Media Coverage of Prosecutors and Their Elections: Results of a Pilot Study

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The Prosecutors and Politics Project

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About the Prosecutors and Politics Project

The Prosecutors and Politics Project is a research initiative at the University of North Carolina School of Law. Founded in 2018, the Project studies the role of prosecutors in the criminal justice system, focusing on both the political aspects of their selection and their power. The Project endeavors to bring scholarly attention to the democratic accountability of elected prosecutors, to increase our understanding of the relationship between prosecutors and politics through empirical study, and to publicly share research in order to increase voters' knowledge about their elected prosecutors and broader criminal justice issues.

For more information about the Prosecutors and Politics Project, its mission, and its research, please visit https://law.unc.edu/academics/centers-and-programs/prosecutors-and-politics-project/

Questions about this report should be directed to the PPP director, Professor Carissa Byrne Hessick (chessick@email.unc.edu).

Executive Summary

Prosecutors play an important role in the criminal justice system. Their discretion to decline charges and to plea bargain give prosecutors the power to greatly affect how many people go to prison and for how long. Politics—specifically elections—are one of the few checks on prosecutorial power. Voters can vote out local prosecutors who abuse their power or who do not act in the public interest.

The ability of elections to serve as a check on prosecutors' power depends on what voters know. If voters are unaware of or uninformed about what their local prosecutor is doing, then they cannot make informed choices about whether to retain an incumbent prosecutor or whether to vote that prosecutor out of office. But most voters do not have the time or the ability to assess their prosecutors' performance; instead, they rely on media outlets to inform them.

Very little is known about the media coverage that prosecutors receive. Although there is a robust literature about media coverage of crime, there appears to be only one, limited empirical account of how the media covers prosecutors. The single relevant study looked at print news coverage from contested prosecutor elections in ten states. The study coded news coverage which made claims about the work of the local prosecutor's office, and it generated a list of such claims to capture the themes that appeared in prosecutor elections. Claims about individual qualities of the incumbent or the challenger were most common, followed by claims related to a high-profile case and claims about relationships with various groups, including law enforcement and employees in the prosecutor office. Claims about office performance and priorities were less numerous, but still common.[1] The study did not present any data from uncontested elections.

This pilot study aims to improve the discussion surrounding media coverage of the criminal justice system more generally and of prosecutors in particular. It provides a glimpse into the quantity and the quality of the media coverage that prosecutors receive during an election year in print news articles, as well as a limited number of local and national television news broadcasts. Specifically, the study quantifies the amount of media coverage, the content of coverage, and the tone of coverage that

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[1] *See* Ronald F. Wright, *How Prosecutor Elections Fail Us*, 6 OHIO ST. J. CRIM. L. 581, 597-603 & tbl. 3 (2009).

prosecutors and candidates for prosecutor receive. The study includes data from a sample of five to 10 prosecutor elections in four different states. In total, the study examines 27 prosecutor elections in jurisdictions of varying populations; some of those elections were contested, while others were uncontested. In the contested elections, the study also includes information about the coverage that candidates for the office of prosecutor received. All told, the study examined nearly 2,000 articles—every article that mentioned the elected prosecutor or a candidate for the office in the calendar year 2020.[2]

About 84% of the articles we examined were straight news articles, but we also examined letters to the editor (7%), opinion articles (6%), advertisements, and notifications (2%).

We found that the amount of media coverage varies dramatically from district to district, and that coverage is shockingly low in some districts. [3] The amount of coverage a prosecutor or a prosecutor candidate receives is correlated with three key factors: whether the election is contested, whether the individual is an incumbent, and the population of the jurisdiction.

As for the content of coverage, we found that most coverage did not contain sufficient information to inform voters. In particular, very few articles included information about office policies or candidate platforms, and much of the coverage that incumbents received failed to mention that the incumbent was up for reelection. In addition, consistent with other research, we found that reporting disproportionately covered homicide and other crimes of violence as compared to other crimes.[4]

Finally, the coverage that prosecutors and prosecutor candidates received was overwhelming neutral in tone. Given that journalists have "a special obligation to serve as watchdogs over public affairs and government,"[5] and given that certain

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[2] For more on how these elections were selected and the study methodology, see "About the Study."

[3] We recently confirmed this finding using data from an ongoing study of all candidates for prosecutor in Indiana, North Carolina, Tennessee, and Texas during the election year 2022. Only 81.5% of candidates (238/292) received one or more media mention during the first six months of 2022. In other words, nearly 20% of candidates for prosecutor received no media mentions between January and June of the election year, a period during which primary elections occurred, in those four states.

[4] *See, e.g.*, Sara Sun Beale, *The News Media's Influence On Criminal Justice Policy: How Market-Driven News Promotes Punitiveness*, 48 WILLIAM & MARY L. REV. 397, 422-23 (2006).

[5] *See* The Society of Professional Journalists, Code of Ethics (2014), *available at* https://www.spj.org/ethicscode.asp

types of crime began to rise during the study period,[6] it may be surprising that there was so little negative coverage of prosecutors. While some individuals received higher levels of negative coverage, overall, only 6% of coverage was negative.

Amount of Coverage

Overall, the amount of newspaper coverage was quite low. The median incumbent was mentioned in only 24 articles during the entire election year. The incumbent with the most coverage was mentioned in 302 total articles; the incumbent with the least coverage was mentioned in no articles at all.

Incumbent Media Mentions

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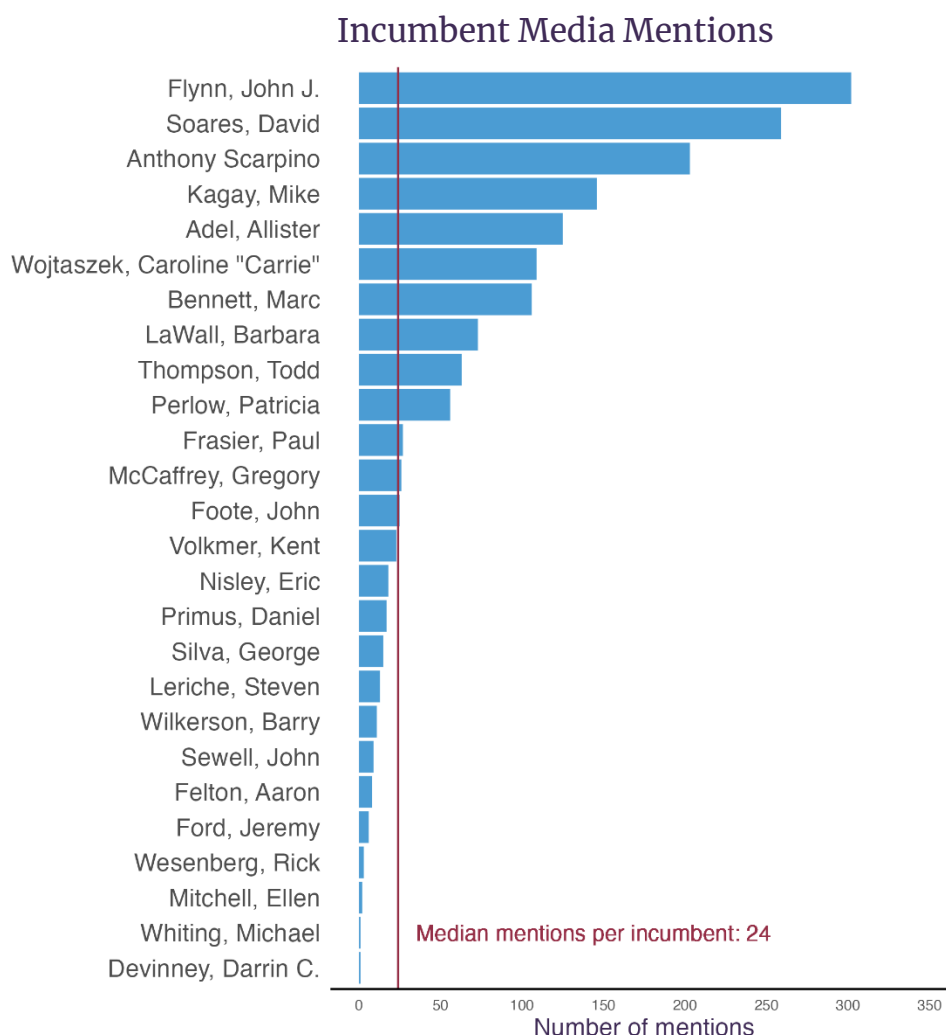
[6] According to the FBI's National Incident-Based Reporting System, the violent crime rate increased from 380.8 per 100,000 in 2019 to 398.5 in 2020.

As a group, incumbents received more coverage than non-incumbents running for the office. The median non-incumbent was mentioned in only 19 articles; the non-incumbent with the most coverage was mentioned in 124 articles; the non-incumbent with the least coverage was mentioned in three articles. Of the six incumbents who ran in contested elections, all of them received more news coverage than the candidate or candidates who challenged them. The incumbents in contested elections received a median of 135.5 media mentions, while the non-incumbents in contested elections received a median of 17 mentions.


Non-incumbent Media Mentions
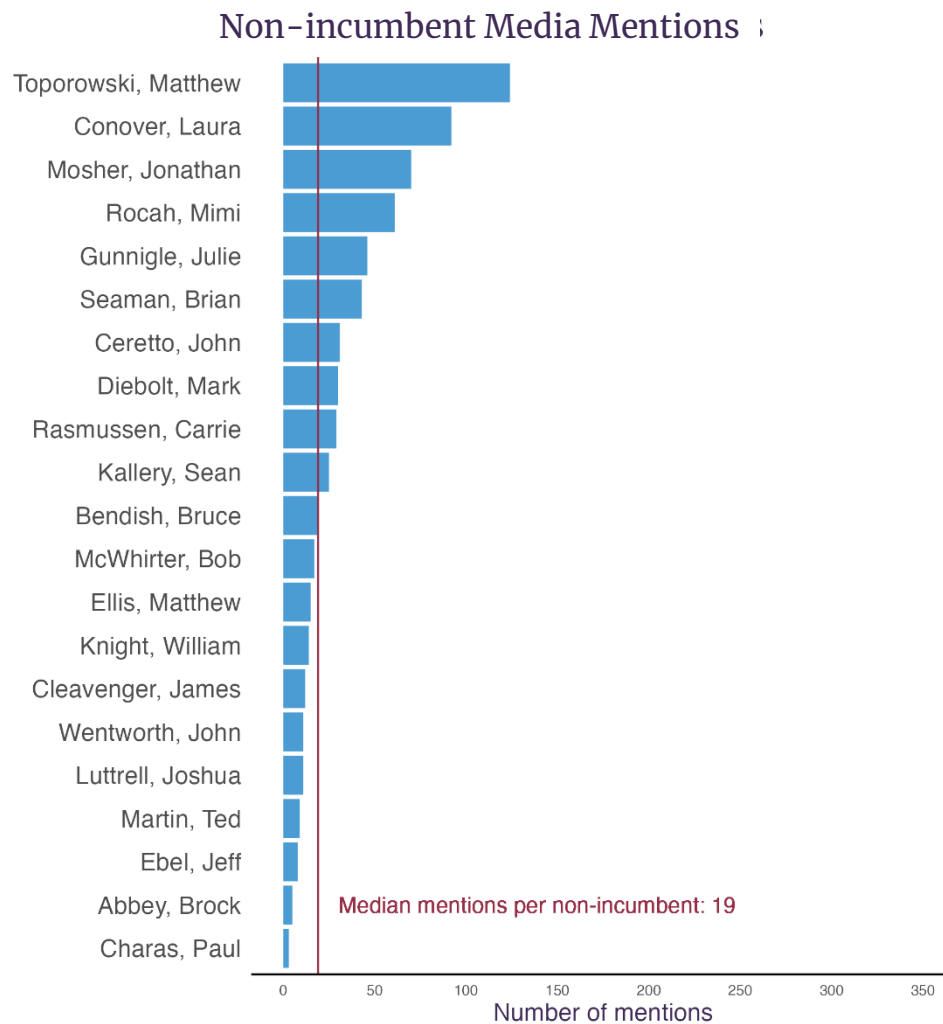
The presence of an incumbent in an election may decrease the amount of coverage that the non-incumbent candidates receive. When non-incumbent challengers faced incumbents, the median challenger received 17 mentions

but when they faced other non-incumbents, the median challenger received 27 mentions.

Prosecutors received more coverage when they ran in contested elections than when an election was not contested. The median incumbent running in a contested election was mentioned in 135.5 news articles. In contrast, the median incumbent who ran for reelection uncontested was mentioned in only 15 news articles.

> "Candidates with the most media mentions won in 9 of 11 contested elections."

Although incumbents always received the most coverage in a contested election, they did not always win reelection. Six of the eleven contested elections in the study involved an incumbent running for reelection. (The other five contested elections were open seat elections.) Incumbents ended up winning four of the six contested races. Incumbents Anthony Scarpino and Eric Nisley from Westchester, New York and Wasco, Oregon, respectively, were both defeated by a challenger in their primary elections. In every contested election for an open seat—that is, every contested election in which an incumbent did not run—the candidate with the most media mentions won.

Media Mentions in Contested Elections: Winners and Losers
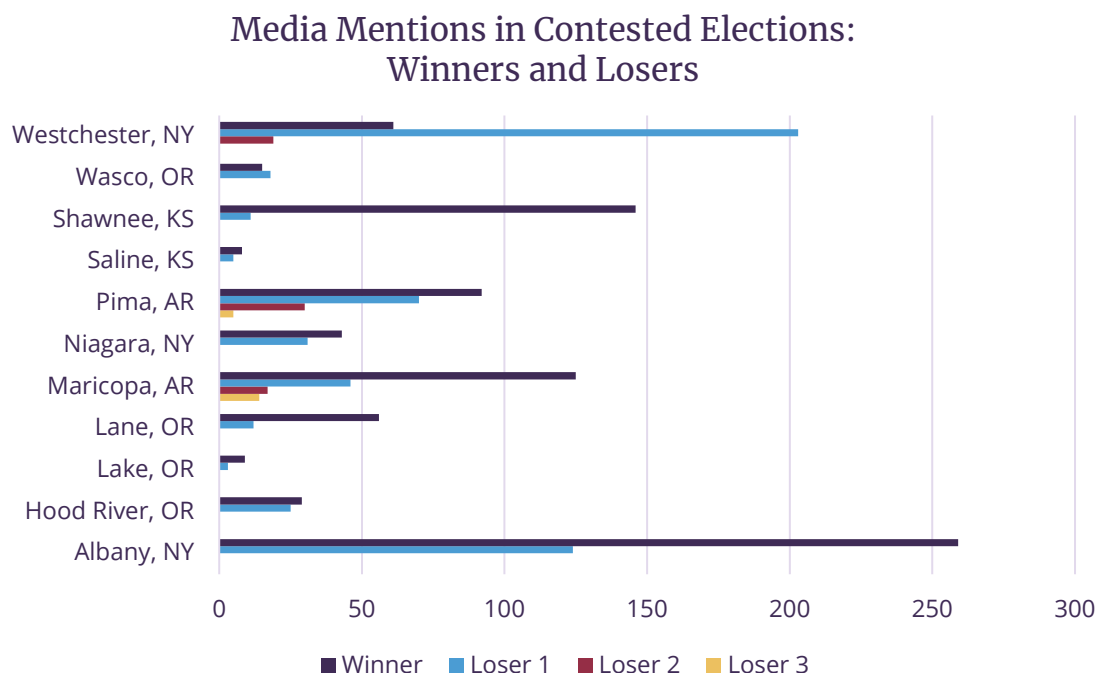
Whether an election was contested and whether a candidate was serving as an incumbent are not the only factors that were correlated with the amount of news coverage. As the population of the district in which the election occurred increases, so too does the amount of media coverage that incumbents and non-incumbent candidates receive.

The 47 candidates studied ran in 27 districts comprised of varying populations that were categorized as follows: less than 30,000 (5 districts); 30,000 to 100,000 (10 districts); 100,001 to 250,000 (3 districts); 250,001 to 1 million (6 districts); and greater than 1 million (3 districts).[7]

Median Media Mentions by Population Size

legend: all districts | contested elections | uncontested elections
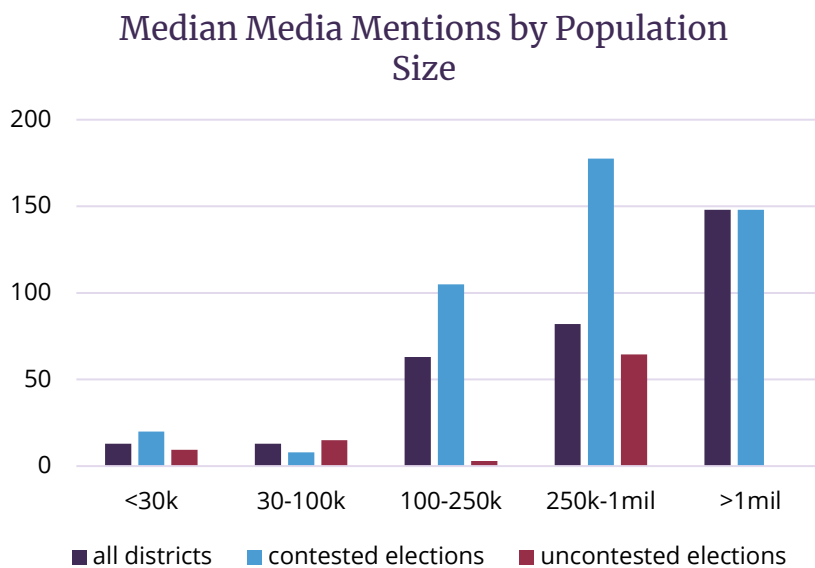
Across all candidates and districts, median media mentions, generally increased with population. The pattern was the same when focusing on uncontested elections with a slight decrease in mentions in districts with populations between 250,000 and 1 million. Contested elections followed a similar pattern and had significantly more mentions than uncontested elections in the larger population categories in which we had data.

Content of Coverage

Our content analysis revealed that incumbent prosecutors' media coverage is often relatively cursory. Much of incumbents' coverage is a mention of the prosecutor, in passing, in the context of a news story about a particular crime. Even in those articles that had more in-depth coverage of the prosecutor, the

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[7] There were no uncontested elections in districts with populations greater than one million people.

articles often failed to include information that would be important to voters in an election year. This dearth of information relevant to voters was also present in the coverage that non-incumbent candidates received.

Of the more than 1,600 articles that mentioned an incumbent prosecutor, a plurality (45%) mentioned the incumbent prosecutor only in passing. Of the remaining articles, 33% mentioned the prosecutor and included some limited discussion of him or her. The remaining articles—fewer than a quarter of the articles identified in our study—included more than three mentions of the prosecutor or a significant discussion of his or her office or policies.

Median Depth of Mention

Incumbents	45%	33%	22%
Non-incumbents	42%	20%	37%

0%   20%   40%   60%   80%   100%

■ in passing ■ limited discussion ■ significant discussion
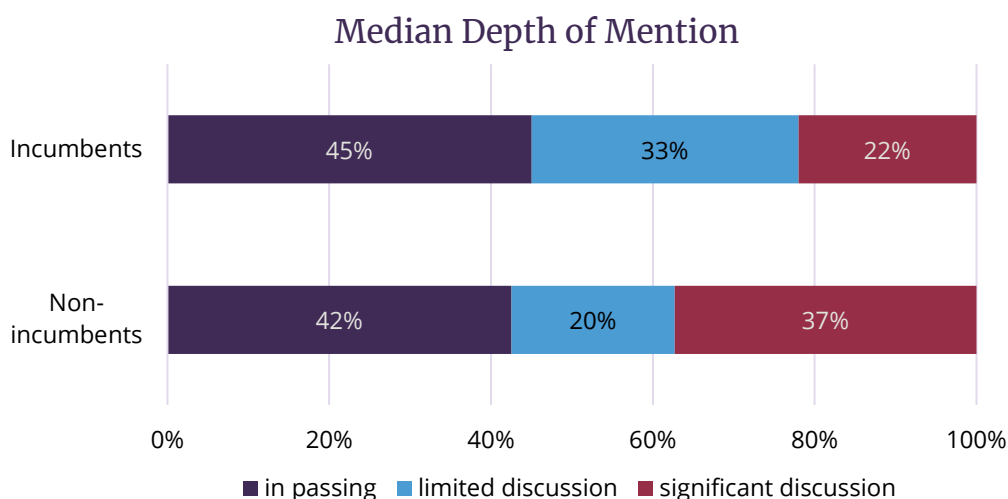
Half of the coverage (51%) that incumbent prosecutors received was in the context of an article about a specific case. An additional 5% of articles were primarily about a category of crime or cases. Only 11% of articles that mentioned incumbent prosecutors were primarily about the election. Another 11% of articles focused on the criminal justice system more generally, and 4% were primarily about the prosecutor him- or herself.

A closer look at the articles that mentioned a particular crime reveals a disproportionate amount of coverage of homicides and violent crimes. More than 400 articles—a full quarter of all incumbent prosecutor articles—mentioned a homicide. Rape or sexual assault were mentioned in 9% of articles; shootings or other violent crimes were mentioned in an additional 9% of articles. All told, violent crimes were mentioned in more than 40% of all articles mentioning incumbent prosecutors. In contrast, drug crimes, theft,

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and other property crimes were mentioned in only 15% of articles. These figures reveal that violent crimes received far more coverage relative to their occurrence as compared to other crimes. Property crime occurs at a rate that is many times higher than the violent crime rate, and homicides are vanishingly rare as compared to other crimes.[8]

Although over three-quarters (80%) of articles about incumbent prosecutors mentioned a particular crime or type of crime, it was quite unusual for articles to mention crime rates. Only 100 articles (6%) of articles mentioning incumbent prosecutors mentioned crime rates. Of those 100 articles,[9] 58 expressed concern about increasing crime rates. Only 13 articles reassured readers about decreasing crime rates.

To the extent that voters relied on news articles to learn about prosecutor elections, only a small percentage of articles provided such information. The vast majority of coverage that incumbents running for reelection received (77% of articles) did not mention the election at all, even though it was an election year. One candidate (A. Felton, Polk County, OR) was mentioned in eight separate articles, none of which mentioned that he was up for reelection; he ran unopposed and won. An additional 10% of articles mentioned the election only in passing. An additional 8% of articles about incumbents provided some detail or limited discussion about the election, and 5% included a discussion of candidate platforms or policies. The failure to mention elections may contribute to misperceptions about the way in which prosecutors are selected. A poll of American voters found that a large percentage were unaware that their local prosecutor was elected.[10]

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[8] For example, using data from the FBI, Pew Charitable Trusts estimated that there were five times more property crimes than violent crimes. Forcing on homicides more specifically, there were 310 times more larceny and theft crimes than homicides. John Gramlich, *What the data says (and doesn't say" about crime in the United States,* PEW RESEARCH CENTER (Nov. 20, 2020), *available at* https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/

[9] Sixty-nine articles mentioning incumbent prosecutors mentioned crime rates increasing, 14 mentioned crime rates decreasing, and 17 mentioned crime rates both increasing and decreasing.

[10] "In a poll paid for by the ACLU, half of sixteen hundred likely voters said they didn't know the D.A. was elected." EMILY BAZELON, CHARGED: THE NEW MOVEMENT TO TRANSFORM AMERICAN PROSECUTION AND END MASS INCARCERATION 78 (2020).

Even if voters were aware that their local prosecutor was up for election, they may not have possessed sufficient information to cast an informed vote in that election. For example, 62% of articles that mentioned an incumbent prosecutor running for reelection did not discuss the incumbent's prosecutorial decisions nor his or her office policies. Discussion of a particular decision, such as a decision in the context of a particular case, appeared in 26% of articles. Only 10% of articles mentioned a general or office-wide policy. Two percent of articles informed voters about both a specific decision and a general or office-wide policy.

Incumbents in Elections: Mentions of Decisions or Policies

- policy mentioned 10%
- both mentioned 2%
- decision mentioned 26%
- neither mentioned 62%
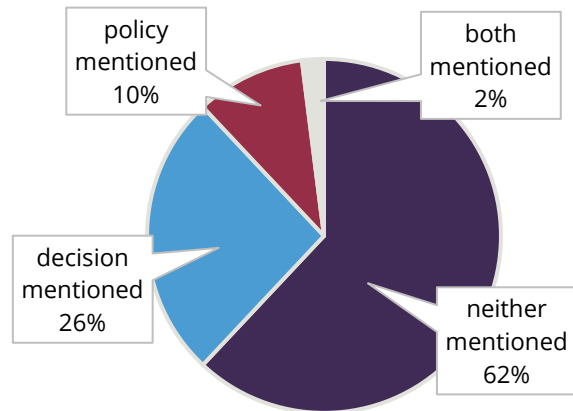
Non-incumbent coverage was more robust with 55% of articles providing information about a candidate's platform or proposed policies (22% contained both types of information, 23% contained information only about the candidate's background, and 11% contained information only about the candidate's platform or proposed policies). But 45% of articles mentioned neither. Two of the 22 non-incumbent candidates in the study received no coverage of their platform at all.[11] For six non-incumbent candidates, at least 70% of the articles written about them mentioned neither their background nor their platform.

Non–incumbents: Mentions of Backgrounds or Platforms

- both mentioned 22%
- neither mentioned 45%
- platform mentioned 11%
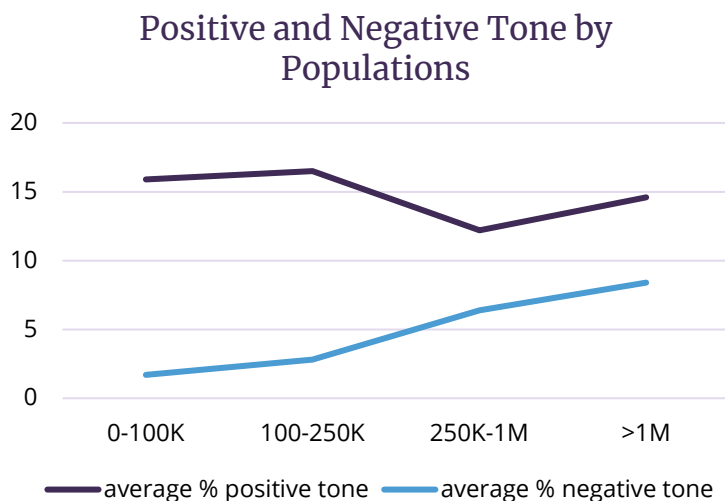- background mentioned 23%

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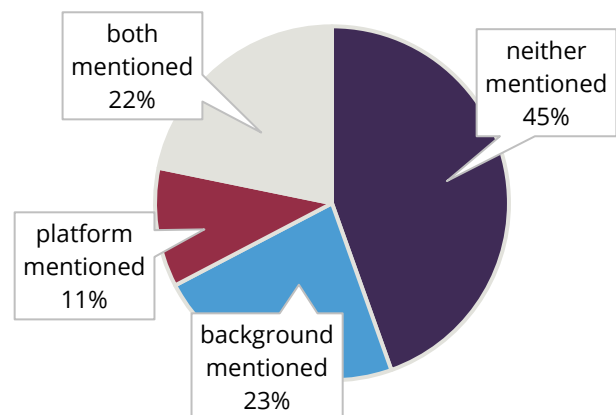
[11] Bruce Bendish and Matthew Ellis were mentioned in a combined 25 articles, but none mentioned their policy positions.

Tone of Coverage

Overall, most media coverage (77%) was neutral. There was, however, an appreciable percentage of positive coverage (13%). Negative coverage was the least common (6%). Four percent of articles coded had both a positive and negative tone. Non-incumbents had slightly higher levels of both positive and negative tone than incumbents.

Median Article Tone
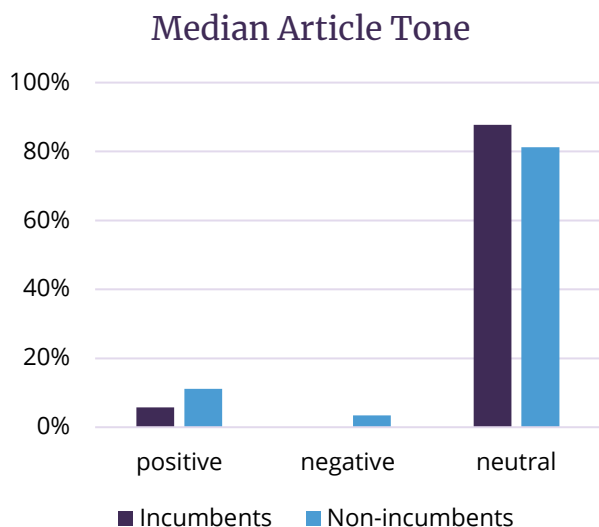
Negative coverage appears to be correlated with both population and contested elections. On average, candidates in small population jurisdictions (fewer than 100,000) received negative coverage in less than 2% of articles. In the largest jurisdictions (more than 1 million people), negative coverage appeared in more than 9% of articles. The relationship between population and positive coverage is less clear.

Positive and Negative Tone by Populations

Negative coverage was more common in contested elections. Half of the 26 candidates who received a relatively high proportion of negative coverage (negative tone present in more than 5% of a candidate's total coverage) faced a contested election. Leavenworth, KS had the only candidate out of 16 uncontested elections with that level of negative coverage. It is possible that the mere fact an election is contested drives negative coverage; it is also possible that negative coverage drives a contested election by prompting potential challengers to enter the race.

About the Study

This study examines the amount and content of media coverage received by prosecutors. It examines news media articles and a small sample of television broadcast transcripts that mention a select group of incumbent prosecutors and candidates for prosecutor in the 2020 election year.

To select which prosecutors or candidates for prosecutor to include in the study, we chose four states in different regions of the country and cataloged their 2020 prosecutor election districts by population. For each district, we compared the news sources available in the databases maintained by America's News and Lexis News to a database of all existing news sources compiled by the UNC School of Journalism & Media to identify districts with a sufficient level of readily accessible local news sources. Sufficiency was determined both by the total number of news sources available and the circulation data for each source. Once we identified districts with readily available news sources, we selected multiple districts in each state in order to achieve a mix of population ranges, as well as a mix contested and uncontested elections.

Using the criteria described above, we selected 27 jurisdictions in four states, Arizona, Kansas, New York, and Oregon.[12] In the 2020 election year, 42 individual candidates ran for local prosecutor in those jurisdictions. Incumbent prosecutors in five election districts who did not run in their respective elections were also included in the study.

After identifying the prosecutor and prosecutor candidates, we searched for news articles in America's News and Lexis News.[13] Relevant articles were identified by searching for each subject's name or known name derivatives with the following structure: in America's News, FirstName NEAR2 LastName, and in Lexis News, FirstName /2 LastName. Searches were further restricted by the study period—January 1, 2020 to December 31, 2020—and the relevant

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[12] More detail about each of these individuals and their elections in included in the individual state reports.

[13] A name search for individuals in Oregon elections was also performed on the Eugene Weekly, following the use of optical character recognition on editions available online.

state.[14]   These searches resulted in as many as 600 results for some candidates and as few as zero results for others.

In order to ensure that we were not double-counting articles, duplicate articles were identified in three ways. First, articles that duplicated a previous article's publication date, publication name, article title, and word count were not included in our database. Second, articles that appeared to duplicate a previous article but did not meet the exclusion criteria were marked as such. Third, articles that duplicated a previous article but were published in a different publication were marked to allow us to filter unique articles for our analysis, but remained in the database to answer future questions involving breadth of coverage. The issue of duplicates was complicated in light of publications that are nearly identical but distributed in different locations under different names, print v. online editions, the use of news wire services, and the absence of a clear standard to the question: how different must two articles be before they could be considered two unique articles? The final sample includes 1,974 unique articles[15] and 2,115 total articles.

Data was collected using the standard practices of content analysis.   We created two separate codebooks, one for incumbent prosecutors, which is reprinted in Appendix A, and another for candidates for prosecutor, which is reprinted in Appendix B. Both codebooks recorded basic identifying information: an assigned news story number, the name of the incumbent or candidate, the article date, the article title, the publication, the author, the article type (news story, opinion or editorial, letter to the editor, advertisement/notification, or other), and the word count of the article.

The incumbent codebook included codes for the primary focus of the article (a specific crime/case, a category of crimes/cases, the prosecutor, the prosecutor election, the criminal justice system more generally, or other), whether the election was referenced in the article, the type of prosecutor "mention" (i.e., the level of detail and discussion of the prosecutor in the article), crimes discussed in the article, whether crime rates were discussed and whether they were described as increasing or decreasing, the level of discussion about the prosecutor's decisions or policies, the article's tone regarding the prosecutor, the article's tone regarding crimes or crime rates, and the duplication identifications discussed above.

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[14] In districts with large populations, obituaries were excluded to eliminate irrelevant results.
[15] Incumbents had 1646 unique articles and non-incumbents had an additional 328 unique articles.

The prosecutor candidate codebook included a smaller number of variables: the type of candidate "mention" (i.e., the level of detail and discussion of the candidate in the article), the level of discussion of the candidate's background or platforms, the article's tone regarding the candidate, the duplication identifications discussed above, and an additional code to identify whether the article was duplicative of an incumbent's article.

Before beginning the coding process, three coders performed a practice round of coding on a set of articles not included in the study sample, followed by a meeting to discuss codebook revisions. After incorporating codebook revisions, the coders performed a second round of practice coding on a second set of articles and their results were compared to determine a measure of intercoder reliability. Each coded variable received either 0 (no matches), 1 (a pair of matching codes), or 2 (all three codes matched) points. In the second practice round, 82.4% of codes matched (313/380 points). All coders working on the study were trained using the second round of practice coding to ensure consistency across coders.

The underlying data from this study is published at the UNC Dataverse. https://dataverse.unc.edu/dataset.xhtml?persistentId=doi:10.15139/S3/3SWI KQ

The code used to load, clean and analyze the data is available at https://github.com/rtburg/prosecutors_and_politics_media_pilot

State Reports

The following state reports contain three sections. The first section gives basic information about elected prosecutors in each state, including the total number of elected prosecutors. This section also highlights any noteworthy findings from the state.

The second section identifies those 2020 elections that were selected for study.   It provides the name of the jurisdiction, the population, and information about whether the incumbent ran for reelection and whether the election was contested.

The final section provides tables that report particular variables, broken down by jurisdiction and by candidate. The tables use several abbreviations, which are explained below.

For the column "status" we used the following abbreviations:

     I = Incumbent

     C = Challenger (candidate challenging an incumbent)

     O = Open seat candidate (no incumbent running)

For the column "outcome" we used the following abbreviations:

     W = Won the general election

     L = Lost the general election

     DNR = Incumbent who did not run for reelection

For the column "tone" we used the following abbreviations

     Pos = positive

     Neg = Negative

     Neut = Neutral

Arizona
2020 Election Cycle

Arizona elects one county attorney per county. County attorneys serve four-year terms. There are fifteen counties in the state.

Arizona media tended to provide more in-depth and informative coverage than media in other states. In Kansas and Oregon, much of the media coverage for incumbents consisted only of single mentions in passing. In Arizona, however, the median incumbent prosecutor received three or more mentions in one-third (33%) of articles. Information about the median incumbents' policies was provided in 31% of coverage, significantly more than other states in the study (Kansas – 1%; New York – 9%; and Oregon -0%). Arizona media coverage of incumbents was also more likely to mention the election than coverage in other states; the median prosecutor's media coverage failed to mention the election only 63% of the time.

Arizona coverage was also less neutral than coverage in other states. The median Arizona incumbent had a larger percentage of positive coverage in the study (16%) than the median incumbent in the other states, and the lowest level of neutral coverage (78%). The median non-incumbent had similar levels of positive and neutral coverage, 12% and 80%, respectively.

Elections Studied

Of the 15 district attorney elections occurring in 2020, the following 6 elections were included in the study:

- In Apache County (pop. 66,021), the incumbent ran uncontested.
- In Greenlee County (pop. 9,563), the incumbent ran uncontested.
- In Maricopa County (pop. 4,420,568), the incumbent ran in a contested election with three challengers.
- In Pima County (pop. 1,043,433), the incumbent did not run. Three candidates sought the open seat.
- In Pinal County (pop. 425,264), the incumbent ran uncontested.
- In Santa Cruz County (pop. 47,669), the incumbent ran uncontested.
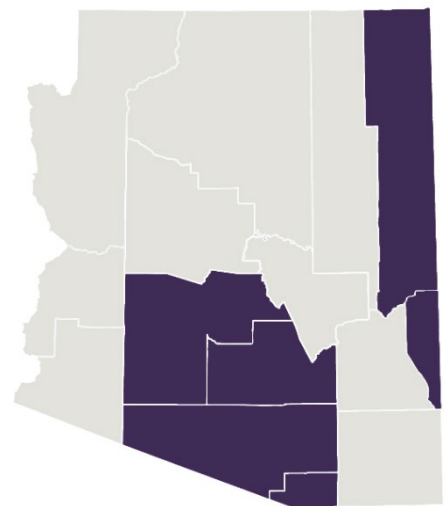
State Tables

District	Individual	Status	Outcome	# Art.	Depth of mention		
					In Passing	Some detail or discussion	In-depth detail or discussion
Apache	Michael B. Whiting	I	W	1	100%	0%	0%
Greenlee	Jeremy Ford	I	W	6	17%	50%	33%
Maricopa	Will Knight	C	L	14	57%	14%	29%
	Bob McWhirter	C	L	17	47%	35%	18%
	Julie Gunnigle	C	L	46	70%	15%	15%
	Allister Adel	I	W	125	29%	38%	34%
Pima	Mark Diebolt	O	L	30	60%	7%	33%
	Jonathan Mosher	O	L	70	20%	13%	67%
	Barbara LaWall	I	DNR	73	45%	23%	32%
	Laura Conover	O	W	92	36%	22%	42%
Pinal	Kent Volkmer	I	W	23	30%	30%	39%
Santa Cruz	George Silva	I	W	15	33%	20%	47%
State medians				26.5	41%	21%	33%

Incumbent	Tone of article			Discussion of specific decisions or general policies			Mention of 2020 election			
	Pos	Neg	Neut	Neither	Specific decision	General policy	No mention	In passing	Limited discussion	Discussion of policies or platforms
Michael B. Whiting	100%	0%	0%	0%	100%	0%	0%	0%	100%	0%
Jeremy Ford	17%	0%	83%	17%	67%	17%	83%	0%	17%	0%
Allister Adel	14%	13%	73%	37%	32%	31%	58%	13%	18%	12%
Barbara LaWall	17%	18%	65%	24%	39%	38%	37%	22%	11%	30%
Kent Volkmer	4%	0%	96%	30%	39%	30%	91%	0%	9%	0%
George Silva	0%	0%	100%	56%	6%	38%	67%	0%	20%	13%
State medians	16%	0%	78%	27%	39%	31%	63%	0%	18%	6%

Non-Incumbent	Tone of article			Discussion of background or platform			
	Pos	Neg	Neut	Neither	Background	Platform or policies	Both
Will Knight (Challenger)	0%	8%	92%	43%	7%	29%	21%
Bob McWhirter (Challenger)	13%	6%	81%	41%	12%	29%	18%
Julie Gunnigle (Challenger)	9%	4%	87%	59%	15%	13%	13%
Mark Diebolt (Open Seat)	10%	10%	79%	40%	3%	30%	27%
Jonathan Mosher (Open Seat)	44%	18%	38%	21%	21%	6%	51%
Laura Conover (Open Seat)	49%	8%	43%	32%	26%	11%	32%
State Medians	12%	8%	80%	41%	14%	21%	24%

Kansas
2020 Election Cycle

Kansas elects 105 local prosecutors in partisan elections, each presiding over a single county and serving four-year terms. Six of these elected prosecutors are called district attorneys, and the rest are called county attorneys.

Media coverage in Kansas, tended to be less than in other states in the study, as well as less in-depth. The median candidate in Kansas received only 11 media mentions, the lowest in the study. The coverage that Kansas prosecutors did receive tended to be cursory and failed to include important information for voters. Fifty-five percent of the median incumbent prosecutor's media coverage included only a passing reference to the prosecutor, which was the highest level of cursory coverage in the study. Similarly, only 1% of the median incumbent's coverage contained information about incumbents' policies. Of the six incumbents who ran for reelection, only one had any media coverage about the election that contained any information about the prosecutors' policies. The content of coverage for non-incumbents in Kansas was also the least informative relative to the other states studied. The median non-incumbent candidate's background or platforms were mentioned in only of 25% of articles.

Elections Studied

Of the 83 district attorney elections occurring in 2020, the following 6 elections were included in the study:

- In Butler County (pop. 67,380), the incumbent ran uncontested.
- In Leavenworth County (pop. 81,881), the incumbent ran uncontested.
- In Riley County (71,959), the incumbent ran uncontested.
- In Saline County (54,303), the incumbent did not run. Two candidates sought the open seat.
- In Sedgwick County (523,824), the incumbent ran uncontested.
- In Shawnee County (178,909), the incumbent ran in a contested election with one challenger.
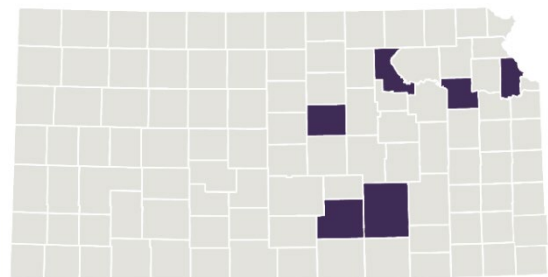
State Tables

District	Individual	Status	Outcome	# Art.	Depth of mention		
					In passing	Some detail or discussion	In-depth detail or discussion
Butler	Darrin C. Devinney	I	W	0	0%	0%	0%
Leavenworth	Todd Thompson	I	W	63	59%	33%	8%
Riley	Barry Wilkerson	I	W	11	46%	55%	0%
Saline	Ellen Mitchell	I	DNR	2	100%	0%	0%
	Brock Abbey	O	L	5	100%	0%	0%
	Jeff Ebel	O	W	8	63%	25%	13%
Sedgwick	Marc Bennett	I	W	106	53%	27%	20%
Shawnee	Joshua Luttrell	C	L	11	55%	9%	36%
	Mike Kagay	I	W	146	36%	36%	28%
State medians				11	55%	25%	8%

Incumbent	Tone of article			Discussion of specific decisions or general policies			Mention of 2020 election			
	Pos	Neg	Neut	Neither	Specific decision	General policy	No mention	In passing	Limited discussion	Discussion of policies or platforms
Darrin C. Devinney	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Todd Thompson	11%	8%	81%	81%	18%	2%	95%	2%	3%	0%
Barry Wilkerson	18%	0%	82%	55%	46%	0%	82%	9%	9%	0%
Ellen Mitchell	0%	0%	100%	0%	100%	0%	0%	0%	100%	0%
Marc Bennett	22%	1%	77%	59%	37%	5%	96%	4%	0%	0%
Mike Kagay	6%	8%	87%	25%	64%	11%	84%	10%	4%	2%
State medians	6%	1%	80%	40%	42%	1%	83%	3%	4%	0%

Non-incumbent	Tone of article			Discussion of background or platform			
	Pos	Neg	Neut	Neither	Background	Platform or policies	Both
Brock Abbey (Open seat)	0%	0%	100%	80%	20%	0%	0%
Jeff Ebel (Open seat)	0%	0%	100%	75%	13%	0%	13%
Joshua Luttrell (Challenger)	0%	0%	100%	55%	18%	0%	27%
State medians	0%	0%	100%	75%	18%	0%	13%

New York
2020 Election Cycle

New York elects one district attorney per county. Different counties elect their district attorneys in different years; every calendar year includes at least one New York county holding an election for district attorney. District attorneys serve four-year terms.

New York had high levels of coverage and depth of coverage. The median candidate received 31 mentions, the largest number in the study. Incumbent prosecutor coverage tended to be more in-depth. More than half (52%) of the coverage that incumbent prosecutors received mentioned the incumbent three or more times in the article. In comparing New York to other states in the study, it is important to keep in might that the population in the selected counties tended to be higher than the counties in other states.

New York non-incumbents received more positive coverage than New York incumbents, with the median non-incumbent receiving 16% positive coverage as compared to 6% for the median incumbent.

Elections Studied

Of the 14 district attorney elections occurring in 2020, the following 5 elections were included in the study:

- In Albany County (pop. 314,848), the incumbent ran in a contested election with one challenger.
- In Erie County (pop. 954,236), the incumbent ran uncontested.
- In Livingston County (pop. 61,834), the incumbent ran uncontested.
- In Niagara County (pop. 212,666), the incumbent did not run. Two candidates sought the open seat.
- In Westchester County (pop. 1,004,457), the incumbent ran in a contested election with two challengers.
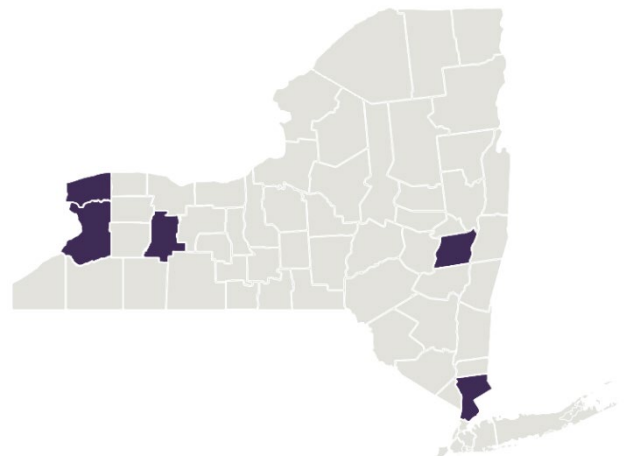
State Tables

District	Individual	Status	Outcome	# Art.	Depth of mention		
					In passing	Some detail or discussion	In-depth detail or discussion
Albany	Matthew A. Toporowski	C	L	124	48%	19%	34%
	P. David Soares	I	W	259	54%	28%	17%
Erie	John J. Flynn	I	W	302	54%	26%	20%
Livingston	Gregory J. McCaffrey	I	W	26	65%	19%	15%
Niagara	John D. Ceretto, II	O	L	31	23%	26%	52%
	Brian D. Seaman	O	W	43	40%	9%	51%
	Caroline A. Wojtaszek	I	DNR	109	39%	39%	21%
Westchester	Bruce P. Bendish	C	L	19	63%	21%	16%
	Mimi Rocah	C	W	61	38%	28%	34%
	Anthony A. Scarpino Jr.	I	L	203	31%	46%	23%
State Medians				85	44%	26%	22%

Incumbent	Tone of article			Discussion of specific decisions or general policies			Mention of 2020 election			
	Pos	Neg	Neut	Neither	Specific decision	General policy	No mention	In passing	Limited discussion	Discussion of policies or platforms
P. David Soares	8%	14%	78%	60%	24%	18%	62%	17%	13%	9%
John J. Flynn	6%	2%	92%	56%	35%	9%	91%	4%	1%	4%
Gregory J. McCaffrey	4%	0%	96%	73%	12%	15%	69%	27%	4%	0%
Caroline A. Wojtaszek	13%	6%	81%	48%	43%	9%	88%	6%	6%	1%
Anthony A. Scarpino Jr.	3%	3%	96%	96%	1%	3%	72%	11%	11%	6%
State Medians	6%	3%	92%	61%	23%	9%	72%	11%	6%	4%

Non-incumbent	Tone of article			Discussion of background or platform			
	Pos	Neg	Neut	Neither	Background	Platform or policies	Both
Matthew A. Toporowski (Challenger)	16%	6%	78%	56%	12%	19%	14%
John D. Ceretto, II (Open seat)	39%	3%	58%	26%	3%	55%	16%
Brian D. Seaman (Open seat)	42%	0%	58%	49%	0%	33%	19%
Bruce P. Bendish (Challenger)	0%	0%	100%	74%	0%	26%	0%
Mimi Rocah (Challenger)	3%	5%	92%	44%	3%	30%	23%
State Medians	16%	3%	78%	49%	3%	30%	16%

Oregon
2020 Election Cycle

Oregon elects one district attorney per county for a term of four years. There are 36 counties in the state but not all counties hold their elections in the same election cycle.

Media coverage for incumbent prosecutors in Oregon tended to be less in-depth than other states in the study. Only 14% of the median incumbent prosecutor's media coverage mentioned the prosecutor three or more times, and 89% of their coverage contained no information about their decisions or policies. Only 20% of the median incumbent's coverage mentioned the election, and when the election was mentioned only 12% of articles contained more than a passing reference to the election.

Oregon non-incumbents received the most positive coverage relative to the other states in the study; 20% of the median candidate's coverage was positive in tone. In contrast, the median incumbent's coverage was 100% neutral in tone.

Elections Studied

Of the 21 district attorney elections occurring in 2020, the following 10 elections were included in the study:

- In Clackamas County (pop. 421,401), the incumbent did not run. One candidate ran uncontested for the open seat.
- In Coos County (pop. 64,929), the incumbent ran uncontested.
- In Douglas County (pop. 111,201), the incumbent ran uncontested.
- In Hood River County (pop. 23,977), the incumbent did not run. Two candidates sought the open seat.
- In Jefferson County (pop. 24,502), the incumbent ran uncontested.
- In Lake County (pop. 8,160), there was no incumbent following the resignation of the previous district attorney in 2018. Two candidates sought the open seat.
- In Lane County (pop. 382,971), the incumbent ran in a contested election with one challenger.
- In Polk County (pop. 87,433), the incumbent ran uncontested.
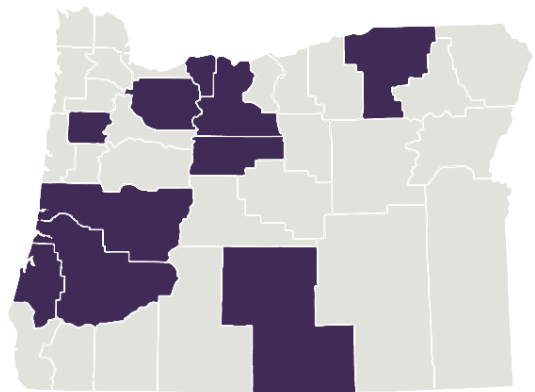
- In Umatilla County (pop. 80,075), the incumbent ran uncontested.
- In Wasco County (pop. 26,670), the incumbent ran in a contested election with one challenger.

State Tables

District	Individual	Status	Outcome	# Art.	Depth of mention		
					In passing	Some detail or discussion	In-depth detail or discussion
Clackamas	John D. Wentworth	O	W	11	55%	27%	18%
Clackamas	John S. Foote	I	DNR	25	44%	44%	12%
Coos	R. Paul Frasier	I	W	27	44%	41%	15%
Douglas	Rick Wesenberg	I	W	3	33%	67%	0%
Hood River	John Sewell	I	DNR	9	67%	33%	0%
	Sean Kallery	O	L	25	28%	56%	16%
	Carrie Rasmussen	O	W	29	21%	72%	7%
Jefferson	Steven F. Leriche	I	W	13	54%	39%	8%
Lake	Paul J. Charas	O	L	3	33%	0%	67%
	Ted K. Martin	O	W	9	44%	33%	22%
Lane	James Cleavenger	C	L	12	25%	25%	50%
	Patricia W. Perlow	I	W	56	50%	30%	20%
Polk	Aaron Felton	I	W	8	50%	38%	13%
Umatilla	Daniel R. Primus	I	W	17	47%	47%	6%
Wasco	Matthew Ellis	C	W	15	40%	53%	7%
	Eric J. Nisley	I	L	18	17%	44%	38.9
State Medians				14	44%	40%	14%

Incumbent	Tone of article			Discussion of specific decisions or general policies			Mention of 2020 election			
	Pos	Neg	Neut	Neither	Specific decision	General policy	No mention	In passing	Limited discussion	Discussion of policies or platforms
John S. Foote	0%	0%	100%	80%	20%	0%	80%	12%	8%	0%
R. Paul Frasier	0%	0%	100%	89%	4%	7%	89%	7%	0%	4%
Rick Wesenberg	0%	0%	100%	67%	33%	0%	7%	33%	0%	0%
John Sewell	11%	0%	89%	100%	0%	0%	11%	44%	44%	0%
Steven F. Leriche	0%	0%	100%	92%	0%	8%	92%	8%	0%	0%
Patricia W. Perlow	15%	6%	80%	77%	21%	2%	66%	14%	9%	11%
Aaron Felton	0%	0%	100%	100%	0%	0%	100%	0%	0%	0%
Daniel R. Primus	0%	0%	100%	77%	12%	12%	94%	6%	0%	0%
Eric J. Nisley	17%	17%	67%	100%	0%	0%	22%	33%	33%	11%
State Medians	0%	0%	100%	89%	4%	0%	80%	12%	0%	0%

Non-incumbent	Tone of article			Discussion of background or platform			
	Pos	Neg	Neut	Neither	Background	Platform or policies	Both
John D. Wentworth (Open seat)	9%	0%	91%	82%	0%	9%	9%
Sean Kallery (Open seat)	58%	0%	42%	44%	0%	40%	16%
Carrie Rasmussen (Open seat)	66%	3%	31%	24%	3%	69%	3%
Paul J. Charas (Open seat)	0%	0%	100%	33%	0%	0%	67%
Ted K. Martin (Open seat)	11%	0%	89%	78%	0%	0%	22%
James Cleavenger (Challenger)	30%	30%	40%	33%	0%	25%	42%
Matthew Ellis (Challenger)	20%	7%	73%	73%	0%	27%	0%
State Medians	20%	2%	73%	44%	0%	25%	16%

Appendix A — Codebook for Incumbent Prosecutors

<u>Basic identifying information</u>

News Story Number
> Assign a unique number for each story, reflecting the order of entry into the spreadsheet

Prosecutor name
> Full name of prosecutor being studied
> Format: Last name, First name

Date of article
> Format: MM/DD/YYYY

Title of article
> Full name of article

Name of publication
> Full name of publication
> For sources that have generic names (e.g., "The Dispatch") include the relevant city/town in parenthesis (e.g., "The Dispatch" (Springfield))

Name of author
> Format: Last name, First name

Type of article
> 1 = news story
> 2 = opinion or editorial
> 3 = letter to the editor
> 4 = advertisement/notification
> 99 = other

Duplicative publication of previous article

> 0 = if article is different from those previously recorded
>
> 1 = identical to one previously recorded in spreadsheet
>
> *Note – if code = 1, make the notation "identical to story [insert story number]" in the "Notes" field*

Content

Length of article

> give total word count as reported by NewsBank
>
> (If Newsbank has consolidated multiple published items—such as multiple letters to the editor—just use the word count for the particular relevant item; for those items, we should code the content of only the specific item that we've isolated)

Primary focus of article

> 1 = a specific crime/case
>
> 2 = a category of crimes/cases
>
> 3 = the prosecutor
>
> 4 = the prosecutor election
>
> 5 = the criminal justice system more generally
>
> 99 = other (include characterization in Notes field)

Is the election referenced in the article?

> 0 = not mentioned at all
>
> 1 = mentioned in passing
>
> 2 = mentioned with limited discussion
>
> 3 = mentioned with discussion of platforms/policies

Type of "mention" for prosecutor

> 1 = Mention in passing (1 mention)
>
> 2 = Mention and includes some detail/discussion (2-3 mentions)
>
> 3 = In depth detail/discussion (more than 3 mentions or significant discussion of office/policy)

Type of crime discussed (include all that apply, separated by semicolons; use "other" if another category doesn't clearly fit)

        0 = None
        1 = Homicide
        2 = Robbery
        3 = Rape/Sexual Assault
        4 = Arson
        5 = Burglary
        6 = Kidnapping
        7 = Theft (including looting)
        8 = Drunk driving
        9 = Domestic violence
        10 = Drug crimes
        11 = Shootings/gun crimes
        12 = violent crime (when spoken about as a category)
        13 = nonviolent crime (when spoken about as a category)
        14 = property crime (when spoken about as a category)
        99 = Other type of crime (include specific crime in notes)

Discussion of crime rates

        0 = Not mentioned
        1 = Mentioned about increasing rate
        2 = Mentioned about decreasing rate
        3 = Mentions both increases and decreases

Discussion of prosecutorial decision or prosecutorial policy

        0 = neither is mentioned
        1 = case-specific/particular prosecutor decision mentioned (describe in notes)
        2 = general/office-wide prosecutor policy mentioned (describe in notes)

Tenor/tone of article about prosecutor

        0 = neutral
        1 = positive
        2 = negative
        3 = includes both positive and negative

Tenor/tone of article about crime/crime rates

        0 = neutral

        1 = expressing concern

        2 = reassuring

        3 = includes both expressions of concern and reassurance

        99 = not applicable

Notes

Notation about duplicate stories

Explanation/characterization of any "other" categorization

Description of any prosecutorial decision or policy

Quotes

Include any noteworthy quotes about (or from) the prosecutor here

Appendix B — Codebook for Prosecutor Candidates

<u>Basic identifying information</u>

News Story Number
> Assign a unique number for each story, reflecting the order of entry into the spreadsheet

Candidate name
> Full name of prosecutor candidate being studied
> Format: Last name, First name

Date of article
> Format: MM/DD/YYYY

Title of article
> Full name of article

Name of publication
> Full name of publication
> For sources that have generic names (e.g., "The Dispatch") include the relevant city/town in parenthesis (e.g., "The Dispatch" (Springfield))

Name of author
> Format: Last name, First name

Type of article
> 1 = news story
> 2 = opinion or editorial
> 3 = letter to the editor
> 4 = advertisement/notification
> 99 = other

Duplicative publication of previous article in spreadsheet
> 0 = if article is different from those previously recorded in this spreadsheet
> 1 = identical to one previously recorded in spreadsheet
> *Note – if code = 1, make the notation "identical to story [insert story number]" in the "Notes" field*

Duplicative publication of article in incumbent prosecutor spreadsheet
    0 = if article is different from those recorded in incumbent prosecutor spreadsheet
    1 = identical to one previously recorded in incumbent spreadsheet
    Note – if code = 1, make the notation "identical to incumbent story [insert story number]" in the "Notes" field

Content

Length of article
    give total word count as reported by NewsBank
    (If Newsbank has consolidated multiple published items—such as multiple letters to the editor—just use the word count for the particular relevant item; for those items, we should code the content of only the specific item that we've isolated)

Type of "mention" for candidate
    1 = Mention in passing (1 mention)
    2 = Mention and includes some detail/discussion (2-3 mentions)
    3 = In depth detail/discussion (more than 3 mentions or significant discussion of background/platform)

Discussion of candidate's background or platform
    0 = neither is mentioned
    1 = candidate's background mentioned
    2 = candidate's platform/policies mentioned
    3 = both mentioned

Tenor/tone of article about candidate
    0 = neutral
    1 = positive
    2 = negative
    3 = includes both positive and negative

Notes
Notation about duplicate stories

Acknowledgments