

# Misdemeanor (In)Justice

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## Introduction

- ❖ 13 million misdemeanor cases are filed in the United States each year <sup>1</sup>
- ❖ Recent research highlights the massive scope of the misdemeanor system and its disparate impact on people of color and the poor
- ❖ Due to its scope, large gaps in research on misdemeanor processes, outcomes, and implications of lower court involvement remain
- ❖ In Florida, some attention has been directed toward the handling of misdemeanor cases, including the treatment of Hispanic defendants in the Second Judicial Court Circuit <sup>2</sup>
- ❖ In the current investigation, we systematically explore local courtroom practices in Florida's Second Judicial Court Circuit to:
  1. Understand the extent to which misdemeanor courtrooms are complying with due process standards
  2. Consider factors associated with non-compliance

## Literature Review

- ❖ Prior research on misdemeanor court procedures focused on the taxing process that lower court defendants navigate <sup>3</sup> and the emphasis on social control and surveillance in lieu of guilt or punishment <sup>4</sup>
- ❖ Recent, broader analyses identify racial inequalities and inconsistencies in the prosecution of misdemeanors <sup>5</sup>
- ❖ Research focused on Florida's misdemeanor system found that due process is often sacrificed to improve efficiency, with defendants routinely waiving their right to counsel and entering pleas at arraignment, often with little knowledge of the collateral consequences of a misdemeanor conviction <sup>6</sup>

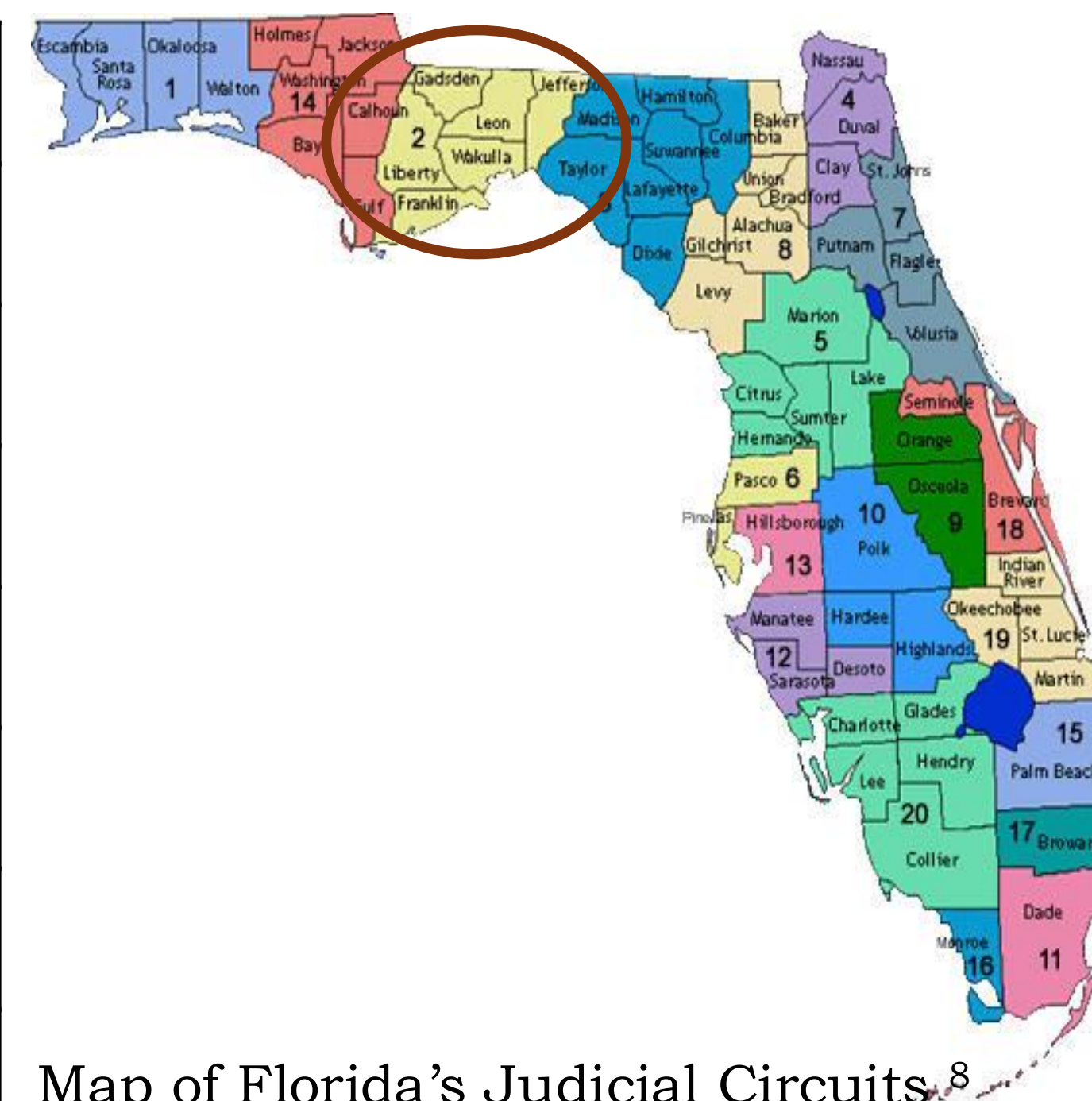
## Data & Methods

- ❖ Custom systematic courtroom observation forms were created to note various aspects of courtroom experience including defendant representation, length of interaction with judicial officers, use of interpreter, and defendant sanctions
- ❖ Courtroom observers attended misdemeanor and criminal traffic court hearings in rural and urban settings
- ❖ Demographic information was captured on each defendant including sex, race, and ethnicity
- ❖ Public court records were used to supplement information on defendants
- ❖ Multivariate analysis will be used to observe trends and to examine associations between variables

## Preliminary Findings

- ❖ There was considerable variation in courtroom procedures across the circuit, including differences in:
  - Judges' opening statements, approach to moving through the docket, and process for assigning a public defender
- ❖ Across the circuit, procedures maintain a rapid pace
  - Individual cases are processed quickly, meaning little time is spent per defendant/case
- ❖ Defendants verbalize some challenges associated with court appearances (e.g., missed work) and appear to consider the potential burden associated with future court dates when considering plea deals
- ❖ Many of the counties observed offer limited assistance to Spanish speakers
  - Plea forms are often only provided in English
  - The introductory remarks, including discussion of defendant's rights, are not consistently translated for non-English speakers

Florida's Second Judicial Circuit	
County	Population <sup>7</sup>
Franklin	12,594
Gadsden	43,819
Jefferson	15,450
Leon	296,913
Liberty	7,706
Wakulla	36,449



Map of Florida's Judicial Circuits.<sup>8</sup>

## Conclusion

- ❖ Preliminary findings are consistent with prior literature, including work focused on misdemeanor courts in Florida, underscoring the rushed, inefficient, and burdensome nature of the misdemeanor court process
- ❖ Next steps include empirical analyses of the courtroom observation data to uncover the average length of time of misdemeanor arraignment and criminal traffic hearings, the rate at which fines and fees are being ordered, and the use of plea bargains, among other considerations
- ❖ These findings will be used to generate a final report, which will be shared with local stakeholders to generate discussion on ways to improve the efficacy and fairness of our local misdemeanor court system

## References & Acknowledgements

- <sup>1</sup> Mayson, G., & Stevenson, T. (2020). *Misdemeanors by the numbers*.
- <sup>2</sup> Call, J.,(2023). Prosecutor's memo said Hispanics get tougher plea deals; state attorney calls it a mistake. *Tallahassee Democrat*.  
<https://www.tallahassee.com/story/news/local/state/2023/04/20/florida-prosecutors-leaked-memo-hispanics-should-get-tougher-plea-deal/70133720007/>
- <sup>3</sup> Feeley, M., (1992). The process is the punishment. Handling cases in a lower criminal court system. *Russel Sage Foundation*.
- <sup>4</sup> Kohler-Hausmann, I., (2018). *Misdemeanorland*. *Princeton University Press*.
- <sup>5</sup> Mayson, G., & Stevenson, T. (2020). *Misdemeanors by the numbers*.
- <sup>6</sup> NADCL. (2011). *Three minute justice: Haste and waster in Florida's Misdemeanor Courts*.  
<https://www.nadcl.org/Document/ThreeMinuteJusticeFloridasBrokenMisdemeanorCourts>
- <sup>7</sup> United States Census Bureau. (n.d.). *Quick Facts*.  
<https://www.census.gov/quickfacts/fact/table/franklincountyflorida,jeffersoncountyflorida,libertycountyflorida,wakullacountyflorida,gadsdencountyflorida,leoncountyflorida/PST045224>
- <sup>8</sup> Office of State Attorney Second Judicial Circuit (n.d.)  
<https://www.sao2fl.org/About/Florida-Circuit-Map>
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## Criminal Case Process

