely to accept cases with strong evidence, and evidentiary strength may be unrelated, or even negatively related, to a defendant's underlying propensity to reoffend. Section 2.7 documents differences of this kind between the cases that are prosecuted and the cases that are not.

To obtain exogenous variation in prosecution and indictment decisions, I use the quasi-random assignment of cases to the people who decide them, the intake prosecutor in Dallas County and the grand jury in Harris County, whom I call decision-makers. Both intake prosecutors and grand juries are as-good-as randomly assigned, after conditioning on the case and defendant characteristics described below, and both vary in their propensity to dismiss cases. I refer to a decision-maker's propensity to prosecute, relative to the other decision-makers who could have handled the same case, as their stringency. I use the stringency of the decision-maker

a case is assigned to as an instrumental variable for prosecution. This provides me with two complementary "examiner leniency" designs, one at each decision point.

The first design uses the filing decision in Dallas County, where a case submitted to the District Attorney's office is assigned to an intake prosecutor. These individuals are tasked with reviewing cases to determine if there is "sufficient evidence to prove that an offense was committed, and whether there is sufficient evidence to prove that the person accused committed the crime" (Dallas County District Attorney's Office, 2026). If the intake prosecutor does not believe the evidence meets this threshold, they reject the case. If they do find the evidence sufficient, the case is filed with the county clerk (prosecuted). Intake prosecutors differ systematically in their propensity to reject cases. To use this variation as an instrument, I need the stringency of the prosecutor a case is assigned to to be unrelated to the defendant's potential outcomes. I restrict my sample and include controls when estimating the relative leniency so that I am only comparing observably similar cases handled among plausibly substitutable attorneys (each of whom worked mainly in the intake group the case was routed to and was regularly reviewing cases there around the time it arrived, as described in Section 2.6). I condition on the quarter a case arrived, the intake group it was routed to, the category and degree of the charges, the number of charges and how the case was submitted, whether the defendant was in custody when the case arrived and in the two weeks before, whether they had another case open, their prior convictions and incarceration sentences, the types of offenses they were charged with in each of the two previous years, their arrests and submissions in the two quarters before the case arrived, and their custody in the two quarters before the offense, and a set of controls to handle a 2019 policy change.[19] Within these comparisons, which attorney reviews a case is as good as random, a claim I test empirically in Section 3.1. I use the stringency of the intake prosecutor, relative to the other prosecutors who might have handled the case instead, as the instrument for prosecution (vs. case rejection).

The second design uses the indictment decision in Harris County, where, as with intake prosecutors, grand juries vary in their propensity to indict. Five grand juries sit at a time in Harris County (Section 2), and which of them a case is assigned to is as-good-as-random. To ensure against any incidental selection, I compare cases decided in the same month by different grand juries, while conditioning on the type and degree of the offense, the time between filing and the grand jury's decision, the defendant's custody in the six weeks before the decision, their other Harris County cases in the year before the decision, and their supervision and custody in the year before the offense. The defendant's convictions in the year before the case, any earlier Harris County case, and any earlier incarceration sentence are not controls, and I test them for balance instead (Section 3.1).

I treat every one of these controls as "necessary" for random assignment Goldsmith-Pinkham, Hull and Kolesár (2026), because assignment is as good as random only within the comparisons they define.[20] I measure each decision-maker's stringency within these comparisons, so the same

[19] In 2019 District Attorney John Creuzot directed the blanket rejection of first-time marijuana possession charges and of trespass cases not involving a residence (Creuzot, 2019). As described in Section 2.6, I drop the covered cases received in 2019, while the policy was being rolled out. For the later years, the controls are indicators for cases involving marijuana possession, other controlled-substance possession, or criminal trespass, each also interacted with an indicator for cases received after the policy took effect for that charge.

[20] In Dallas each control enters separately for felony and misdemeanor cases.

controls enter both the construction of the instrument and the outcome equation.

I estimate the effect of prosecution with the unbiased jackknife instrumental variable estimator (UJIVE) (Kolesár, 2013), which constructs a leave-one-out estimate of the assigned decision-maker's stringency relative to the other decision-makers in the same cells and net of the same controls, and uses that as the instrument for prosecution. Leaving each case out of both the first stage and the adjustment for controls matters because, with many decision-makers, a stringency measure that includes the case's own decision becomes mechanically correlated with the unobserved factors behind that decision, which also affect the outcome, and this biases two-stage least squares toward ordinary least squares (Bekker, 1994; Bound, Jaeger and Baker, 1995).[21]

Because cases are assigned to decision-makers one at a time, I report heteroskedasticity-robust standard errors (without clustering), following the design-based reasoning in Abadie et al. (2023) and Goldsmith-Pinkham, Hull and Kolesár (2026), in which the level of clustering is set by how the instrument is assigned rather than by how the sample was drawn.

Under the standard instrumental variables assumptions, outlined below, my estimates identify a local average treatment effect (LATE), the causal effect of prosecution or indictment for the cases on the margin of rejection, meaning that whether they were rejected depends on which decision-maker handled their case (Imbens and Angrist, 1994). The LATE is particularly valuable in this setting because it is likely also a policy-relevant treatment effect (Heckman and Vytlacil, 2001). If prosecution rates were nudged slightly upward or downward, for example by asking decision-makers to be more or less stringent, my estimates would apply to the cases affected by such a policy.

3.1 Instrument Validity

Interpreting these estimates as local average treatment effects requires four assumptions: instrument relevance, random assignment of cases to decision-makers (conditional on the necessary controls), exclusion, and monotonicity. I take each in turn.

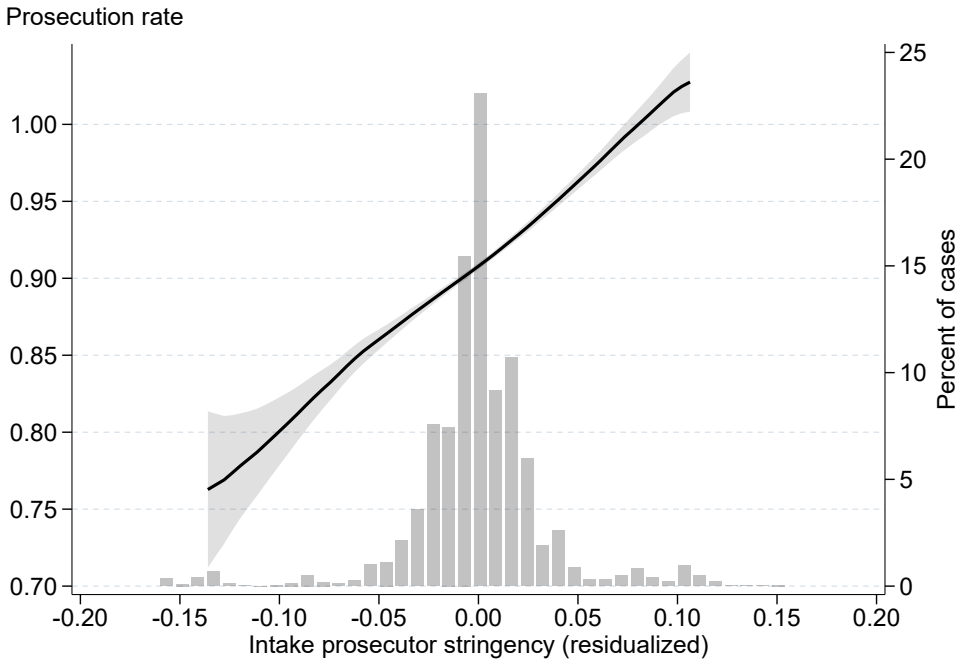
Relevance

The relevance assumption requires that the relative stringency instrument shifts the probability of treatment (prosecution or indictment) for the focal case. This implies that there must be non-trivial variation in the stringency instrument. Figure 2 illustrates the distribution of relative stringencies for the felony intake design. The stringency measure ranges from -14.3 percentage points at the 1st percentile to 11.3 percentage points at the 99th percentile, relative to the other intake prosecutors who could have reviewed the same case. I also show a local linear regression of the residualized prosecution rate on residualized stringency, the first stage. Moving from the 1st to the 99th percentile of stringency raises the prosecution rate by 22.9 percentage points, a 25 percent change from the mean prosecution rate of 90.8 percent. Appendix

[21] Constructing a leniency measure by hand and using it in a just-identified instrumental variables regression is common practice, but seemingly minor choices in that construction, such as whether the residualization step also leaves out the own observation, can reintroduce biases comparable to those of two-stage least squares. Goldsmith-Pinkham, Hull and Kolesár (2026) advise against manual construction on these grounds, and I follow that advice by letting the estimator build the instrument internally.

Figures A4 and A5 show the same for misdemeanor intake and the grand jury design. Misdemeanor intake prosecutors differ somewhat less at the extremes, and the same move raises the misdemeanor prosecution rate by 17.7 percentage points, 20 percent of its mean of 90.3 percent. Grand juries differ far less, because they indict almost every case they hear (97.4 percent), and moving from the 1st to the 99th percentile of grand jury stringency raises the indictment rate by 6.1 percentage points.

Figure 2: First stage, Dallas felony intake



Notes: Prosecution (indictment) rate against the stringency of the assigned intake prosecutor (grand jury), both residualized on the specification's controls and fixed effects with their means added back. The line is a local-linear fit with a 95% confidence band, and the bars show the distribution of stringency (right axis), trimmed to its 1st to 99th percentiles. Dallas felony cases (N = about 59,600).

Random assignment / Exogeneity. This assumption requires that the stringency of the decision-maker who handles a case is uncorrelated with defendant and case characteristics, conditional on the necessary controls. Figure 3 shows two things. First, even after including these necessary controls, *treatment* is non-random. Each estimate is from a separate regression of a pre-determined characteristic of the defendant on prosecution or on stringency, after controlling for the necessary controls:

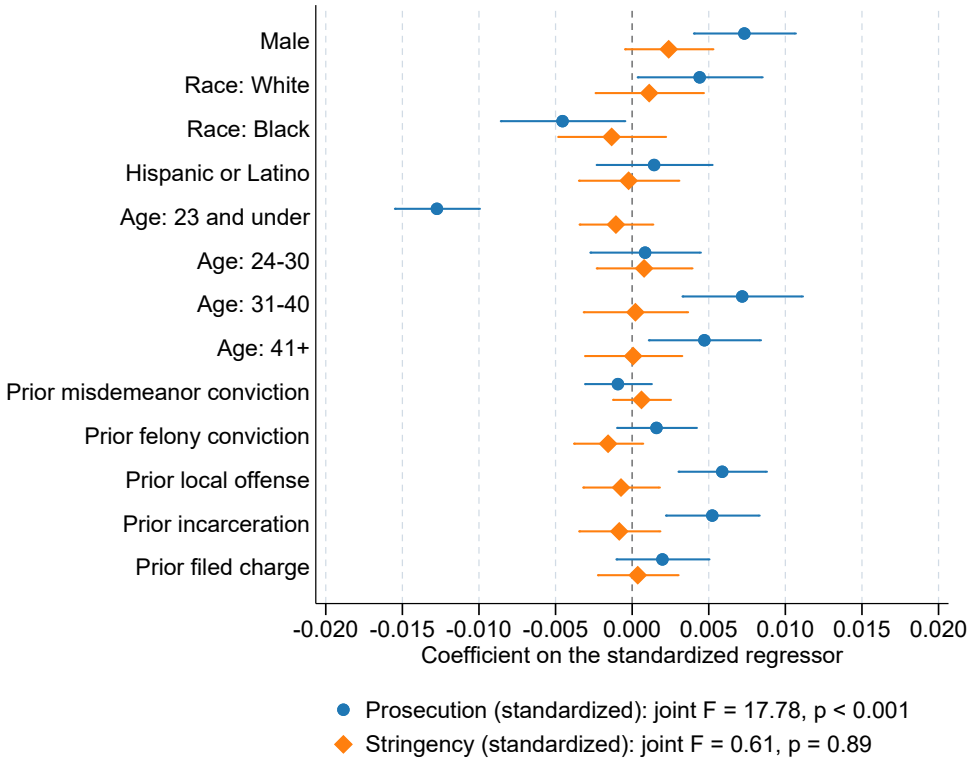
$$\underbrace{v_i}_{\substack{\text{pre-determined}\\ \text{characteristic}}} = \alpha + \beta \underbrace{D_i}_{\substack{\text{prosecution or}\\ \text{stringency}}} + \underbrace{\mathbf{w}_i'\boldsymbol{\delta}}_{\substack{\text{necessary}\\ \text{controls}}} + \varepsilon_i.$$

For the blue series, D_i is the prosecution indicator, $\tilde{x}_i$, and for the orange series it is the stringency of the assigned decision-maker, $\tilde{\ell}_i$, each standardized. The pre-determined characteristics are demographics and prior criminal history, each of which predict reoffending. A blue point to the right of zero means the characteristic is more common among prosecuted cases, and an

orange point to the right of zero means it is more common among cases assigned to stricter decision-makers. A coefficient of 0.01 means that a one standard deviation increase in prosecution or stringency goes with a 1 percentage point higher share of cases with that characteristic.

I see that prosecution is strongly predicted by these characteristics. At Dallas felony intake, prosecuted defendants are less likely to be 23 or younger and more likely to be male, to have a prior offense in the county, and to have been incarcerated before (blue series, Figure 3, and appendix Figures A6 and A7), and together the characteristics predict prosecution (joint F = 17.8 for Dallas felonies, 43.4 for Dallas misdemeanors, and 212.8 for Harris County grand juries). Appendix Table A5 reports every coefficient with its standard error and p-value. The stringency instrument is not predicted by these characteristics. The orange estimates are small and centered on zero, and none of the individual coefficients for Dallas felonies is statistically different from zero. Furthermore, the characteristics jointly do not predict stringency in any setting (joint $F = 0.61$, $p = 0.89$ for Dallas felonies, 1.25, $p = 0.22$ for Dallas misdemeanors, and 0.35, $p = 0.98$ for Harris County).

Figure 3: Balance of prosecution and stringency on predetermined characteristics, Dallas felony intake



Notes: Each row reports two regressions of the characteristic, one on standardized prosecution (indictment) and one on standardized stringency, each with the specification's controls and fixed effects. The legend reports the joint F-test of each regressor on all of the specification's predetermined characteristics. Appendix Table A5 reports the coefficients and standard errors for all three settings. Bars are 95% confidence intervals.

Exclusion. Exclusion requires that the decision-maker affect outcomes only through the prosecution decision on the focal case. The institutional setting supports this assumption. In Harris

County, the grand jury hears the case once, at indictment, and does not take part in trial, plea negotiations, or sentencing. In Dallas, the intake prosecutor does not affect bail, plea negotiations, the court proceedings, or access to diversion programs, which are negotiated in court after the case is filed. The intake prosecutor is tasked only with deciding whether to file or reject the case, so it is reasonable to assume that the exclusion restriction holds.

Monotonicity. For my estimates to have a clear causal interpretation in the presence of heterogeneous treatment effects, the decision-makers who would prosecute each case must on average be more stringent than those who would not. If this condition fails, defendants who are defiers on average enter the estimate with negative weight (Mogstad and Torgovitsky, 2024; Goldsmith-Pinkham, Hull and Kolesár, 2026). The estimate could then be negative even if prosecution raised reoffending for every defendant, if the effects for these defendants are much larger than those for compliers. This "average monotonicity" assumption (Frandsen, Lefgren and Leslie, 2023) has several testable implications.[22]

A first test of average monotonicity checks that the first stage is positive within observable subgroups of defendants (Frandsen, Lefgren and Leslie, 2023; Chyn, Frandsen and Leslie, 2024). A negative first stage in any subgroup would imply that the defendants in that subgroup are, on average, defiers, which violates average monotonicity. I estimate the first stage within 18 different subgroups, each created by splitting the sample into two complementary groups. These groups are split along nine characteristics: sex, two race indicators, two age cutoffs, custody, prior record, a violent focal charge, and a prior felony conviction. For each subgroup, I use two measures of stringency, one estimated on all cases and one estimated only from cases outside the subgroup (Bhuller et al., 2020; Norris, Pecenco and Weaver, 2021). The first measure partly reflects how each decision-maker treated the defendants in the subgroup itself, so it could yield a positive first stage even if decision-makers ranked this group differently from others. The second, the reverse-sample stringency, checks that decision-makers are ranked similarly in different groups, so that a decision-maker who is strict with other defendants is not lenient with those in the subgroup (Goldsmith-Pinkham, Hull and Kolesár, 2026). All 36 of these first stages are positive in each of the three settings (Appendix Figures A8 to A10).

A second test, proposed by Goldsmith-Pinkham, Hull and Kolesár (2026) and building on Kitagawa (2015), uses the fact that average monotonicity bounds the share of compliers with each outcome. When the outcome is an indicator for reoffending interacted with prosecution, the effect of prosecution on this outcome for each complier is whether that complier reoffends when prosecuted. The UJIVE estimate is then a weighted average of these indicators across compliers, which is the share of prosecuted compliers who reoffend. Since each indicator is either zero or one, a weighted average with nonnegative weights must also lie between zero and one. Apart from sampling error, a share outside this range can arise only if some weights are

[22] Average monotonicity is weaker than the strict monotonicity condition of Imbens and Angrist (1994). Strict monotonicity would require every decision-maker to rank cases the same way, so that a stricter prosecutor files every case that a more lenient one files. As Goldsmith-Pinkham, Hull and Kolesár (2026, p. 235) note, "the Imbens and Angrist (1994) first-stage monotonicity condition is likely too strong in the examiner setting." Appendix A2.1 reports the test of Frandsen, Lefgren and Leslie (2023), which checks exclusion together with strict monotonicity. With any new offense within one year as the outcome, the test does not reject at misdemeanor intake ($p = 0.25$) but rejects at felony intake ($p < 0.01$) and at the Harris County grand jury ($p < 0.01$).

negative, which happens when some defendants are defiers on average. The same holds for the share of dismissed compliers, using the outcome interacted with dismissal. None of these shares is significantly outside zero and one in any setting (Appendix Table A6). I also apply the test to the number of new offenses within one and three years, grouped as in Goldsmith-Pinkham, Hull and Kolesár (2026). Again, no share lies significantly outside zero and one (Appendix Figures A11 to A13).

4 Results

This section reports the effects of prosecution in each of my three settings. I first describe how the cases of marginally prosecuted defendants end, and then show how prosecution affects the probability of reoffending over the following three years. I then show the effects of prosecution on custody and supervision, relate the time profile of the two sets of effects, and close by showing which types of offenses prosecution affects, which motivates the analysis of why prosecution increases reoffending in Section 5.

4.1 What prosecution does to the case

The primary effect of being prosecuted is to start a criminal case against the defendant, and this case can end in a variety of ways. Table 2 describes how these cases end in each of the three settings, first for the entire analysis sample, then for defendants who are prosecuted or indicted, and then for prosecuted (indicted) compliers, with every outcome measured in the statewide criminal history so that the settings are comparable. In each setting, about half of prosecuted compliers are convicted or placed on deferred adjudication, under which the charge is dismissed without a conviction if the defendant completes a term of supervision (50 to 60 percent). Felony compliers at intake reach each outcome most often. They are convicted more often than indicted compliers at the grand jury and misdemeanor compliers at intake (32 percent, against 30 and 27 percent), placed on deferred adjudication more often (28 percent, against 24 and 22 percent), and sentenced to incarceration more often (32 percent, against 30 and 20 percent). The remaining compliers, from 40 percent at felony intake to 50 percent at misdemeanor intake, have neither outcome in the statewide history, either because their cases were dismissed or because the disposition never reached the statewide file. The statewide history does not record dismissals, which the county court records capture better, and appendix Section A3.1 reports the case outcomes in those records.[23]

[23] Dismissed compliers almost never have any of these outcomes. Prosecution places the incident in the statewide record for the same share of compliers who are convicted or deferred, since the statewide history lists only arrests that end in one of these outcomes.

Table 2: Outcomes of the focal case and the criminal record among all, prosecuted, and complier defendants

	Dallas felony statewide history			Dallas misdemeanor statewide history			Harris grand jury statewide history		
	All	Prosecuted	Prosecuted compliers	All	Prosecuted	Prosecuted compliers	All	Indicted	Indicted compliers
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Convicted	32.3	35.6	31.7	29.1	32.2	27.1	35.2	36.0	30.3
Deferred adjudication only	26.5	29.2	27.8	12.6	13.9	22.3	18.8	19.2	23.7
Convicted or deferred	58.8	64.8	59.6	41.7	46.2	49.5	54.0	55.2	54.0
Sentenced to incarceration	29.3	32.3	32.4	22.8	25.2	20.4	32.3	33.1	29.6
In the statewide record	63.2	68.1	56.9	49.9	54.5	50.6	54.1	55.3	53.7
Sample	59,646	90.8	22.9	90,342	90.3	17.6	279,012	97.7	6.1

Notes: Shares with each outcome (percent) among all defendants in the sample, among prosecuted (indicted) defendants, and among prosecuted (indicted) compliers, from the Texas Department of Public Safety (DPS) criminal history in both settings, observed through October 2026. Dallas: DPS records matched to the focal case by case number, all receipts (the sample of Figure A20). Harris County: the DPS record of the indicted case, decisions from March 2011 to April 2023. Deferred adjudication only counts cases on deferred adjudication without a conviction. Sentenced to incarceration is an unprobated jail or prison sentence. The incident is in the statewide record if the DPS history records a charge for the same person within three days of the incident's offense date (Dallas) or a record matching the case (Harris County). The last row (Sample) reports the number of cases, the percent prosecuted (indicted), and the complier share, estimated as the first-stage slope times the difference between the 99th and 1st percentiles of stringency (Dahl, Kostøl and Mogstad, 2014). Appendix Table A8 reports the same outcomes from the county court and clerk records.

4.2 Effects on reoffending

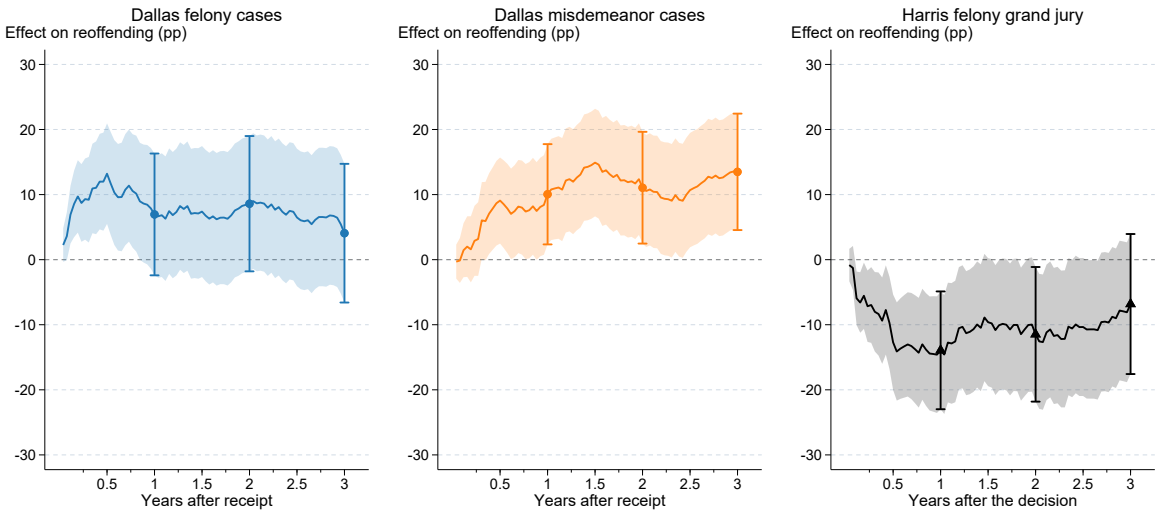
4.2.1 Net effect within three years

Figure 4 plots the cumulative effect of prosecution on reoffending in each of my settings. At the intake margin, prosecuting a felony case that is on the margin of rejection raises the probability of reoffending within six months by 13.2 percentage points, more than doubling the 8.5 percent rate among dismissed compliers. After the first six months the cumulative effect gradually fades, and within three years it is 4.1 percentage points and not statistically significant.[24] Prosecuting a marginal misdemeanor case at intake also raises reoffending sharply in the first six months, by 9.1 percentage points from a baseline of 12.5 percent, but unlike the felony effect, the misdemeanor effect continues to grow over the following years. By the end of the third year, misdemeanor prosecution raises reoffending by 13.5 percentage points, a 46 percent increase over the 29.5 percent of dismissed compliers who reoffend. Indictment at the grand jury margin has the opposite effect, lowering the probability of reoffending within six months by 12.7 percentage points from a baseline of 14.9 percent among no-billed compliers. As with Dallas felonies, the effect gradually fades, and within three years it is −6.8 percentage points and no longer statistically significant (standard error 5.5).[25]

[24] Figure A14 in the appendix plots the reoffending rates of prosecuted and dismissed compliers at each horizon.

[25] These estimates use every grand-jury decision from 1990 to 2023. Appendix A1.2 reports them for decisions from 2011 onward, the period covered by the county jail records, which I use for every outcome that involves custody. Indicted compliers in that period were sentenced to prison a third as often as those indicted before 2011 (10 against 30 percent). The reduction in reoffending is smaller and fades sooner, and within three years the

Figure 4: Cumulative effect of prosecution on reoffending within three years



Notes: Effect of prosecution (Dallas) or indictment (Harris County), in percentage points, on any new offense, from receipt or the grand-jury decision to each horizon. Dallas: any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, two-week horizons, N = 59,646 felony and 90,342 misdemeanor incidents. Harris County: any new Harris County case or offense anywhere in Texas that led to a conviction or deferred adjudication, two-week horizons, all grand-jury decisions from 1990 to 2023 (N = 564,254), and Appendix A1.2 reports the decisions in the jail-data period from 2011 to 2023. Bands and bars are 95% confidence intervals.

4.2.2 The time profile: an early increase, then two paths

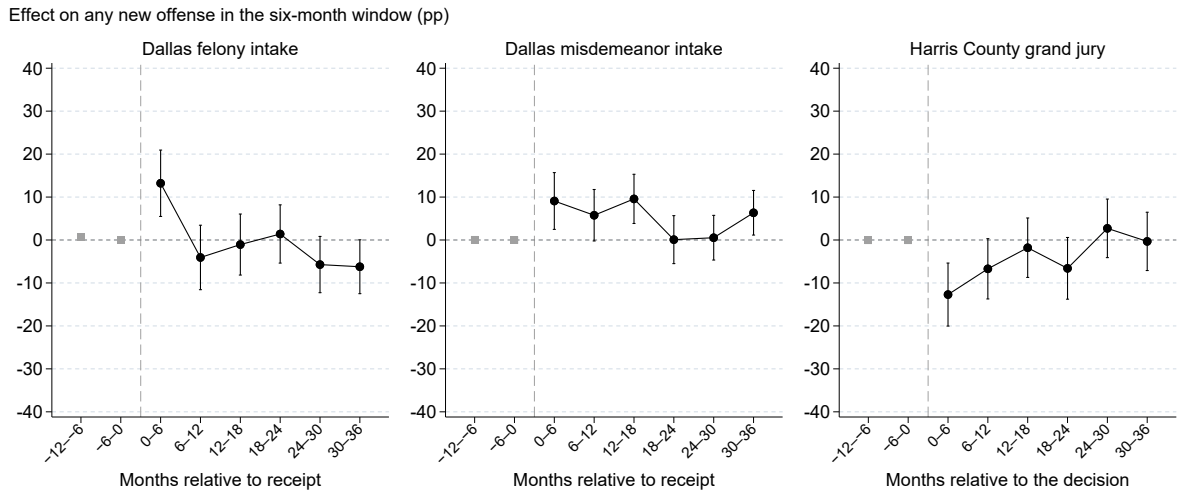
Panel (a) of Figure 5 looks at the timing of these effects more closely, plotting the effect of prosecution on reoffending within each six-month window rather than since the decision. For felonies, the increase is concentrated in the first six months, after which it stops completely, and the effect in each of the following half-years is either statistically insignificant or negative. In contrast, misdemeanor prosecution causes a more sustained increase in reoffending, with positive and significant effects in three of the five following half-years. At the grand jury margin, the reduction from indictment is also concentrated in the first six months, after which the effect moves back toward zero.

Table 3 documents this break in the time profile directly. Column (5) reports the effect on reoffending in the first six months (panel A), in the following two and a half years (panel B), and over the full three years (panel C), and column (1) reports the reoffending rate of compliers whose cases were rejected over the same periods. For felonies, the surge in reoffending in the first six months is followed by a negative but statistically insignificant effect in months 6 to 36 (−6.2 percentage points, standard error 5.3), while for misdemeanors the effect in that later period remains large and statistically significant, at 12.1 percentage points from a baseline of 24.1 percent. Indictment has no statistically significant effect on reoffending in the later period, either over all decisions (−3.0 percentage points, standard error 5.3) or in the jail-data period (+10.9, standard error 7.5), so that over the full three years its net effect is not statistically significant in either sample.

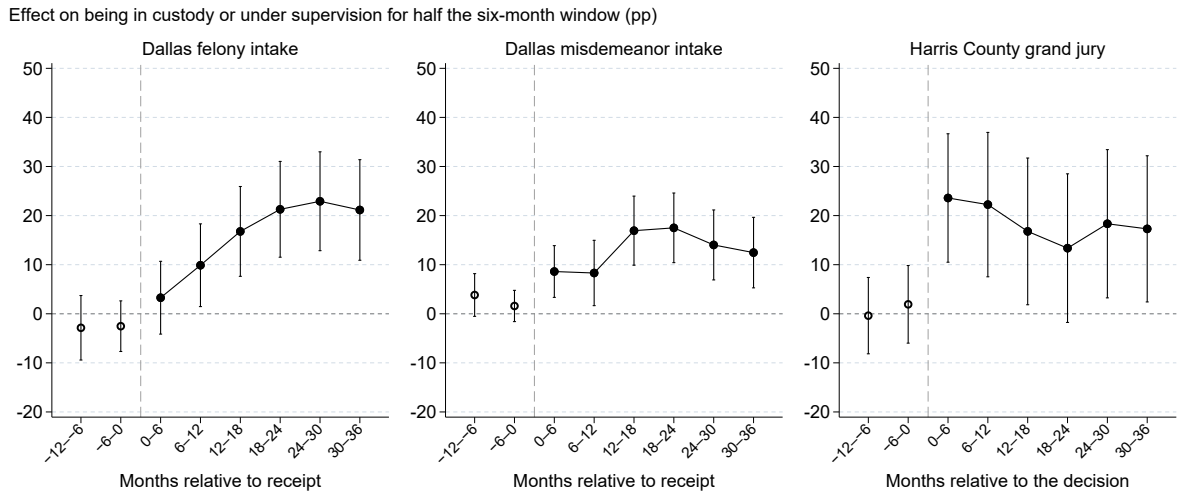
estimate is positive but not statistically significant (+5.3 percentage points, standard error 7.6).

Figure 5: Contemporaneous effects of prosecution on reoffending and on custody or supervision in each six-month window

(a) Any new offense in the six-month window



(b) In custody or under supervision for at least half of the six-month window



Notes: Effects within each six-month window (not cumulative), in percentage points, all defendants. Unlike Figure 4, which counts any new offense from receipt or the decision up to each horizon, each estimate here counts only new offenses within its own six-month window. Panel (a): any new offense in the window, Harris County over all decisions from 1990 to 2023 (Appendix A1.2 reports the jail-data period). Panel (b): in custody or under supervision on at least 91 of the window's 182 days, with overlapping spells merged so that no day counts twice, for all Dallas receipts and Harris County decisions in the jail-data period (2011 to 2023). Left of the dashed line: the two half-years before receipt or the decision, where hollow markers are placebo tests and grey squares are windows that are controls. Bars are 95% confidence intervals.

Table 3: Effects of prosecution on custody or supervision and on reoffending, by period after receipt or the decision

	Control complier mean, new offense (%) (1)	Any custody or supervision (pp) (2)	Days custody or supervision (3)	Days in custody (4)	Any new offense (pp) (5)	Cases (6)
A. Months 0–6						
Dallas felony intake	8.5	14.5*** (3.9)	11* (6)	15*** (5)	13.2*** (3.9)	59,646
Dallas misdemeanor intake	12.5	17.8*** (3.7)	14*** (4)	2 (3)	9.1*** (3.4)	90,342
Harris County grand jury, jail-data period	15.6	39.5*** (5.8)	45*** (10)	32*** (9)	-7.8 (5.3)	279,012
Harris County grand jury, full period	14.9	–	–	–	-12.6*** (3.7)	564,254
B. Months 6–36						
Dallas felony intake	32.1	26.1*** (4.9)	161*** (36)	39 (25)	-6.2 (5.3)	59,646
Dallas misdemeanor intake	24.1	29.8*** (4.6)	130*** (25)	23 (15)	12.1*** (4.4)	90,342
Harris County grand jury, jail-data period	34.0	22.2*** (6.3)	160*** (56)	-6 (42)	10.9 (7.5)	279,012
Harris County grand jury, full period	32.9	–	–	–	-3.0 (5.3)	564,254
C. Within three years						
Dallas felony intake	35.9	32.5*** (4.2)	172*** (39)	54** (27)	4.1 (5.4)	59,646
Dallas misdemeanor intake	29.5	37.1*** (4.4)	144*** (27)	25 (16)	13.5*** (4.6)	90,342
Harris County grand jury, jail-data period	39.4	36.2*** (4.9)	205*** (61)	26 (46)	5.2 (7.6)	279,012
Harris County grand jury, full period	38.1	–	–	–	-6.9 (5.5)	564,254

Notes: Column (1) is the control complier mean, the share of dismissed or no-billed compliers with a new offense in the period (percent). Column (2) is the effect of prosecution or indictment on being in custody or under deferred adjudication or probation on any day of the period, in percentage points. Columns (3) and (4) are effects on days in custody or under supervision, with overlapping spells merged so that no day counts twice, and on days in custody. Column (5) is the effect on any new offense in the period, in percentage points, and column (6) is the number of cases in the reoffending sample. Dallas reoffending (columns 1 and 5) uses the full sample. Dallas custody and supervision (columns 2 to 4) also use the full sample. Harris County: decisions in the jail-data period (2011 to 2023) and, for reoffending only, all decisions from 1990 to 2023. Supervision counts for the full ordered term. Reoffending is defined as in Figure 4. Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

4.3 Effects on custody and supervision

Columns (2) to (4) of Table 3 and panel (b) of Figure 5 show the effects of prosecution on custody (time in jail or prison) and supervision (probation, deferred adjudication, and parole) over the same periods, with the two combined into a single measure in which overlapping spells are merged so that no day counts twice. A defendant whose supervision is revoked typically moves from supervision into custody, so the combined measure is less sensitive to the revocations that the records do not show. These columns use all Dallas cases and the Harris County decisions in the jail-data period, while the Harris County reoffending columns also use the full sample. Appendix A1.2 compares the two Harris County periods, and the reduction in reoffending lasts significantly longer for decisions before 2011, when indicted compliers were three times as likely to be sentenced to prison. Panel (b) of the figure plots the effect on being in custody or under supervision for at least half of each six-month window, which captures whether a defendant is meaningfully incapacitated or monitored in that window, and the table reports the effect on spending any day in custody or under supervision (column 2) and on the number of days

(columns 3 and 4).[26]

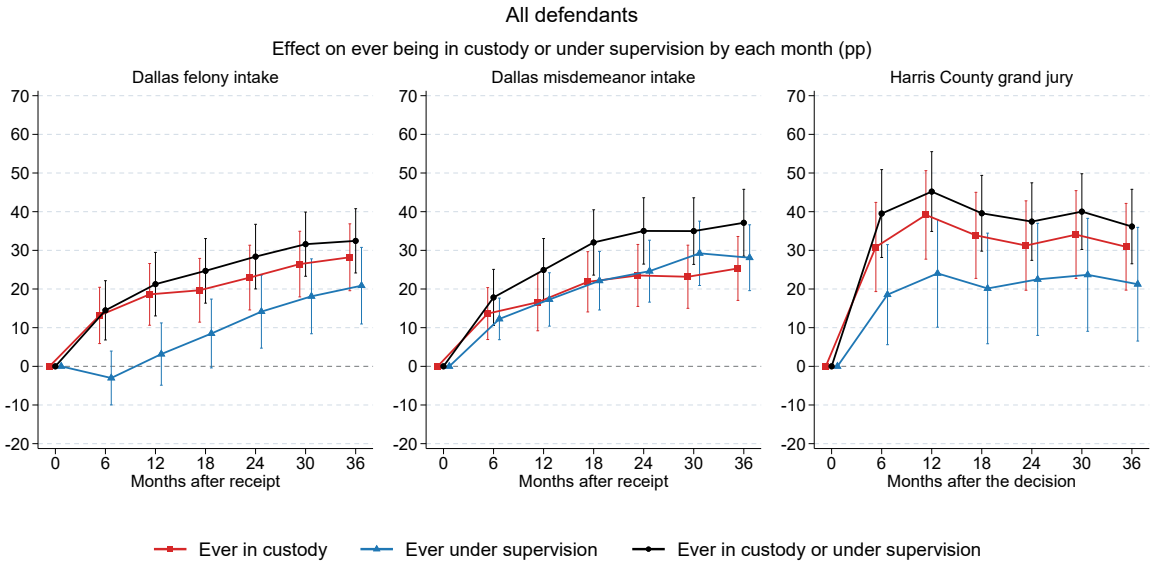
For marginally prosecuted felony defendants, the filing decision has almost no effect on custody or supervision in the first six months (3.3 percentage points in panel b),[27] and it adds only 11 days in that period, although 14.5 percentage points more compliers spend at least one day in custody or under supervision. The effect then rises steadily and peaks at about 23 percentage points in months 24 to 30. Almost all of the days in custody or under supervision that prosecution adds within three years (161 of 172) come after the first six months. Misdemeanor prosecution adds more custody and supervision than felony prosecution early on (9 percentage points in the first six months) but less over the full period, with 144 added days within three years against 172, and effects of 14 and 12 points in the two halves of the third year against 23 and 21 for felonies. Defendants at the grand jury margin see substantially more custody and supervision than defendants at intake, particularly right after the decision, as indictment raises the share in custody or under supervision for at least half of the first six months by 24 percentage points and adds 45 days in that period, 32 of them in custody.

My primary measure combines incarceration with different types of supervision. Figure 6 separates these different consequences and illustrates how prosecution and indictment affect each of them over the following three years. Many compliers experience both, so the effects on ever being in custody and ever being under supervision add up to more than the effect on either. Within three years, felony prosecution raises the share ever in custody by 28 percentage points and the share ever under supervision by 21 points, but the share ever in either by only 32 points, so most of the compliers whom prosecution places under supervision also spend some time in custody (about 17 points are both). Measured in days, however, felony prosecution adds mostly supervision, as 54 of the 172 days in custody or under supervision that it adds within three years are in custody, since the added supervision terms are much longer than the added custody spells. Most of the added supervision is deferred adjudication, which accounts for 104 of the 172 added days at felony intake and 95 of the 144 at misdemeanor intake (appendix Table A13), and appendix Figures A19 and A21 show the days in custody and under deferred adjudication that prosecution adds in each six-month window. Misdemeanor prosecution raises the share ever under supervision more than the share ever in custody (28 against 25 points, with about 16 points both), and most of the days it adds are supervision (25 of 144 days are in custody). At the grand jury, custody comes first, as indictment raises the share ever in custody by 31 points within six months against 19 points for supervision, and within three years the two shares rise by 31 and 21 points, with about 16 points both.

[26] The half-of-the-window measure understates the change in total exposure, because a defendant held for 60 days of a six-month window counts as zero. This is why the table also reports any day and the number of days.

[27] Supervision alone falls in the first months after felony prosecution. Part of this decline comes from the defendant's other pending cases, as prosecuting the focal felony lowers the probability that supervision begins on a charge with an earlier offense date by 5 percentage points within six months of receipt. There is no such effect for misdemeanors. Revocations of existing supervision would add to this decline but are not observed.

Figure 6: Cumulative effect of prosecution on ever being in custody or under supervision



Notes: Effect of prosecution (Dallas) or indictment (Harris County) on having been in custody (red), under deferred adjudication or probation (blue), or either (black) on any day between receipt or the decision and each month, in percentage points, all defendants. Custody combines county jail spells and custody in the statewide criminal history, and supervision counts for the full ordered term. Dallas: all receipts, $N = 59{,}646$ felony and 90,342 misdemeanor incidents. Harris County: decisions in the jail-data period (2011 to 2023), $N = 279{,}012$. Appendix Figure A16 adds cumulative reoffending on the same samples. The figure shows 95% confidence intervals.

These average effects differ sharply by whether the defendant was already in custody when the case arrived. Among felony defendants, those who are already in custody see substantially larger effects on custody if they are prosecuted, as appendix Figure A22 shows. In the first quarter after the decision, indictment raises the share of defendants detained at the grand-jury decision who are in custody for at least half the quarter by 75 percentage points, compared to just 8 points for those who were not detained. At the felony intake margin in Dallas, prosecution raises the same share by 16 points for defendants already in custody at receipt, against essentially zero for those who were not. The gap narrows relatively quickly, and it has disappeared by the third quarter in Harris County and by the second quarter for Dallas felonies. For misdemeanors the split separates supervision more than custody, as prosecution adds no custody for misdemeanor defendants who were in custody at receipt but raises the share in custody or under supervision in the first quarter by 8 percentage points, against 4 for those who were not (appendix Figure A23).

4.4 Custody, supervision, and the path of reoffending

Prosecution could reduce reoffending either by incarcerating defendants who would otherwise be at high risk of reoffending or by placing them under supervision, such as probation or deferred adjudication, which adds monitoring and gives defendants an incentive not to reoffend, since a violation can bring a conviction or a sentence on the focal charge. Sections 4.2.2 and 4.3 showed that the effects of prosecution on reoffending and on custody and supervision follow

different paths over time in each setting, and this subsection compares the time profile of reoffending effects with the profile of supervision and custody effects. In each setting, the effect on reoffending is smaller when it is accompanied by more custody or supervision.

I first compare the two time profiles at felony and misdemeanor intake and then at the grand jury, where I separate defendants who were detained at the decision from those who were not. I then compare defendants within each setting by whether they were in custody when their case arrived, and finally place every group and window on a single relationship between the two effects (Figure 7).

At felony intake, prosecution raises reoffending by 13.2 percentage points in the first six months after receipt but barely changes the share who spend a substantial amount of that time either in custody or under supervision (Figure 5).[28] Over the following two and a half years, felony prosecution adds 161 days in custody or under supervision, most of them under supervision (Table 3). Over the same months its effect on reoffending is negative, although not statistically significant (−6.2 percentage points, standard error 5.3). Misdemeanor prosecution adds more custody and supervision than felony prosecution in the first six months, but less after that. In the two halves of the third year, it raises the share in custody or under supervision for half the window by 14 and 12 percentage points, compared to 23 and 21 for felonies. Its effect on reoffending stays positive, at 12.1 percentage points in months 6 to 36.

At the grand jury, the custody that indictment adds coincides with lower reoffending for defendants who were detained at the decision, but not for those who were released. Section 4.3 showed that indictment raises the share of defendants detained at the decision who spend at least half of the first quarter in custody by 75 percentage points. These defendants are also at high risk of reoffending if released, as about 20 percent of detained no-billed compliers have a new case within three months. Among detained defendants, indictment nearly eliminates early reoffending. It lowers reoffending in the first quarter by 20 percentage points (standard error 7.7), and fewer than 1 percent of indicted compliers have a new case in the first quarter against about 20 percent of no-billed compliers. The confidence interval is wide, running from about 4 to 35 percentage points, but even its lower end is a substantial reduction. The reduction is smaller and imprecise in the next two quarters and gone by the fourth, shortly after the custody gap closes (appendix Figure A22). Defendants who were not detained at the decision are at much lower risk, as 6.5 percent of no-billed compliers among them have a new case in the first quarter. Indictment raises their share in custody for at least half of that quarter by only 7.6 percentage points, and it has no detectable effect on their reoffending in any of the first four quarters.

The same link between the custody and supervision that prosecution adds and its effect on reoffending appears in the other settings when defendants are compared by whether they were in custody when their case arrived. In the first six months, felony prosecution raises reoffending by 15.9 percentage points for defendants in custody at arrival and by 9.9 points for those not in custody at arrival, while adding little custody or supervision to either group. Misdemeanor prosecution raises it by 7.9 and 12.3 points (appendix Table A22). I measure the custody that

[28] The measure is the share of compliers who spend at least half of the six-month window in custody or under supervision (probation or deferred adjudication).

prosecution adds in two ways. First I count the number of days in custody in the following three years (Table A22 and panel (c) of Appendix Figure A24). This captures total time in jail, but mixes the extensive and intensive margins of exposure to incarceration. Thus, my second measure focuses primarily on the extensive margin. I create an indicator variable measuring whether the defendant had a jail (or prison) spell of at least two days in the first six months (panel (a)). I use two days to be sure I am capturing at least an overnight stay, and not an event where someone is booked and released within the same day, which we would expect to be less of a disruption to work, housing, and family life. Defendants in custody at arrival see a larger increase in custody spells of two or more days than those not in custody at arrival in every setting (17.9 against 9.1 percentage points for Dallas felonies, 28.1 against 3.8 for Dallas misdemeanors, and 39.7 against 21.9 at the Harris County grand jury), yet a smaller increase in reoffending within three years (-3.2 against $+6.2$, $+11.1$ against $+15.3$, and -7.4 against $+9.7$ points).[29] For felony intake, the comparison runs the same way in days, with prosecution adding 74 days in custody within three years for defendants in custody at arrival and 46 for those who were not, while its effect on reoffending within three years is -3.2 and $+6.2$ percentage points. For misdemeanors the comparison does not run this way, since prosecution adds less custody for defendants in custody at arrival than for those who were not. Appendix Figure A24 extends this comparison to all of the groups in Table A22. Across groups, the reoffending effect does not rise with the effect on any custody spell of two or more days in the first six months (panel (a)) or with the effect on days in custody within three years (panel (c)). Among Dallas groups, however, it does rise with the effect on being held in jail on this case (panel (b)), mostly because of misdemeanor groups.

To see whether this link between custody and reoffending holds beyond these within-setting comparisons, I next combine the estimates across settings and time periods and ask whether the effect of prosecution on reoffending moves with its effect on custody and supervision. Figure 7 plots, for each setting and each six-month window after receipt or the decision, the effect of prosecution on reoffending against its effect on days in custody or under supervision. I split each Dallas sample by whether the defendant was in custody when the case arrived at the District Attorney's office, which, as Section 4.2.2 showed, separates defendants to whom prosecution adds very different amounts of custody early on, so the figure has 30 points, one for each of five groups in each of six windows.[30] For example, the leftmost point, the solid circle near the fitted line, is the effect of prosecuting a Dallas felony defendant who was not in custody at receipt in the first six months: for this group, prosecution changes the time spent in custody or under supervision by about -2 days, a small and statistically insignificant decline, and raises the probability of reoffending by 9.9 percentage points.

The points for a group are not independent, since its six windows come from the same

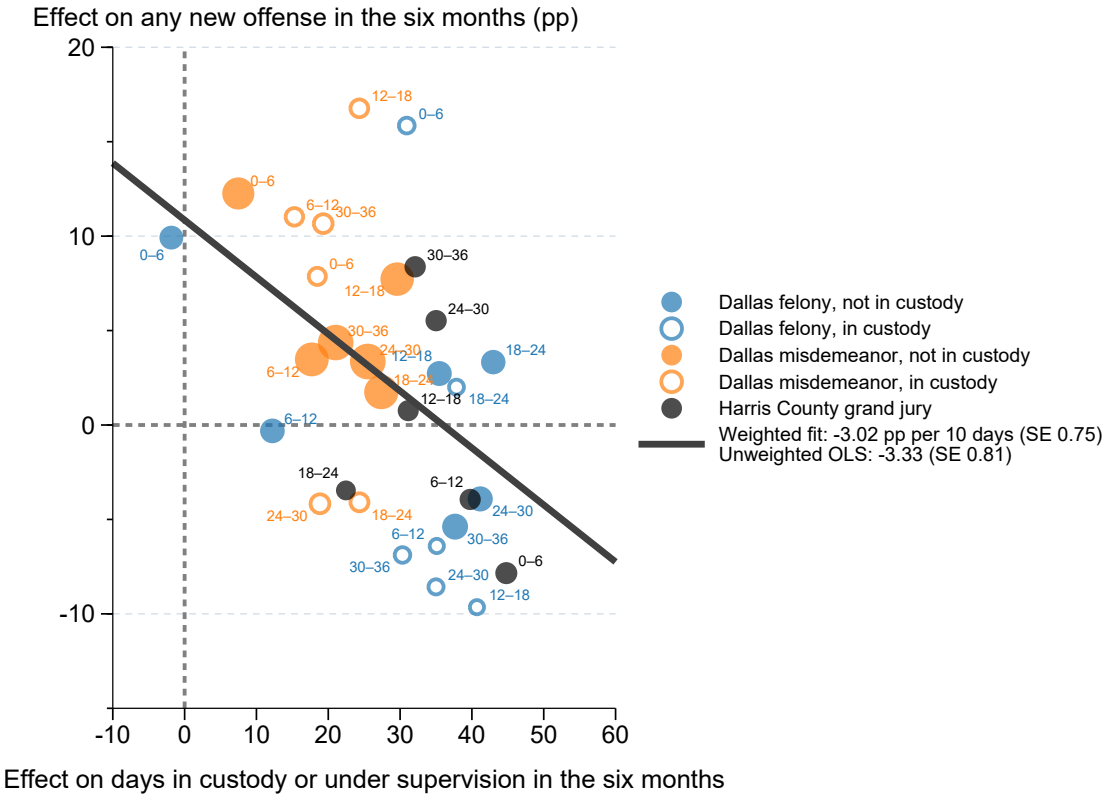
[29] These spells include custody that follows a new offense. Counting only spells in which the defendant is held on this case, prosecution increases the probability of a spell of two or more days in the first six months by 6.9 and 8.3 percentage points for Dallas felony defendants in and not in custody at arrival, and by 36.4 and 8.6 points for Dallas misdemeanor defendants. For felonies, prosecution adds little custody on this case for either group, so the difference in their reoffending effects does not come from a difference in this custody.

[30] I do not split the Harris County grand jury sample by detention at the decision, because the estimates for the detained group are imprecise in six-month windows (standard errors of 11 to 13 percentage points). The relationship does not depend on the Harris County points, as the Dallas points alone give a weighted slope of -2.9 percentage points per 10 days.

defendants, but the pattern is still informative.[31] The fitted line summarizes the relationship between the effects on reoffending and on custody and supervision, weighting each point by the precision of both estimates, and the legend also reports the unweighted fit. In windows where prosecution adds 10 more days in custody or under supervision, its effect on reoffending is about 3.0 percentage points smaller (standard error 0.75) when points are weighted by the precision of both estimates, and 3.3 points smaller (standard error 0.81) without weights. Where prosecution adds no custody or supervision, the fitted effect on reoffending is about 11 percentage points, close to the effect of felony prosecution in the first six months for defendants who were not in custody, and the fitted effect turns negative where prosecution adds more than about 35 days. These windows tend to be the first months after indictment in Harris County and the later windows for Dallas felony defendants, by which point many convicted compliers have likely begun serving their sentences.

[31] For the same reason, the heteroskedasticity-robust standard errors below treat the 30 points as independent and are descriptive. The relationship is a correlation across groups and windows rather than a separate causal estimate.

Figure 7: Effects on reoffending and on days in custody or under supervision, by group and six-month window



Notes: Each point is one group in one six-month window after receipt (Dallas) or the decision (Harris County). The horizontal axis is the effect of prosecution or indictment on days in custody or under supervision in the window, with overlapping spells merged so that no day counts twice. The vertical axis is the effect on any new offense in the window, in percentage points. Dallas groups split felony and misdemeanor intake by custody at arrival. Dallas reoffending and day effects both use the full sample. Harris County effects use the jail-data sample (decisions from 2011 to 2023). Point area is proportional to the combined precision of both estimates, and confidence intervals are omitted for legibility. The line is a least-squares fit across the 30 points that weights each point by this precision. The legend also reports the slope of the unweighted fit, and the standard errors of both slopes are heteroskedasticity-robust.

To summarize, the custody and supervision that follow the charge track the time profile of the effects on reoffending in all three settings. For defendants who largely avoid custody and supervision, however, prosecution increases reoffending. Section 5 describes how this increase varies across defendants, over time, and across types of new offenses, and what these patterns may suggest about possible explanations.

4.5 Robustness

The reoffending effects are similar when I count only offenses recorded in Dallas County. Appendix Table A11 reports the Dallas effects under three measures of a new offense. The narrowest counts only a new submission to the district attorney, the second also counts an arrest by the Dallas police, and the third also counts an offense anywhere in Texas that ends in a conviction or deferred adjudication, which is the measure I use throughout. Adding police

arrests raises the share of compliers who reoffend by about one percentage point or less, because most of these arrests also appear as new submissions. Adding statewide offenses raises that share by five to seven percentage points within three years. Within six months, felony prosecution raises reoffending by 11.5 percentage points when only submissions count and by 13.2 points when statewide offenses also count. The misdemeanor effects are 6.2 and 9.1 points within six months and 12.9 and 13.5 points within three years. At the Harris County grand jury, indictment lowers reoffending within six months by 11.4 percentage points when only new Harris County cases count and by 12.7 points when statewide offenses also count (panel C).

The statewide records come from an extract of the DPS criminal history that runs through October 2026. The criminal history records an offense only once it ends in a conviction or deferred adjudication, so an earlier extract that ended in February 2025 missed many offenses committed in 2023 and 2024 whose cases were still open. For defendants in the Dallas sample, the later extract has 37 percent more charges for arrests made in 2023 and more than twice as many for arrests made in 2024. The Dallas effects change little between the earlier estimates and the current ones, which use the later extract and also control for offending in each of the two half-years before receipt. Felony prosecution raises reoffending within three years by 2.5 percentage points in the earlier estimates and by 4.1 points in the current ones, and misdemeanor prosecution by 13.5 points in both (Table A11). The later extract matters most for the receipts from 2022 to May 2023, whose follow-up the earlier extract covered least. For these receipts, the felony effect in years two and three is −4.7 percentage points in the current estimates, against −9.2 in the earlier ones (appendix Table A10). At the Harris County grand jury, the new clerk and DPS records, together with a specification that no longer controls for prior record, change the effects by less than one percentage point for the same decisions, and extending the sample to decisions through April 2023 also changes them by less than one point (panel C of Table A11).

The estimates are also robust to changes in the specification, and the changes that alter them fail a validity check. Appendix Table A12 changes one part of the Dallas specification at a time and reports the first stage, the joint balance test on stringency, the effects within six months, one year and three years, and a placebo outcome, any new offense two to five years before receipt. The adopted specification controls for any new offense in each of the two half-years before receipt, and it passes the placebo for both felony and misdemeanor cases (+0.9 and −1.2 percentage points, standard errors 4.7 and 3.6). Measuring stringency within each intake group, using fixed effects for half-years rather than quarters, adding day-of-week controls, or dropping any one block of controls leaves the six-month effects within about one and a half percentage points of the adopted estimates and the three-year effects within about two and a half points, and each of these versions passes the balance test and the placebo. The lower rows of each panel start from the fixed effects alone and add one block of controls at a time until they reach the adopted specification. With the fixed effects alone, or with only the offense category and degree added, each version fails the balance test or the placebo in both felony and misdemeanor cases. Once the case characteristics are added for felonies, and the prior-record controls for misdemeanors, every version passes both checks and gives effects within about one and a half percentage points of the adopted estimates.

I also construct the instrument by hand in the way Agan, Doleac and Harvey (2023) do, as

the leave-one-out mean of prosecution residualized on the fixed effects, and use it as the single instrument. This instrument fails two of the validity checks in my setting, the misdemeanor balance test ($p < 0.01$) and the felony placebo (+20.8 percentage points, standard error 5.5). Its residual removes the fixed effects but not the case and prior-record controls that the adopted specification conditions on. Residualizing prosecution on the controls as well passes the balance test in both levels ($p = 0.14$ and 0.10), but it still fails the misdemeanor placebo (+16.9 percentage points, standard error 2.7). Letting each attorney's stringency differ between the two halves of their intake career gives the same six-month effects and the same misdemeanor path, and keeps the felony effect larger after the first year, at 8.1 percentage points within three years (standard error 5.2).

5 Heterogeneity in reoffending effects

Section 4.4 showed that the effect of prosecution on reoffending is smaller in the windows and groups where it adds more custody or supervision. The increase that remains is concentrated in the first six months after receipt at felony intake, when prosecution raises reoffending by 13.2 percentage points (Table 3). This increase reflects a rise in offending among prosecuted felony compliers rather than a decline among dismissed compliers, as 21.7 percent of prosecuted felony compliers have a new offense in the first six months after receipt, against 5.2 percent in the six months before it, while the rate among dismissed felony compliers rises only from 5.2 to 8.5 percent. For misdemeanors, the early increase of 9.1 points does not reverse, and the cumulative effect grows to 13.5 percentage points within three years. This section examines how this increase varies across defendants (Section 5.1), over time (Section 5.2), and across types of new offenses (Section 5.3), and what these patterns suggest about its sources (Section 5.4).

5.1 Heterogeneity by criminal history and focal offense

I first examine how the effects of prosecution differ with the defendant's criminal history. Prosecution can create two kinds of records: a record of filed charges, which can appear on background checks even when the case is dismissed, and, if the defendant is convicted, a conviction record.[32] Prior work suggests that acquiring a record of charges might contribute to

[32] When a case is filed with the county clerk's office, it is automatically included in an online web portal, where employers, landlords, and others can run a name-based search, which will return all cases and charges filed against the defendant, regardless of whether the case resulted in a conviction, dismissal, or deferred adjudication. Dallas County's criminal background search covers its felony and misdemeanor courts and can be searched by name, date of birth, and case status, pending or disposed (https://www.dallascounty.org/criminalBackgroundSearch/search.jsp). A case the district attorney rejects at intake is never filed in court, so it does not appear in these searches. In Dallas, an arrest record may be discoverable by employers or background-check companies even if the case is never filed. However, federal guidance treats arrest records differently from records of charges and convictions. The Equal Employment Opportunity Commission states that "An employer cannot refuse to hire people simply because they have been arrested. The fact that a person was arrested is not proof that they committed a crime" (https://www.eeoc.gov/arrestandconviction), and its 2012 enforcement guidance under Title VII adds that "Arrest records are not probative of criminal conduct" (https://www.eeoc.gov/laws/guidance/questions-and-answers-about-eeocs-enforcement-guidance-consideration-arrest-and). Websites that sell arrest records are not consumer reporting agencies under the Fair Credit Reporting Act, and they require buyers to agree not to use the information for employment or tenant screening. Neither source makes a similar statement about filed charges. Because a filed charge is one step closer to a conviction, and convictions can take a long time to occur, it is plausible that employers rely on records of charges even when they do not

increases in reoffending (Agan, Doleac and Harvey, 2023), and evidence from Sweden shows that acquiring a record of charges lowers earnings by about 5 percent, an effect that disappears once charges are hidden from employers (Hjalmarsson et al., 2025). If a new record raises reoffending by worsening labor market prospects, we might expect the effect to be larger for defendants acquiring their first record, since an employer who already sees an earlier record may care less about one more. I therefore split defendants by whether they have a prior charge filed and by whether they have a prior conviction. Because the groups differ in how often they reoffend when their case is dismissed, I compare proportional as well as percentage-point effects. Finally, I split cases by whether the focal charge is violent, since violent cases are where the policy debate over prosecution tends to be most contentious.

Table 4 shows that the early increase is proportionally larger for defendants acquiring their first record of filed charges. Felony prosecution raises reoffending within six months by 10.7 percentage points for defendants with no prior charge filed and by 9.9 points for those with one. For misdemeanor defendants, the increases are 7.2 and 5.4 points, and the prior-charge estimate is imprecise (standard error 9.3). While these point estimates are quite close, the two groups have starkly different baseline reoffending rates, especially for misdemeanors. Among control compliers, whose cases are dismissed, 36.7 percent of misdemeanor defendants with a prior charge have a new offense within six months, against 7.6 percent of those without one. For felony defendants, the rates are 10.5 and 7.4 percent. The same percentage-point increase is therefore a much larger relative change for defendants who would otherwise rarely reoffend, so I also compare the increases relative to these baselines. Prosecution raises reoffending by about 95 percent for first-record misdemeanor defendants compared to just 15 percent for those with a prior charge, and by about 145 and 95 percent for felony defendants. Given the imprecision in these estimates, this pattern is only suggestive, but the size of the gap is consistent with the new record of charges playing a substantial role in the increase in reoffending. One concern with this comparison is that, for felonies, it may be confounded by incapacitation, since prosecution adds more custody in the first six months for defendants with a prior charge (41 against 7 days). To address this concern, appendix Table A16 restricts the sample to defendants who were not in custody when their case arrived (at the grand jury, those not detained at the decision) and reports the analogous estimates. In this sample, prosecution adds little custody to either group of felony defendants in the first six months (4 and 8 days). Among these defendants, the first-record pattern is stronger, as prosecution raises reoffending by about 173 percent for first-record defendants against 22 percent for those with a prior charge. At the grand jury margin, where both groups already have a record of the charge, the gap disappears, as indictment raises early reoffending for neither group.

result, or have not yet resulted, in a conviction.

Table 4: Effects of prosecution on reoffending by prior record

	Months 0–6				Within 3 years		
	Any new offense			Days in	Any new	Days in	
	Control complier mean (%) (1)	Effect (2)	Change (%) (3)	custody (4)	offense (5)	custody (6)	Cases (7)
A. Dallas felony intake							
No prior charge filed	7.4	10.7** (4.4)	145	7 (5)	9.9 (6.4)	46 (29)	30,102
Prior charge filed	10.5	9.9 (7.9)	95	41*** (11)	-29.9*** (11.0)	154** (62)	29,508
B. Dallas misdemeanor intake							
No prior charge filed	7.6	7.2** (3.5)	95	4 (3)	7.9 (5.1)	37** (16)	61,194
Prior charge filed	36.7	5.4 (9.3)	15	4 (10)	20.1* (10.4)	-55 (60)	29,140
C. Harris County grand jury (jail-data period)							
No prior Harris County case	9.7	-9.4 (6.1)	-96	23** (10)	6.9 (9.6)	107** (54)	67,617
Prior Harris County case	21.7	-11.2 (8.6)	-52	38*** (14)	3.3 (11.8)	-35 (75)	211,391

Notes: Split by whether any earlier Dallas County case was filed by the district attorney (Harris County: any earlier Harris County case). Dallas: all felony and misdemeanor defendants. Harris County: all defendants in the jail-data period (2011 to 2023). Appendix Table A16 reports the same comparisons for defendants not in custody at arrival (Harris County: not detained at the decision). Column (1) is the control complier mean, the share of dismissed or no-billed compliers with a new offense in the first six months (percent), column (2) the effect of prosecution or indictment on it in percentage points, and column (3) that effect as a percent of column (1). Column (4) is the effect on days in custody (county jail or state custody) in the first six months. Column (5) is the effect on any new offense within three years and column (6) the effect on days in custody within three years. Reoffending is defined as in Figure 4. Dallas custody days within three years use receipts with three years inside the jail data. Stringency is rebuilt within each group. Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Prosecution can also give a defendant a first conviction record, which it cannot do for defendants who already have one, so I also compare defendants with and without a prior conviction. Because a conviction follows only once the case is resolved, often months after the decision, I make this comparison for effects within three years. Appendix Table A25 compares the reoffending effects for defendants with and without a prior conviction, along with the custody and supervision that prosecution adds to each group. Within three years, the misdemeanor increase is proportionally larger for defendants without a prior conviction (51 against 24 percent). This difference is imprecisely estimated, however, and dismissed compliers with a prior conviction already reoffend at 72 percent, which leaves little room for a large proportional increase. For felonies, the comparison is confounded by the custody that prosecution adds, which is much larger for defendants with a prior record (154 against 46 days within three years for defendants with and without a prior charge, Table 4), and the custody estimates by prior conviction are too imprecise to separate the groups.

For felony cases with a violent focal charge, prosecution raises the probability of any new offense within six months by 11.2 percentage points (standard error 4.8), close to the 13.2 points for all felony cases (appendix Table A15). Within three years the effect is 1.3 points (standard error 6.8), close to zero, as it is for all felony cases (4.1 points). For misdemeanor cases with a violent focal charge, the six-month increase is 4.5 points (standard error 4.0), about half the increase for all misdemeanor cases and not statistically significant. Within three years it is 9.1 points (standard error 5.6), somewhat below the 13.5 points for all misdemeanor cases. Because

these subsamples are much smaller than the full samples, the estimates other than the felony six-month increase are too imprecise to say whether prosecuting a violent case raises or lowers reoffending. Within three years, the 95 percent confidence intervals run from about −12 to +15 percentage points for felony cases and from about −2 to +20 for misdemeanor cases. Violent cases, however, make up most of the compliers in the full samples (79 and 76 percent at felony and misdemeanor intake, Table 1). The full-sample estimates therefore largely reflect the effects of prosecuting marginal violent cases. I return to these cases in Section 5.3, which examines whether prosecuting them reduces later violent offending.

5.2 Timing relative to conviction, the open case, and supervision

Prosecution sets off a sequence of later events that could each affect reoffending: conviction or deferred adjudication, the end of the case, and the start of any supervision. This subsection describes how the timing of the reoffending effects lines up with these events. I first ask whether the increase comes before or after conviction, then how reoffending evolves while the case is still open, and finally how the increase relates to the start of supervision.

I first compare the timing of the increase with the timing of conviction. The felony increase arrives in the first six months after receipt (Figure 5), before most convictions occur. By the end of the sixth month, only about 5 percent of prosecuted felony compliers have been convicted or placed on deferred adjudication (Figure 8). Appendix Table A24 counts only new offenses that occur before a conviction on the focal case. The felony effect is about the same size under this measure, and also when offenses after a deferred adjudication are excluded. Thus, the felony increase occurs among compliers who are never convicted and, for those who are, before their conviction. As a bound, suppose that every complier convicted by the end of the sixth month reoffended, compared with 8.5 percent of dismissed compliers. Convictions could then add at most about 4 percentage points to reoffending, about a third of the 13.2-point increase.[33]

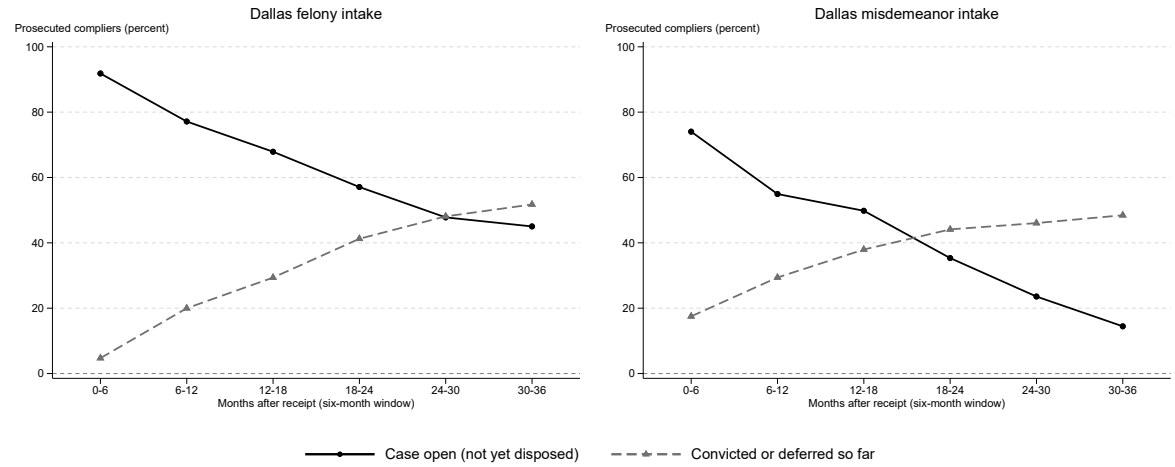
Misdemeanor cases close much sooner than felony cases, and by the end of the sixth month about 18 percent of prosecuted misdemeanor compliers have been convicted or placed on deferred adjudication (Figure 8). For misdemeanors, the same extreme assumption is less informative, because this share is large enough that, if every one of these compliers reoffended, they could account for all of the early misdemeanor increase. Under a somewhat less extreme assumption, conviction could account for about half of it. If conviction tripled the reoffending of convicted compliers, from the 12.5 percent rate of dismissed compliers, they could account for about 4 of the 9.1 percentage points. Much of this share comes from defendants in custody at arrival, who are convicted much sooner. Among defendants not in custody at arrival, 11 percent have been convicted or placed on deferred adjudication by the end of the sixth month, and the same assumption allows conviction to account for only about 2 percentage points, or less than a fifth, of the 12.3-point increase in this group (appendix Figure A26).

For misdemeanors, the measure is harder to interpret because misdemeanor cases close much sooner. Dropping offenses after a conviction shortens the period in which prosecuted compliers

[33] Among felony defendants not in custody at arrival, for whom prosecution adds little custody in the first six months, the same bound is about 5 percentage points, less than half of the 9.9-point increase in this group (appendix Figure A26).

can reoffend, while dismissed compliers keep all of it. A smaller effect under this measure therefore need not mean that the increase comes from the conviction. The effect of misdemeanor prosecution on reoffending within three years is 13.5 percentage points (appendix Table A24). Excluding offenses after a conviction lowers it from 13.5 to 5.5 percentage points, and also excluding offenses after a deferred adjudication lowers it to 0.3, though part of this decline reflects the shorter period in which prosecuted compliers can reoffend rather than an effect of the conviction itself. For misdemeanor defendants not in custody at arrival, however, most of the one-year increase remains even when offenses after a conviction or deferred adjudication are excluded (8.0 of 10.5 points), despite the shorter window.

Figure 8: Case status of prosecuted compliers by six-month window after receipt, Dallas intake



Notes: Dallas intake, all defendants. Shares of prosecuted compliers (complier means, percent) at the end of each six-month window after receipt whose focal case is still open, meaning prosecuted and not yet disposed in the Dallas County court records, whether or not it has been filed in court yet, and who have been convicted or placed on deferred adjudication on the focal case (DPS history). Effects of prosecution on reoffending and on custody or supervision in the same windows are in Figure 5.

Next I compare the timing of the effects with how long cases remain open. For felony defendants, the reoffending effect is concentrated in the first six months and gone after that (Figure 5), although most felony cases are still open at the end of the first year. The share of prosecuted compliers with an open case falls from 92 percent at the end of the sixth month to 77 percent at the end of the first year and 45 percent by the end of the third year (Figure 8). For misdemeanors, however, the share of prosecuted compliers with an open case falls from 74 percent at the end of the sixth month to 15 percent by the end of the third year, while the reoffending effect persists into years two and three (11.8 percentage points, appendix Table A22).

Finally, I compare the timing of the effects with the start of supervision. For felonies, prosecution adds no supervision in the first six months, when the increase is largest, and if anything lowers the share under supervision in that window (−6.9 percentage points, standard error 2.9, appendix Figure A25). Supervision arrives as the felony effect fades, with prosecution raising the share under supervision by 11 to 19 percentage points from the second year on

(Section 4.4).[34] For misdemeanors, prosecution adds supervision almost immediately, raising the share under supervision for at least half of the first six months by 5.3 percentage points (standard error 2.0). The supervision effect grows to about 15 points by months 12 to 18 and stays near that level, while the reoffending effect falls to about zero in months 18 to 30 and is 6.3 points in months 30 to 36 (Figure 5).

5.3 Types of new offenses

Next I examine which types of new offenses prosecution and indictment affect. I first consider violent offenses, which are often cited as a reason to prosecute more cases (e.g., Wallace, 2022). I then consider economically motivated offenses, and finally offenses whose recording depends on police discretion or on the conditions of an open case. Which offenses rise helps distinguish whether the increase reflects more offending, more arrests of people with a record, or the demands and stress of the prosecution process itself.

Table 5 examines how the decision to prosecute affects different types of new offending. Panel A reports effects in the first six months, when prosecution at the intake margin causes a large increase in reoffending, and panel B reports effects over the full three years, so that the estimates capture the net effect of prosecution over that period, combining the early increase with any later effects of the custody, convictions, and supervision that follow the charge. Panel B counts the number of new offense dates and places each date in its most serious type, so that the effects on the types add up to the effect on the total number of offenses.

[34] Probation and deferred adjudication are counted for the full term the court orders, because the statewide criminal history rarely records when they end.

Table 5: Effects of prosecution on violent and economically motivated offenses within six months and three years

	Dallas felony		Dallas misdemeanor		Harris felony grand jury	
	Control complier mean	Effect	Control complier mean	Effect	Control complier mean	Effect
	(1)	(2)	(3)	(4)	(5)	(6)
A. Any new offense within six months (percent)						
Any new offense	8.5	13.2*** (3.9)	12.5	9.1*** (3.4)	14.9	-12.7*** (3.7)
Violent	3.3	2.4 (2.6)	4.4	1.6 (2.3)	2.5	-1.7 (1.8)
Not violent	6.3	11.2*** (3.4)	8.7	7.7*** (2.9)	13.1	-12.3*** (3.5)
Economically motivated	0.2	6.5*** (2.1)	4.1	4.4** (1.9)	5.4	-4.7* (2.5)
economically motivated charges only	0.1	4.4** (1.9)	3.2	2.4 (1.7)	4.6	-3.5 (2.4)
with other charges	-0.2	3.3*** (1.1)	1.0	2.1** (1.1)	0.9	-0.8 (1.1)
Not economically motivated	8.2	11.1*** (3.7)	10.0	6.7** (3.2)	10.2	-8.3*** (3.1)
B. Number of new offenses within three years						
All new offenses	0.68	0.07 (0.16)	0.71	0.46*** (0.15)	0.85	-0.32** (0.15)
Violent	0.25	-0.04 (0.08)	0.23	0.05 (0.06)	0.15	-0.08* (0.05)
Not violent	0.43	0.11 (0.13)	0.48	0.41*** (0.13)	0.70	-0.24* (0.13)
Economically motivated	0.13	0.04 (0.08)	0.19	0.11 (0.08)	0.31	-0.02 (0.09)
economically motivated charges only	0.10	0.01 (0.07)	0.17	0.04 (0.06)	0.27	0.01 (0.09)
with other charges	0.03	0.02 (0.03)	0.02	0.06** (0.03)	0.04	-0.03 (0.03)
Not economically motivated	0.55	0.03 (0.12)	0.52	0.36*** (0.11)	0.54	-0.30*** (0.10)
Cases	59,646		90,342		564,254	

Notes: Columns (1), (3), and (5) are control complier means, for dismissed or no-billed compliers, and the other columns are effects of prosecution or indictment with standard errors. Panel A: share with any new offense of each kind within six months of receipt or the decision (percent, effects in percentage points). Panel B: number of new offense dates within three years, with each date counted once in its most serious type, so that violent and not violent offenses add up to the total. Economically motivated offenses follow Wieselthier (2023). An offense date has economically motivated charges only, economically motivated and other charges, or no economically motivated charge, and the three rows add up to the total. Complier means are estimated separately for each outcome, so a small negative mean can occur, and those shown here have confidence intervals that include zero. Dallas: full sample, reoffending as in Figure 4. Harris County: all decisions from 1990 to 2023. Appendix Table A14 reports every offense type. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

I find little evidence that prosecution at the intake margin reduces violent reoffending, either among all cases or among cases with a violent focal charge. The estimates are imprecise, however, and for felonies they cannot rule out a sizable reduction. The one violent offense that prosecution clearly reduces is family violence among misdemeanor cases. In the first six months, the effects on violent offending are small and not statistically significant (2.4 and 1.6 percentage points at felony and misdemeanor intake, against 11.2 and 7.7 for nonviolent offenses), and at the grand jury margin indictment lowers violent offending by a similarly small and insignificant amount (-1.7 points). Within three years, prosecution changes the probability of a violent offense by -2.8 percentage points at felony intake and by $+4.9$ points at misdemeanor intake, from 17.2 and 15.2 percent among dismissed compliers (appendix Table A17). Neither estimate is statistically significant, and the felony estimate is imprecise. Its 95 percent confidence interval runs from a reduction of 11.7 percentage points, about two-thirds of the dismissed rate, to an increase of 6.1 points. The misdemeanor interval rules out reductions larger than about 2.6 points.[35]

[35]The number of violent offense dates within three years shows the same pattern (-0.04 and $+0.05$, Table 5, panel B). At the grand jury, indictment lowers the number of violent offense dates within three years by 0.08

The decision to reject a case is especially controversial when the defendant is *accused* of a violent offense, since a common concern is that these defendants, if not prosecuted, will go on to commit further violent offenses. I find that prosecuting a violent case does *not* decrease the likelihood that the defendant commits another violent offense, either in the first six months or within three years, as appendix Table A15 shows. At misdemeanor intake the effects are close to zero at both horizons (+1.0 and +1.4 percentage points, standard errors 2.9 and 4.8). At felony intake violent offending, if anything, rises in the first six months (+6.5 percentage points, standard error 3.5, significant only at the 10 percent level), which runs against the argument that prosecuting violent cases prevents further violence, and it is not significantly lower within three years (−3.1, standard error 6.0). The one violent outcome that prosecution reduces is family violence among misdemeanor cases, which falls by 11.2 percentage points within three years from a baseline of 10.8 percent among dismissed compliers. An effect as large as the baseline implies that prosecution prevents a large share of the family violence these compliers would otherwise commit, although the 95 percent confidence interval is wide, running from about 4 to 19 percentage points.[36]

The one type of offense that prosecution reduces at the intake margin is family violence. Across all misdemeanor cases, prosecution lowers the number of family-violence offenses within three years by about 0.09, from 0.13 among dismissed compliers. This complements the result for violent misdemeanor cases above, where prosecution lowers the probability of any family-violence offense within three years by 11.2 percentage points. Both reductions could reflect protective orders or no-contact conditions that accompany a filed case and that I do not observe.

An increase in economically motivated offending may have different implications from an increase in violent offending or drug use. Following Wieselthier (2023), I classify offenses as economically motivated if they include property offenses other than vandalism and arson, robbery, drug sales, fraud, forgery, and similar offenses committed for financial gain.[37] Dismissed felony compliers almost never commit an economically motivated offense in the first six months, and felony prosecution raises the probability of one by 6.5 percentage points, while misdemeanor prosecution roughly doubles it, raising it by 4.4 points from 4.1 percent.[38] Because these increases start from a low base they are large in proportional terms, but in percentage points they are smaller than the increases in offenses with no economically motivated charge (11.1 for felonies and 6.7 for misdemeanors), so economically motivated offenses account for only part of the early increase. Within three years, misdemeanor prosecution raises the probability of an

from 0.15, an estimate significant only at the 10 percent level.

[36] Complier means are estimated separately for each outcome, so the subcategories need not nest, and an effect can exceed the control complier mean.

[37] Property offenses are those in the property category of the Uniform Crime Classification Standard (UCCS), such as theft, burglary, and motor vehicle theft, excluding destruction of property and arson. Drug sales are drug charges whose description names delivery, manufacture, distribution, or possession with intent to deliver, so simple possession is not included. Robbery, which is also a violent offense, and the remaining offenses are identified by charge name: fraud, forgery, counterfeiting, credit card abuse, identity theft, bribery, promotion or compelling of prostitution, gambling, and money laundering. An offense date counts as economically motivated if any of its charges does, and offenses found only in the statewide criminal history are classified by their DPS offense code.

[38] The increase does not come from incidents that combine economically motivated and other charges, since offense dates with only economically motivated charges rise by 4.4 percentage points for felonies. The control complier mean for felony offense dates that combine economically motivated and other charges is slightly negative because complier means are estimated separately for each outcome, and its confidence interval includes zero.

economically motivated offense by 7.2 percentage points (standard error 2.9), from 8.0 percent among dismissed compliers (appendix Table A17). The felony estimate within three years is 5.9 points (standard error 3.8), from 8.9 percent, and is not statistically significant.

In the longer run, misdemeanor prosecution raises nonviolent reoffending by 0.41 offenses within three years, concentrated in drug (0.14) and public order (0.17) offenses (appendix Table A14). Most of the misdemeanor increase, 0.36 of the 0.46 additional offenses, comes from offense dates with no economically motivated charge, so the persistent increase differs in kind from the early rise in economically motivated offending. At the felony intake margin the later decline offsets the early increase in every type of offense, and at the grand jury margin, indictment does not increase any type of offending and lowers the number of new offenses by 0.32 within three years.

Prosecution could also raise observed reoffending without changing behavior, if the people who record new offenses respond differently to someone who was previously prosecuted. My main outcome combines three sources: submissions to the Dallas County District Attorney, arrests by the Dallas Police Department, and offenses anywhere in Texas that end in a conviction or deferred adjudication. The statewide offenses depend on later decisions by prosecutors and courts, which could respond to a defendant's earlier prosecution. The effects are similar, however, when I count only new submissions to the district attorney, which law enforcement agencies make before any prosecutor decides whether to file (appendix Table A11). Within six months, felony prosecution raises new submissions by 11.5 percentage points, against 13.2 for the main outcome, and within three years misdemeanor prosecution raises them by 12.9 points, against 13.5. While later prosecutors may respond differently to someone they have already charged, this response does not appear to explain the increase. Counting only the new submissions that the district attorney files, felony prosecution raises reoffending within six months by 13.9 percentage points, somewhat more than the 11.5 points for all new submissions. Most of the effect is therefore already present in the submissions, which law enforcement agencies make before any prosecutor reviews the case. The decision by police to arrest or submit a case is harder to separate, because I observe only offenses that lead to an arrest or a submission, not offending that police do not act on. For police attention alone to produce the early felony increase, police would have to arrest or submit a case for the same behavior more than twice as often after a filing. However, if a prosecution or a filed case makes an arrest more likely in a later encounter, the effects should be larger for offenses over which officers have more discretion. To examine this, I classify new offenses following Abdul-Razzak and Hallberg (2024), who predict from arrest narratives whether each arrest in Chicago began with contact the officer initiated at their own discretion. I use their classification of charge types, under which a charge type is high discretion if most arrests of that type in their data are predicted to begin this way. This makes drug, DUI, criminal traffic, weapons, and commercialized vice offenses high discretion and all others low discretion, and an offense date counts as low discretion if any of its charges is.

Excluding high-discretion offense dates leaves the proportional effects nearly unchanged (Table 6). Within six months, felony prosecution raises reoffending by 8.6 percentage points (standard error 3.6), or 141 percent, against 155 percent for all offenses, and misdemeanor prose-

cution raises it by 7.3 points (3.1), or 72 percent, the same as for all offenses. Within three years, the misdemeanor effect is 9.2 points (4.3), or 39 percent, against 46 percent. High-discretion offenses themselves also rise, by 9.5 percentage points within three years for misdemeanors, from 10.9 percent among dismissed compliers.

Table 6: Effects of prosecution on new offenses by arrest discretion, Dallas intake

	Dallas felony intake			Dallas misdemeanor intake		
	Control complier mean (%)	Effect	Change (%)	Control complier mean (%)	Effect	Change (%)
	(1)	(2)	(3)	(4)	(5)	(6)
Within six months						
Any new offense	8.5	13.2*** (3.9)	155	12.5	9.1*** (3.4)	72
Excluding high-discretion offenses	6.1	8.6** (3.6)	141	10.1	7.3** (3.1)	72
High-discretion offenses only	3.8	4.7** (2.0)	123	3.1	2.0 (1.8)	65
Excluding obstruction offenses	8.0	12.3*** (3.9)	155	12.4	7.4** (3.3)	60
Court order or process	2.6	0.2 (2.0)	–	1.3	-1.2 (1.3)	–
Within three years						
Any new offense	35.9	4.1 (5.4)	11	29.5	13.5*** (4.6)	46
Excluding high-discretion offenses	27.6	3.5 (5.3)	13	23.7	9.2** (4.3)	39
High-discretion offenses only	15.9	1.0 (4.0)	6	10.9	9.5*** (3.3)	87
Excluding obstruction offenses	34.6	2.0 (5.4)	6	29.4	11.5** (4.5)	39
Court order or process	5.6	-1.5 (2.7)	–	2.5	-0.3 (1.9)	–
Cases	59,646			90,342		

Notes: Columns (1) and (4) are control complier means, the shares of dismissed compliers with a new offense of each kind within six months or three years of receipt (percent), columns (2) and (5) the effects of prosecution in percentage points with standard errors, and columns (3) and (6) the effects as a percent of the control complier mean. Discretion follows Abdul-Razzak and Hallberg (2024): a charge type is high discretion if most arrests of that type in their data are predicted to begin with contact the officer initiated at their own discretion, which makes drug, DUI, criminal traffic, weapons, and commercialized vice offenses high discretion and all others low discretion. An offense date is low discretion if any of its charges is, and high discretion if it has a high-discretion charge and no low-discretion one. Excluding high-discretion offenses counts only offense dates with a low-discretion charge. Excluding obstruction offenses drops charges for evading or resisting arrest, failure to identify, interfering with an emergency call or with public duties, tampering with evidence, hindering apprehension, and false reports to police, and keeps an offense date if any other charge remains. Court order or process: violation of a bond or protective order, bail jumping, failure to appear, escape, contempt, or flight. Changes are not reported for the court-order rows, whose means are too small for a percent change to be informative. Full sample, all defendants. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Separating offenses that typically have a victim (violent and property offenses) from victimless ones (drug, DWI and other traffic, weapons, trespass, evading, resisting, and other public order offenses) gives a second, less direct test, since without a victim to report them, these offenses are more likely to come to police attention through officers' own activity. Within six months, felony prosecution raises both kinds of offending by similar proportions. Victim-reported offending rises by 7.6 percentage points from 3.4 percent among dismissed compliers, and victimless offending rises by 8.8 points from 4.8 percent, so both roughly triple (appendix Table A19). For misdemeanors, the increase is larger for victimless offenses, both within six months (6.8 points from 4.9 percent, against 4.8 from 7.7) and within three years (19.1 points from 15.1 percent, against 5.9 points, not statistically significant). Within three years, neither class rises for felonies or at the grand jury (appendix Table A26). For misdemeanors, exclud-

ing victimless offenses roughly halves the effects, while excluding high-discretion offenses does not. I view the discretion classification as the more direct test, since it is based on how arrests for each type of offense actually begin. The victimless category also includes offenses, such as evading arrest, resisting, and other public order offenses, that often follow from an encounter rather than from an officer's choice to make a stop.

A related concern is that the early increase reflects the procedural consequences of an open case rather than new offending, such as warrants for missed court dates, bond revocations, or holds on the pending charge. My reoffending measure excludes the focal offense and any arrest on the focal case, and missed court dates and technical probation violations are handled on the existing case rather than as new charges.[39] Offenses against the conditions of an open case, such as bond and protective-order violations, do not rise (Table 6). Excluding obstruction offenses such as evading arrest, resisting, and failure to identify, which arise from encounters with police, leaves the early felony increase essentially unchanged (12.3 against 13.2 percentage points) and lowers the misdemeanor increase only from 9.1 to 7.4 points.

In the Dallas County jail records, which do not enter the reoffending measure, new bookings that list a new, separate case nearly quadruple within six months of felony prosecution, rising by 10.1 percentage points from 3.7 percent. Some bookings list several case numbers, so a new arrest can also carry a hold on the original case. Under a stricter measure that excludes any booking listing the original case, even one that also lists a new case, the increase is 6.7 points from 5.7 percent. Bookings that list only the original case, which are more likely to reflect warrants, bond revocations, or other events in the pending case, rise by 2.1 points from 1.2 percent, less than a fifth of the 11.5-point increase in all new bookings, and this increase is not statistically significant (appendix Table A20). Most of the early increase in felony jail bookings therefore comes from arrests for new offenses rather than from events in the pending case, which is difficult to reconcile with a purely procedural explanation of the increase in reoffending. Misdemeanor defendants show no clear early increase in jail bookings overall, so the comparison is less informative for them.

5.4 Possible channels

Prosecution has several consequences that could raise reoffending: time in jail, a conviction record, supervision, closer police attention, the demands and stress of an open case, and a public record of the filed charges. I discuss what each channel implies for the patterns in Sections 4.4 to 5.3, and how those implications compare with the data. Each comparison below contrasts groups, periods, or types of offenses that may differ in other respects besides the mechanism in question, so I read each pattern as a guide to which channels fit the data more or less easily, and no single pattern rules definitively on a potential mechanism.

If a conviction or the supervision that follows it drove the felony increase, we would expect reoffending to rise only once those consequences arrive, months after receipt. However, the increase appears in the first months after receipt, before most convictions (Section 5.2). In those months prosecution adds little custody or supervision for defendants who were not in custody

[39] Only 8 of 573,809 DA submissions are failure-to-appear charges, and none are motions to revoke probation, which are filed in court on the existing case.

at arrival (Section 4.4). Even if every complier convicted by the sixth month reoffended, these convictions could account for less than half of the increase, and supervision arrives as the felony effect fades. If time in jail drove the increase, we would expect the increase to come after defendants are held in jail on this case. Counting only new offenses that occur before any jail spell of two or more days on this case, the six-month effect for felony defendants not in custody at arrival is 8.4 percentage points (standard error 5.0), largely unchanged from their 9.9-point effect on any new offense. Among all felony defendants, the effect counting only offenses before a jail spell is 12.2 points, against 13.2 points for any new offense, including those after a jail spell (appendix Table A18).[40]

The timing of the early felony increase is more consistent with three consequences that begin at filing: a public record of the charges, the demands and stress of an open case, and closer police attention. If closer police attention drove the increase, it should be concentrated in offenses over which officers have the most discretion to make an arrest, which it is not (Section 5.3). This test cannot detect a police response that raises arrests for all types of offenses alike, however, since I observe only offenses that lead to an arrest or a charge. If the demands of an open case drove it, much of the increase should come from violations of court orders, but these account for little of it (Section 5.3). The stress of a pending charge has no comparable test here, and it may be greatest for defendants facing their first prosecution, which would also produce the first-record pattern below. If a newly created criminal record drove the increase, we would expect it to be larger for defendants acquiring their first record of filed charges. Relative to the control complier means, it is: prosecution raises reoffending by about 145 percent for first-record felony defendants against 95 percent for those with a prior charge, and by about 95 against 15 percent for misdemeanor defendants, although these differences are imprecisely estimated (Section 5.1). We would also expect the effect to be larger at the stage where the record is created than at a later stage, when a record of the charge already exists. At the Harris County grand jury, indicted and no-billed defendants alike already have a public record of the charge.[41] Among defendants who were not in custody, for whom prosecution adds little early custody in either setting, indictment has no detectable effect on reoffending within six months (-2.6 percentage points). Felony prosecution at intake, where the record is new, raises it by 9.9 points. The two margins also differ in the stage of the case, the defendants, and the county, so this comparison is suggestive: it is consistent with the record channel but cannot isolate it.

The persistent misdemeanor increase leaves more room for several channels. Misdemeanor cases close sooner than felony cases, and a larger share of prosecuted compliers are convicted or placed on deferred adjudication within the following few months (Section 5.2). Conviction and supervision may therefore contribute to the later increase. For misdemeanor defendants not in

[40] Counting reoffending only for defendants never held on this case gives 7.7 points (standard error 5.0) for felony defendants not in custody at arrival and 11.3 points (standard error 3.1) for all felony defendants. Prosecution raises the probability of being held on this case, so both measures remove more of the prosecuted compliers' time at risk than the dismissed compliers', and they understate the part of the effect that does not run through jail. I count a defendant as held on this case when a jail booking lists the case's number and no case for an offense committed after the case was received.

[41] The Harris County District Clerk's case search is free with a registered login and shows all public criminal cases (https://www.hcdistrictclerk.com/edocs/public/search.aspx). In the clerk's records, felony cases that the grand jury declined to indict between 2011 and 2022 had been filed a median of 70 days before the grand jury's decision.

custody at arrival, most of the six-month increase comes before any jail spell associated with the case (10.1 of the 12.3 percentage point effect), and about two-thirds of the one-year increase does (6.9 of 10.5 percentage points, appendix Table A18). Within three years, about three-fifths of the increase comes before any such jail spell (9.3 of 15.8 points). This share understates the part unrelated to jail, because counting only offenses before a jail spell cuts off more of the prosecuted compliers' follow-up as the window lengthens. The three-year comparison therefore cannot tell us how much jail contributes to the later misdemeanor increase. The increase persists after almost all misdemeanor cases have closed, which is harder to reconcile with the hypothesis that the demands or stress of an open case drives reoffending. Misdemeanor prosecution also raises high-discretion and victimless offenses, so closer police attention may add to the increase. Excluding high-discretion offenses, however, leaves the proportional effects nearly unchanged.

Taken together, the patterns across groups, periods, and types of offenses are consistent with the record of filed charges contributing to the early increase in reoffending at felony intake. The increase arrives soon after filing, before most convictions and before prosecution adds much custody or supervision, and it is proportionally larger for defendants acquiring their first record of charges. The stress of facing a first prosecution would produce the same patterns, however, and the comparison with the grand jury cannot separate the record from other differences between the two margins. For misdemeanors, the increase persists after most cases close and after many defendants have been convicted or placed on supervision, so conviction, supervision, jail, and closer police attention may each contribute. Separating these channels would require variation in one consequence of prosecution that holds the others fixed, such as differences in whether a filed charge appears on background checks. Linked employment and earnings records would also show whether the record affects work. For a prosecutor deciding whether to file a marginal case, these results suggest that much of the cost of filing arrives early and before any conviction.

6 Discussion

A basic premise supporting the widespread exposure of Americans to the criminal justice system is that exposing people to the system reduces their likelihood of reoffending. The extent to which this premise holds for the "marginal" cases that prosecutors could reasonably decline is at the center of the debate over whether the system is over- or under-prosecuting. For cases on the margin of being charged, I find little support for this premise, as the decision to file charges produces no detectable reduction in reoffending within three years. By the end of the third year, the cumulative effect is positive and significant for misdemeanors and positive but imprecise for felonies. Prosecution lowers reoffending mainly in the periods when it holds defendants in custody or under supervision. At intake, where both arrive only after a delay, it raises reoffending sharply in the first six months.

These results speak to the literature on the effects of exposure to the criminal justice system, which has mostly studied later stages of the process. At the margins of conviction and incarceration, defendants reoffend at high rates whether or not they are convicted or incarcerated (Humphries et al., 2025; Kamat, Norris and Pecenco, 2024; Garin et al., 2024), which

could reflect selection into those stages or the effects of earlier contact with the system. For misdemeanors, my results point to a role for earlier contact. Prosecution raises reoffending at intake, and three years later the cumulative probability of reoffending is 46 percent higher for prosecuted compliers, so some of the reoffending observed among people who reach later stages may reflect the decision to prosecute them rather than selection alone. For felonies, the evidence is weaker. The increase is confined to the first six months, the effects in later half-years are close to zero, and by the end of the third year the cumulative effect is small and imprecise. The defendants on the margin of filing are also not necessarily those on the margin of conviction or incarceration, so this comparison is suggestive.

My misdemeanor results are similar to those of Agan, Doleac and Harvey (2023), who estimate the effect of prosecuting non-violent offenders in Suffolk County, Massachusetts. Like them, I find that prosecution raises reoffending among misdemeanor defendants and that the early increase is proportionally largest for defendants acquiring their first record. The decision I study is made at intake, before the charges are filed in court, rather than at arraignment, but in both settings it determines whether the defendant acquires a record of the charges. As in their setting, I cannot rule out that part of the increase reflects a police response to a visible record rather than a change in behavior. In all three settings, the two intake margins in Dallas and the arraignment margin in Suffolk County, prosecution raises reoffending almost immediately, within the first months after the decision (see Agan, Doleac and Harvey, 2023, Figure II). How long the increase lasts may depend on the custody and supervision that follow, which could differ between Texas and Massachusetts.

Much of the custody in the months immediately following the prosecution decision is pretrial detention, since defendants are held while their case is pending. At the grand jury, indictment keeps defendants who are already detained in custody and lowers their reoffending in the first quarter by about 20 percentage points, a reduction that fades as the added custody ends. For defendants who were released, indictment adds little custody and has no detectable effect on reoffending. Dobbie, Goldin and Yang (2018) find a similar pattern when they instrument for pretrial detention directly, as detention lowers offending while the defendant is held but has little detectable effect after the case ends. The two designs complement each other. Theirs isolates the effect of detention at the bail hearing, days after the arrest, while mine shows how a later prosecution decision affects reoffending through the detention it continues for some defendants and not others. At felony intake, the end of the early increase coincides with the arrival of custody and supervision, and by the end of the third year the cumulative effect is small and imprecise. The pattern also matches the literature on incarceration after conviction, which finds that incarceration reduces reoffending while people are held but has little effect after release (Rose and Shem-Tov, 2021; Norris, Pecenco and Weaver, 2021; Garin et al., 2024). Together with this literature, these patterns suggest that custody in the period after the arrest can prevent a substantial amount of reoffending, but that the reduction is likely to end when the custody does.

My results also relate to the literature on the "mark" of a criminal record (Pager, 2003), which has largely studied the labor market effects of a record (Uggen et al., 2014; Leasure, 2019; Cullen, Dobbie and Hoffman, 2023). Closest to my setting, Hjalmarsson et al. (2025) compare

first-time charged suspects in Sweden with similar suspects who were not charged, and find that the charge lowers annual earnings by about 5 percent. This literature has said relatively little about whether these labor market effects contribute to future offending.[42] Although I do not observe employment, the patterns in Section 5 are consistent with a record of filed charges contributing to the early increase in reoffending. They could also reflect the disruption and financial stress of being charged or differential treatment by police of people with a record.

As discussed in Section 3, my estimates are local average treatment effects for defendants whose prosecution decision depends on which decision-maker handles their case. They are therefore relevant for small changes in how many cases prosecutors file, since these are the defendants such a change would affect (Heckman and Vytlacil, 2001). Extending them to larger changes would require stronger assumptions, because such changes would reach defendants further from the margin, who may respond differently. My outcomes also measure contact with the criminal justice system rather than offending itself, and they capture only the defendant's own reoffending. They therefore leave out the general deterrence effects of a change in prosecution policy and the consequences of prosecution for victims. Finally, the estimates come from two Texas counties, whose custody, supervision, and record systems may differ from those in other states, and they cover only the three years after the decision.

From a cost-benefit perspective, the decision to file charges for cases on the margin of rejection is difficult to justify on the grounds of reducing the defendant's own reoffending. The primary trade-off one might expect is between a reduction in crime, the benefit, and the costs of the court process, incarceration, and supervision that prosecution sets in motion. However, I find no detectable reduction in reoffending, and if anything, an *increase*. Within three years, prosecuting a marginal felony case adds more than 170 days in custody or under supervision without a detectable reduction in reoffending, and prosecuting a marginal misdemeanor case adds about 140 days, most of them under supervision, while raising reoffending by 46 percent.[43]

Prior work finds that diversion programs, including deferred adjudication, can reduce reoffending (Mueller-Smith and Schnepel, 2021; Augustine et al., 2022). Although I do not estimate the effects of diversion, the timing of the reoffending effects I find suggests that such programs may be more effective if they begin earlier in the process. The reoffending effects of prosecution are largest in the first six months, before most of the custody and supervision that felony prosecution brings has begun. Pretrial diversion, which begins soon after the charging decision and can spare defendants a record of charges, would act both in this period and on a possible source of the increase. In Texas, by contrast, a defendant who completes deferred adjudication keeps a public record of the charge unless they later obtain an order of nondisclosure.

7 Conclusion

In recent years, there has been a heated debate about whether the criminal justice system is over- or under-prosecuting. A central claim in this debate is that prosecution reduces the likeli-

[42] Wieselthier (2023) finds that job loss causes a sharp increase in offending in the following year, with the largest effects among displaced workers who already have a criminal record.

[43] This comparison excludes the substantial costs borne by prosecuted defendants themselves. For felonies, it also rests on a point estimate that cannot rule out a moderate reduction in reoffending.

hood that a defendant will reoffend. I bring new empirical evidence to this debate, implementing a series of examiner leniency designs in Dallas County and Harris County, Texas, to identify the effects of prosecution for both misdemeanors and felonies. I show that the initial decision to file charges causes a sharp increase in reoffending for both felonies and misdemeanors, but a sustained increase only for misdemeanors. For felony cases, the increase is confined to the first six months, and its end coincides with the arrival of incarceration and supervision. The cumulative effect then fades over the following two and a half years and is small and statistically insignificant by the end of the third year.

I contrast the intake effects, where custody and supervision arrive after a delay, with the effects of felony indictment, which keeps defendants who are already detained in custody. For these defendants, indictment causes a sharp decline in reoffending that fades as the added custody ends. Across these settings, the results suggest that prosecution produces no lasting reduction in reoffending for marginal cases, and that it lowers reoffending mainly in the periods when it holds defendants in custody or under supervision.

The early increase at intake is proportionally larger for defendants acquiring their first record of filed charges, although these differences are imprecisely estimated. It does not appear at the grand jury, where the charges are already public. These patterns are consistent with a record of filed charges contributing to the increase. They could also reflect the disruption and financial stress of being charged or differential treatment by police of people with a record. The increase comes before most convictions and does not decline as cases close, which is difficult to reconcile with a conviction record or the demands of an open case as its main source. Although I do not estimate the effects of diversion, the concentration of the increase in the first months after filing suggests that diversion programs may be more effective if they begin early. Pretrial diversion could also spare defendants a record of charges. More direct evidence on how a record of charges affects employment, and on whether diversion before charges are filed reduces reoffending relative to prosecution, would help separate these channels and identify the policies best suited to them.

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Appendix

This appendix has three parts. Appendix A1 describes the Dallas County intake desks, compares the two Harris County samples, reports the Dallas County grand jury design (Appendix A1.3), compares the two sources of Harris County supervision records, and examines whether rejected cases are later resubmitted. Appendix A2 reports the first stages and balance tests for the Dallas misdemeanor and Harris County designs, reports the monotonicity checks and the test of Frandsen, Lefgren and Leslie (2023) for all three designs, and describes the compliers in each setting. Appendix A3 reports additional results on case outcomes, reoffending, custody and supervision, offense types, and the tests of mechanisms.

A1 Data and Samples

A1.1 The Dallas County intake desks

Table A1 describes the intake desks of the Dallas County District Attorney's Office: the offenses each desk reviews, its volume, its staffing, and how much of its caseload enters the two estimation samples.

Table A1: The intake desks of the Dallas County District Attorney's Office

					Attorneys		Median monthly	Share in sample	
Desk	Cases it handles	Cases	% of all	Share felony	Ever	Typical month	cases per attorney	Felony	Misd.
Intake 13	Driving while intoxicated, theft, and other lower-level offenses	101,357	40.9	0.18	81	16	8	0.80	0.81
Intake 07	Assault, including family violence	41,408	16.7	0.34	56	9	6	0.80	0.81
Intake 06	Drug possession and delivery	38,473	15.5	0.96	32	8	8	0.72	0.11
Marijuana Possession	Marijuana possession	15,740	6.3	0.01	28	3	4	–	0.01
Intake 11	Aggravated assault	9,954	4.0	0.99	39	10	3	0.67	–
Intake 04	Robbery and weapons offenses	7,513	3.0	0.96	37	4	2	0.00	0.00
Intake 08	Auto theft and forgery	7,363	3.0	0.99	41	5	2	0.00	–
Intake 02	Burglary	6,479	2.6	0.98	32	3	4	0.02	0.00
Intake 12	Aggravated assault	6,202	2.5	0.99	35	9	3	0.03	–
Intake 10	Sexual assault	5,435	2.2	0.99	32	4	2	0.02	–
Specialized Crime	Organized and financial crime	1,829	0.7	0.89	49	10	1	0.16	0.00
Sex Assault	Sexual assault (specialized docket)	1,522	0.6	0.90	29	2	1	0.00	0.00
Intake 03	Homicide	1,374	0.6	1.00	20	2	2	0.00	–
Intake 15	Driving while intoxicated, drug, and theft offenses	1,127	0.5	0.34	11	2	4	0.00	0.40
Other specialized desks (14)	Fraud, public integrity, arson, and other specialized offenses	2,266	0.9	0.63	70	10	2	0.03	0.01
Administrative queues (no charging decision)		4,386	–	–	–	–	–	–	–

Notes: One case is all charges against one defendant reviewed by one intake attorney on one day. The window is cases received from April 2017 through May 2023, the receipt window of the estimation samples, which follow each case for three years. Desks with at least 1,000 cases appear individually; the remaining 14 small specialized desks are aggregated, with their attorney and caseload statistics computed on the pooled collection. Intake desks 7, 11, and 12 all handle assault. Attorneys in a typical month is the median across months of the number of attorneys handling at least one case; median monthly cases per attorney is the median across attorney-by-desk-by-month cells. The last two columns give the share of the desk's felony cases in the felony estimation sample and the share of its misdemeanor cases in the misdemeanor estimation sample; shares fall below one where cases are excluded because the offense has its own specialized docket, the case had four or more charges, the offense was covered by the District Attorney's 2019 declination memos, the attorney was working outside their main desk for that year, the attorney's monthly caseload fell below the desk-month median, or (misdemeanors) the attorney mostly handles felony cases. Dashes mark cells with fewer than 100 cases of that class. Administrative queues (expunctions, victim review, diversion referrals, unassigned cases) carry no charging decision and are excluded from all analysis.

A1.2 Harris County grand-jury decisions before and during the jail-data period

The two Harris County grand jury samples show different effects of indictment. Figure A1 plots the cumulative effects and the effects in each six-month window for all decisions and for the jail-data period. In the pre-jail-data sample (grand jury decisions from 1990 to 2011), indictment reduced the likelihood of reoffending within three years by 20 percentage points, whereas in the jail sample (2011 to 2023) indictment had a statistically insignificant effect on reoffending, and the difference between the two periods (25 percentage points, standard error 11.1) is statistically significant (Table A2). The earlier reduction also lasts longer, and it is still 9 percentage points in the last six months of the third year, when the effect in the jail sample is positive (8 points). The share of indicted compliers who are convicted is similar across the two periods (49 and 48 percent), and so is the share sentenced to serve time in prison or jail rather than probation (43 and 45 percent). Deferred adjudication, probation,

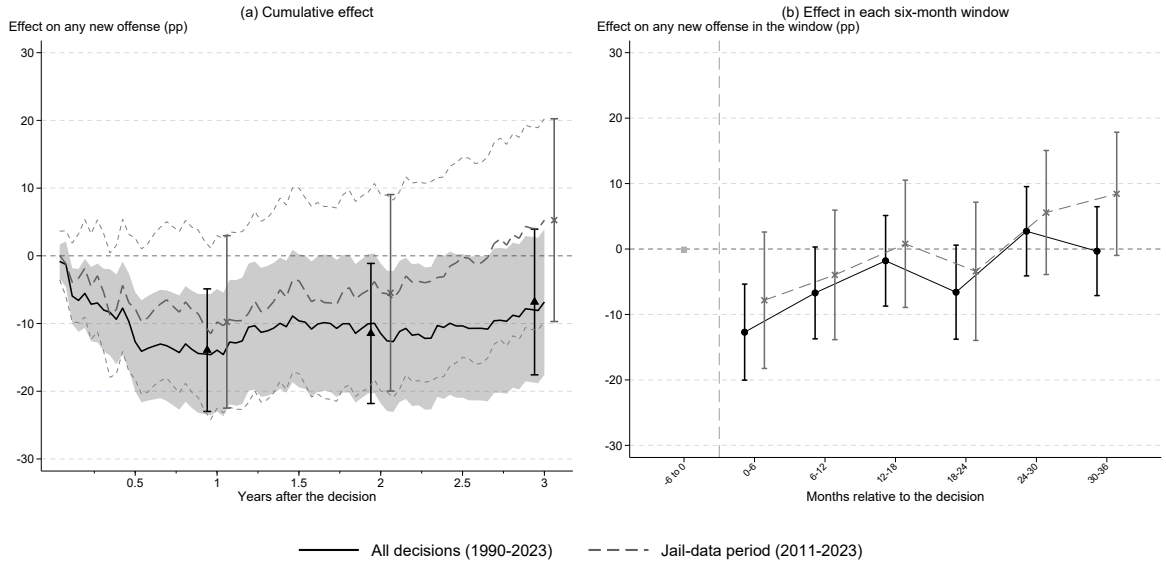
and revocations within three years are also similar. One key difference between the periods is the use of prison sentences among indicted compliers. In the pre-jail sample, 30 percent of compliers were sentenced to prison, compared to just 10 percent of the 2011–2023 sample. The later period instead sends more indicted compliers to state jail (18 against 4 percent) and county jail (17 against 10 percent), where terms are much shorter. The sentences for these cases appear to be longer as well (1.7 years of sentenced confinement against about half a year), but the comparison is very imprecise. The same share of indicted compliers confined for longer is consistent with a reduction in reoffending that lasts longer before 2011, although the custody records cannot confirm it directly, since days in state custody in the DPS record do not differ significantly between the periods (64 against 47 days within three years) and those records may miss part of older prison stays. The two periods also differ in policing, charging, and pretrial detention, so this comparison supports rather than establishes the role of confinement.

Table A2: Harris County grand-jury decisions before and during the county jail data period

	Grand-jury decisions			
	Pre-jail sample 1990–2011 (1)	Jail sample 2011–2023 (2)	Difference (2) − (1)	Full sample 1990–2023 (3)
A. Effect of indictment on any new Harris County case (percentage points)				
Within 1 year	-18.0*** (6.6)	-9.7 (6.5)	8.2 (9.3)	-13.9*** (4.6)
Within 2 years	-17.7** (7.6)	-5.5 (7.4)	12.2 (10.6)	-11.5** (5.3)
Within 3 years	-19.9** (8.0)	5.3 (7.6)	25.2** (11.1)	-6.8 (5.5)
In months 0–6	-17.1*** (5.3)	-7.8 (5.3)	9.3 (7.5)	-12.7*** (3.7)
In months 6–12	-9.4* (5.1)	-4.0 (5.0)	5.4 (7.2)	-6.7* (3.6)
In months 12–18	-5.1 (5.1)	0.8 (5.0)	5.8 (7.1)	-1.8 (3.5)
In months 18–24	-10.6** (5.1)	-3.4 (5.4)	7.2 (7.4)	-6.6* (3.7)
In months 24–30	-1.6 (5.1)	5.6 (4.8)	7.2 (7.0)	2.7 (3.5)
In months 30–36	-9.1* (5.1)	8.4* (4.8)	17.5** (7.0)	-0.3 (3.5)
B. Indicted compliers: any new Harris County case (%)				
Within 1 year	3.8 (6.4)	14.7 (6.1)	10.9 (8.9)	9.1 (4.4)
Within 2 years	15.2 (7.4)	29.7 (6.9)	14.5 (10.1)	22.5 (5.0)
Within 3 years	17.0 (7.8)	44.7 (7.2)	27.7*** (10.6)	31.3 (5.3)
C. Indicted compliers: sentence of the focal case (district clerk)				
Convicted (%)	48.8 (8.1)	47.6 (7.2)	-1.2 (10.8)	50.1 (5.4)
sentenced to serve confinement (%)	43.4 (8.1)	45.4 (7.1)	2.0 (10.7)	46.6 (5.4)
prison (%)	29.9 (6.4)	10.1 (5.8)	-19.8** (8.7)	21.5 (4.3)
state jail (%)	4.0 (5.2)	18.4 (4.7)	14.4** (7.0)	11.3 (3.5)
county jail (%)	9.5 (5.1)	16.9 (4.2)	7.4 (6.6)	13.8 (3.3)
sentenced to probation (%)	5.9 (3.9)	2.7 (2.7)	-3.2 (4.8)	4.0 (2.4)
Deferred adjudication (%)	33.0 (6.9)	27.3 (6.2)	-5.7 (9.3)	29.3 (4.6)
No conviction or deferral (%)	18.3 (6.4)	25.1 (6.5)	6.8 (9.1)	20.6 (4.5)
Sentenced confinement (years)	1.73 (1.02)	0.55 (0.75)	-1.18 (1.27)	1.24 (0.63)
Confinement sentence within 3 years, incl. revocations (%)	50.7 (8.0)	54.2 (7.2)	3.5 (10.7)	54.8 (5.3)
Probation or deferral revoked within 3 years (%)	9.5 (5.2)	10.1 (4.0)	0.6 (6.5)	9.8 (3.2)
D. Indicted compliers: focal case in the state criminal history (DPS)				
In the record (%)	45.1 (8.0)	53.7 (7.4)	8.6 (10.9)	49.8 (5.4)
Convicted, unsuspended confinement (%)	23.6 (7.9)	29.6 (7.0)	6.1 (10.5)	28.3 (5.3)
Deferred adjudication (%)	14.3 (6.1)	23.7 (5.8)	9.4 (8.4)	17.9 (4.2)
E. Indicted compliers: days under supervision and in custody after the decision				
Under deferral or probation (district clerk), year 1	116 (21)	72 (17)	-44 (27)	95 (13)
Under deferral or probation (district clerk), years 1–3	328 (60)	225 (51)	-103 (79)	270 (39)
of which deferred adjudication, years 1–3	274 (56)	200 (49)	-74 (75)	232 (37)
In state custody (DPS), year 1	18 (15)	29 (13)	12 (19)	27 (10)
In state custody (DPS), years 1–3	64 (46)	47 (40)	-18 (61)	66 (30)
In county jail (Harris County jail bookings), year 1	–	39 (13)	–	–
In county jail (Harris County jail bookings), years 1–3	–	75 (25)	–	–
In any custody (jail bookings and DPS), year 1	–	64 (17)	–	–
In any custody (jail bookings and DPS), years 1–3	–	112 (46)	–	–
Decisions	285,242	279,012		564,254
First-stage F	734	585		1317

Notes: Panel A reports effects of indictment, panels B to E complier means for indicted compliers, with standard errors. Column (2) minus column (1) is the difference between the two periods, which are independent samples. All columns use the full-sample specification with three years of follow-up. Sentences come from the district clerk's records, the state record from DPS, supervision days from the clerk's records, and county jail days from Harris County jail bookings, which exist only from 2011. Sentenced to serve confinement means a prison, state jail, or county jail sentence that was not suspended in favor of probation. Convicted also includes a few convictions with other sentences, such as a fine, so the convicted, deferred adjudication, and no conviction or deferral rows add to 100 percent. Sentenced confinement caps life sentences at 99 years. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Figure A1: Effect of indictment on reoffending, all grand-jury decisions and the jail-data period, Harris County



Notes: Effect of indictment, in percentage points, on any new Harris County case or offense anywhere in Texas that led to a conviction or deferred adjudication. All decisions: grand-jury decisions from 1990 to 2023 (black, N = 564,254). Jail-data period: decisions from 2011 to 2023 (grey dashed, N = 279,012), with stringency rebuilt within that sample. Panel (a) is the cumulative effect at each two-week horizon, as in Figure 4. Panel (b) is the effect in each six-month window, as in Figure 5. Both half-years before the decision are controls in both samples, so the grey square for months −6 to 0 is zero by construction. Bands, dashed bounds and bars are 95% confidence intervals.

A1.3 The Dallas County grand jury design

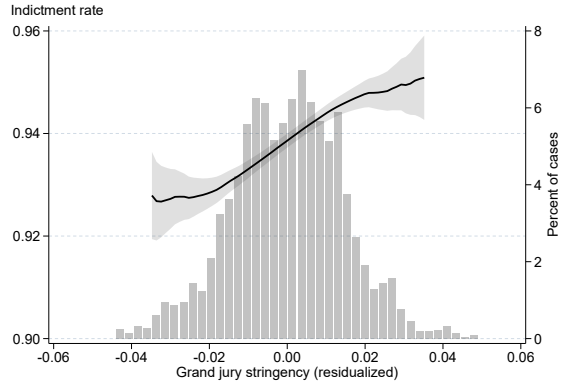
Felony cases that the Dallas District Attorney's office files must also be indicted by a grand jury, and the office's records identify the grand jury that heard each case. I apply the Harris County design to these decisions, using the stringency of each grand jury in each month of its three-month term as the instrument and comparing cases heard in the same month. The controls are offense type, intake group by hearing year, custody on the day the case was received and in the six weeks before it, and the days from arrest and from police submission to filing. Without the custody and timing controls, stringency is related to these characteristics. The sample has 121,242 cases heard by 87 grand juries from April 2017 to May 2023, each with three years of follow-up, and reoffending is measured from the hearing date as in the Dallas intake results.

Dallas grand juries indict 94 percent of the cases they hear and differ much less than intake prosecutors, so compliers are only about 5 percent of cases and the first-stage F-statistic is 113 (Figure A2, panel a). Stringency is unrelated to defendants' characteristics (joint F = 1.44, p = 0.12, panel b), while indictment is strongly related to them (joint F = 30.2). The effect of indictment on reoffending is negative but imprecise in the first two years, at −7.6 percentage points within one year (standard error 11.0) and −9.7 (12.4) within two years, and it is +5.2 (12.9) within three years (panel c). Only one of the eight six-month windows is statistically significant, a positive effect of 17.2 percentage points (7.4) in months 30 to 36, and the placebo

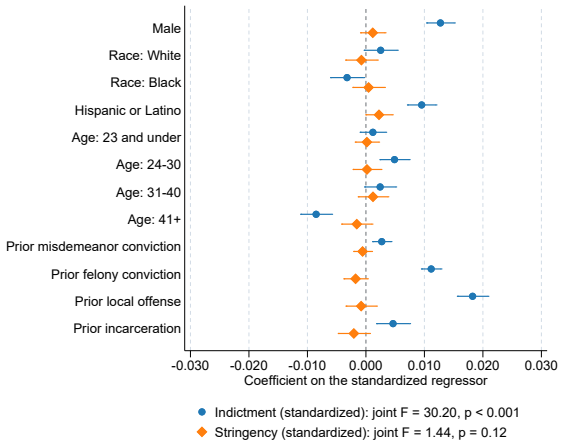
effects in the two half-years before the hearing are close to zero (panel d). These estimates are consistent with the Harris County pattern of an early reduction that fades, but they are too imprecise to confirm it.

Figure A2: Dallas County felony grand jury: first stage, balance, and effects of indictment on reoffending

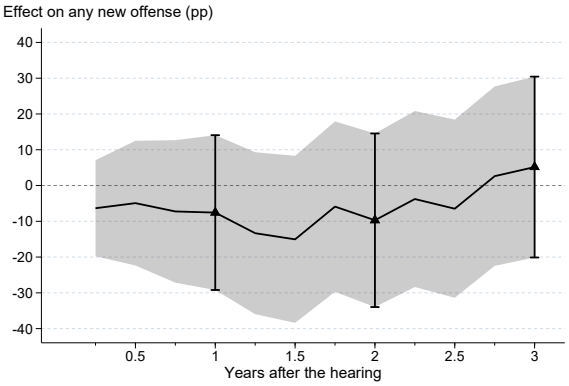
(a) First stage



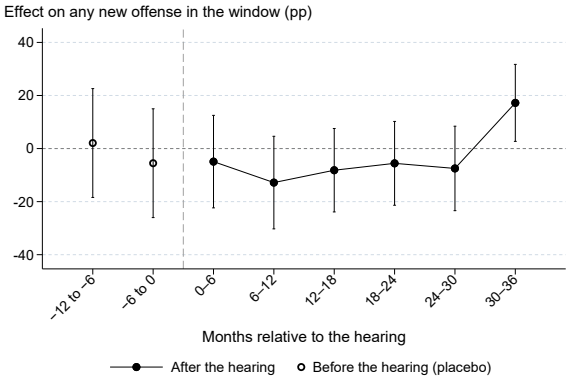
(b) Balance



(c) Cumulative effect on any new offense



(d) Effect in each six-month window



Notes: Dallas County felony grand-jury hearings from April 2017 to May 2023 (N = 121,242). The instrument is the stringency of the grand jury in the hearing month, rebuilt within the sample, with the controls described in the text and hearing-month fixed effects. Panel (a): indictment rate against stringency, both residualized, with a local-linear fit and the distribution of stringency. Panel (b): each characteristic regressed separately on standardized indictment and on standardized stringency, with joint F-tests over 15 characteristics in the legend. Panels (c) and (d): effect of indictment, in percentage points, on any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, cumulative at quarterly horizons (c) and in each six-month window, with the two half-years before the hearing as placebos (d). Custody in each of weeks 7 to 9 before the hearing is slightly lower for defendants assigned to stricter grand juries (0.2 to 0.3 percentage points per standard deviation of stringency). Bands and bars are 95% confidence intervals.

A1.4 Supervision records in Harris County

Table A3 compares supervision in Harris County measured from the district clerk's records with supervision measured from the statewide criminal history, which I use for the main esti-

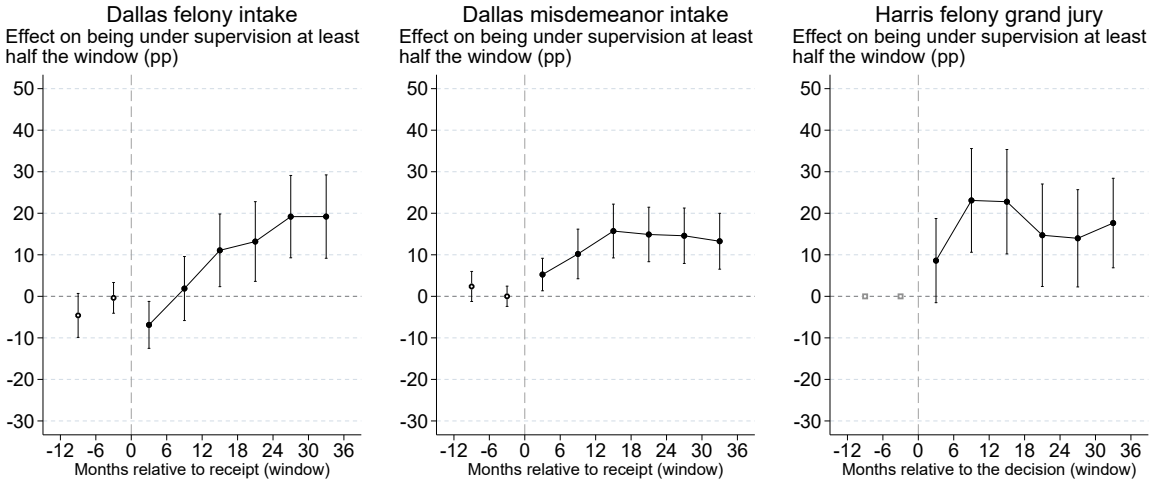
mates so that supervision is measured the same way in both counties (Section 2.4). Figure A3 reports the effect of indictment on supervision when Harris County supervision is instead taken from the clerk's records.

Table A3: Supervision in Harris County measured from the district clerk's records and from the statewide criminal history

	District clerk records		DPS criminal history	
	Control complier mean	Effect	Control complier mean	Effect
	(1)	(2)	(3)	(4)
A. Supervision spells starting 2011–2024, defendants linked to the DPS records				
Spells (deferred adjudication)	110,411 (92,198)		135,324 (101,899)	
Also recorded in the other source (%)	93.4		76.0	
B. Effects of indictment within three years of the decision				
Any day under supervision (pp)	13.7	23.2*** (7.0)	14.6	20.6*** (7.0)
Days under supervision, not in custody	58	176*** (53)	64	160*** (51)
Days under deferred adjudication	64	211*** (60)	60	202*** (58)
Days on probation	6	11 (26)	16	13 (28)
Any day in custody or under supervision, months 0–6 (pp)	29.9	38.3*** (5.7)	30.4	39.7*** (5.8)
Any day in custody or under supervision, months 6–36 (pp)	41.2	22.2*** (6.3)	41.5	21.7*** (6.4)
Any day in custody or under supervision, within 3 years (pp)	48.9	35.8*** (4.8)	49.4	36.2*** (4.9)
Days in custody or under supervision	143	203*** (60)	149	186*** (60)
Cases	279,012			

Notes: Panel A counts deferred adjudication and probation spells with an ordered term that start from 2011 to 2024, among Harris County defendants with a clean link to the DPS records, and reports the share of each source's spells for which the other source records a spell of the same person starting within 30 days. Among matched spells, the start dates coincide (median gap of zero days) and 97 percent of ordered terms agree within a month. The clerk's records cover only Harris County cases. Panel B reports control complier means, for no-billed compliers, and effects of indictment within three years of the decision, all defendants, decisions in the jail-data period (2011 to 2023), with supervision from each source and every spell running for its full ordered term. Both columns use the adopted specification, whose controls for supervision before the decision come from the clerk's records. Shares are in percent and effects on them in percentage points. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Figure A3: Contemporaneous effect of prosecution on supervision, Harris County spells ended at recorded revocations and terminations



Notes: As Figure A20, except that Harris County supervision comes from the district clerk's records, which cover only Harris County cases, and a spell ends at the earlier of its ordered length and any revocation, termination, or discharge the clerk records (87 percent of spells have a recorded end). Dallas estimates are unchanged. Bars are 95% confidence intervals.

A1.5 Resubmission of rejected cases

A rejected case might not stay rejected. If the police brought the same arrest back to the district attorney as a new submission and it was then filed in court, some dismissed compliers would in effect be prosecuted, and the comparison between prosecuted and dismissed compliers would understate the effect of prosecution. Resubmission would therefore bias the estimates toward zero, not away from it. I measure resubmission directly. A later submission from the same arrest is a district attorney submission for the same person with an offense date within two days of the focal offense, received after the focal case. Submissions received on the same day are excluded, because they are charges from the same arrest that were split across intake attorneys rather than cases brought back later. I then follow each later submission into the county court records to see whether it was filed and whether it was still pending. Table A4 shows that resubmission is rare and is not caused by dismissal. Within three years, about 4 percent of dismissed compliers have a later submission from the same arrest, about 3 percent have one filed in court, and at most 2 percent have one still pending at any point. Prosecuted compliers have later submissions from the same arrest at about the same rates, so the effect of prosecution on each measure is close to zero and never statistically significant. Rejected cases are not prosecuted later through a new submission any more often than prosecuted cases receive one, so resubmission cannot account for the results.

Table A4: Later submissions from the same arrest, Dallas intake

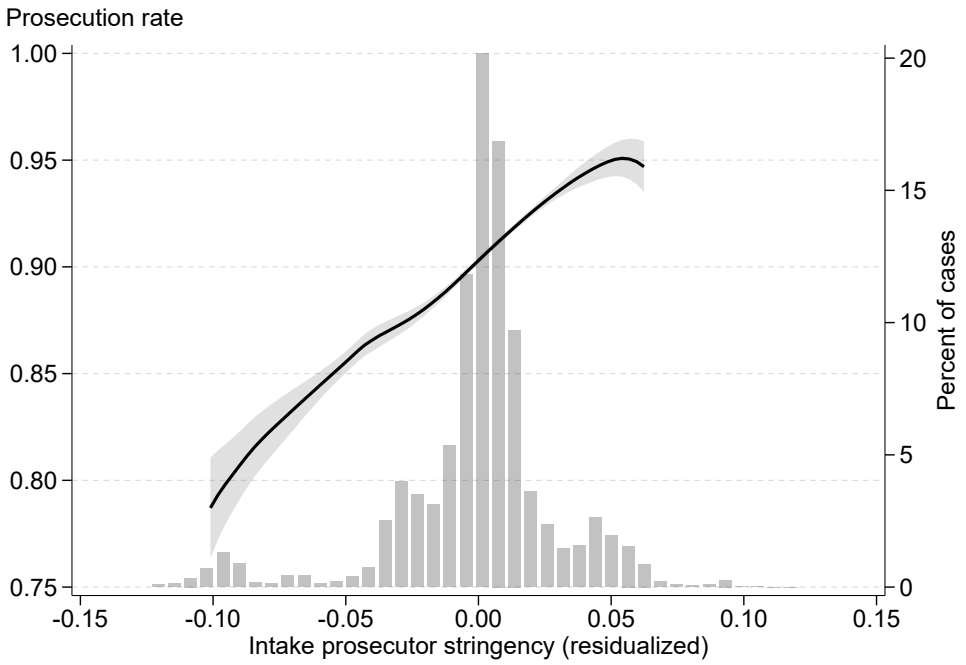
	Dallas felony			Dallas misdemeanor		
	Control complier mean	Treated complier mean	Effect	Control complier mean	Treated complier mean	Effect
	(1)	(2)	(3)	(4)	(5)	(6)
A. A later submission from the same arrest received by the district attorney (%)						
Within 3 months	3.5	3.0	-0.5	3.2	2.5	-0.7
	(1.0)	(2.2)	(2.5)	(0.7)	(2.0)	(2.1)
Within 1 year	3.8	4.1	0.3	3.9	2.7	-1.1
	(1.1)	(2.5)	(2.7)	(0.8)	(2.2)	(2.3)
Within 3 years	3.7	2.9	-0.8	4.6	1.9	-2.7
	(1.2)	(2.7)	(2.9)	(0.8)	(2.3)	(2.4)
B. A later submission from the same arrest filed in court (%)						
Within 3 months	1.9	0.5	-1.3	1.2	-0.2	-1.3
	(0.8)	(1.9)	(2.0)	(0.5)	(1.6)	(1.7)
Within 1 year	2.6	3.0	0.4	2.5	0.5	-1.9
	(0.9)	(2.3)	(2.5)	(0.6)	(2.0)	(2.1)
Within 3 years	2.6	2.2	-0.3	3.4	1.7	-1.6
	(1.0)	(2.5)	(2.7)	(0.7)	(2.1)	(2.2)
C. A later submission from the same arrest filed and still pending in court (%)						
At 3 months	1.2	0.6	-0.5	1.2	0.1	-1.1
	(0.7)	(1.8)	(1.9)	(0.5)	(1.5)	(1.6)
At 1 year	1.6	1.9	0.4	2.2	1.6	-0.5
	(0.7)	(1.8)	(1.9)	(0.5)	(1.6)	(1.7)
At 3 years	0.4	1.5	1.1	1.1	1.5	0.4
	(0.4)	(1.3)	(1.3)	(0.4)	(1.1)	(1.2)
Cases	59,646			90,342		

Notes: Complier means for dismissed and prosecuted compliers (percent) and the effect of prosecution (percentage points), with standard errors, all defendants in the pooled Dallas sample. A later submission from the same arrest is a district attorney submission for the same person with an offense date within two days of the focal offense, received after the focal case; submissions received the same day are excluded. Filing and pending status come from the county court records, which give valid filing and disposition dates. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

A2 Research Design

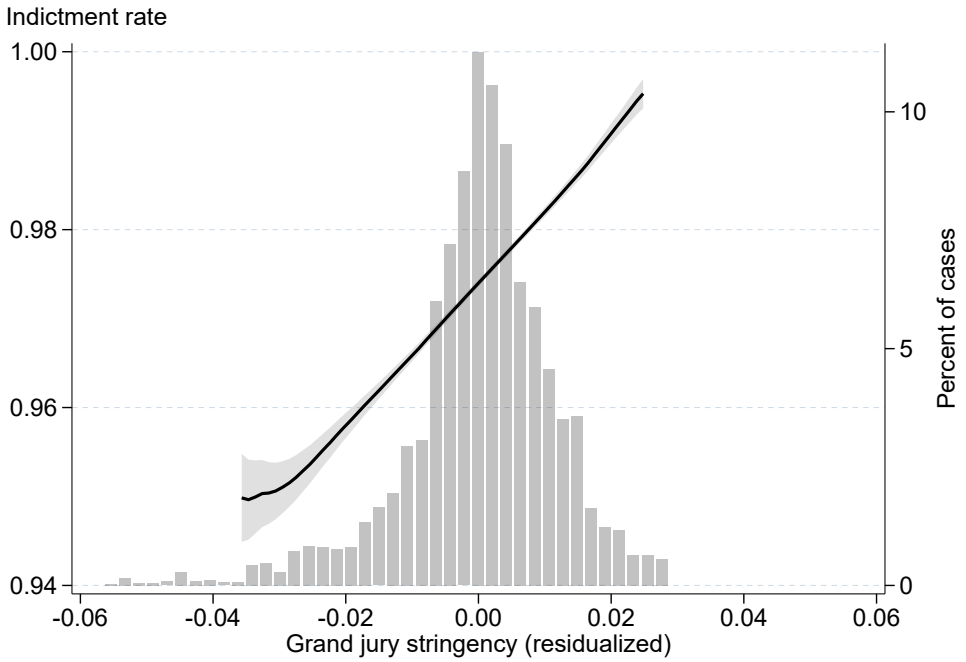
Figures A4 to A7 report the first stage and the balance tests for the Dallas misdemeanor and Harris County designs, Table A5 reports the balance coefficients and p-values for all three designs, which Section 3.1 reports for Dallas felonies, and Appendix A2.1 reports the monotonicity checks for all three designs.

Figure A4: First stage, Dallas misdemeanor intake



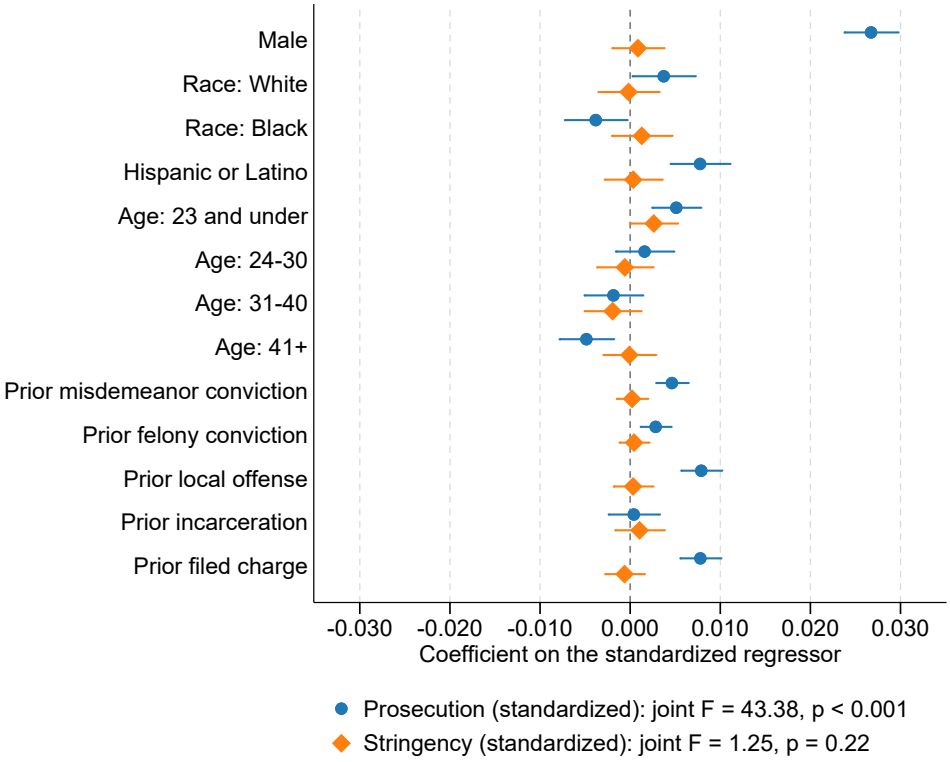
Notes: Prosecution (indictment) rate against the stringency of the assigned intake prosecutor (grand jury), both residualized on the specification's controls and fixed effects with their means added back. The line is a local-linear fit with a 95% confidence band, and the bars show the distribution of stringency (right axis), trimmed to its 1st to 99th percentiles. Dallas misdemeanor cases (N = about 90,300).

Figure A5: First stage, Harris County felony grand jury



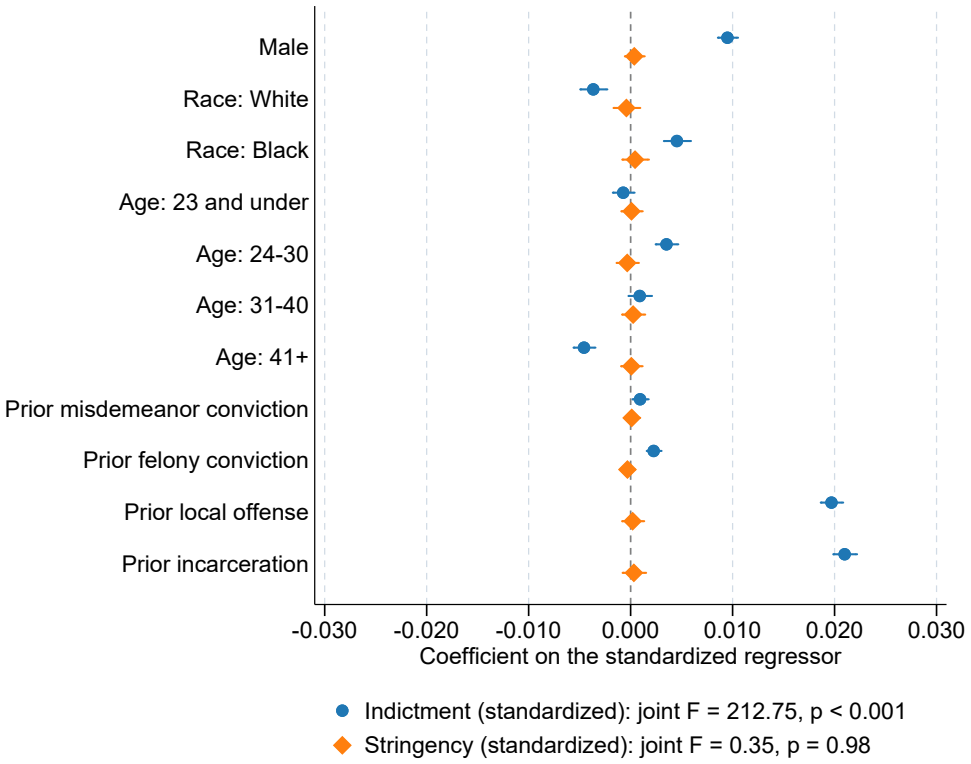
Notes: Prosecution (indictment) rate against the stringency of the assigned intake prosecutor (grand jury), both residualized on the specification's controls and fixed effects with their means added back. The line is a local-linear fit with a 95% confidence band, and the bars show the distribution of stringency (right axis), trimmed to its 1st to 99th percentiles. Harris County grand-jury decisions, adopted specification, full sample.

Figure A6: Balance of prosecution and stringency on predetermined characteristics, Dallas misdemeanor intake



Notes: Each row reports two regressions of the characteristic, one on standardized prosecution (indictment) and one on standardized stringency, each with the specification's controls and fixed effects. The legend reports the joint F-test of each regressor on all of the specification's predetermined characteristics. Bars are 95% confidence intervals.

Figure A7: Balance of indictment and stringency on predetermined characteristics, Harris County felony grand jury



Notes: Each row reports two regressions of the characteristic, one on standardized prosecution (indictment) and one on standardized stringency, each with the specification's controls and fixed effects. The legend reports the joint F-test of each regressor on all of the specification's predetermined characteristics. Bars are 95% confidence intervals. The four prior-record characteristics are not controls in the Harris County specification, so they are tested here.

Table A5: Balance of prosecution and stringency on predetermined characteristics, all three settings

	Dallas felony intake		Dallas misdemeanor intake		Harris County grand jury	
	Prosecution	Stringency	Prosecution	Stringency	Indictment	Stringency
	(1)	(2)	(3)	(4)	(5)	(6)
Male	0.73*** (0.17)	0.24 (0.15)	2.67*** (0.15)	0.09 (0.15)	0.95*** (0.05)	0.04 (0.05)
	[0.00]	[0.10]	[0.00]	[0.55]	[0.00]	[0.45]
Race: White	0.44** (0.21)	0.11 (0.18)	0.37** (0.18)	-0.02 (0.17)	-0.37*** (0.07)	-0.04 (0.06)
	[0.03]	[0.53]	[0.03]	[0.92]	[0.00]	[0.52]
Race: Black	-0.45** (0.21)	-0.13 (0.18)	-0.38** (0.18)	0.13 (0.17)	0.45*** (0.07)	0.04 (0.06)
	[0.03]	[0.45]	[0.03]	[0.45]	[0.00]	[0.50]
Race: Asian or Pacific Islander	-0.00 (0.04)	0.03 (0.04)	-0.01 (0.04)	-0.10** (0.04)	-0.05*** (0.01)	-0.01 (0.01)
	[0.98]	[0.48]	[0.89]	[0.02]	[0.00]	[0.32]
Hispanic or Latino	0.14 (0.19)	-0.02 (0.17)	0.78*** (0.17)	0.03 (0.16)	–	–
	[0.45]	[0.89]	[0.00]	[0.83]		
Ethnicity missing	-0.41*** (0.12)	0.07 (0.11)	0.15 (0.11)	0.15 (0.10)	–	–
	[0.00]	[0.51]	[0.16]	[0.14]		
Age: 23 and younger	-1.27*** (0.14)	-0.11 (0.12)	0.51*** (0.14)	0.26** (0.13)	-0.07 (0.05)	0.01 (0.05)
	[0.00]	[0.38]	[0.00]	[0.05]	[0.16]	[0.86]
Age: 24 to 30	0.08 (0.18)	0.08 (0.16)	0.16 (0.16)	-0.06 (0.16)	0.35*** (0.05)	-0.03 (0.05)
	[0.64]	[0.62]	[0.33]	[0.71]	[0.00]	[0.53]
Age: 31 to 40	0.72*** (0.20)	0.02 (0.17)	-0.19 (0.16)	-0.19 (0.16)	0.09 (0.06)	0.02 (0.06)
	[0.00]	[0.90]	[0.26]	[0.22]	[0.11]	[0.66]
Age: 41 and older	0.47** (0.19)	0.01 (0.16)	-0.49*** (0.15)	-0.01 (0.15)	-0.46*** (0.05)	0.01 (0.05)
	[0.01]	[0.97]	[0.00]	[0.95]	[0.00]	[0.89]
Misdemeanor conviction, past year	-0.09 (0.11)	0.06 (0.09)	0.46*** (0.09)	0.02 (0.09)	0.09** (0.04)	0.01 (0.04)
	[0.40]	[0.52]	[0.00]	[0.81]	[0.01]	[0.77]
Felony conviction, past year	0.16 (0.13)	-0.16 (0.11)	0.28*** (0.09)	0.04 (0.08)	0.23*** (0.03)	-0.03 (0.03)
	[0.23]	[0.17]	[0.00]	[0.60]	[0.00]	[0.36]
Any prior offense in the county	0.59*** (0.15)	-0.07 (0.13)	0.79*** (0.11)	0.03 (0.11)	1.97*** (0.05)	0.02 (0.05)
	[0.00]	[0.56]	[0.00]	[0.77]	[0.00]	[0.71]
Any prior filed charge	0.20 (0.15)	0.04 (0.13)	0.78*** (0.11)	-0.06 (0.11)	–	–
	[0.20]	[0.78]	[0.00]	[0.57]		
Any prior incarceration	0.52*** (0.15)	-0.08 (0.13)	0.04 (0.14)	0.10 (0.14)	2.10*** (0.06)	0.03 (0.06)
	[0.00]	[0.53]	[0.78]	[0.45]	[0.00]	[0.57]
Any prior deferred adjudication	-0.00 (0.05)	-0.03 (0.04)	-0.02 (0.03)	-0.05 (0.03)	–	–
	[0.94]	[0.47]	[0.63]	[0.11]		
Number of felony counts	0.15** (0.07)	-0.04 (0.06)	–	–	–	–
	[0.03]	[0.45]				
Number of misdemeanor counts	-0.15** (0.07)	0.04 (0.06)	0.00 (0.00)	0.00 (0.00)	–	–
	[0.03]	[0.45]	[0.22]	[0.96]		
Number of counts	–	–	–	–	1.27*** (0.04)	0.01 (0.04)
					[0.00]	[0.81]
Joint test, F	17.78	0.61	43.38	1.25	212.75	0.35
Joint test, p-value	<0.01	0.89	<0.01	0.22	<0.01	0.98
Cases	59,646	59,646	90,342	90,342	589,562	589,562

Notes: The coefficients are those plotted in Figures 3, A6 and A7. Each coefficient is from a separate regression of the characteristic on standardized prosecution (Harris County: indictment) or on standardized stringency, with the specification's controls and fixed effects, times 100, so the 0/1 characteristics are in percentage points per standard deviation and the counts in hundredths of a count. Standard errors are in parentheses and p-values in brackets. The joint test is the F-test of all of the characteristics in one regression of the regressor on them. Dallas felony and misdemeanor intake are estimated separately. In Harris County the four prior-record characteristics are tested rather than controlled. Hispanic ethnicity is not recorded in the Harris County data, and the Harris County test has no rows for prior filed charges or prior deferred adjudication. A dash marks a characteristic that is a control or does not vary in that sample. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

A2.1 Monotonicity and exclusion tests

Table A6 summarizes the identification checks in each setting, and Figures A8 to A10 show the first stage within each subgroup, and Figures A11 to A13 show the share of compliers with each number of new offenses, the evidence for average monotonicity discussed in Section 3.1.

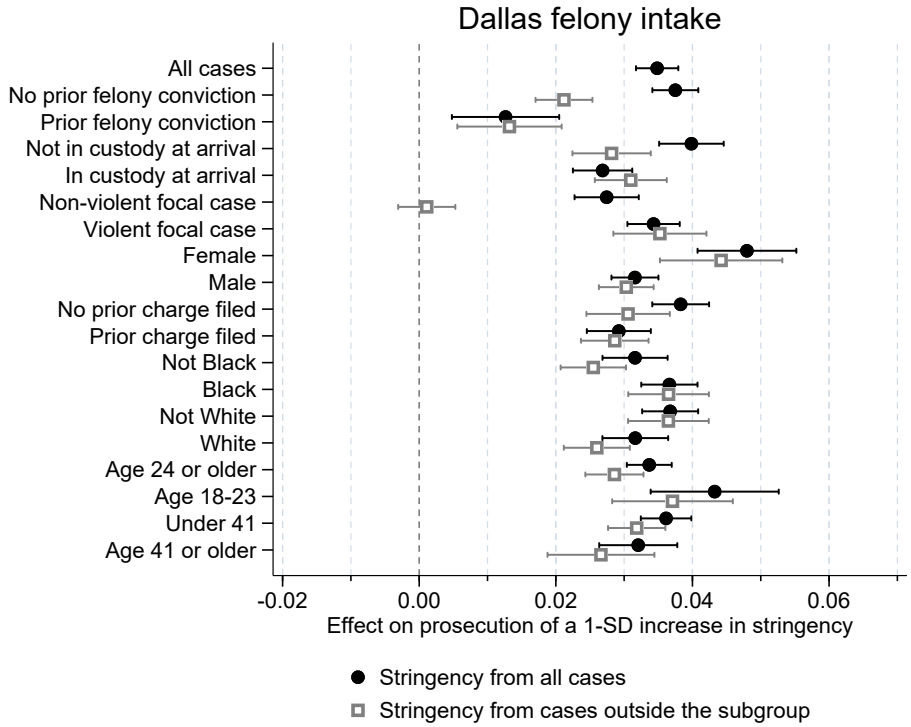
I implement the test of Frandsen, Lefgren and Leslie (2023) with the `testjfe` Stata package, following their approach to controls: the outcome, prosecution, and the decision-maker indicators are each residualized on the specification's controls and fixed effects, with the sample mean added back, and the test is run on the residualized variables with three interior knots and equal weight on its two components. Because residualized prosecution is not bounded by zero and one, some fitted prosecution propensities exceed one, with largest values of 1.46 at felony intake, 1.10 at misdemeanor intake, and 1.03 at the grand jury. The package sets such values to one, where its spline basis is zero, and on the residualized variables as they are the test therefore rejects for every outcome, including prosecution itself. I therefore shift residualized prosecution by a constant that centers the range of fitted propensities at one half, which leaves every slope unchanged. With the propensities inside the unit interval, the test does not reject when prosecution is the outcome ($p = 1.00$ in every setting), and a different shift gives identical test statistics in both Dallas settings. With the shift, the part of the test that asks whether decision-makers with the same prosecution rate have the same mean outcome has p-values of 0.005 and 0.088 at felony intake for the one- and three-year outcomes, 0.12 and 0.09 at misdemeanor intake, and below 0.001 and 0.001 at the grand jury, and the part that bounds the slope has p-values of 1.00 for every reoffending outcome.

Table A6: Identification checks by setting

	Dallas felony intake (1)	Dallas misdemeanor intake (2)	Harris County grand jury (3)
A. Relevance			
First stage per SD of stringency	0.0348 (0.0016)	0.0324 (0.0013)	0.0113 (0.0003)
First-stage F	485	642	1,319
B. Random assignment			
Stringency on characteristics, joint F	0.61	1.25	0.35
p-value	0.89	0.22	0.98
C. Monotonicity: first stage within subgroups			
Positive, same stringency	18 of 18	18 of 18	18 of 18
Positive, reverse-sample stringency	18 of 18	18 of 18	18 of 18
Significantly negative (5%), either	0	0	0
D. Monotonicity: complier outcome shares			
Smallest and largest share	0.21, 0.79	0.18, 0.82	0.07, 0.93
Significantly outside [0, 1] (5%)	0 of 12	0 of 12	0 of 12
E. Exclusion and monotonicity: FLL test, p-value			
Any new offense within 1 year	<0.01	0.25	<0.01
Any new offense within 3 years	0.18	0.18	<0.01

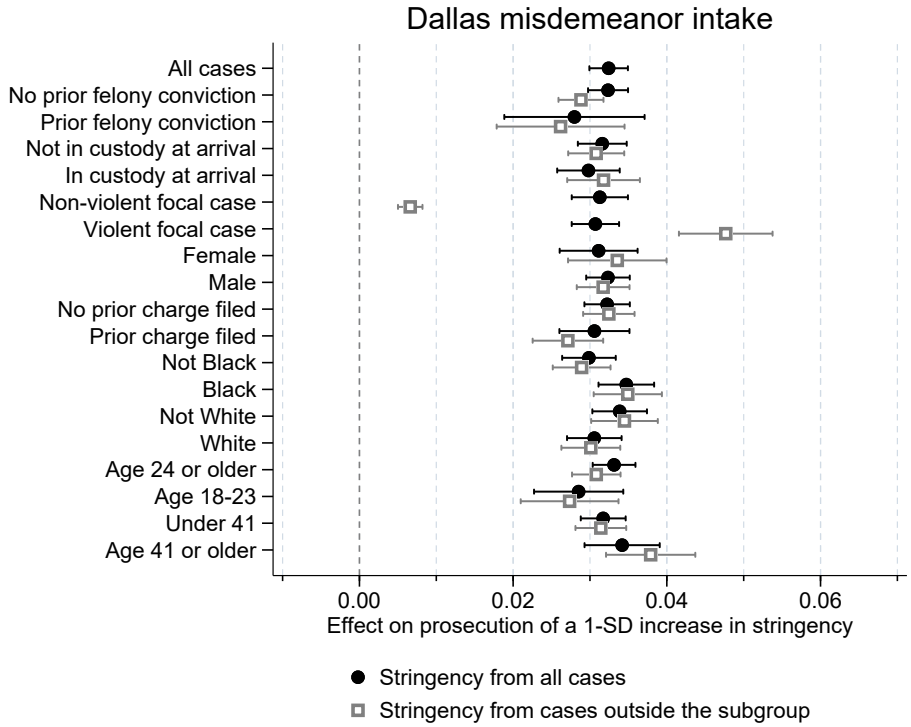
Notes: Panel A reports the coefficient of prosecution (indictment) on stringency standardized to one standard deviation, with the specification's controls and fixed effects and a robust standard error, and the first-stage F statistic. Panel B reports the joint F statistic and p-value from regressing standardized stringency on the predetermined characteristics in the balance figures. Panel C counts the first stages within the two sides of nine binary characteristics (18 subgroups) that are positive, using the stringency estimated on all cases or a reverse-sample stringency estimated only on cases outside the subgroup, and the number significantly negative at the 5 percent level in either version. Panel D reports the smallest and largest implied shares of prosecuted and dismissed compliers with each value of any new offense within one, two, and three years, the test of average monotonicity proposed by Goldsmith-Pinkham, Hull and Kolesár (2026) following Kitagawa (2015), and the number whose 95 percent confidence interval lies entirely outside $[0, 1]$. Panel E reports p-values of the test of Frandsen, Lefgren and Leslie (2023) for any new offense within one and three years, implemented as described in the text. Dallas: static attorney stringency, full sample. Harris County: all grand-jury decisions from 1990 to 2023.

Figure A8: First stage within subgroups, Dallas felony intake



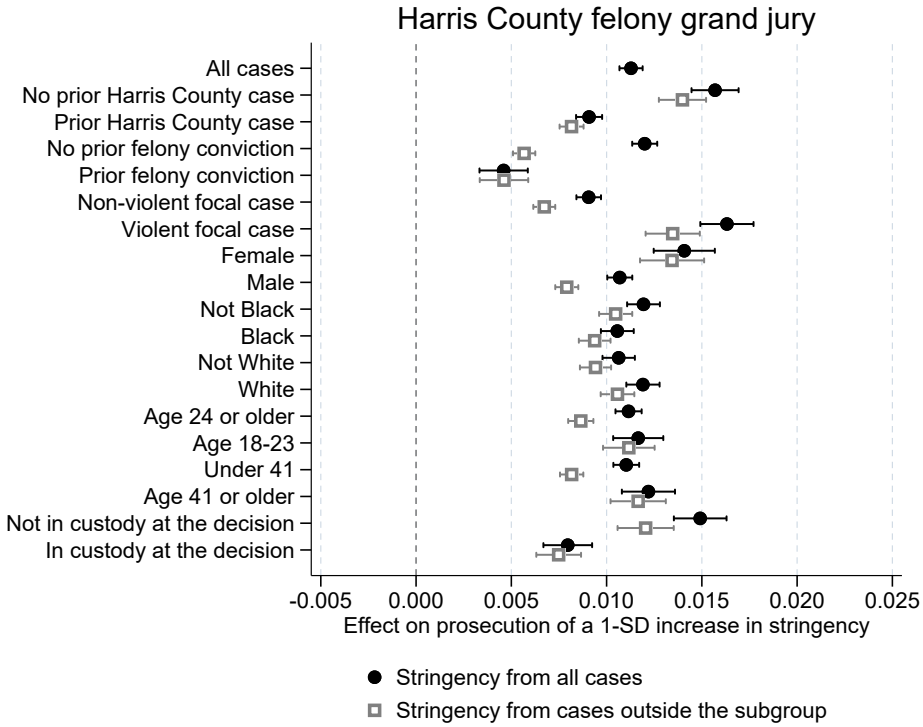
Notes: Each row is the coefficient of prosecution on stringency standardized to one standard deviation, estimated within the subgroup with the specification's controls and fixed effects, with 95 percent confidence intervals. Black circles use the stringency estimated on all cases, and grey hollow squares use a reverse-sample stringency estimated only from cases outside the subgroup. The top row is the whole sample.

Figure A9: First stage within subgroups, Dallas misdemeanor intake



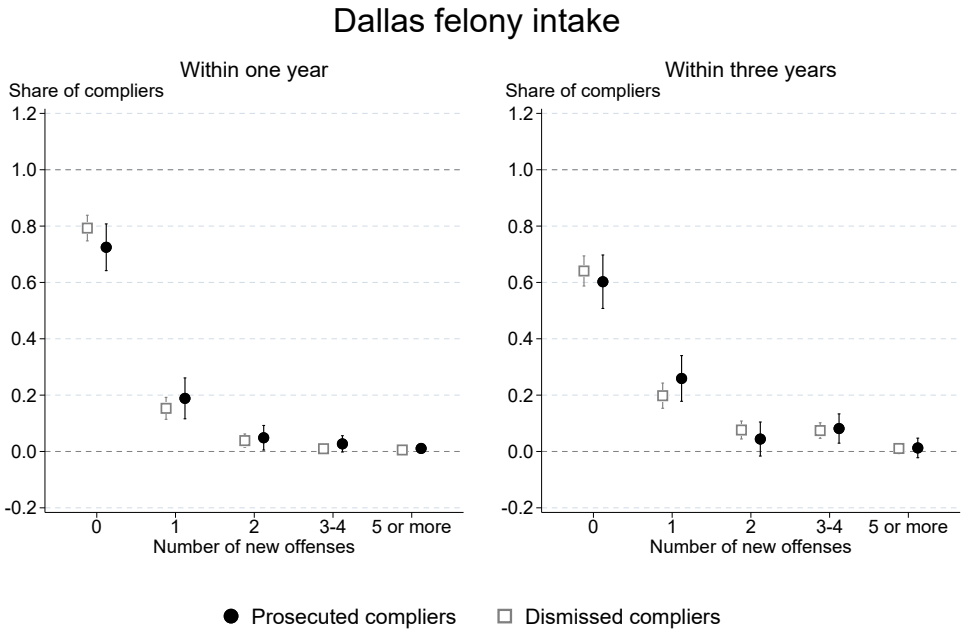
Notes: Each row is the coefficient of prosecution on stringency standardized to one standard deviation, estimated within the subgroup with the specification's controls and fixed effects, with 95 percent confidence intervals. Black circles use the stringency estimated on all cases, and grey hollow squares use a reverse-sample stringency estimated only from cases outside the subgroup. The top row is the whole sample.

Figure A10: First stage within subgroups, Harris County grand jury



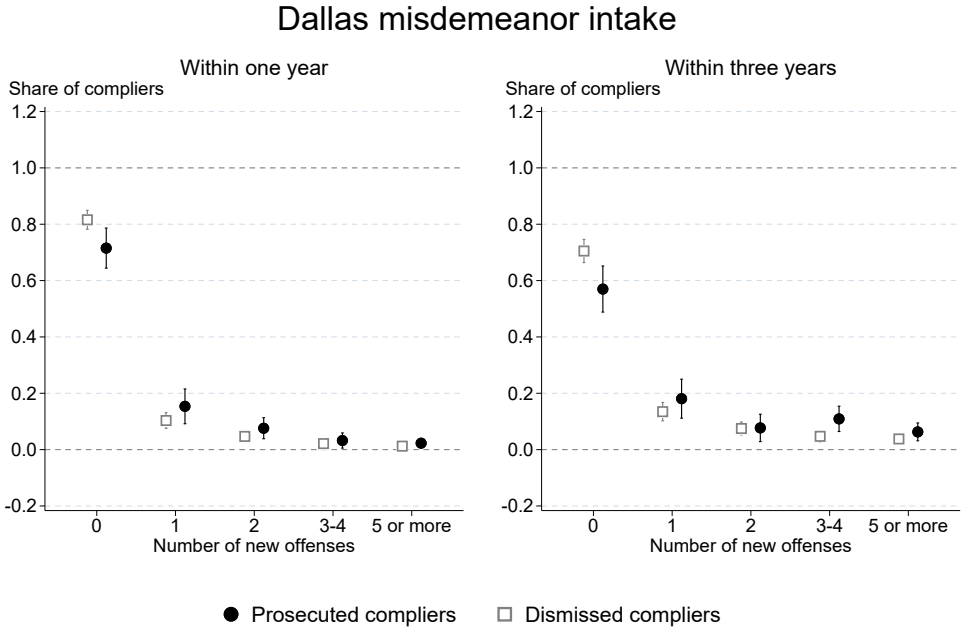
Notes: Each row is the coefficient of indictment on stringency standardized to one standard deviation, estimated within the subgroup with the specification's controls and fixed effects, with 95 percent confidence intervals. Black circles use the stringency estimated on all cases, and grey hollow squares use a reverse-sample stringency estimated only from cases outside the subgroup. The top row is the whole sample.

Figure A11: Share of compliers by number of new offenses, Dallas felony intake



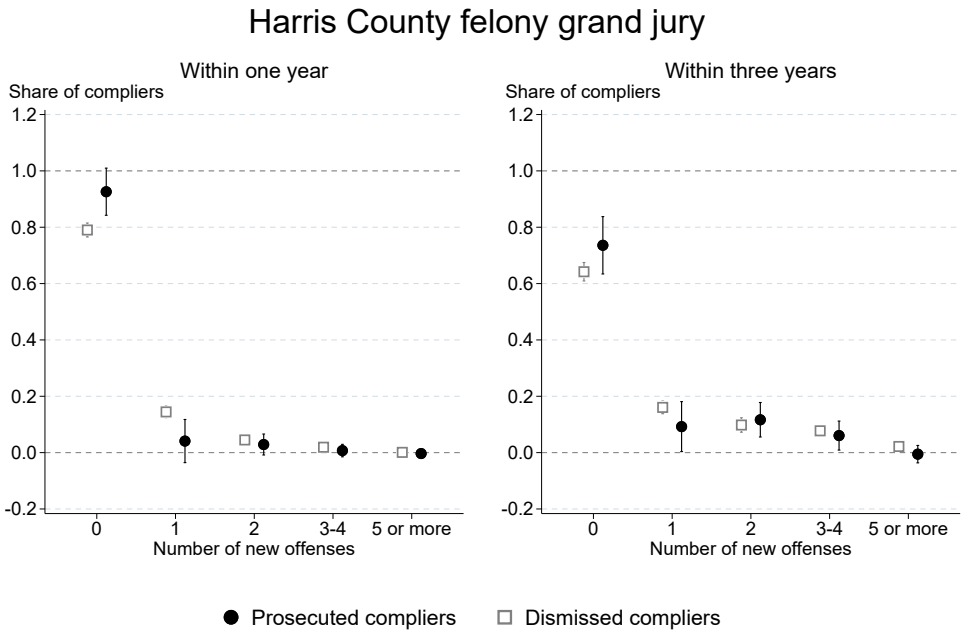
Notes: Each point is the share of prosecuted compliers (black circles) or dismissed compliers (grey hollow squares) with the given number of new offenses within one year (left) or three years (right), following Goldsmith-Pinkham, Hull and Kolesár (2026). Each share is estimated with the specification's controls, fixed effects, and decision-maker instruments, using an indicator for the count interacted with prosecution (dismissal) as the outcome. New offenses are counted as distinct offense dates. Bars are 95 percent confidence intervals, and dashed lines mark the bounds of zero and one that the shares must satisfy under average monotonicity.

Figure A12: Share of compliers by number of new offenses, Dallas misdemeanor intake



Notes: Each point is the share of prosecuted compliers (black circles) or dismissed compliers (grey hollow squares) with the given number of new offenses within one year (left) or three years (right), following Goldsmith-Pinkham, Hull and Kolesár (2026). Each share is estimated with the specification's controls, fixed effects, and decision-maker instruments, using an indicator for the count interacted with prosecution (dismissal) as the outcome. New offenses are counted as distinct offense dates. Bars are 95 percent confidence intervals, and dashed lines mark the bounds of zero and one that the shares must satisfy under average monotonicity.

Figure A13: Share of compliers by number of new offenses, Harris County grand jury



Notes: Each point is the share of prosecuted compliers (black circles) or dismissed compliers (grey hollow squares) with the given number of new offenses within one year (left) or three years (right), following Goldsmith-Pinkham, Hull and Kolesár (2026). Each share is estimated with the specification's controls, fixed effects, and decision-maker instruments, using an indicator for the count interacted with indictment (dismissal) as the outcome. New offenses are counted as distinct offense dates. Bars are 95 percent confidence intervals, and dashed lines mark the bounds of zero and one that the shares must satisfy under average monotonicity.

A2.2 Complier shares and characteristics

I follow the approach of Abadie (2003) to describe the characteristics and outcomes of compliers. Compliers are defendants whose prosecution decision would differ across the most and least strict decision-makers. A strict reviewer prosecutes their case; a lenient one dismisses it. An always-prosecuted defendant is charged regardless of who reviews the case, and a never-prosecuted defendant is dismissed regardless. Only compliers move with the instrument, so the local average treatment effects in this paper describe this group alone. I recover the three shares from the fitted prosecution propensity. Let $\bar{D}$ be the sample prosecution rate, α_1 the slope of prosecution on the leave-out leniency, and z_{lo} and z_{hi} the first and ninety-ninth percentiles of that leniency after I residualize it on the controls and fixed effects. The complier, always-prosecuted, and never-prosecuted shares are

$$\pi_{\mathrm{c}} = \alpha_1 \, (z_{hi} - z_{lo}), \qquad \pi_{\mathrm{always}} = \bar{D} + \alpha_1 \, z_{lo}, \qquad \pi_{\mathrm{never}} = 1 - \bar{D} - \alpha_1 \, z_{hi},$$

which sum to one by construction. Compliers are a minority in every setting. The complier share is 23 percent at Dallas felony intake, 18 percent at Dallas misdemeanor intake, and 6 percent at the Harris County grand jury, where nine in ten cases are indicted whatever the grand jury (Table 2). Almost all remaining defendants are always-prosecuted, and never-prosecuted

defendants are rare. Appendix Table A7 compares the characteristics of compliers with those of all defendants and of prosecuted and dismissed defendants.

Table A7: Sample characteristics by prosecution or indictment, and complier means

	Dallas felony intake				Dallas misdemeanor intake				Harris County grand jury			
	All	Prosecuted	Dismissed	Compliers	All	Prosecuted	Dismissed	Compliers	All	Indicted	No-billed	Compliers
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Demographics												
Male	0.80	0.80	0.76	0.72	0.76	0.77	0.67	0.69	0.84	0.84	0.79	0.79
Black	0.46	0.46	0.50	0.65	0.44	0.44	0.51	0.50	0.47	0.47	0.42	0.44
White	0.53	0.53	0.49	0.34	0.54	0.55	0.48	0.49	0.51	0.51	0.56	0.54
Hispanic	0.28	0.28	0.27	0.23	0.31	0.31	0.26	0.26	–	–	–	–
Age 18 to 23	0.15	0.14	0.20	0.15	0.20	0.20	0.18	0.15	0.21	0.21	0.22	0.22
Age 24 to 30	0.24	0.24	0.26	0.24	0.27	0.28	0.25	0.27	0.22	0.22	0.20	0.18
Age 31 to 40	0.32	0.32	0.28	0.34	0.28	0.28	0.29	0.29	0.24	0.24	0.22	0.22
Age 41 or older	0.29	0.29	0.25	0.26	0.25	0.24	0.28	0.29	0.20	0.20	0.23	0.22
Offense type												
Violent	0.29	0.27	0.48	0.79	0.23	0.20	0.50	0.76	0.29	0.28	0.55	0.43
Family violence	0.11	0.09	0.26	0.54	0.18	0.15	0.44	0.70	0.06	0.06	0.11	0.12
Property	0.11	0.12	0.05	0.05	0.14	0.15	0.05	0.03	0.28	0.28	0.16	0.16
Drug	0.43	0.44	0.40	0.14	0.01	0.01	0.06	0.01	0.26	0.26	0.11	0.21
Public order	0.15	0.16	0.07	0.02	0.37	0.37	0.30	0.16	0.12	0.12	0.13	0.14
Driving while intoxicated	0.04	0.04	0.00	0.00	0.25	0.27	0.05	0.01	0.04	0.04	0.02	0.02
Prior record and custody												
Any prior charge filed	0.50	0.51	0.39	0.31	0.32	0.33	0.29	0.21	0.66	0.67	0.47	0.54
Prior felony conviction, past year	0.16	0.16	0.08	0.03	0.08	0.09	0.05	0.04	0.09	0.09	0.03	0.04
Prior misdemeanor conviction, past year	0.09	0.09	0.06	0.03	0.09	0.09	0.07	0.06	0.14	0.14	0.09	0.12
Any prior incarceration sentence	0.24	0.25	0.16	0.11	0.14	0.13	0.14	0.09	0.58	0.59	0.38	0.46
In custody at arrival	0.48	0.49	0.36	0.31	0.36	0.36	0.31	0.29	0.45	0.46	0.28	0.30
Control complier mean, reoffending within 3 years				0.36				0.30				0.38
Share prosecuted or indicted	0.91				0.90				0.97			
Complier share	0.23				0.18				0.06			
Cases	59,646				90,342				564,254			

Notes: Shares unless stated otherwise. All: every case in the estimation sample. Prosecuted (indicted) and dismissed (no-billed): cases by the actual decision. Compliers: complier means, estimated by instrumental variables as the coefficient on non-prosecution (non-indictment) in a regression of the characteristic times non-prosecution, using the rebuilt stringency of the adopted specification. Dallas: cases received at intake, felony and misdemeanor cases analyzed separately. Harris County: grand-jury decisions with three years of follow-up, 1990 to 2023. Custody at arrival (the day before the decision) is observed in Harris County only from 2011, so that row uses the 279,012 decisions in the jail-data period. Hispanic ethnicity is not recorded in the Harris County data. Complier share: first-stage slope on stringency times its 1st-to-99th percentile range. Dismissed compliers reoffend within 3 years: any new offense in the local records or anywhere in Texas (Section 2.5).

A3 Additional Results

A3.1 Case outcomes in the county records

Table 2 measures case outcomes in the statewide criminal history, which runs through October 2026, so that the three settings are measured the same way. Table A8 reports the same outcomes from the county records. In Harris County, I use the district clerk's records, which cover cases filed from 1990 to October 2026. In these records, 48 percent of indicted compliers are convicted and 75 percent are convicted or placed on deferred adjudication, above what the statewide history records for the same cases, likely because not every county disposition is reported to the statewide file or linked to the defendant. In Dallas, I use court data provided by the district clerk, which include cases filed from January 2015 to January 2026. The Dallas cases were received between April 2017 and May 2023, so each can be followed for three years in the statewide history and for at least two and a half years in the court data, and I count court outcomes within two years of receipt so that every case is followed for the same length of time. The Dallas court records code a deferred adjudication at a later stage than the statewide history, as a dismissal once the defendant completes the term or as a conviction if it is revoked, so they show few deferrals, and their dismissals include completed deferrals. The county records also show how many cases are dismissed, which the statewide history does not record. In Harris County, 25 percent of indicted compliers end with no conviction or deferred adjudication in the clerk's records, a group made up of dismissals, acquittals, and cases with no recorded disposition. In Dallas, 14 percent of prosecuted felony compliers and 36 percent of prosecuted misdemeanor compliers have their case dismissed or are acquitted within two years of receipt, counts that include deferred adjudications completed within that window. The statewide record measures also differ slightly across the counties. In Harris County the record is matched to the indicted case itself, while in Dallas an incident counts as recorded if the statewide history lists any charge for the same person within three days of the offense date, which can pick up a separate charge from the same arrest and likely explains why 6 percent of rejected felony compliers appear in the record.

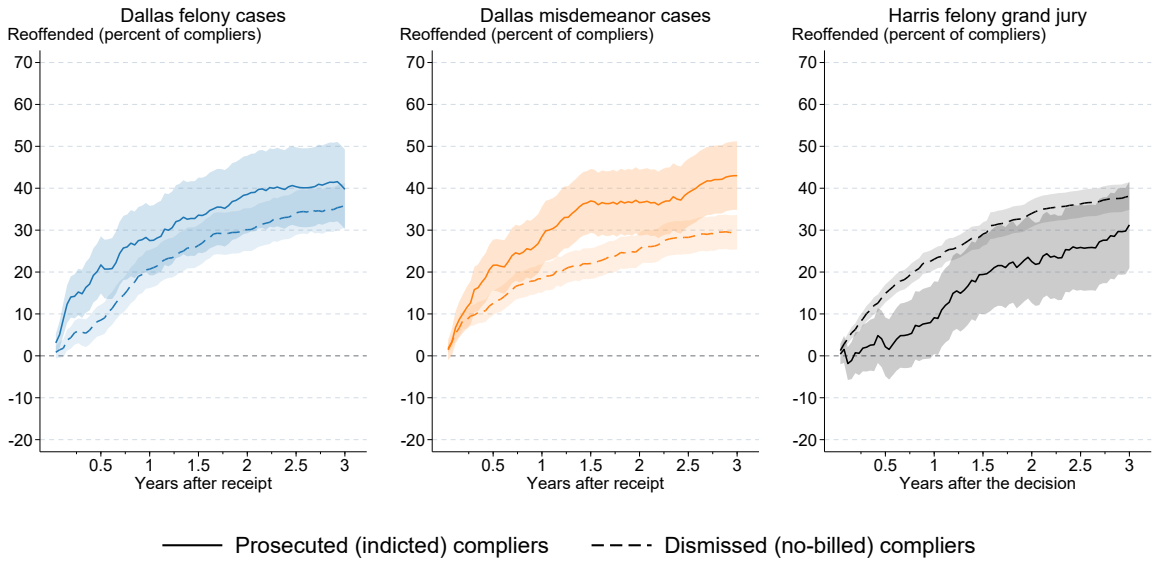
Table A8: Outcomes of the focal case from the county court and clerk records

	Dallas felony court records, within two years			Dallas misdemeanor court records, within two years			Harris grand jury clerk records, initial disposition		
	All	Prosecuted	Prosecuted compliers	All	Prosecuted	Prosecuted compliers	All	Indicted	Indicted compliers
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Convicted	25.1	27.7	19.2	21.8	24.1	25.6	43.5	44.5	47.6
Deferred adjudication only	10.4	11.4	8.3	3.6	3.9	3.5	21.9	22.5	27.3
Convicted or deferred	35.5	39.1	27.4	25.3	28.0	29.1	65.4	66.9	74.9
Later dismissed or acquitted	14.0	15.4	14.1	31.7	35.1	36.2	34.6	33.1	25.1
Sentenced to incarceration	–	–	–	–	–	–	40.2	41.1	45.4
Sample	59,646	90.8	22.9	90,342	90.3	17.6	279,012	97.7	6.1

Notes: As Table 2, with the outcomes taken from county records. Dallas: the court dispositions of the focal incident within two years of receipt (any linked case), from the second Dallas County court extract (cases filed January 2015 to January 2026), which includes no sentences and records a deferred adjudication as a dismissal once it is completed or as a conviction once it is revoked. Harris County: the initial disposition of the indicted case in the district clerk's records (cases filed 1990 to October 2026). Later dismissed or acquitted is a dismissal or acquittal with no conviction or deferral on the focal case (Dallas, where it includes completed deferred adjudications), and no conviction or deferred adjudication recorded (Harris County, where the all-defendant column and the no-billed compliers also count cases that were no-billed).

A3.2 Reoffending

Figure A14: Cumulative reoffending among prosecuted and dismissed compliers within three years



Notes: Complier means for Figure 4, in percent, for prosecuted or indicted compliers (solid) and dismissed or no-billed compliers (dashed), estimated following Abadie (2003). Bands are 95% confidence intervals.

Table A9: Effects of prosecution on custody or supervision and on reoffending, by period and by custody at arrival

	Control complier mean, new offense (%) (1)	Any custody or supervision (pp) (2)	Days custody or supervision (3)	Days in custody (4)	Any new offense (pp) (5)	Cases (6)
A. Months 0–6						
Dallas felony: all defendants	8.5	14.5*** (3.9)	11* (6)	15*** (5)	13.2*** (3.9)	59,646
not in custody, no prior charge	7.2	11.9* (6.3)	-7 (7)	4 (4)	12.5** (5.9)	18,833
in custody at arrival	7.8	12.2* (6.7)	31** (13)	20* (12)	15.9** (7.6)	28,660
Dallas misdemeanor: all defendants	12.5	17.8*** (3.7)	14*** (4)	2 (3)	9.1*** (3.4)	90,342
not in custody, no prior charge	5.6	6.7 (4.6)	4 (4)	2 (2)	7.9** (3.9)	43,971
in custody at arrival	23.6	25.8*** (7.0)	18* (10)	-8 (9)	7.9 (7.2)	32,084
Harris County, jail-data period: all defendants	15.6	39.5*** (5.8)	45*** (10)	32*** (9)	-7.8 (5.3)	279,012
not in custody, no prior Harris County case	7.7	43.4*** (10.8)	31*** (12)	2 (6)	-9.6 (6.7)	50,018
in custody at the decision	32.4	32.6*** (5.2)	62*** (21)	81*** (22)	-26.2** (11.3)	126,451
Harris County, full period: all defendants	14.9	–	–	–	-12.6*** (3.7)	564,254
B. Months 6–36						
Dallas felony: all defendants	32.1	26.1*** (4.9)	161*** (36)	39 (25)	-6.2 (5.3)	59,646
not in custody, no prior charge	21.6	37.7*** (8.7)	161*** (50)	39 (33)	1.1 (8.2)	18,833
in custody at arrival	48.9	13.0 (8.8)	179** (76)	28 (59)	-12.4 (11.0)	28,660
Dallas misdemeanor: all defendants	24.1	29.8*** (4.6)	130*** (25)	23 (15)	12.1*** (4.4)	90,342
not in custody, no prior charge	16.4	25.4*** (6.3)	96*** (27)	26** (13)	9.3* (5.5)	43,971
in custody at arrival	35.5	27.1*** (8.3)	102* (53)	-48 (37)	7.2 (8.8)	32,084
Harris County, jail-data period: all defendants	34.0	22.2*** (6.3)	160*** (56)	-6 (42)	10.9 (7.5)	279,012
not in custody, no prior Harris County case	18.8	43.5*** (10.4)	303*** (83)	57 (41)	7.1 (9.4)	50,018
in custody at the decision	47.3	-0.8 (12.8)	-1 (128)	-106 (115)	-1.8 (17.1)	126,451
Harris County, full period: all defendants	32.9	–	–	–	-3.0 (5.3)	564,254
C. Within three years						
Dallas felony: all defendants	35.9	32.5*** (4.2)	172*** (39)	54** (27)	4.1 (5.4)	59,646
not in custody, no prior charge	24.7	46.2*** (8.7)	153*** (52)	43 (35)	12.7 (8.5)	18,833
in custody at arrival	53.7	14.3*** (5.5)	210** (83)	48 (66)	-3.2 (11.3)	28,660
Dallas misdemeanor: all defendants	29.5	37.1*** (4.4)	144*** (27)	25 (16)	13.5*** (4.6)	90,342
not in custody, no prior charge	20.5	24.7*** (6.4)	100*** (29)	28* (14)	9.0 (5.9)	43,971
in custody at arrival	43.0	44.7*** (6.9)	121** (58)	-56 (41)	11.1 (8.9)	32,084
Harris County, jail-data period: all defendants	39.4	36.2*** (4.9)	205*** (61)	26 (46)	5.2 (7.6)	279,012
not in custody, no prior Harris County case	22.1	54.6*** (10.1)	334*** (89)	58 (44)	3.7 (10.0)	50,018
in custody at the decision	56.3	19.6*** (4.2)	61 (138)	-25 (124)	-7.3 (17.3)	126,451
Harris County, full period: all defendants	38.1	–	–	–	-6.9 (5.5)	564,254

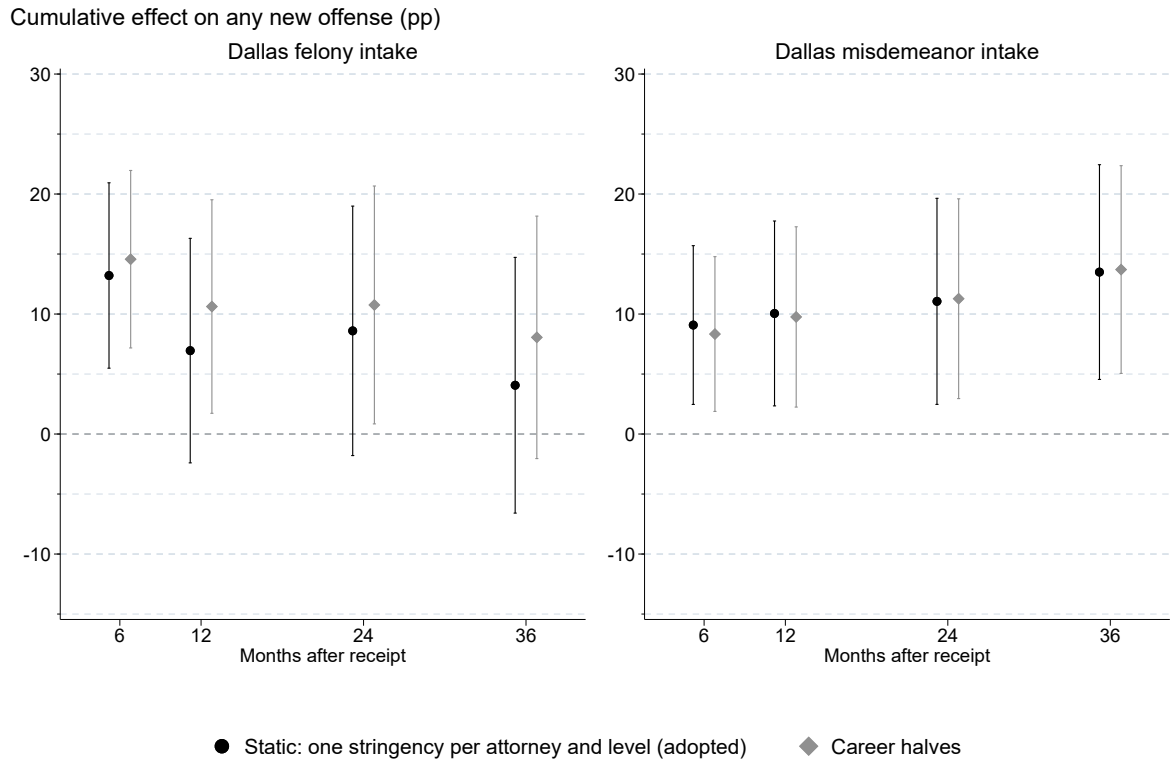
Notes: As Table 3, with rows for defendants not in custody with no prior charge (Harris County: no prior Harris County case) and for defendants in custody on the day the case was received (Dallas) or the day before the grand-jury decision (Harris County). Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A10: Effects of prosecution by receipt period and with Dallas-only reoffending, Dallas intake

	Any new offense (pp)				Days in custody or supervision		
	6 months	1 year	3 years	Years 2–3	Months 0–6	3 years	Cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Dallas felony intake, by receipt period							
Full sample (receipts to May 2023)	13.2*** (3.9)	7.0 (4.8)	4.1 (5.4)	-6.4 (5.1)	–	–	59,646
Receipts through 2021	15.9*** (4.6)	10.5* (5.6)	10.2 (6.3)	0.1 (5.9)	12** (6)	167*** (39)	39,228
Receipts 2022 to May 2023	9.0* (5.4)	10.1 (6.8)	5.8 (7.9)	-4.7 (7.2)	36*** (8)	345*** (56)	20,407
Receipts 2017–2019	16.5** (7.3)	6.6 (8.3)	11.1 (9.3)	5.6 (8.6)	22** (10)	246*** (67)	11,329
Receipts 2020–2021	12.8** (6.0)	7.8 (7.5)	9.4 (8.3)	-0.9 (7.8)	-1 (8)	133** (56)	27,770
Receipts 2022–2023	8.8 (5.4)	9.6 (6.7)	5.5 (7.8)	-4.8 (7.2)	37*** (8)	350*** (55)	20,519
B. Dallas felony intake, Dallas-only reoffending							
Local + statewide, full sample	13.2*** (3.9)	7.0 (4.8)	4.1 (5.4)	-6.4 (5.1)	–	–	59,646
Dallas only, full sample	11.3*** (3.6)	8.3* (4.5)	2.6 (5.3)	-7.4 (4.8)	–	–	59,646
Local + statewide, receipts through 2021	15.9*** (4.6)	10.5* (5.6)	10.2 (6.3)	0.1 (5.9)	–	–	39,228
Dallas only, receipts through 2021	14.6*** (4.3)	12.9** (5.2)	8.4 (6.1)	-3.2 (5.5)	–	–	39,228
Dallas only, receipts 2022 to May 2023	5.5 (5.0)	8.6 (6.4)	3.1 (7.6)	-6.4 (6.9)	–	–	20,407
C. Dallas misdemeanor intake, by receipt period							
Full sample (receipts to May 2023)	9.1*** (3.4)	10.0** (3.9)	13.5*** (4.6)	11.8*** (4.2)	–	–	90,342
Receipts through 2021	6.8* (3.7)	8.3* (4.4)	8.4* (5.1)	8.6* (4.7)	11*** (4)	142*** (26)	61,300
Receipts 2022 to May 2023	19.1** (8.1)	16.3* (9.3)	27.1** (10.9)	14.3 (9.8)	9 (9)	239*** (64)	29,037
Receipts 2017–2019	4.0 (6.0)	5.0 (6.9)	-0.3 (8.1)	-1.8 (7.4)	31*** (7)	152*** (46)	24,199
Receipts 2020–2021	7.4 (4.6)	5.9 (5.4)	11.8* (6.4)	15.1** (5.9)	7 (5)	111*** (36)	36,944
Receipts 2022–2023	19.3** (8.1)	16.5* (9.3)	27.4** (11.0)	15.0 (9.9)	10 (9)	240*** (64)	29,194
D. Dallas misdemeanor intake, Dallas-only reoffending							
Local + statewide, full sample	9.1*** (3.4)	10.0** (3.9)	13.5*** (4.6)	11.8*** (4.2)	–	–	90,342
Dallas only, full sample	6.5** (3.1)	9.1** (3.7)	13.1*** (4.4)	12.2*** (3.9)	–	–	90,342
Local + statewide, receipts through 2021	6.8* (3.7)	8.3* (4.4)	8.4* (5.1)	8.6* (4.7)	–	–	61,300
Dallas only, receipts through 2021	5.9* (3.5)	8.0* (4.1)	8.9* (4.9)	9.8** (4.4)	–	–	61,300
Dallas only, receipts 2022 to May 2023	11.2 (7.5)	11.2 (8.8)	20.0* (10.5)	7.9 (9.2)	–	–	29,037

Notes: Columns (1) to (4) are effects of prosecution on any new offense by each horizon and in years two and three, in percentage points, and columns (5) and (6) effects on days in custody or under supervision. Panels A and C split the sample by receipt date, and panels B and D count only new offenses in Dallas County (Dallas Police Department arrests and district attorney submissions). The DPS records run through October 2026. Stringency is rebuilt within each sample. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Figure A15: Cumulative effect of prosecution on reoffending under two instruments, Dallas intake



Notes: Cumulative effect of prosecution on any new offense, in percentage points, full Dallas sample, with the adopted attorney instrument and with the instrument built separately for each half of the attorney's career (legend). Reoffending as in Figure 4. The figure shows 95% confidence intervals.

Table A11: Effects of prosecution under different measures of reoffending

Outcome counts	Within six months: Control complier mean (%) (1)	Within six months: Effect (2)	Within six months: Change (%) (3)	Within three years: Control complier mean (%) (4)	Within three years: Effect (5)	Within three years: Change (%) (6)	Cases (7)
A. Dallas felony intake							
New DA submission	7.2	11.5*** (3.6)	161	29.4	3.2 (5.2)	11	59,646
+ Dallas police arrest	7.3	11.3*** (3.6)	155	30.1	2.6 (5.3)	9	59,646
+ statewide offense	8.5	13.2*** (3.9)	155	35.9	4.1 (5.4)	11	59,646
For comparison							
New filed charge	5.5	13.9*** (3.4)	251	24.4	5.1 (5.1)	21	59,646
B. Dallas misdemeanor intake							
New DA submission	10.2	6.2** (3.1)	61	24.3	12.9*** (4.4)	53	90,342
+ Dallas police arrest	10.3	6.4** (3.1)	62	25.3	13.1*** (4.4)	52	90,342
+ statewide offense	12.5	9.1*** (3.4)	72	29.5	13.5*** (4.6)	46	90,342
For comparison							
New filed charge	9.3	5.4* (3.0)	58	21.7	14.7*** (4.3)	68	90,342
C. Harris County felony grand jury, decisions with three years of follow-up							
New Harris County case							
Decisions to Apr 2022	13.7	-10.7*** (3.6)	-78	36.0	-8.7 (5.4)	-24	536,849
Decisions to Apr 2023	13.7	-11.4*** (3.6)	-83	35.8	-9.3* (5.4)	-26	564,254
New Harris County case or statewide offense							
Decisions to Apr 2022	15.0	-12.1*** (3.7)	-81	38.3	-6.1 (5.5)	-16	536,849
Decisions to Apr 2023	14.9	-12.7*** (3.7)	-85	38.1	-6.8 (5.5)	-18	564,254

Notes: Columns (1) and (4) are control complier means, the shares of dismissed (Dallas) or no-billed (Harris County) compliers with a new offense within six months and three years (percent), columns (2) and (5) the effects of prosecution (Harris County: indictment) in percentage points with standard errors, and columns (3) and (6) the effects as a percent of the control complier mean. In panels A and B a new offense counts a new submission to the district attorney, then also an arrest by the Dallas Police Department, then also an offense anywhere in Texas that ends in a conviction or deferred adjudication in the DPS criminal history. The rows marked + add each source to all new submissions, and the comparison row counts only the new submissions that the district attorney filed. In panel C a new offense counts a new Harris County case, then also a statewide offense, for grand-jury decisions through April 2022 or April 2023, all of which have three years of follow-up. All panels use the October 2026 DPS extract and Harris County clerk records. Stringency is rebuilt within each sample. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

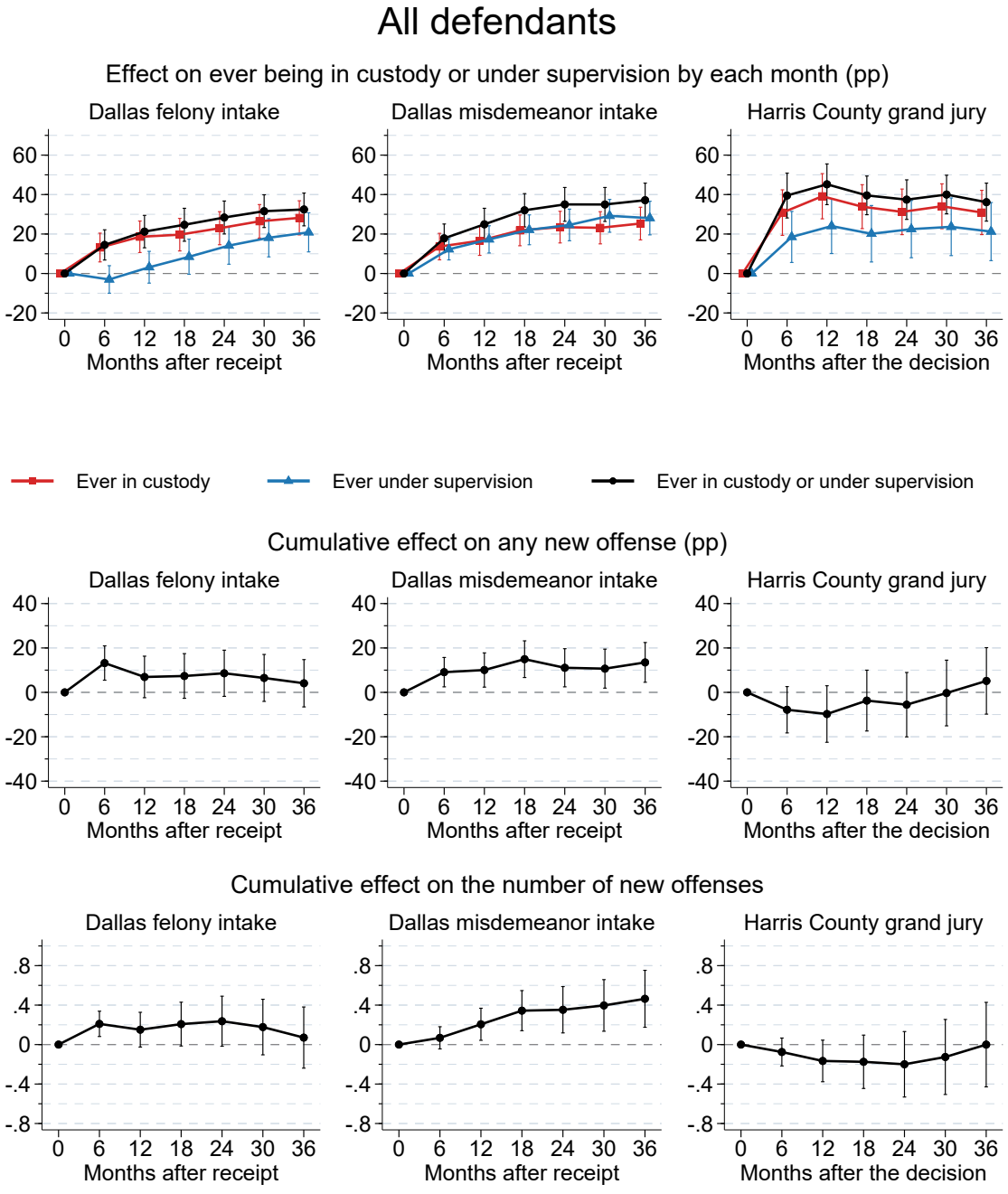
Table A12: Effects of prosecution under alternative specifications, Dallas intake

Specification	First-stage F	Balance p-value	Any new offense (pp)			Placebo, years −5 to −2
			6 months	1 year	3 years	
	(1)	(2)	(3)	(4)	(5)	(6)
A. Dallas felony intake						
One change at a time						
Adopted specification	484	0.89	13.2*** (3.9)	7.0 (4.8)	4.1 (5.4)	0.9 (4.7)
Stringency within intake group (attorney × intake group)	506	0.84	12.7*** (3.9)	6.0 (4.7)	3.8 (5.4)	-0.2 (4.7)
Residualized leave-out mean, built by hand (no controls in the residual)	385	0.63	15.2*** (4.4)	9.9* (5.3)	16.3*** (6.2)	20.8*** (5.5)
Residualized leave-out mean, built by hand (controls in the residual)	410	0.14	14.3*** (4.5)	8.5 (5.4)	10.4* (6.2)	9.0 (5.5)
Stringency by attorney career half	450	0.87	14.6*** (3.8)	10.6** (4.5)	8.1 (5.2)	-2.8 (4.5)
Desk × receipt half-year fixed effects	490	0.83	12.9*** (4.0)	7.0 (4.9)	4.9 (5.5)	0.3 (4.8)
Adds day-of-week of receipt	483	0.89	13.2*** (3.9)	6.9 (4.8)	4.0 (5.4)	0.9 (4.7)
Drops custody controls	471	0.56	14.6*** (4.0)	8.0* (4.8)	4.0 (5.5)	0.1 (4.8)
Drops prior-conviction and prior-sentence controls	487	0.91	13.5*** (3.9)	7.5 (4.8)	5.0 (5.5)	2.2 (5.3)
Drops offense-type history controls	484	0.89	12.9*** (3.9)	6.4 (4.8)	3.5 (5.4)	0.6 (4.7)
Drops recent offending controls (half-years and quarters before receipt; recency)	484	0.88	13.3*** (3.9)	7.1 (4.8)	4.2 (5.4)	0.7 (4.7)
Drops the open-case control	485	0.89	13.1*** (3.9)	6.9 (4.8)	4.0 (5.4)	0.9 (4.7)
Adding controls one block at a time						
Fixed effects only	464	0.00	14.1*** (3.9)	9.1* (4.8)	11.5** (5.6)	13.7** (5.5)
+ offense category and degree	471	0.14	12.7*** (3.9)	6.9 (4.8)	7.5 (5.6)	13.1** (5.5)
+ case characteristics (submission type, counts, drug-policy indicators)	471	0.74	13.9*** (4.0)	7.0 (4.9)	2.8 (5.6)	-2.4 (5.5)
+ custody	487	0.91	13.5*** (4.0)	7.4 (4.8)	4.6 (5.6)	1.2 (5.4)
+ prior convictions and sentences	485	0.90	13.2*** (4.0)	6.8 (4.8)	3.8 (5.5)	0.3 (4.7)
+ offense-type history	485	0.88	13.3*** (3.9)	7.1 (4.8)	4.1 (5.4)	0.7 (4.7)
+ recent offending	485	0.89	13.1*** (3.9)	6.9 (4.8)	4.0 (5.4)	0.9 (4.7)
+ open case (adopted specification)	484	0.89	13.2*** (3.9)	7.0 (4.8)	4.1 (5.4)	0.9 (4.7)
B. Dallas misdemeanor intake						
One change at a time						
Adopted specification	641	0.22	9.1*** (3.4)	10.0** (3.9)	13.5*** (4.6)	-1.2 (3.6)
Stringency within intake group (attorney × intake group)	621	0.15	8.6** (3.4)	9.9** (3.9)	12.6*** (4.6)	-1.1 (3.6)
Residualized leave-out mean, built by hand (no controls in the residual)	543	0.00	-22.9*** (2.4)	-24.8*** (2.7)	-20.0*** (2.9)	1.2 (2.4)
Residualized leave-out mean, built by hand (controls in the residual)	459	0.10	1.4 (2.5)	4.5 (3.0)	12.6*** (3.5)	16.9*** (2.7)
Stringency by attorney career half	696	0.22	8.3** (3.3)	9.8** (3.8)	13.7*** (4.4)	1.4 (3.5)
Desk × receipt half-year fixed effects	681	0.12	10.1*** (3.3)	10.8*** (3.8)	13.9*** (4.5)	0.6 (3.5)
Adds day-of-week of receipt	640	0.22	9.0*** (3.4)	10.0** (3.9)	13.5*** (4.6)	-1.2 (3.6)
Drops custody controls	642	0.19	9.2*** (3.4)	10.2*** (3.9)	13.7*** (4.6)	-1.2 (3.5)
Drops prior-conviction and prior-sentence controls	639	0.10	10.2*** (3.4)	11.6*** (4.0)	15.8*** (4.6)	4.2 (4.0)
Drops offense-type history controls	639	0.21	9.2*** (3.4)	10.2*** (3.9)	13.7*** (4.6)	-0.9 (3.6)
Drops recent offending controls (half-years and quarters before receipt; recency)	642	0.21	8.6** (3.4)	9.6** (3.9)	13.2*** (4.6)	-1.0 (3.6)
Drops the open-case control	641	0.20	9.1*** (3.4)	10.1*** (3.9)	13.7*** (4.6)	-1.1 (3.6)
Adding controls one block at a time						
Fixed effects only	1998	0.00	-22.5*** (2.5)	-24.4*** (2.9)	-20.2*** (3.2)	-1.2 (2.9)
+ offense category and degree	754	0.00	14.4*** (3.3)	18.2*** (3.9)	25.4*** (4.6)	21.8*** (4.1)
+ case characteristics (submission type, counts, drug-policy indicators)	640	0.09	10.4*** (3.5)	11.9*** (4.1)	16.5*** (4.8)	4.8 (4.2)
+ custody	638	0.10	10.3*** (3.5)	11.7*** (4.1)	16.2*** (4.8)	4.7 (4.1)
+ prior convictions and sentences	640	0.20	8.7** (3.4)	9.6** (4.0)	13.3*** (4.6)	-0.7 (3.6)
+ offense-type history	642	0.19	8.7** (3.4)	9.7** (3.9)	13.4*** (4.6)	-0.9 (3.6)
+ recent offending	641	0.20	9.1*** (3.4)	10.1*** (3.9)	13.7*** (4.6)	-1.1 (3.6)
+ open case (adopted specification)	641	0.22	9.1*** (3.4)	10.0** (3.9)	13.5*** (4.6)	-1.2 (3.6)

Notes: In the upper rows of each panel, each row changes one part of the adopted specification. The lower rows start from the fixed effects alone and add one block of controls at a time, ending at the adopted specification. Column (1) is the first-stage F statistic, column (2) the p-value of the joint test that the defendant characteristics in Figure 3 predict stringency, columns (3) to (5) effects on any new offense in percentage points, and column (6) the effect on any new offense two to five years before receipt, which prosecution cannot affect. The adopted specification controls for any new offense in each of the two half-years before receipt. The first residualized leave-out mean removes only the fixed effects from prosecution before taking each attorney's leave-one-out mean, as in Agan, Doleac and Harvey (2023), and the second also removes the controls. Stringency is rebuilt in every row. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

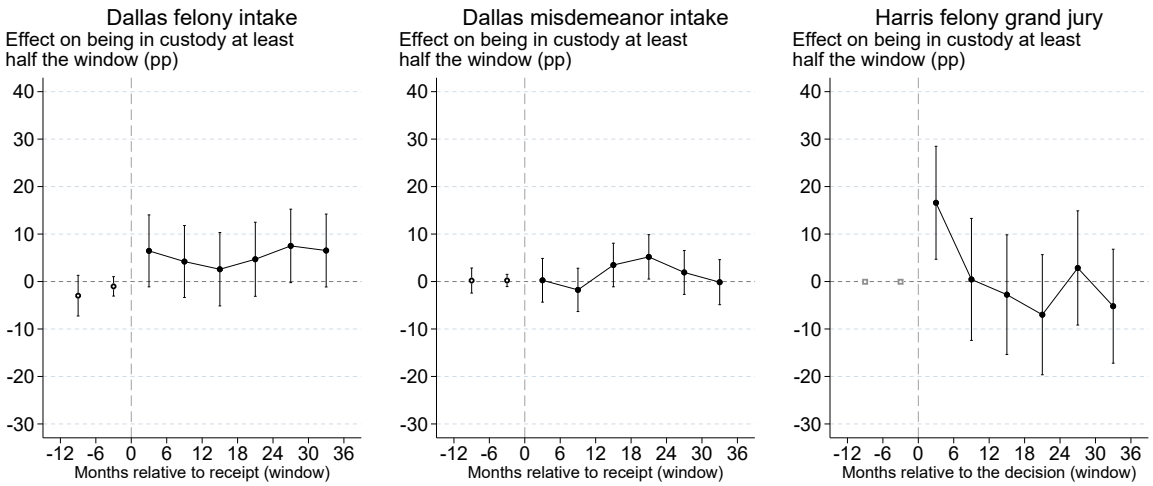
A3.3 Custody and supervision

Figure A16: Cumulative effects of prosecution on custody or supervision and on reoffending, same samples



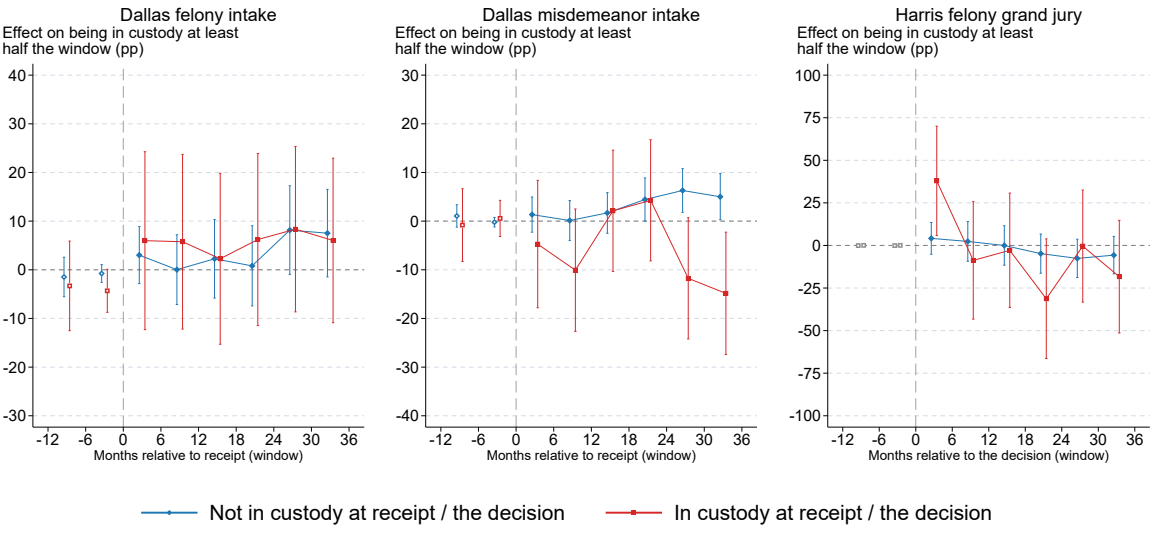
Notes: Top row as Figure 6. The lower rows are the cumulative effects on any new offense (percentage points) and on the number of new offense dates, estimated on the same samples as the top row, so that custody, supervision, and reoffending share a sample: Dallas receipts with three years inside the DPS supervision data and Harris County decisions in the jail-data period. The figure shows 95% confidence intervals.

Figure A17: Contemporaneous effect of prosecution on incarceration in each six-month window



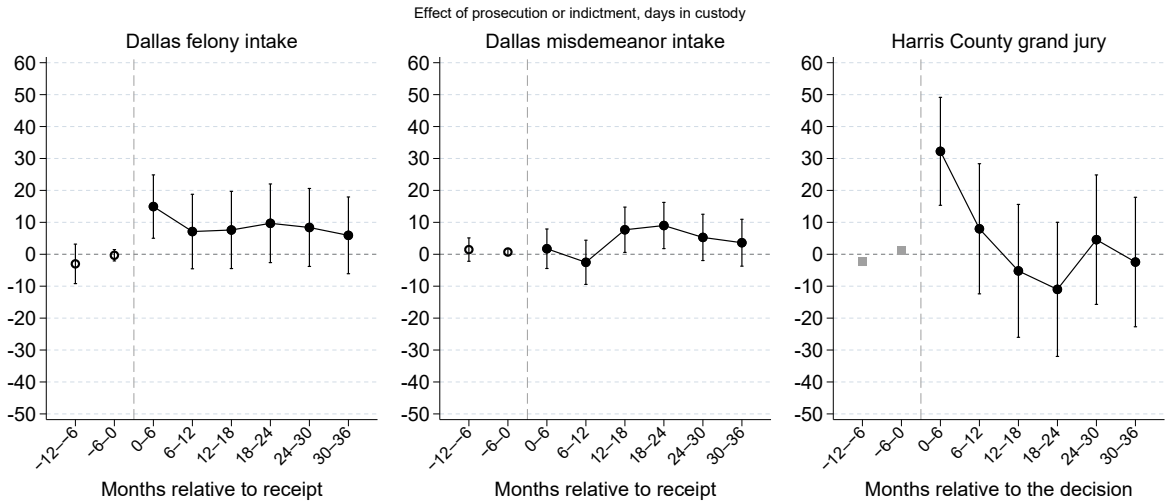
Notes: Effect on being in custody on at least 91 of the 182 days of each window, in percentage points, all defendants. Custody combines county jail spells and custody in the statewide criminal history. In Dallas, custody in the two six-month windows before the offense is a control (grey squares), and the window before them is a placebo test (hollow). In Harris County, custody and supervision in the six months before the offense are controls, so these two windows are close to zero by construction (grey squares). Dallas: receipts with three years of jail data, $N = 51{,}245$ felony and 77,782 misdemeanor incidents. Harris County: decisions from March 2011 to April 2023, $N = 279{,}012$. Figure A18 splits the estimates by custody at receipt or the decision. Bars are 95% confidence intervals.

Figure A18: Contemporaneous effect of prosecution on incarceration in each six-month window, by custody at receipt or the decision



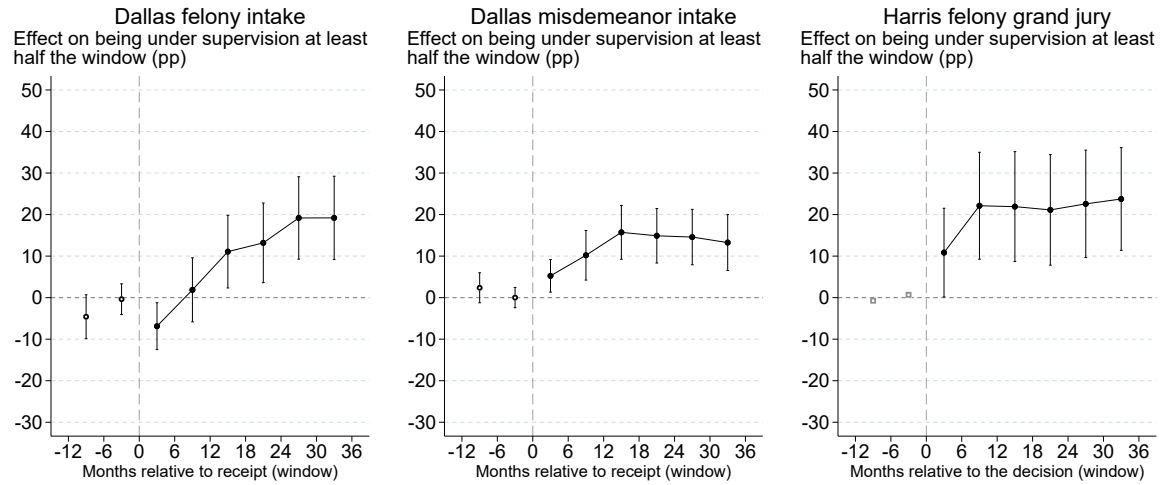
Notes: As Figure A17, for defendants not in custody at receipt or the decision (blue) and defendants in custody (red), with stringency rebuilt within each group. Dallas: $N = 26{,}683$ and 24,529 felony and 48,942 and 28,833 misdemeanor incidents. Harris County: $N = 152{,}556$ and 126,451. Bars are 95% confidence intervals.

Figure A19: Contemporaneous effect of prosecution on days in custody in each six-month window



Notes: Effect on the number of days in custody in each window (0 to 182), all defendants, with overlapping jail and state spells merged so that no day counts twice. Dallas: all receipts, $N = 59{,}646$ felony and 90,342 misdemeanor incidents. Harris County: decisions in the jail-data period (2011 to 2023), $N = 279{,}012$. Left of the dashed line: the two half-years before receipt or the decision. In Dallas, custody in these windows enters the controls only as indicators, so the effects on days are shown as placebo tests (hollow). In Harris County they are shown as controls (grey squares), as in Figure A17. Bars are 95% confidence intervals.

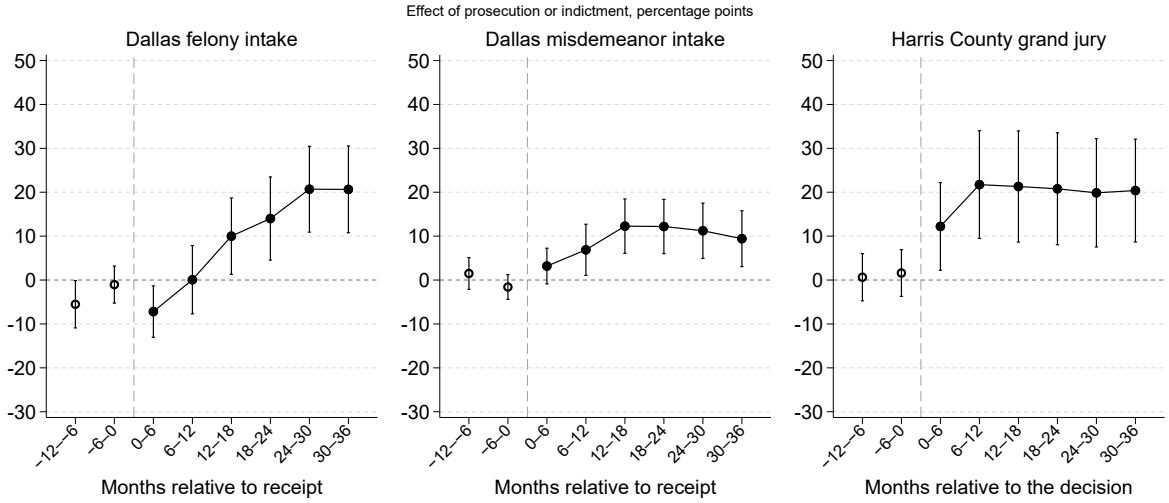
Figure A20: Contemporaneous effect of prosecution on supervision in each six-month window



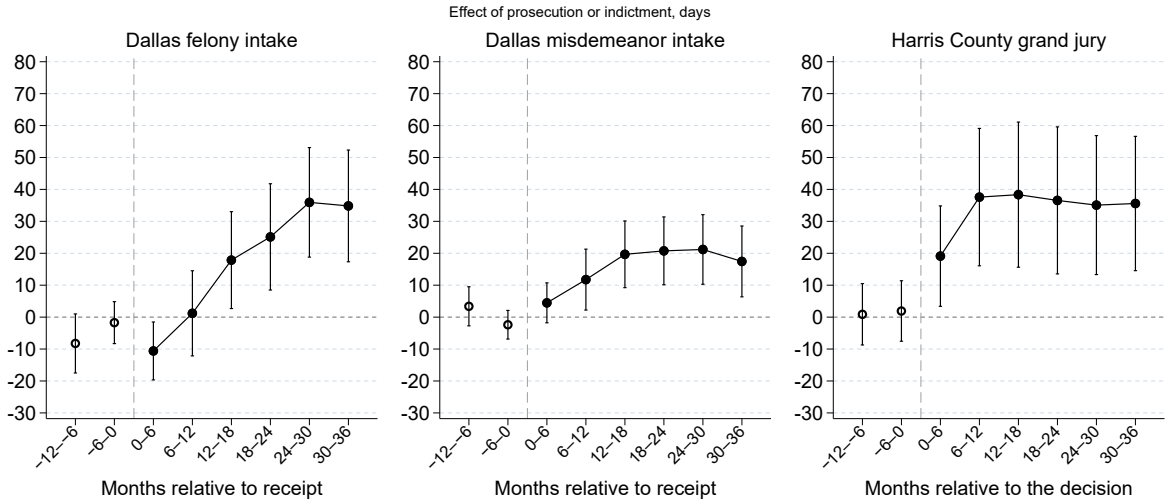
Notes: Effect on being under deferred adjudication or probation on at least 91 of the 182 days of each window, in percentage points, all defendants. Dallas: all receipts, $N = 59{,}646$ felony and 90,342 misdemeanor incidents. Harris County as in Figure A17. In Dallas, supervision is not a control, so all three six-month windows before the offense are placebo tests (hollow). Supervision in both settings comes from the statewide criminal history, which records when deferred adjudication or probation begins and the length of supervision the judge ordered but rarely when it ends, so each spell runs from its start for the full length the judge ordered, revocations and early terminations are not counted, and supervision levels are an upper bound. Appendix Figure A3 shows the Harris County estimates when spells end at the revocations and terminations the clerk records. Bars are 95% confidence intervals.

Figure A21: Contemporaneous effect of prosecution on deferred adjudication in each six-month window

(a) Under deferred adjudication for at least half the window



(b) Days under deferred adjudication in the window



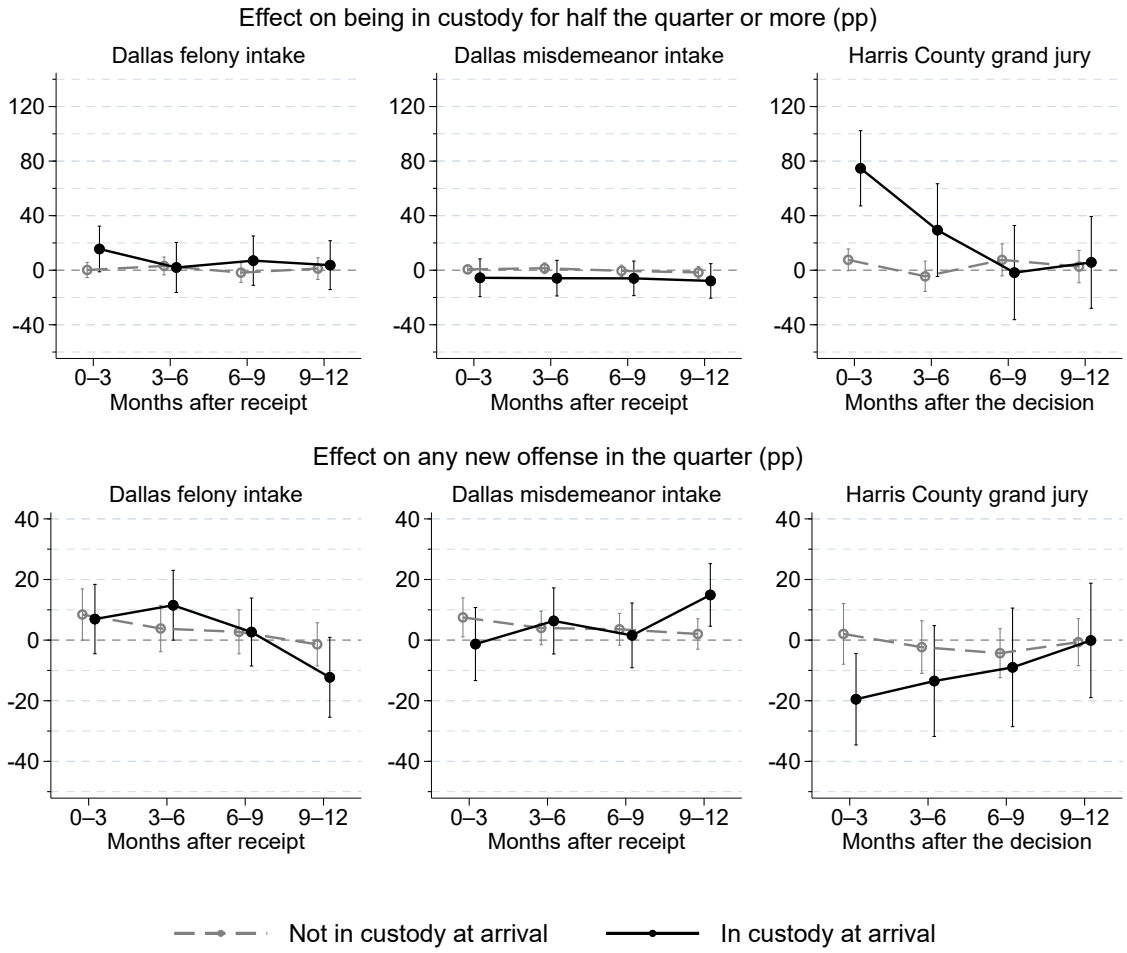
Notes: Panel (a): effect on being under deferred adjudication on at least 91 of the 182 days of each window, in percentage points. Panel (b): effect on the number of days under deferred adjudication in each window (0 to 182). Deferred adjudication from any case, from the statewide criminal history, with each spell running from its start through the full ordered term. Samples as in Figure A20. Left of the dashed line: the two half-years before receipt or the decision, which are placebo tests (hollow). Bars are 95% confidence intervals.

Table A13: Effects of prosecution on days under each type of supervision

	Control complier mean:	Effect on days		
	days within 3 years	Months 0–6	Months 6–36	Within 3 years
	(1)	(2)	(3)	(4)
A. Deferred adjudication				
Dallas felony: all defendants	126	-11** (5)	115*** (36)	104*** (38)
not in custody, no prior charge	55	-9* (5)	150*** (50)	141*** (52)
in custody at arrival	187	7 (9)	117 (75)	124 (80)
Dallas misdemeanor: all defendants	79	4 (3)	91*** (22)	95*** (23)
not in custody, no prior charge	27	2 (3)	60*** (23)	62** (24)
in custody at arrival	138	4 (7)	115** (50)	119** (53)
Harris County (jail-data period): all defendants	60	19** (8)	183*** (52)	202*** (58)
not in custody, no prior Harris County case	36	26** (11)	212** (84)	238*** (90)
in custody at the decision	107	3 (20)	87 (114)	91 (130)
B. Probation				
Dallas felony: all defendants	28	-2 (3)	-15 (16)	-17 (18)
not in custody, no prior charge	8	2 (6)	-11 (30)	-8 (35)
in custody at arrival	60	-9 (6)	-39 (41)	-48 (46)
Dallas misdemeanor: all defendants	22	5** (2)	36*** (11)	41*** (12)
not in custody, no prior charge	16	2 (2)	22* (12)	24* (13)
in custody at arrival	22	3 (5)	38 (24)	41 (27)
Harris County (jail-data period): all defendants	16	-0 (4)	13 (25)	13 (28)
not in custody, no prior Harris County case	5	2 (5)	30 (34)	32 (38)
in custody at the decision	18	-1 (10)	21 (48)	20 (57)
C. Parole or mandatory supervision				
Dallas felony: all defendants	12	-6* (3)	1 (11)	-5 (13)
not in custody, no prior charge	18	-3 (3)	-17 (11)	-20 (14)
in custody at arrival	13	-1 (7)	25 (23)	24 (27)
Dallas misdemeanor: all defendants	13	2 (2)	-2 (7)	0 (9)
not in custody, no prior charge	11	1 (2)	5 (9)	7 (10)
in custody at arrival	18	6 (4)	-7 (17)	-1 (19)
Harris County (jail-data period): all defendants	22	1 (4)	22 (20)	24 (22)
not in custody, no prior Harris County case	2	4* (2)	9 (15)	14 (16)
in custody at the decision	58	2 (12)	54 (57)	56 (61)
Cases (all defendants): felony 59,646, misdemeanor 90,342				

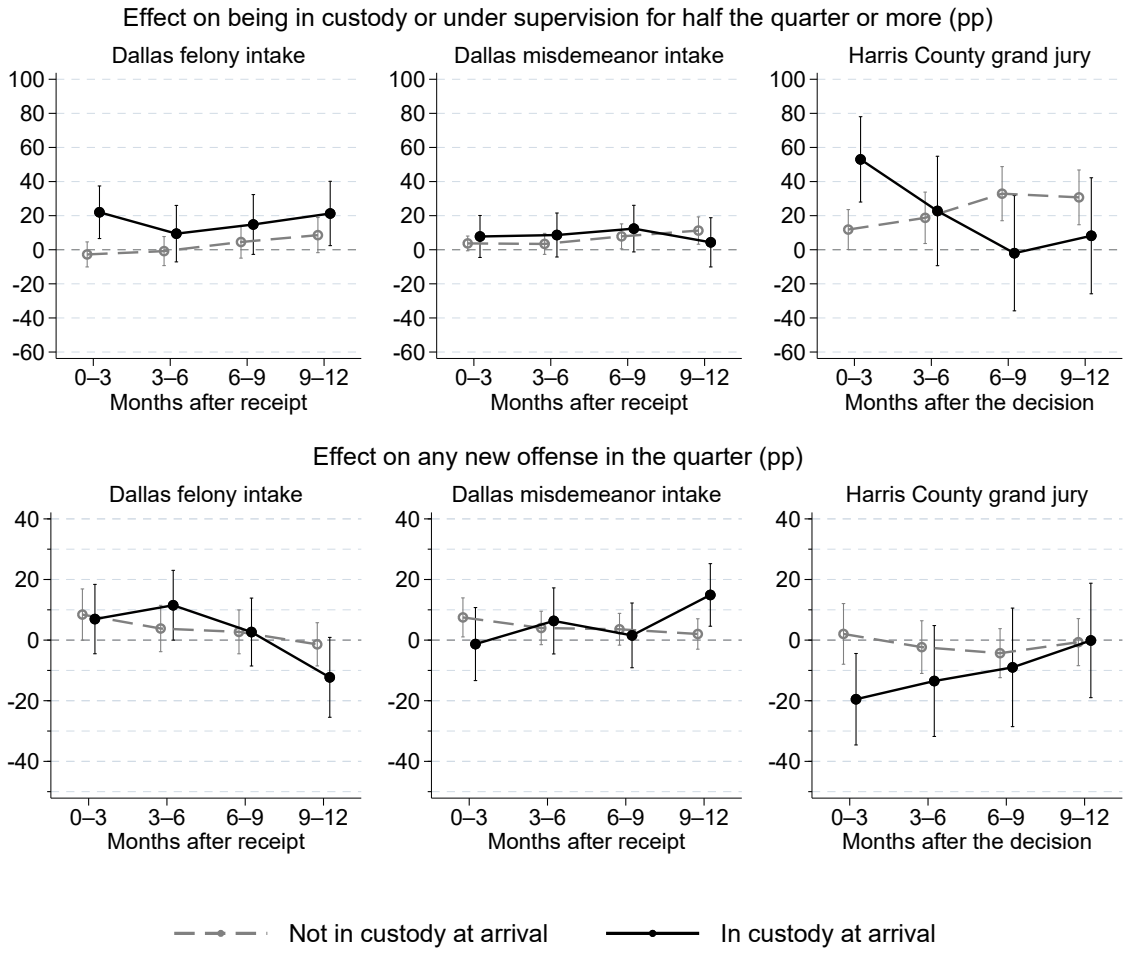
Notes: Column (1) is the control complier mean, the mean days of dismissed or no-billed compliers within three years, and columns (2) to (4) are effects of prosecution or indictment on days under each type of supervision, with standard errors. Deferred adjudication and probation run from their start for the full ordered term. Deferred adjudication and probation come from the DPS criminal history in both settings. Dallas: all receipts. Harris County: decisions in the jail-data period (2011 to 2023). Parole or mandatory supervision in both settings comes from release and expiry dates in the DPS custody records. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Figure A22: First-year effects on custody and on reoffending by quarter, by custody at arrival



Notes: First year after receipt (Dallas) or the decision (Harris County), by quarter, for defendants not in custody (hollow, dashed) and in custody (filled) on the day the case was received or the day before the grand-jury decision. Top row: effect on being in custody (county jail or state custody) on at least 46 of the quarter's 91 days. Bottom row: effect on any new offense in the quarter. Both in percentage points, with one vertical axis per row. Dallas reoffending uses the full sample, and Dallas custody uses receipts with three years inside the jail data. Harris County: decisions in the jail-data period in both rows. Stringency is rebuilt within each group. Bars are 95% confidence intervals.

Figure A23: First-year effects on custody or supervision and on reoffending by quarter, by custody at arrival



Notes: First year after receipt (Dallas) or the decision (Harris County), by quarter, for defendants not in custody (hollow, dashed) and in custody (filled) on the day the case was received or the day before the grand-jury decision. Top row: effect on being in custody or under supervision on at least 46 of the quarter's 91 days. Bottom row: effect on any new offense in the quarter. Both in percentage points, with one vertical axis per row. Dallas reoffending and custody or supervision both use the full sample. Harris County: decisions in the jail-data period in both rows. Stringency is rebuilt within each group. Bars are 95% confidence intervals.

A3.4 Offense types and violent focal cases

Table A14: Effects of prosecution on new offenses by type within six months and three years

	Dallas felony		Dallas misdemeanor		Harris felony grand jury	
	Control complier mean	Effect	Control complier mean	Effect	Control complier mean	Effect
	(1)	(2)	(3)	(4)	(5)	(6)
A. Any new offense within six months (percent)						
Any new offense	8.5	13.2*** (3.9)	12.5	9.1*** (3.4)	14.9	-12.7*** (3.7)
Violent	3.3	2.4 (2.6)	4.4	1.6 (2.3)	2.5	-1.7 (1.8)
aggravated assault	0.6	1.4 (1.2)	0.8	1.3 (1.0)	0.3	-0.4 (0.7)
family violence	2.2	0.6 (2.1)	2.6	-2.0 (1.7)	1.2	-0.4 (1.0)
Property	-0.2	6.6*** (1.9)	4.0	3.7** (1.7)	4.9	-5.0** (2.3)
Drug	2.9	6.0*** (2.0)	2.0	3.2* (1.6)	5.0	-3.6* (2.1)
Public order (court orders excluded)	2.3	5.7*** (2.1)	2.0	5.4*** (2.0)	3.6	-4.9** (1.9)
DUI	0.8	-0.4 (0.8)	1.1	0.1 (1.0)	1.2	-2.2** (1.0)
Criminal traffic	0.0	0.2 (0.4)	0.1	0.7* (0.4)	1.1	-1.4 (0.9)
Court order or process	2.6	0.2 (2.0)	1.3	-1.2 (1.3)	–	–
Not violent	6.3	11.2*** (3.4)	8.7	7.7*** (2.9)	13.1	-12.3*** (3.5)
Economically motivated	0.2	6.5*** (2.1)	4.1	4.4** (1.9)	5.4	-4.7* (2.5)
economically motivated charges only	0.1	4.4** (1.9)	3.2	2.4 (1.7)	4.6	-3.5 (2.4)
with other charges	-0.2	3.3*** (1.1)	1.0	2.1** (1.1)	0.9	-0.8 (1.1)
Not economically motivated	8.2	11.1*** (3.7)	10.0	6.7** (3.2)	10.2	-8.3*** (3.1)
High discretion (drug, DUI, traffic, weapons, vice)	3.8	4.7** (2.0)	3.1	2.0 (1.8)	7.1	-4.2* (2.4)
Low discretion (violent, property, other)	6.1	8.6** (3.6)	10.1	7.3** (3.1)	8.2	-7.2** (3.1)
B. Number of new offenses within three years, each offense date counted in one type						
All new offenses	0.68	0.07 (0.16)	0.71	0.46*** (0.15)	0.85	-0.32** (0.15)
Violent	0.25	-0.04 (0.08)	0.23	0.05 (0.06)	0.15	-0.08* (0.05)
aggravated assault	0.03	0.04 (0.03)	0.05	0.03 (0.02)	0.02	-0.01 (0.02)
family violence	0.15	-0.05 (0.05)	0.13	-0.09** (0.04)	0.07	-0.02 (0.03)
Property	0.11	0.03 (0.08)	0.18	0.08 (0.07)	0.26	-0.05 (0.09)
Drug	0.14	0.07 (0.06)	0.09	0.14*** (0.04)	0.23	-0.06 (0.06)
DUI	0.03	-0.01 (0.02)	0.04	-0.01 (0.02)	0.05	-0.04 (0.02)
Criminal traffic	0.01	-0.00 (0.01)	0.01	-0.01 (0.01)	0.03	-0.01 (0.02)
Public order (court orders excluded)	0.09	0.00 (0.05)	0.11	0.17*** (0.06)	0.09	-0.07* (0.04)
Court order or process	0.03	0.04 (0.03)	0.03	0.01 (0.02)	0.02	0.01 (0.02)
Other	0.02	-0.02 (0.02)	0.03	0.04* (0.02)	0.01	-0.02* (0.01)
Not violent	0.43	0.11 (0.13)	0.48	0.41*** (0.13)	0.70	-0.24* (0.13)
Economically motivated	0.13	0.04 (0.08)	0.19	0.11 (0.08)	0.31	-0.02 (0.09)
economically motivated charges only	0.10	0.01 (0.07)	0.17	0.04 (0.06)	0.27	0.01 (0.09)
with other charges	0.03	0.02 (0.03)	0.02	0.06** (0.03)	0.04	-0.03 (0.03)
Not economically motivated	0.55	0.03 (0.12)	0.52	0.36*** (0.11)	0.54	-0.30*** (0.10)
High discretion (drug, DUI, traffic, weapons, vice)	0.19	0.04 (0.06)	0.14	0.13*** (0.05)	0.33	-0.10 (0.08)
Low discretion (violent, property, other)	0.47	0.04 (0.14)	0.54	0.30** (0.13)	0.50	-0.19* (0.12)
Cases	59,646		90,342		564,254	

Notes: As Table 5, for every offense type. Panel B counts each offense date once in its most serious type (violent, property, drug, DUI, criminal traffic, public order, court order or process, other), so the type rows add up to the total. Aggravated assault and family violence are subsets of violent offenses, and the rows below the second rule (economically motivated offenses and high and low discretion) cut across the types above. High and low discretion follow the majority rule of Abdul-Razzak and Hallberg (2024) as in Agan, Doleac and Harvey (2023). * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A15: Effects of prosecution on reoffending, violent offenses and family violence within six months and three years, violent focal cases, Dallas intake

	Any new offense			Violent offense			Family violence			
	Control complier	Effect within		Control complier	Effect within		Control complier	Effect within		
	mean, 3 years (%)	6 months	3 years	mean, 3 years (%)	6 months	3 years	mean, 3 years (%)	6 months	3 years	Cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A. Dallas felony, violent focal case										
All	38.1	11.2** (4.8)	1.3 (6.8)	18.6	6.5* (3.5)	-3.1 (6.0)	10.7	4.0 (2.8)	-0.2 (5.1)	17,472
In custody at receipt	59.3	6.6 (9.7)	-16.6 (13.8)	37.3	5.9 (7.3)	-20.5 (12.7)	17.9	5.1 (5.8)	-3.1 (10.5)	10,458
Not in custody at receipt	27.7	17.1** (7.0)	13.8 (9.4)	9.9	5.2 (4.8)	12.3 (8.2)	5.9	3.2 (3.8)	5.6 (6.9)	6,995
no prior charge filed	25.2	20.9** (8.2)	19.5* (11.5)	8.5	7.4 (5.5)	12.8 (9.7)	5.1	6.6 (4.5)	7.7 (8.3)	5,032
B. Dallas misdemeanor, violent focal case										
All	25.3	4.5 (4.0)	9.1 (5.6)	15.9	1.0 (2.9)	1.4 (4.8)	10.8	-2.8 (2.1)	-11.2*** (3.8)	21,055
In custody at receipt	35.0	-1.0 (9.7)	1.7 (12.6)	21.1	1.1 (6.8)	-1.4 (11.3)	15.4	-1.6 (4.9)	-21.2** (9.3)	7,861
Not in custody at receipt	22.4	8.6* (4.4)	13.5** (6.4)	14.0	0.9 (3.3)	2.8 (5.3)	9.2	-4.0* (2.4)	-8.5** (4.2)	13,174
no prior charge filed	20.3	4.4 (4.3)	7.3 (6.6)	13.2	-2.3 (3.3)	-3.7 (5.3)	8.2	-6.3*** (2.4)	-11.5*** (4.2)	10,581

Notes: A violent focal case has a violent charge in the UCCS classification, court-order offenses excluded. Columns (1), (4), and (7) are control complier means, the shares of dismissed compliers with a new offense of each kind within three years (percent), and the other columns are effects of prosecution within six months and three years of receipt, in percentage points with standard errors. A new offense is any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, and it is of a type if any of its charges is. Family violence is a violent charge naming a family, household, or dating relationship. In custody means in county jail or state custody on the day the case was received. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A16: Effects of prosecution on reoffending by prior record, defendants not in custody at arrival

	Months 0–6				Within 3 years		
	Any new offense			Days in	Any new	Days in	
	Control complier mean (%)	Effect	Change (%)	custody	offense	custody	Cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Dallas felony intake, not in custody at arrival							
No prior charge filed	7.2	12.5** (5.9)	173	4 (4)	12.7 (8.5)	33 (38)	18,833
Prior charge filed	16.7	3.7 (10.1)	22	8 (10)	-8.4 (13.3)	31 (67)	12,089
B. Dallas misdemeanor intake, not in custody at arrival							
No prior charge filed	5.6	7.9** (3.9)	140	2 (2)	9.0 (5.9)	27* (15)	43,971
Prior charge filed	28.0	28.5* (15.8)	102	-5 (10)	40.2** (18.3)	42 (83)	14,271
C. Harris County grand jury, not detained at the decision (jail-data period)							
No prior Harris County case	7.7	-9.5 (6.7)	-124	2 (6)	3.7 (10.1)	59 (44)	50,018
Prior Harris County case	12.6	-2.4 (12.3)	-19	-2 (14)	14.7 (15.2)	-97 (81)	102,535

Notes: As Table 4, for defendants not in custody at arrival. Dallas: defendants not in county jail or state custody on the day the case was received. Harris County: defendants not detained at the grand-jury decision, in the jail-data period (2011 to 2023). Columns are defined as in Table 4. Stringency is rebuilt within each group. Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A17: Effects of prosecution on the probability of violent and economically motivated new offenses, Dallas intake

	Dallas felony intake			Dallas misdemeanor intake		
	Control complier mean (%) (1)	Effect (2)	95% interval (3)	Control complier mean (%) (4)	Effect (5)	95% interval (6)
Any new offense within six months	8.5	13.2*** (3.9)	[5.5, 20.9]	12.5	9.1*** (3.4)	[2.5, 15.7]
Any new offense within three years	35.9	4.1 (5.4)	[-6.6, 14.7]	29.5	13.5*** (4.6)	[4.6, 22.4]
Violent offense within six months	3.3	2.4 (2.6)	[-2.7, 7.5]	4.4	1.6 (2.3)	[-3.0, 6.2]
Violent offense within two years	14.2	-1.5 (4.2)	[-9.6, 6.7]	13.0	4.1 (3.5)	[-2.9, 11.0]
Violent offense within three years	17.2	-2.8 (4.5)	[-11.7, 6.1]	15.2	4.9 (3.8)	[-2.6, 12.3]
Nonviolent offense within three years	26.3	3.2 (5.1)	[-6.9, 13.2]	20.3	17.8*** (4.2)	[9.6, 26.0]
Economically motivated offense within six months	0.2	6.5*** (2.1)	[2.4, 10.5]	4.1	4.4** (1.9)	[0.7, 8.0]
Economically motivated offense within two years	6.2	10.0*** (3.5)	[3.2, 16.8]	6.9	6.1** (2.7)	[0.9, 11.4]
Economically motivated offense within three years	8.9	5.9 (3.8)	[-1.6, 13.3]	8.0	7.2** (2.9)	[1.4, 12.9]
Cases		59,646			90,342	

Notes: Columns (1) and (4) are control complier means, the shares of dismissed compliers with a new offense of each kind within each horizon of receipt (percent), columns (2) and (5) the effects of prosecution in percentage points with standard errors, and columns (3) and (6) the 95 percent confidence intervals. A new offense is any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, and it is of a kind if any of its charges is. Violent offenses follow the UCCS classification, court-order offenses excluded. Economically motivated offenses follow Wieselthier (2023), as in Table 5. Full sample, all defendants. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A18: Effects of prosecution on reoffending before any jail spell on the case, Dallas intake

	Dallas felony intake		Dallas misdemeanor intake	
	Control complier mean (%) (1)	Effect (2)	Control complier mean (%) (3)	Effect (4)
A. Defendants not in custody at arrival				
Within six months				
Any new offense	10.4	9.9* (5.3)	8.6	12.3*** (4.0)
Held on this case for two or more days	2.2	8.4** (4.0)	1.6	8.8*** (2.5)
New offense before any spell on this case	10.7	8.4* (5.0)	8.6	10.1*** (3.9)
New offense, never held on this case	11.1	7.7 (5.0)	8.5	10.0*** (3.9)
Within one year				
Any new offense	19.2	7.9 (6.1)	14.0	10.5** (4.6)
Held on this case for two or more days	2.8	10.8** (4.5)	1.7	11.4*** (3.1)
New offense before any spell on this case	19.3	8.3 (5.8)	13.7	6.9 (4.5)
New offense, never held on this case	20.0	6.6 (5.8)	13.6	5.1 (4.4)
Within three years (jail sample)				
Any new offense	30.4	8.5 (7.3)	25.5	15.8*** (5.9)
Held on this case for two or more days	4.2	27.0*** (6.0)	1.5	16.0*** (4.0)
New offense before any spell on this case	29.3	3.8 (7.0)	24.9	9.3 (5.7)
New offense, never held on this case	30.1	-3.3 (7.0)	24.8	6.8 (5.7)
Cases (six months and one year / three years)	30,953 / 26,683		58,252 / 48,942	
B. All defendants				
Within six months				
Any new offense	8.5	13.2*** (3.9)	12.5	9.1*** (3.4)
Held on this case for two or more days	19.4	4.7 (3.3)	6.5	17.6*** (2.6)
New offense before any spell on this case	7.5	12.2*** (3.1)	10.0	6.8** (3.0)
New offense, never held on this case	7.7	11.3*** (3.1)	9.9	6.7** (3.0)
Within one year				
Any new offense	20.7	7.0 (4.8)	18.4	10.0** (3.9)
Held on this case for two or more days	19.8	5.9* (3.5)	6.5	19.9*** (2.9)
New offense before any spell on this case	14.5	12.9*** (3.7)	15.0	6.1* (3.5)
New offense, never held on this case	14.9	11.7*** (3.6)	15.0	4.6 (3.4)
Within three years (jail sample)				
Any new offense	35.7	6.8 (5.8)	30.1	12.7*** (4.8)
Held on this case for two or more days	20.4	22.1*** (4.3)	6.3	26.3*** (3.5)
New offense before any spell on this case	25.5	12.2*** (4.6)	25.6	4.4 (4.5)
New offense, never held on this case	25.9	5.2 (4.5)	25.5	1.5 (4.4)
Cases (six months and one year / three years)	59,646 / 51,245		90,342 / 77,782	

Notes: Columns (1) and (3) are control complier means, for dismissed compliers (percent), and columns (2) and (4) the effects of prosecution in percentage points with standard errors. Held on this case: a county jail spell of two or more days within the horizon whose booking lists the focal case's number and no case for an offense committed after receipt. New offense before any spell on this case: a new offense within the horizon whose first new offense comes before the first such spell, or a new offense by a defendant who is never so held. New offense, never held on this case: a new offense by a defendant who is never so held within the horizon. Both measures remove more of the prosecuted compliers' time at risk than the dismissed compliers', so they understate the part of the effect that does not run through jail on this case. The six-month and one-year rows use the full sample, since every receipt has a year inside the jail data. The three-year rows use receipts whose three years fall inside the jail data (through 27 October 2025), so their effects on any new offense differ slightly from those in Table 3. Not in custody at arrival means not in county jail or state custody on the day the case was received. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A19: Effects of prosecution on new offenses by how they come to police attention, Dallas intake

	Victim-reported			Victimless			Court order or process			
	Control complier mean (%)	Effect	Change (%)	Control complier mean (%)	Effect	Change (%)	Control complier mean (%)	Effect	Change (%)	Cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Panel A. Within six months of receipt										
Dallas felony										
All defendants	3.4	7.6** (3.1)	223	4.8	8.8*** (2.7)	183	2.6	0.2 (2.0)	–	59,646
Not in custody at receipt	6.0	5.6 (4.1)	94	6.3	5.3 (3.9)	84	2.6	2.8 (2.4)	–	30,953
no prior charge filed	4.0	8.0* (4.5)	203	4.2	4.7 (4.0)	110	1.5	5.6** (2.8)	–	18,833
Dallas misdemeanor										
All defendants	7.7	4.8* (2.7)	63	4.9	6.8*** (2.5)	138	1.3	-1.2 (1.3)	–	90,342
Not in custody at receipt	5.1	5.9* (3.2)	115	2.6	9.0*** (2.9)	340	1.4	-1.5 (1.5)	–	58,252
no prior charge filed	3.4	1.5 (3.1)	44	0.5	8.5*** (2.7)	1,561	1.4	-1.7 (1.6)	–	43,971
Panel B. Within three years of receipt										
Dallas felony										
All defendants	23.1	-0.1 (5.0)	0	22.3	-2.2 (4.8)	-10	5.6	-1.5 (2.7)	–	59,646
Not in custody at receipt	18.3	1.7 (6.2)	9	19.5	4.7 (6.0)	24	2.4	7.4** (3.3)	–	30,953
no prior charge filed	13.2	3.4 (7.1)	25	14.5	8.8 (6.9)	60	0.7	9.4*** (3.6)	–	18,833
Dallas misdemeanor										
All defendants	21.0	5.9 (4.1)	28	15.1	19.1*** (4.0)	126	2.5	-0.3 (1.9)	–	90,342
Not in custody at receipt	18.0	5.0 (4.9)	28	11.5	20.6*** (4.7)	180	2.4	0.6 (2.1)	–	58,252
no prior charge filed	13.6	-1.2 (5.0)	-8	9.0	17.4*** (4.8)	195	2.0	1.2 (2.1)	–	43,971

Notes: Columns (1), (4), and (7) are control complier means, the shares of dismissed compliers with a new offense of each class within six months (panel A) or three years (panel B) of receipt (percent), columns (2), (5), and (8) the effects of prosecution in percentage points with standard errors, and columns (3), (6), and (9) the effects as a percent of the control complier mean. Changes are not reported for court order or process offenses, whose means are too small for a percent change to be informative, and the six-month change for victimless offenses among misdemeanor defendants with no prior charge filed divides by a mean of 0.5 percent. An event (a Dallas Police Department arrest, a district attorney submission, or an offense anywhere in Texas that led to a conviction or deferred adjudication) is in a class if any of its charges is. Victim-reported: violent or property offenses. Victimless: drug, DWI and other traffic, weapons, trespass, evading, resisting, or obstruction, and other public order offenses. Court order or process: violation of a bond or protective order, bail jumping, failure to appear, escape, contempt, or flight. Not in custody means not in county jail or state custody on the day the case was received. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A20: Effects of prosecution on new jail bookings within six months, Dallas intake

Within six months of receipt	Dallas felony intake			Dallas misdemeanor intake		
	Control complier mean (%) (1)	Effect (2)	Change (%) (3)	Control complier mean (%) (4)	Effect (5)	Change (%) (6)
Any new offense (reoffending outcome)	8.5	13.2*** (3.9)	155	12.5	9.1*** (3.4)	72
Any new jail booking	7.6	11.5*** (4.1)	151	11.7	2.4 (3.4)	20
on the original case only	1.2	2.1 (2.0)	181	0.5	2.3 (1.6)	473
on the original case and another case	1.1	5.5** (2.6)	520	0.9	3.8* (2.1)	434
not on the original case	5.7	6.7** (3.0)	116	10.5	-2.5 (2.6)	-23
Booking listing a new, separate case	3.7	10.1*** (3.1)	272	7.7	3.1 (2.7)	40
Cases	59,646			90,342		

Notes: Columns (1) and (4) are control complier means, the shares of dismissed compliers with each event within six months of receipt (percent), columns (2) and (5) the effects of prosecution in percentage points with standard errors, and columns (3) and (6) the effects as a percent of the control complier mean. The first row is the reoffending outcome used throughout the paper. A new jail booking is a Dallas County jail spell that starts after the case was received, and it is classified by the case numbers on the booking or bookings that start it. The original case is the focal case and any case from the same arrest. A new, separate case is a district attorney case for the same defendant with an offense date after receipt. The three indented rows divide new bookings by whether they list the original case. The last row counts bookings that list a new, separate case, whether or not they also list the original case. Each row is whether the defendant has any such booking, so the rows need not add up. Defendants with no clean link to the jail records count as having no booking. Among cases with a new offense in the first six months, about 65 percent also have a new jail booking in the same window. All defendants, all receipts. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

A3.5 Mechanisms

Table A21: Risk, custody, and early reoffending by custody at receipt or the grand-jury decision

	Dallas felony		Dallas misdemeanor		Harris felony grand jury	
	In custody	Not	In custody	Not	In custody	Not
	(1)	(2)	(3)	(4)	(5)	(6)
A. Risk: control complier mean reoffending (%)						
Within 3 months	4.6	5.8	19.0	5.8	20.0	6.5
	(2.9)	(1.9)	(2.6)	(1.4)	(3.8)	(1.4)
Within 1 year	29.4	19.2	31.1	14.0	42.7	17.5
	(4.9)	(3.1)	(3.3)	(2.1)	(4.8)	(2.0)
Within 3 years	53.7	29.8	43.0	25.1	56.3	32.3
	(5.5)	(3.6)	(3.8)	(2.6)	(4.8)	(3.1)
B. Custody						
Effect on being in custody, months 0–3 (pp)	15.6*	0.2	-5.6	0.6	74.6***	7.7*
	(8.5)	(2.8)	(7.1)	(1.5)	(14.1)	(4.1)
Effect on days in custody, 1 year	28	7	-20	2	74*	15
	(24)	(9)	(17)	(5)	(43)	(14)
Effect on days in custody, 3 years	74	46	-57	38**	-26	-6
	(66)	(31)	(46)	(17)	(124)	(41)
Prosecuted compliers' days in custody, 3 years	174	91	74	56	162	35
	(65)	(30)	(45)	(16)	(122)	(41)
C. Reoffending in months 0–3						
Prosecuted compliers (%)	11.5	14.2	17.7	13.3	0.5	8.5
	(5.1)	(3.9)	(5.7)	(3.0)	(6.7)	(4.9)
Effect of prosecution or indictment (pp)	6.9	8.4*	-1.3	7.5**	-19.5**	2.0
	(5.8)	(4.3)	(6.1)	(3.3)	(7.7)	(5.1)
Cases, reoffending sample	28,660	30,953	32,084	58,252	126,451	152,556
Cases, custody sample	24,529	26,683	28,833	48,942	126,451	152,556

Notes: In custody means in county jail or state custody on the day the case was received (Dallas) or the day before the grand-jury decision (Harris County). Panel A reports control complier means, for dismissed or no-billed compliers. Panel B reports effects of prosecution or indictment with standard errors, and its last row the complier mean for prosecuted (Harris County: indicted) compliers. Being in custody in months 0–3 means in custody on at least half of the days in the first three months, and its effect is in percentage points (pp). Panel C reports prosecuted or indicted compliers' reoffending in the first three months and the effect of prosecution or indictment on it, in percentage points. Effects on reoffending in the first six months, in years two and three, and within three years for the same groups are in Table A22. Days in custody combine county jail and DPS spells. Dallas reoffending is any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, and Harris County reoffending is any new Harris County case or offense anywhere in Texas that led to a conviction or deferred adjudication. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A22: Effects of prosecution on custody or supervision and on reoffending, by custody at receipt or the grand-jury decision and prior record

	Control complier	Effect on custody		Effect on custody or supervision		Effect on any new offense			
	mean, reoffend within 3 years (%)	Months 0–6	Days, 3 years	Months 0–6	Years 2–3	Months 0–6	Years 2–3	Within 3 years	Cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
A. Dallas felony									
All defendants	35.9	6.5* (3.9)	65** (28)	3.3 (3.8)	20.1*** (5.0)	13.2*** (3.9)	-6.4 (5.1)	4.1 (5.4)	59,646
In custody at arrival	53.7	6.0 (9.3)	74 (66)	12.9 (8.2)	19.4* (10.3)	15.9** (7.6)	-10.3 (10.8)	-3.2 (11.3)	28,660
Not in custody at arrival	29.8	3.0 (3.0)	46 (31)	-1.7 (4.1)	23.2*** (6.4)	9.9* (5.3)	-5.8 (6.4)	6.2 (6.9)	30,953
no prior charge filed	24.7	2.1 (2.7)	33 (38)	-3.7 (4.6)	20.5*** (7.3)	12.5** (5.9)	-1.0 (7.7)	12.7 (8.5)	18,833
prior charge filed	42.1	3.3 (7.5)	31 (67)	-4.2 (9.2)	26.3** (12.1)	3.7 (10.1)	-22.6* (12.9)	-8.4 (13.3)	12,089
B. Dallas misdemeanor									
All defendants	29.5	0.3 (2.4)	24 (17)	8.6*** (2.7)	13.7*** (3.5)	9.1*** (3.4)	11.8*** (4.2)	13.5*** (4.6)	90,342
In custody at arrival	43.0	-4.7 (6.7)	-57 (46)	13.1** (6.4)	9.1 (7.6)	7.9 (7.2)	8.1 (8.5)	11.1 (8.9)	32,084
Not in custody at arrival	25.1	1.3 (1.8)	38** (17)	4.2 (2.7)	12.9*** (4.1)	12.3*** (4.0)	14.2*** (5.0)	15.3*** (5.6)	58,252
no prior charge filed	20.5	0.5 (1.8)	27* (15)	2.4 (2.6)	12.0*** (3.9)	7.9** (3.9)	10.5** (5.2)	9.0 (5.9)	43,971
prior charge filed	47.9	4.1 (8.9)	42 (83)	5.9 (11.9)	-4.2 (16.5)	28.5* (15.8)	35.4** (18.0)	40.2** (18.3)	14,271
C. Harris County felony grand jury									
All defendants	39.4	16.6*** (6.1)	27 (46)	23.6*** (6.7)	9.7 (7.8)	-7.8 (5.3)	10.2 (7.3)	5.3 (7.6)	279,012
In custody at arrival	56.3	37.9** (16.4)	-26 (124)	28.0* (15.0)	-16.1 (18.4)	-26.2** (11.3)	-8.2 (17.0)	-7.4 (17.3)	126,451
Not in custody at arrival	32.3	4.2 (4.8)	-6 (41)	16.2** (7.1)	13.8 (8.4)	-2.6 (6.2)	16.2** (7.9)	9.7 (8.4)	152,556
no prior Harris County case	22.1	1.0 (4.0)	59 (44)	22.4*** (8.5)	37.3*** (10.8)	-9.5 (6.7)	12.5 (8.7)	3.7 (10.1)	50,018
prior Harris County case	41.0	0.8 (10.0)	-97 (81)	3.4 (13.6)	-13.2 (15.6)	-2.4 (12.3)	23.7 (14.5)	14.7 (15.2)	102,535

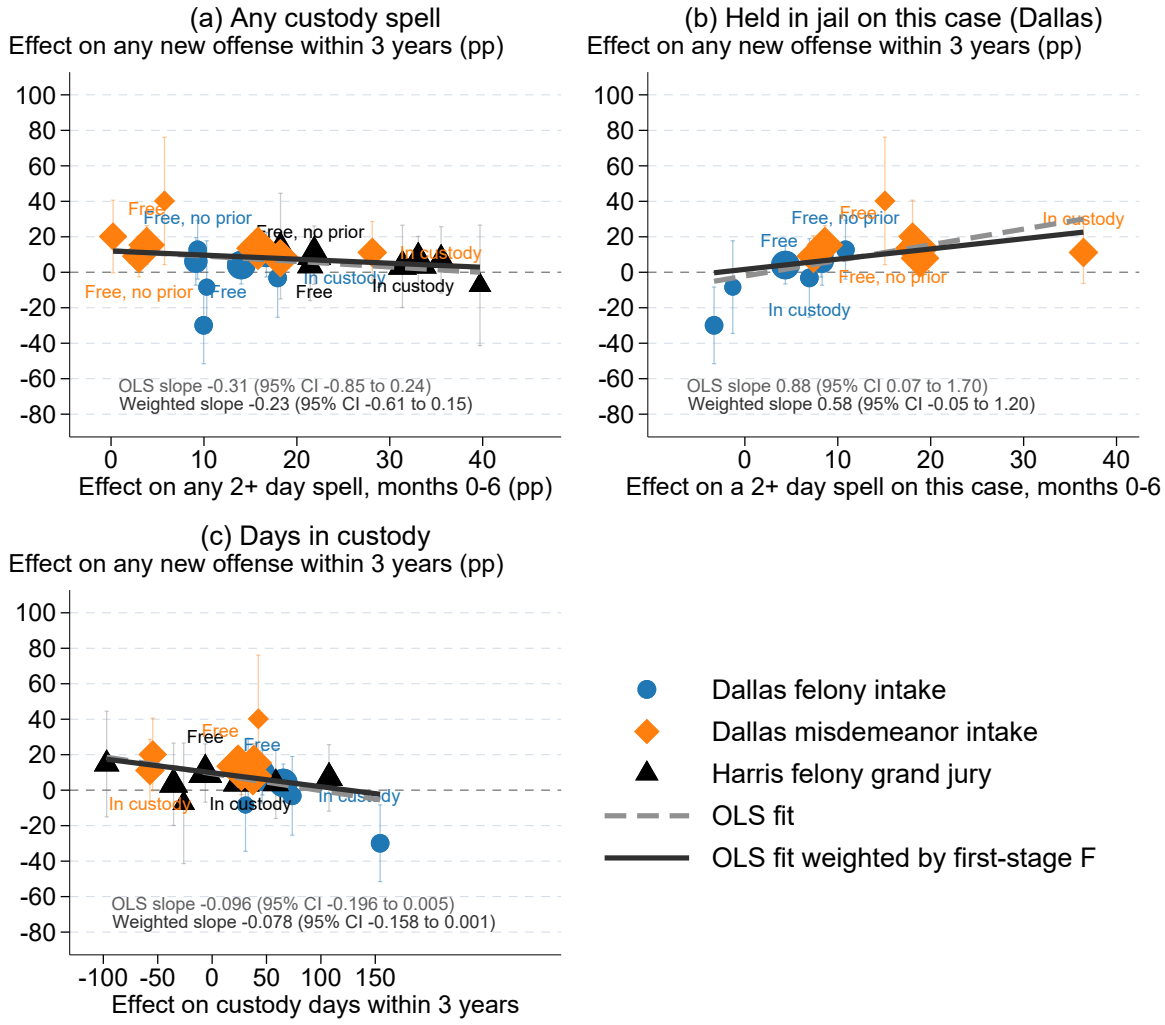
Notes: Column (1) is the control complier mean, the share of dismissed or no-billed compliers with a new offense within three years (percent). The other columns are effects of prosecution or indictment with standard errors, in percentage points except custody days. Custody, and custody or supervision, mean at least half of the days in the window, and supervision (deferred adjudication or probation) counts for the full ordered term. In custody at arrival means in county jail or state custody on the day the case was received (Dallas) or the day before the grand-jury decision (Harris County). A prior charge is any earlier Dallas County case filed by the district attorney (Harris County: any earlier Harris County case). Reoffending, custody, and samples are as in Table A21, and appendix Table A23 splits all defendants by prior record. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A23: Effects of prosecution on custody, supervision, and reoffending by prior record, all defendants

	Control complier mean, reoffend within 3 years (%) (1)	Effect on custody: Months 0–6 (2)	Effect on custody: Days, 3 years (3)	Effect on custody or supervision: Months 0–6 (4)	Effect on custody or supervision: Years 2–3 (5)	Effect on any new offense: Months 0–6 (6)	Effect on any new offense: Years 2–3 (7)	Effect on any new offense: Within 3 years (8)	Cases (9)
A. Dallas felony									
All defendants	35.9	6.5* (3.9)	65** (28)	3.3 (3.8)	20.1*** (5.0)	13.2*** (3.9)	-6.4 (5.1)	4.1 (5.4)	59,646
No prior charge filed	28.3	4.8 (4.0)	46 (29)	0.8 (4.3)	17.1*** (5.9)	10.7** (4.4)	-1.0 (5.8)	9.9 (6.4)	30,102
Prior charge filed	58.7	17.3** (8.3)	154** (62)	-1.3 (8.1)	21.8** (10.0)	–	-35.4*** (10.9)	-29.9*** (11.0)	29,508
B. Dallas misdemeanor									
All defendants	29.5	0.3 (2.4)	24 (17)	8.6*** (2.7)	13.7*** (3.5)	9.1*** (3.4)	11.8*** (4.2)	13.5*** (4.6)	90,342
No prior charge filed	23.3	2.7 (2.1)	37** (16)	10.6*** (2.7)	13.9*** (3.6)	7.2** (3.5)	6.5 (4.5)	7.9 (5.1)	61,194
Prior charge filed	57.5	-1.7 (8.1)	-55 (60)	-1.7 (7.8)	1.3 (10.0)	–	25.8** (10.8)	20.1* (10.4)	29,140
C. Harris County felony grand jury									
All defendants	39.4	16.6*** (6.1)	27 (46)	23.6*** (6.7)	9.7 (7.8)	-7.8 (5.3)	10.2 (7.3)	5.3 (7.6)	279,012
No prior Harris County case	24.7	11.5* (6.7)	107** (54)	28.3*** (8.9)	28.4*** (10.6)	-9.4 (6.1)	14.4* (8.4)	6.9 (9.6)	67,617
Prior Harris County case	50.3	20.5** (10.0)	-35 (75)	12.7 (10.6)	-6.5 (12.2)	-11.2 (8.6)	8.4 (11.4)	3.3 (11.8)	211,391

Notes: All defendants, split by whether any earlier Dallas County case was filed by the district attorney (Harris County: any earlier Harris County case), without conditioning on custody at arrival. Columns, samples, and estimation are as in Table A22, with stringency rebuilt within each group. Harris County: decisions from March 2011 to April 2023. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Figure A24: Effects of prosecution on custody and on reoffending across groups of defendants



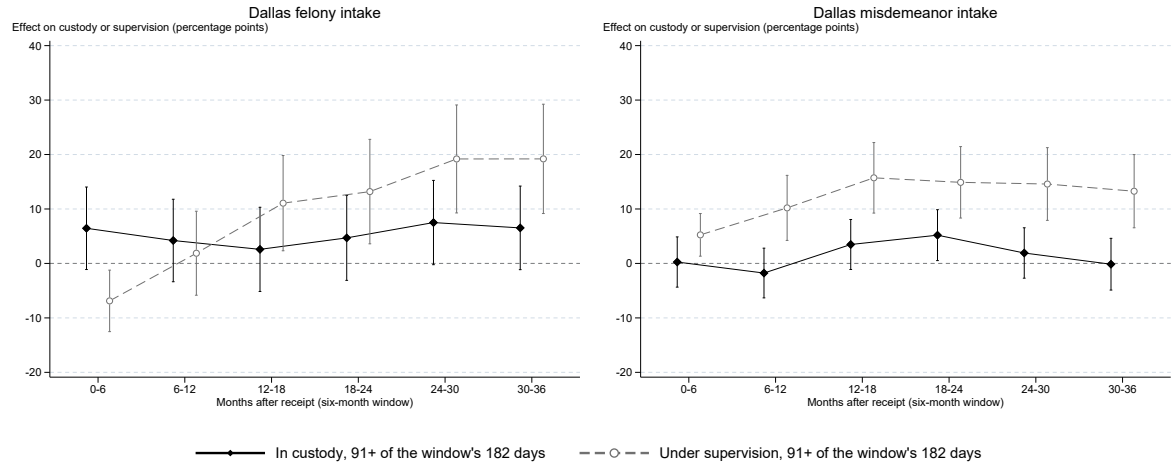
Notes: Each point is one group of defendants in one setting: all defendants, defendants in and not in custody at arrival, defendants not in custody with and without a prior charge (Dallas) or prior Harris County case, and all defendants with and without one. The vertical axis is the effect of prosecution (Dallas) or indictment (Harris County) on any new offense within three years, with 95% confidence intervals, as in Table A22. In panel (a), the horizontal axis is the effect on having a single continuous custody spell (county jail or state custody) with at least two days inside the first six months after receipt (Dallas) or the grand-jury decision (Harris County), including spells that follow a new offense. Panel (b) shows Dallas only, and its horizontal axis is the effect on a county jail spell of at least two days in the first six months in which the defendant is held on this case, meaning the booking lists the case's number and no case for an offense committed after receipt. I do not link the Harris County jail records to the case. In panel (c), the horizontal axis is the effect on days in custody within three years. Marker size increases with the first-stage F statistic of the reoffending estimate. In each panel, the dashed line is an unweighted linear fit and the solid line weights each point by its first-stage F, and both slopes are reported with 95 percent confidence intervals. Labels mark the groups compared in the text (Free means not in custody at arrival), and panel (c) labels only the groups in and not in custody. Groups overlap in sample, so the fits describe the pattern across groups and are not tests. Stringency is rebuilt within each group.

Table A24: Effects of prosecution on new offenses before a conviction on the focal case, Dallas intake

	Felony				Misdemeanor			
	All		Not in custody		All		Not in custody	
	Control complier mean	Effect	Control complier mean	Effect	Control complier mean	Effect	Control complier mean	Effect
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
A. New offense within 1 year								
Any	20.7	6.9 (4.8)	19.2	7.8 (6.1)	18.4	10.1** (3.9)	14.0	10.5** (4.6)
Before a conviction	20.7	7.9* (4.7)	19.2	7.8 (6.1)	18.4	5.6 (3.8)	14.0	8.7* (4.6)
Before a conviction or deferred adjudication	20.7	9.9** (4.6)	19.2	9.2 (6.0)	18.4	4.0 (3.8)	14.0	8.0* (4.5)
B. New offense within 3 years								
Any	35.9	4.1 (5.4)	29.8	6.0 (6.9)	29.5	13.5*** (4.6)	25.1	15.3*** (5.6)
Before a conviction	35.9	2.9 (5.4)	29.8	6.2 (6.8)	29.5	5.5 (4.5)	25.1	11.1** (5.5)
Before a conviction or deferred adjudication	35.9	7.3 (5.2)	29.8	2.8 (6.8)	29.5	0.3 (4.4)	25.1	6.2 (5.4)
Cases	59,646		30,953		90,342		58,252	

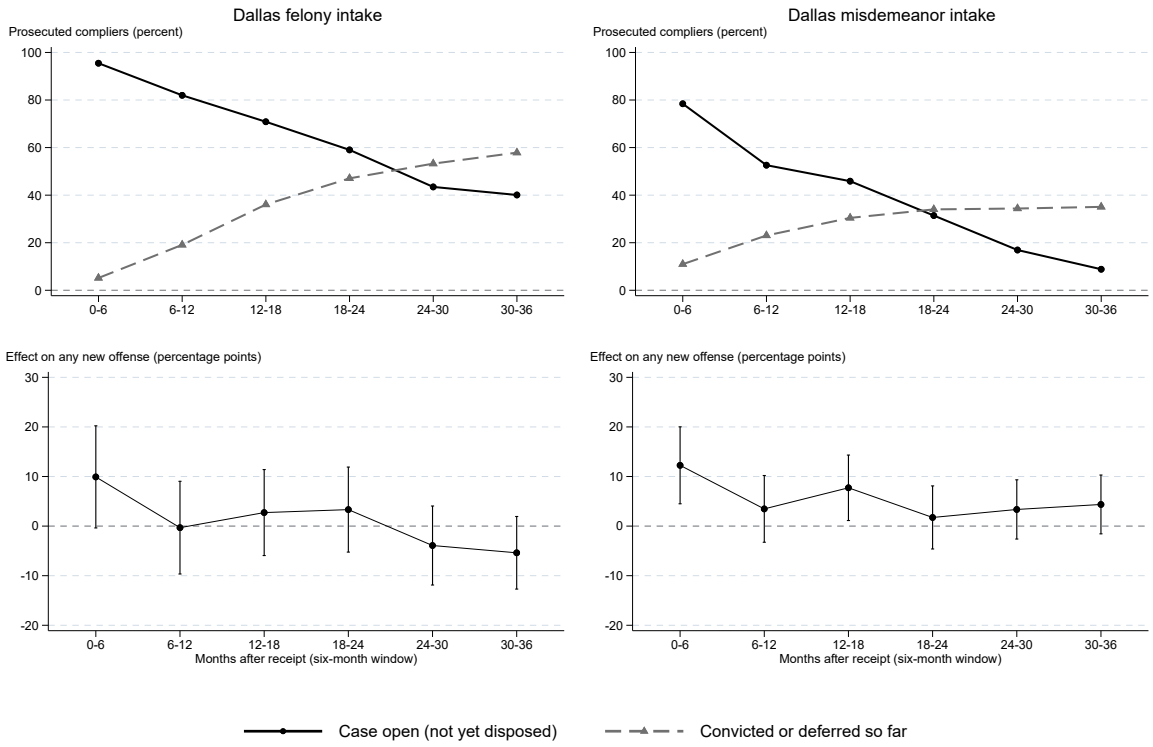
Notes: Control complier means, the shares of dismissed compliers with a new offense (percent), and the effect of prosecution (percentage points), with standard errors. A new offense is any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, after receipt. Before a conviction counts a defendant only if the first new offense comes before the date of a conviction on the focal case in the statewide criminal history, or if the focal case never ends in conviction, and the last row of each panel also requires it to come before a deferred adjudication. Dismissed compliers have no conviction on the focal case, so their shares are the same in every row, and an effect on the before-conviction measures is an increase that does not depend on a conviction. Each row is estimated separately, so the effects need not be ordered across rows. Sample: all cases received from April 2017 to May 2023, as in Table 2. Not in custody means not in county jail or state custody on the day the case was received. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Figure A25: Effects of prosecution on custody and on supervision by six-month window, Dallas intake



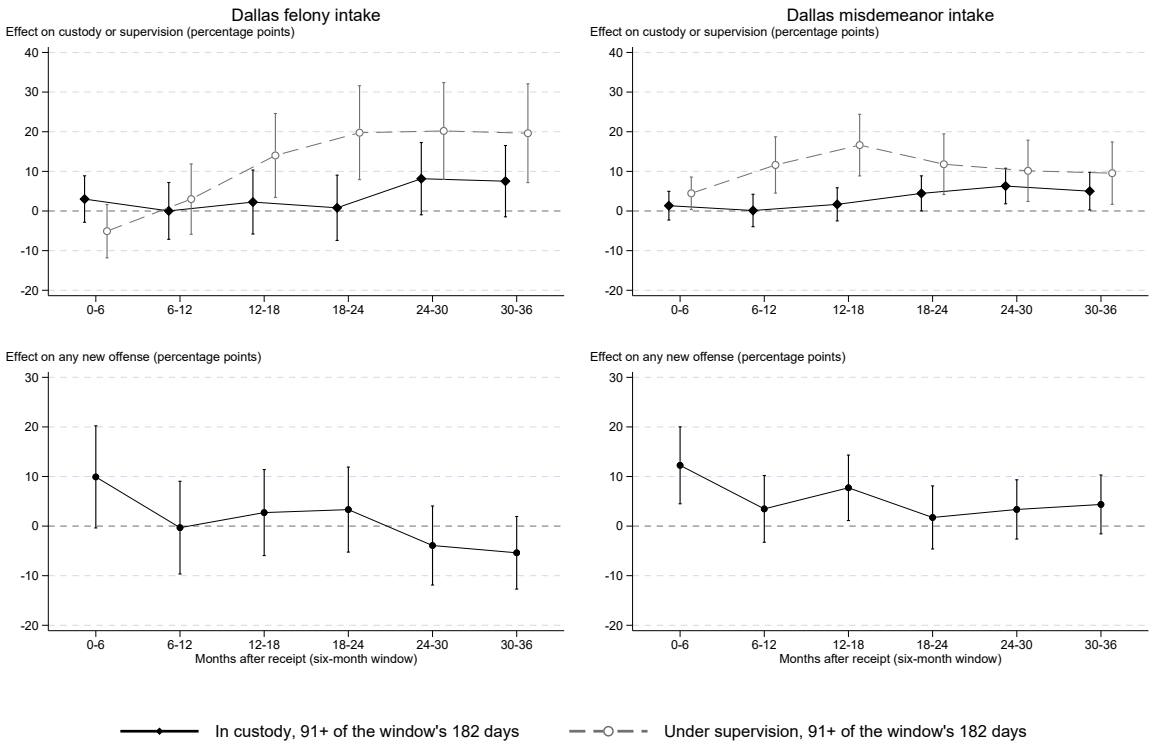
Notes: Effects of prosecution in percentage points, with 95 percent confidence intervals, on being in county jail or state custody on at least 91 of the window's 182 days and on being under supervision on at least 91 of them. Supervision is probation or deferred adjudication, counted for the full term the court orders. Panel (b) of Figure 5 combines the two. All defendants. Custody effects use cases in the jail-data period (51,245 felony and 77,782 misdemeanor cases).

Figure A26: Case status of prosecuted compliers and the effect of prosecution on reoffending by six-month window, defendants not in custody at arrival



Notes: Dallas intake, defendants not in county jail or state custody on the day the case was received (30,953 felony and 58,252 misdemeanor cases). Top panels: shares of prosecuted compliers whose focal case is still open and who have been convicted or placed on deferred adjudication, as in Figure 8. Bottom panels: the effect of prosecution on any new offense in each window, in percentage points, with 95 percent confidence intervals.

Figure A27: Effects of prosecution on custody, supervision, and reoffending by six-month window, defendants not in custody at arrival



Notes: As in Figure A25, for defendants not in county jail or state custody on the day the case was received. Custody effects use 26,683 felony and 48,942 misdemeanor cases in the jail-data period. Bottom panels repeat the reoffending effects of Figure A26.

Table A25: Effects of prosecution on reoffending and on custody and supervision, by prior conviction, Dallas intake

	Months 0–6				Within 3 years					
	Any new offense			Days in	Any new offense			Days in		
	Control complier mean (%) (1)	Effect (2)	Change (%) (3)	custody or supervision (4)	Control complier mean (%) (5)	Effect (6)	Change (%) (7)	custody (8)	custody or supervision (9)	Cases (10)
A. Dallas felony intake										
No prior conviction	7.4	11.9*** (4.0)	160	9 (6)	32.0	6.8 (5.7)	21	53* (27)	188*** (41)	45,110
no prior charge filed	7.4	10.7** (4.4)	145	3 (7)	28.3	9.9 (6.4)	35	38 (27)	146*** (45)	30,102
prior charge filed, no conviction	7.9	3.3 (9.6)	42	13 (17)	47.9	-23.5* (14.0)	-49	161** (72)	230** (104)	14,982
Prior conviction	13.1	18.8 (17.5)	144	-10 (24)	63.6	-26.5 (22.4)	-42	-44 (119)	13 (151)	14,504
B. Dallas misdemeanor intake										
No prior conviction	9.5	8.6** (3.4)	90	15*** (4)	24.9	12.7*** (4.9)	51	23 (15)	147*** (27)	77,761
no prior charge filed	7.6	7.2** (3.5)	95	16*** (4)	23.3	7.9 (5.1)	34	32** (14)	140*** (27)	61,194
prior charge filed, no conviction	27.5	6.3 (14.1)	23	5 (19)	40.1	31.0* (17.3)	77	-51 (76)	67 (119)	16,563
Prior conviction	44.0	13.4 (13.7)	30	20 (17)	72.1	17.0 (13.7)	24	42 (78)	149 (104)	12,573

Notes: Columns (1) and (5) are control complier means, the shares of dismissed compliers with a new offense (percent), columns (2) and (6) are effects of prosecution (percentage points) with standard errors, and columns (3) and (7) express the effect as a percent of the control complier mean. Columns (4), (8), and (9) are effects of prosecution on days in custody (county jail or state custody) or under supervision (probation, deferred adjudication, or parole) in the first six months, days in custody within three years, and days in custody or under supervision within three years. A prior conviction is an earlier court case that ended in a conviction before the case was received. The two indented rows split defendants without a prior conviction by whether they had a charge filed before, and almost all defendants with a prior conviction also have a prior filed charge. A new offense is any new Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication, after receipt, in the full sample as in Figure 4. Columns (4), (8), and (9) also use the full sample. Cases are the reoffending sample. Each row is estimated separately, and stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A26: Effects of prosecution on new offenses by how they come to police attention, offense discretion, and call origin

	Dallas felony intake			Dallas misdemeanor intake			Harris County grand jury		
	Control complier	Effect within		Control complier	Effect within		Control complier	Effect within	
New offense	mean, 3 years	1 year	3 years	mean, 3 years	1 year	3 years	mean, 3 years	1 year	3 years
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
A. All defendants									
Any new offense	35.9	7.0 (4.8)	4.1 (5.4)	29.5	10.0** (3.9)	13.5*** (4.6)	39.4	-9.8 (6.5)	5.3 (7.6)
Victim-reported	23.1	3.1 (4.0)	-0.1 (5.0)	21.0	6.8** (3.4)	5.9 (4.1)	25.0	-4.8 (5.2)	9.3 (7.0)
Victimless	22.3	6.6* (3.6)	-2.2 (4.8)	15.1	12.7*** (3.1)	19.1*** (4.0)	25.8	-8.5 (5.2)	0.7 (6.9)
Court order or process	5.6	-2.5 (2.3)	-1.5 (2.7)	2.5	-1.9 (1.5)	-0.3 (1.9)	2.4	-0.2 (1.3)	-2.1 (2.8)
High discretion	15.9	3.7 (2.8)	1.0 (4.0)	10.9	4.7** (2.3)	9.5*** (3.3)	19.2	-7.0 (4.4)	4.7 (6.2)
Low discretion	27.6	2.4 (4.4)	3.5 (5.3)	23.7	8.1** (3.6)	9.2** (4.3)	28.3	-2.5 (5.6)	3.3 (7.2)
Any Dallas Police Department arrest	5.5	6.1*** (1.9)	4.9* (2.8)	4.6	2.3 (1.7)	5.2** (2.3)	–	–	–
after a 911 call	3.7	1.9 (1.4)	0.6 (2.0)	3.5	0.6 (1.2)	0.9 (1.7)	–	–	–
officer-initiated	2.2	3.1** (1.2)	2.0 (2.0)	1.2	1.5 (1.0)	4.0*** (1.5)	–	–	–
B. Not in custody at arrival									
Any new offense	29.8	7.9 (6.1)	6.2 (6.9)	25.1	10.5** (4.6)	15.3*** (5.6)	32.3	-3.3 (7.2)	9.7 (8.4)
Victim-reported	18.3	6.5 (5.0)	1.7 (6.2)	18.0	6.0 (3.9)	5.0 (4.9)	20.3	-0.7 (5.7)	15.9** (7.6)
Victimless	19.5	5.2 (4.8)	4.7 (6.0)	11.5	13.1*** (3.5)	20.6*** (4.7)	19.5	-7.5 (6.0)	5.7 (7.4)
Court order or process	2.4	3.6 (2.7)	7.4** (3.3)	2.4	-2.1 (1.7)	0.6 (2.1)	2.6	-1.5 (1.6)	-4.5 (3.2)
High discretion	15.6	-1.8 (3.9)	-1.3 (5.2)	9.1	5.3* (2.7)	10.5*** (4.0)	15.0	-2.7 (5.0)	6.8 (6.7)
Low discretion	21.1	8.7 (5.6)	7.3 (6.5)	19.3	7.6* (4.2)	8.1 (5.2)	21.5	1.1 (6.1)	12.8* (7.8)
Any Dallas Police Department arrest	5.4	6.6*** (2.3)	6.7** (3.4)	2.1	3.4** (1.6)	5.8** (2.4)	–	–	–
after a 911 call	3.6	3.0* (1.6)	2.3 (2.2)	1.7	2.4** (1.2)	3.4* (1.8)	–	–	–
officer-initiated	1.9	3.1* (1.6)	2.8 (2.7)	0.4	1.0 (0.9)	3.1** (1.6)	–	–	–
C. Not in custody, no prior charge (Harris County: no prior Harris County case)									
Any new offense	24.7	15.8** (7.1)	12.7 (8.5)	20.5	6.0 (4.7)	9.0 (5.9)	22.1	-11.6 (8.1)	3.7 (10.1)
Victim-reported	13.2	11.4** (5.7)	3.4 (7.1)	13.6	0.7 (3.9)	-1.2 (5.0)	13.9	0.4 (6.2)	1.8 (8.3)
Victimless	14.5	6.5 (5.3)	8.8 (6.9)	9.0	11.4*** (3.4)	17.4*** (4.8)	15.0	-15.6** (6.4)	-0.5 (8.5)
Court order or process	0.7	7.2** (3.1)	9.4*** (3.6)	2.0	-2.6 (1.7)	1.2 (2.1)	-0.2	0.2 (1.5)	-1.3 (2.3)
High discretion	12.7	1.9 (4.3)	4.5 (5.8)	7.2	4.5* (2.6)	8.1** (4.0)	11.2	-9.0* (5.4)	3.0 (7.4)
Low discretion	16.2	16.8*** (6.5)	10.7 (7.6)	14.8	3.4 (4.2)	4.1 (5.4)	15.1	-3.0 (6.7)	-1.4 (8.8)
Any Dallas Police Department arrest	3.3	6.9*** (2.5)	6.0 (4.2)	1.7	2.2 (1.4)	3.7* (2.1)	–	–	–
after a 911 call	3.0	1.0 (1.6)	0.7 (2.2)	1.7	0.8 (1.0)	1.5 (1.6)	–	–	–
officer-initiated	0.6	5.1*** (1.8)	3.7 (3.6)	-0.1	0.7 (0.8)	1.8 (1.3)	–	–	–

Notes: Columns (1), (4), and (7) are control complier means, the shares of dismissed or no-billed compliers with a new offense of each class within three years of receipt (Dallas) or the grand-jury decision (Harris County), in percent. The other columns are effects of prosecution (Dallas) or indictment (Harris County) in percentage points, with standard errors. A new event (Dallas: a Dallas Police Department arrest, district attorney submission, or offense anywhere in Texas that led to a conviction or deferred adjudication; Harris County: a new county case or such a statewide offense) is in a class if any of its charges is. Victim-reported: violent or property offenses. Victimless: drug, DWI and other traffic, weapons, trespass, evading, resisting, or obstruction, and other public order offenses. Court order or process: violation of a bond or protective order, bail jumping, failure to appear, escape, contempt, or flight. Discretion follows Abdul-Razzak and Hallberg (2024), who classify Chicago arrests from their narratives as high-discretion when police initiated the contact for subjective reasons or as part of proactive strategies. Drug, DUI, criminal traffic, weapons, and vice charges are high-discretion and all other charges low-discretion, and an incident is high-discretion only if it has a high-discretion charge and no low-discretion charge. Call origin (Dallas only) comes from the call code on the Dallas Police Department incident record matched to each public arrest record. Officer-initiated incidents include traffic stops, investigations, and warrant service, and 911-call incidents are calls from the public. The public arrest records omit family-violence arrests, and matches to call codes are above 99 percent from 2018 and about half for 2014 to 2017. Dallas: felony and misdemeanor cases analyzed separately, reoffending sample. Harris County: jail-data period. Stringency is rebuilt within each group. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.