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National Survey of Prosecutors

Prosecutors in State Courts, 2005

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State court prosecutors in 2005 reported facing an increasingly complex composition of cases and issues with staff and budget resources essentially unchanged since 2001. Prosecutors' offices encountered high-tech offenses such as —

- computer crime
- credit card fraud
- identity theft.

State prosecutors also have homeland security responsibilities:

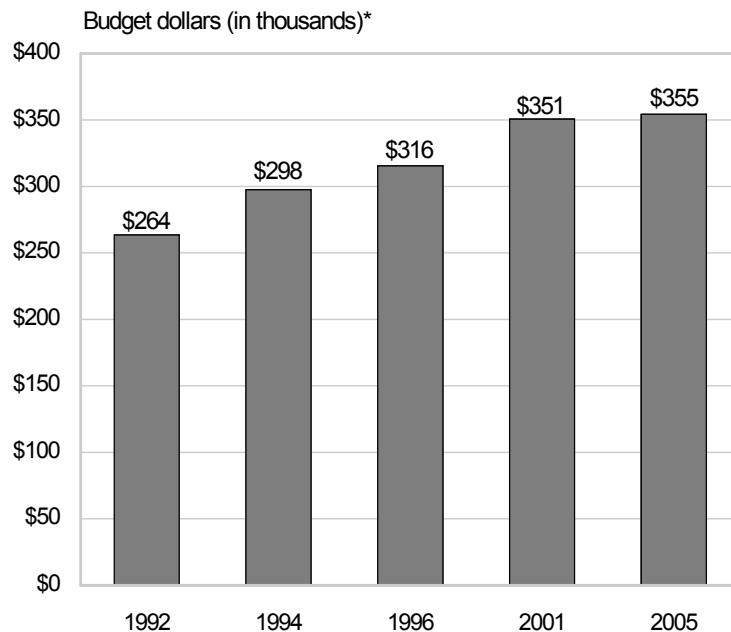
- A quarter participated in a State or local homeland security task force.
- A third reported an office member attended homeland security training.

In 2005, 2,344 prosecutors' offices prosecuted felony cases in State courts of general jurisdiction. These offices employed about 78,000 attorneys, investigators, victim advocates, and support staff, with a median annual budget of \$355,000. In 2005 half of all offices closed 250 or more felony cases.

These findings from the 2005 National Survey of State Court Prosecutors represent the most recent in a series which began in 1990. The 2005 findings are based on a nationally representative sample of 310 prosecutors offices selected from among the 2,344 offices that try felony cases. The study does not include municipal and county attorneys who primarily operate in courts of limited jurisdiction.

Highlights

Median annual budget for State prosecutors' offices, 1992-2005



*Estimated budget information presented in constant 2005 dollars.

- At least two-thirds of the State court prosecutors had litigated a computer-related crime such as credit card fraud (80%), identity theft (69%), or transmission of child pornography (67%).
- Most prosecutors (95%) relied on State operated forensic laboratories to perform DNA analysis, with about a third (34%) also using privately operated DNA labs.
- Nearly all the prosecutors' offices (98%) reported their State had a domestic violence statute; 28% of the offices maintained a domestic violence prosecution unit.
- Two-thirds of prosecutors' offices had prosecuted a juvenile case in criminal court during 2005. A third of the offices had a designated attorney for these special cases.
- A quarter (24%) of the offices participated in a State or local task force for homeland security; one-third reported an office member attended training on homeland security issues.
- In 2005 nearly 40% of the prosecutors considered their office a community prosecution site actively involving law enforcement and the community to improve public safety.

A chief prosecutor is the elected or appointed attorney advocating for the public in felony cases and in a variety of generally less serious offenses. Office titles for chief prosecutor include district attorney, county attorney, prosecuting attorney, solicitor, commonwealth's attorney, and State's attorney (see Appendix). State law determines the number of chief prosecutors and whether they are elected or appointed. In 2005 Texas had the largest number of chief prosecutors (155), followed by Virginia (120), and Missouri (115). Except for Alaska, Connecticut, the District of Columbia, and New Jersey all chief prosecutors in 2005 were elected officials.

Nearly all prosecutors' offices serve a county-based jurisdiction. The size of population served by offices varied considerably among the 2,344 offices. Half of all prosecutors' offices served a population of 36,500 or less. This report provides information for all offices, divided into four groups, by size of jurisdiction and the full- or part-time status of the chief prosecutor:

- A full-time office in a large jurisdiction refers to an office with a full-time chief prosecutor serving 1 million or more persons.

- A full-time office in a medium jurisdiction refers to an office with a full-time chief prosecutor serving a district with 250,000 to 999,999 persons.

- A full-time office in a small jurisdiction refers to an office with a full-time chief prosecutor serving a district with less than 250,000 persons.

- A part-time office has a part-time chief prosecutor serving a district of any population size.¹

Staffing in prosecutors' offices

In 2005 the Nation's prosecutors' offices maintained a workforce of approximately 78,000 full-time and part-time staff, including assistant prosecutors, supervisory attorneys, investigators, victim advocates, and support staff (table 1). This total represents an increase in staff from the 57,000 recorded in 1992 (figure 1). The increase in total staff experienced during most of the 1990's has leveled off since 2001.

¹The full- and part-time categories are comparable to the categories used in earlier reports.

In 2005 assistant prosecutors and support staff each represented about a third of prosecutors' office personnel. Total employment in prosecutors' offices during 2003 accounted for nearly 4% of the more than 2.1 million State and local justice employees across the Nation.²

In 2005 almost three-quarters of all offices reported having a full-time chief prosecutor, compared to about half in 1990. Seventy percent of all offices employed at least one full-time assistant prosecutor. Overall, 90% of the total staff positions were full-time.

²Justice Expenditure and Employment, 2003, reports a total State and local justice system employment of 2,107,826 in October 2003, available at <<http://www.ojp.usdoj.gov/bjs/abstract/jeeus03.htm>>.

Table 1. Personnel employed in State prosecutors' offices, 2005

| Personnel category | Percent of total personnel in prosecutors' offices nationwide |
|-----------------------------------|---|
| Total | 100% |
| Chief prosecutor | 3% |
| Assistant prosecutors | 31 |
| Civil attorneys | 2 |
| Managers/supervisors ^a | 6 |
| Legal services ^b | 6 |
| Victim advocates | 6 |
| Staff investigators | 9 |
| Support staff ^c | 33 |
| Other | 3 |
| Estimated total personnel | 78,000 |

Note: Detail may not add to 100% due to rounding. Data were available on the number of chief prosecutors for all offices. Data were available on the number of assistant prosecutors, civil attorneys, managers, legal services personnel, victim advocates, staff investigators, support staff, and other personnel for 100% of prosecutors' offices.

^aIncludes any attorneys in non-litigating, managerial, or supervisory positions. If managers/supervisors litigate cases, they are included in the number of assistant prosecutors, as well as civil attorneys.

^bIncludes law clerks and paralegals.

^cSupport staff includes secretaries, clerks, and computer specialists.

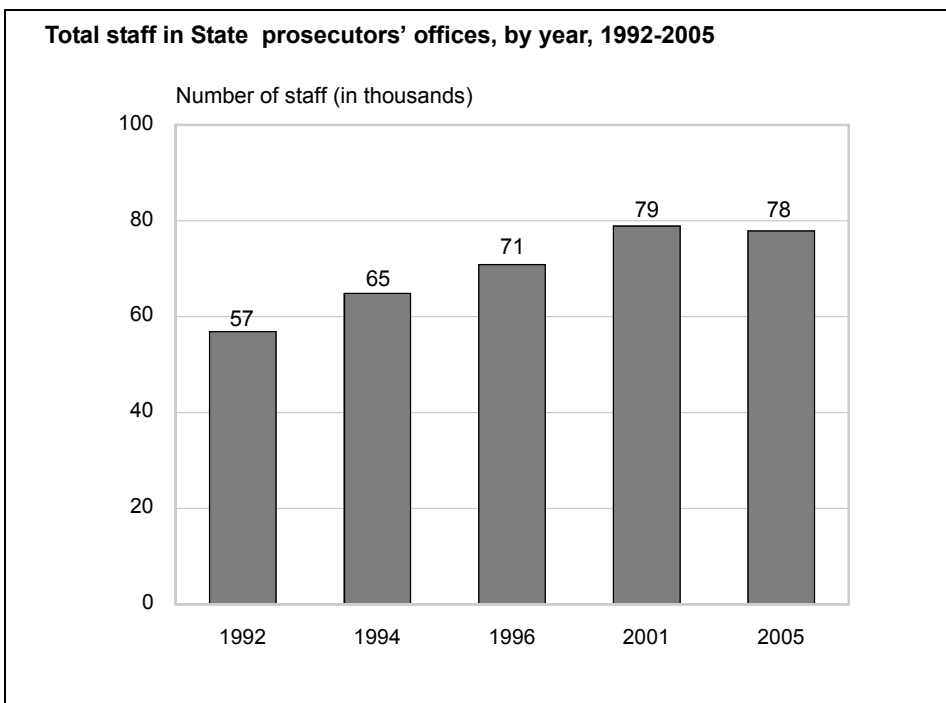


Figure 1

Median staff size in 2005 for all offices (staff persons), as well as median number of staff across the different position categories and types of offices, remained relatively similar to that found in 2001.

Offices serving larger jurisdictions had more staff (table 2). Full-time offices in large jurisdictions had a median total staff size of 419 with a median of 141 assistant prosecutors. Full-time offices serving medium-sized populations had a median of 105 total staff; those serving smaller populations (under 250,000) had a median staff size of 10, and part-time offices had a median total staff size of 3.

Attorney recruitment and retention in prosecutors' offices

Problems with recruiting new staff attorneys were reported by 24% of prosecutors' offices and problems in retaining staff attorneys by 35%.

| | Percent of prosecutors' offices with problem — | |
|---|--|---------------------|
| | Recruiting attorneys | Retaining attorneys |
| All offices | 24% | 35% |
| Full-time offices by population served | | |
| 1,000,000 or more | 27% | 72% |
| 250,000 to 999,999 | 37 | 63 |
| Under 250,000 | 27 | 34 |
| Part-time offices | 11 | 22 |

Thirty-seven percent of full-time medium offices and 27% of full-time large offices reported problems in recruiting new staff attorneys compared to 11% of part-time offices. Similarly, over 60% of full-time large and medium offices indicated a problem in retaining staff attorneys while 34% of full-time small offices and 22% of part-time offices reported such a problem. Salary was the primary obstacle cited by prosecutors' offices with recruitment problems (83%) and offices with retention problems (71%).

| | Percent of prosecutors' offices with salary as obstacle to — | |
|-------------|--|---------------------|
| | Recruiting attorneys | Retaining attorneys |
| All offices | 83% | 71% |

| | Percent of prosecutors' offices with salary as obstacle to — | |
|---|--|---------------------|
| | Recruiting attorneys | Retaining attorneys |
| Full-time offices by population served | | |
| 1,000,000 or more | 78% | 82% |
| 250,000 to 999,999 | 72 | 76 |
| Under 250,000 | 90 | 67 |
| Part-time offices | 54 | 76 |

Term of office, length of service, and salary of chief prosecutors

In 2005, 85% of chief prosecutors reported they had been elected or appointed to a 4-year term. The median length of service was 8 years in 2005 (table 3). About a quarter of the chief prosecutors (28%) were relatively new to the job having served 4 years or less in 2005. The longest tenure among surveyed respondents was 35 years.

In 2005 half of all offices reported the chief prosecutor earned \$85,000 per year or more, a 33% increase in median salary since 1996 (\$64,000). Nearly 4 in 10 chief prosecutors (37%) had a salary of \$100,000 or more. The amount of annual salary varied by size of jurisdiction served and whether the chief served full- or part-time. In 2005 the median salary for full-time large offices was \$149,000 compared to a median of \$42,000 for part-time offices.

Table 2. Median staff size in State prosecutors' offices, by type of office and personnel categories, 2005

| Personnel category | All offices | Full-time offices by population served | | | Part-time offices |
|---------------------------------------|-------------|--|-----------------------------|-----------------------|-------------------|
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Total staff size ^a | 9 | 419 | 105 | 10 | 3 |
| Assistant prosecutors ^b | 3 | 141 | 34 | 3 | 1 |
| Legal services personnel ^c | -- | 20 | 2 | -- | -- |
| Victim advocates | 1 | 13 | 6 | 1 | -- |
| Staff investigators | -- | 39 | 7 | -- | -- |
| Support staff ^d | 3 | 136 | 29 | 4 | 1 |

Note: Data were available on median staff size for 100% of prosecutors' offices. Detail may not sum to total due to rounding.

--Less than 0.5%.

^aIncludes the chief prosecutor.

^bIncludes any attorneys in non-litigating, managerial, or supervisory positions. If managers/supervisors litigate cases, they are included in the number of assistant prosecutors, as well as civil attorneys.

^cIncludes law clerks and paralegals.

^dIncludes secretaries, clerks and computer specialists.

Table 3. Length of service and annual salary for State chief prosecutors, by size of office, 2005

| | All offices | Full-time offices by population served | | | Part-time offices |
|------------------------------|-------------|--|-----------------------------|-----------------------|-------------------|
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Median years of service | 8 yrs | 8 yrs | 8 yrs | 9 yrs | 9 yrs |
| Median salary | \$85,000 | \$149,000 | \$125,000 | \$95,000 | \$42,000 |
| Percent serving — | | | | | |
| 4 years or less | 28% | 30% | 37% | 29% | 22% |
| 5 to 11 years | 32 | 35 | 27 | 32 | 34 |
| 12 or more years | 40 | 35 | 37 | 39 | 45 |
| Annual salary over \$100,000 | 37 | 97 | 87 | 44 | -- |

Note: Data were available on length of service and annual salary for 85% of prosecutors' offices.

--Less than 0.5%.

Budget of prosecutors' offices

In 2005 prosecutors' offices nationwide had budgets which totaled over \$4.9 billion (table 4). Half of the offices reported an annual budget of \$355,000 or more, an increase in the median annual budget for prosecutors' offices from \$264,000 in 1992 as measured in constant 2005 dollars. Reflecting the wide variation in populations served, annual office budgets across the U.S. ranged from about \$5,000 to \$285 million.

Adjustment for inflation

Historical budget estimates were adjusted for inflation using the average Consumer Price Index for a given calendar year. These data represent changes in price for all goods and services purchased for consumption by urban households. See <<http://www.bls.gov/data/>>.

Half of all offices received at least 82% of their funds for prosecutorial functions from the county government (not shown in table). About 32% of offices relied exclusively on the county for their budget. A decade ago (1994) 46% reported receiving their total prosecutorial budget from the county. In 2005 a greater proportion of offices received State funds (49%) or State and Federal grants (40%) than in 1994.

Types of cases litigated by prosecutors' offices

In addition to felony criminal matters, prosecutors' offices litigated a variety of other case types. At least 9 out of 10 offices also had jurisdiction over misdemeanor (95%) and juvenile cases (90%) (table 5). Traffic violations were prosecuted by 88% of the offices. Prosecutors' offices were also frequently responsible for prosecuting civil cases (60%), child support enforcement (57%), and felony appeals (54%).

Table 4. Budget for prosecutorial functions in State prosecutors' offices, by size of office, 2005

| | All offices | Full-time offices by population served | | | Part-time offices |
|--------------------------------------|-------------|--|-----------------------------|-----------------------|-------------------|
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Total number of prosecutors' offices | 2,344 | 42 | 213 | 1,515 | 574 |
| Budget dollars (in thousands) | | | | | |
| Total | \$4,984,759 | \$1,911,635 | \$1,777,537 | \$1,194,915 | \$100,672 |
| Median | \$355 | \$33,232 | \$6,035 | \$389 | \$133 |
| Mean | \$2,127 | \$45,515 | \$8,345 | \$789 | \$175 |
| Minimum | \$5 | \$1,998 | \$18 | \$19 | \$5 |
| Maximum | \$285,456 | \$285,456 | \$63,958 | \$6,980 | \$1,800 |

Table 5. Nonfelony cases prosecuted by State prosecutors' offices, by type of case and size of office, 2005

| Type of nonfelony cases | Percent of offices | | | | |
|--|--------------------|--|-----------------------------|-----------------------|-------------------|
| | All offices | Full-time offices by population served | | | Part-time offices |
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Misdemeanor | 95% | 98% | 85% | 95% | 100% |
| Juvenile matter | 90 | 90 | 93 | 94 | 78 |
| Traffic violations | 88 | 63 | 63 | 88 | 100 |
| Misdemeanor appeal | 71 | 85 | 75 | 67 | 78 |
| Representing the government in a civil lawsuit | 60 | 46 | 23 | 57 | 81 |
| Child support enforcement | 57 | 37 | 40 | 54 | 73 |
| Felony appeal | 54 | 78 | 62 | 53 | 51 |

Note: Data were available on the percentage of offices handling misdemeanor cases, juvenile matters, representing government in civil cases, misdemeanor appeals, felony appeals, child support, and traffic violations for 99% of prosecutors' offices.

Computer-related crime prosecutions

Prosecutors' offices litigated a variety of crimes related to computer and electronic commerce fraud. Over the 12 months preceding the survey, 60% of the prosecutors' offices reported prosecuting criminal cases specifically under their State's computer crime statutes (table 6). Most offices prosecuted a broad range of electronic-related crimes:

- credit card fraud (80%)
- bank card fraud (71%)
- identity theft (69%)³
- transmission of child pornography (67%).

Half or more of the large full-time prosecutors' offices prosecuted cyberstalking (82%), computer forgery (56%), and unauthorized access (hacking) (53%) cases. The part-time offices also reported prosecutions related to bank card fraud (81%), credit card fraud (78%), and identity theft (63%).

³For more information on identity theft victimization, see *Identity Theft, 2004* at <<http://www.ojp.usdoj.gov/bjs/abstract/it04.htm>>.

Table 6. Computer-related crimes prosecuted by State prosecutors' offices, by type of crime and population served, 2005

| | Percent of prosecutors' offices | | | | |
|--|---------------------------------|--|-----------------------|-----|-------------------|
| | All offices | Full-time offices by population served | | | Part-time offices |
| Large (1 million or more) | | Medium (250,000 to 999,999) | Small (Under 250,000) | | |
| Prosecuted cases under State's computer crime statute | 60% | 89% | 90% | 68% | 26% |
| Type of computer-related crimes | | | | | |
| Credit card fraud | 80% | 91% | 90% | 77% | 78% |
| Bank card fraud ^a | 71 | 82 | 81 | 67 | 81 |
| Identity theft ^b | 69 | 97 | 85 | 66 | 63 |
| Transmitting child pornography | 67 | 82 | 90 | 69 | 22 |
| Computer forgery ^c | 40 | 56 | 38 | 40 | 37 |
| Cyberstalking ^d | 36 | 82 | 62 | 35 | -- |
| Unauthorized access ^e | 23 | 53 | 40 | 21 | -- |
| Computer sabotage ^f | 5 | 27 | 10 | 4 | -- |
| Theft of intellectual property | 5 | 38 | 11 | 3 | -- |
| Unauthorized copying ^g | 4 | 44 | 5 | 3 | -- |
| Other | 11 | 15 | 11 | 12 | 4 |

Note: Data on prosecution of any computer-related crime under their State's computer statutes were available for 86% of prosecutors' offices.

Data were available on credit card fraud, bank card fraud, forgery, sabotage, unauthorized access to computer system, unauthorized copying or distribution of computer programs, cyberstalking, theft of intellectual property, transmitting child pornography, and identity theft for 52% of the offices. --Less than 0.5%.

^aIncludes ATM or debit card.

^bDefined as unauthorized use or attempted use of credit cards, existing accounts, and or misuse of personal information to obtain new accounts, etc.

^cAlteration of computerized documents.

^dDefined as the sending of harassing or threatening e-mail to other users.

^eHacking.

^fDefined as any action hindering the normal function of a computer system through the introduction of worms, viruses, or logic bombs.

^gSoftware copyright infringement.

State court prosecutors and homeland security

Although a relatively small percentage of offices reported prosecution of a terrorism-related case (2%), a third had an office member receive training on homeland security issues (table 7). A quarter of the offices took part in State or local homeland security task forces. Prosecutors' offices serving jurisdictions of 1 million or more persons were the most likely to have reported involvement in homeland security issues, 28% compared to 7% or less in full-time medium and small offices.

Domestic violence prosecutions

Nearly all prosecutors' offices (98%) operated in a State which maintained a domestic violence statute. About a quarter of the offices (28%) had a domestic violence prosecution unit.

| | Percent of prosecutors' offices with a — |
|-------------|--|
| | State domes- Local domes- |
| | tic violence tic violence |
| | statute unit |
| All offices | 98% 28% |

Full-time offices by population served

| | | |
|--------------------|------|-----|
| 1,000,000 or more | 100% | 97% |
| 250,000 to 999,999 | 95 | 80 |
| Under 250,000 | 100 | 23 |

Part-time offices

| | | |
|--|----|----|
| | 95 | 16 |
|--|----|----|

Criminal cases and convictions

In 2005 State court prosecutors reported closing over 2.4 million felony cases and nearly 7.5 million misdemeanor cases.⁴

The median number of criminal felony and misdemeanor cases closed per office was 1,100 (table 8). About 90 felony cases per assistant prosecutor were closed.⁵

⁴Methods of counting criminal cases vary among prosecutors' offices. About 45% indicated counting criminal cases by each defendant; 25%, by each charge; 20%, by each incident; 3%, by the most serious charge; and 7%, by other methods or did not respond.

⁵This estimate was calculated by dividing the number of felony cases closed (2,418,242) by the number of assistant prosecutors (24,146) and supervisory attorneys (2,829).

An assumption made in calculating the estimate is that all assistant prosecutors litigated felony cases, which may not always be the case.

Jury felony trial verdicts were relatively rare, as they represented approxi-

mately 3% of total felony cases closed. Large, full-time offices prosecuted a median of 230 felony jury trials. By comparison, the median number of felony jury trials for part-time offices was two.

Table 7. Homeland security-related activity in State prosecutors' offices, 2005

| Type of activity | Percent of prosecutors' offices | | | | |
|--|---------------------------------|--|-----------------------------|-----------------------|-------------------|
| | All offices | Full-time offices by population served | | | |
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | Part-time offices |
| Prosecution of cases related to terrorism | 2% | 28% | 7% | 1% | -- |
| Participation in terrorism related investigations | 7 | 53 | 24 | 6 | -- |
| Training on homeland security issues | 33 | 92 | 64 | 36 | 12% |
| Participation on State or local terrorism task force | 24 | 84 | 57 | 24 | 6 |

Note: Data were available on prosecution of cases related to terrorism and participation in terrorism related investigations, training received on homeland security in terrorism related investigations, and training received on homeland security issues and participation on a State or local task force for 86% of prosecutors' offices.

--Less than 0.5%.

Table 8. Median number of cases closed by State prosecutors' offices, 2005

| Type of case closed | All offices | Full-time offices by population served | | | |
|---|-------------|--|-----------------------------|-----------------------|-------------------|
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | Part-time offices |
| Criminal (felonies and misdemeanors) ^{a,b} | 1,100 | 42,953 | 11,235 | 1,435 | 375 |
| Felony ^c | 250 | 11,801 | 3,106 | 310 | 75 |
| Misdemeanor ^d | 630 | 37,308 | 6,700 | 800 | 300 |
| Felony jury trial verdicts | 6 | 230 | 60 | 10 | 2 |

Note: Data were available on the total number of criminal cases closed, the number of felony cases closed, and the number of misdemeanor cases closed for 93% of prosecutors' offices.

^aCase was defined by respondent.

^bClosed case means any case with a judgment of conviction, acquittal, or dismissal with or without prejudice entered by the court.

^cEach respondent categorized cases as felonies according to their State statute.

^dMisdemeanor cases refer to cases in which criminal defendants had no felony charges against them.

Juveniles proceeded against in criminal courts

In 2005, 65% of prosecutors' offices indicated they had proceeded against juvenile cases in criminal court (table 9). During the prior year prosecutors' offices reported proceeding against over 23,000 juvenile cases in criminal court. The median number of juvenile cases proceeded against in criminal court per office was four. Half of full-time large offices proceeded against 65 or more juvenile cases in criminal court; full-time medium offices, 12 or more; full-time small offices, 4 or more; and part-time offices, 2 or more.

About 3% of the offices reported a specialized unit that prosecuted juvenile cases in criminal court. These specialized units were more likely to be found in full-time large offices (30%) than full-time medium offices (10%) or full-time small offices (2%).

A third (34%) of prosecutors' offices had a designated attorney handle juvenile cases proceeded against in criminal court. Forty percent of full-time small offices had designated attorneys handle juvenile cases in criminal court, 14% of full-time large offices, 25% of full-time medium offices, and 25% of part-time offices. Thirteen percent of all offices had written guidelines for handling juvenile cases in criminal court.

Measuring juvenile cases proceeded against in criminal court

Measuring the number of juvenile cases proceeded against is difficult due to the various mechanisms by which a juvenile case can reach criminal court (judicial waiver, direct file by prosecutor and statutory exclusion of certain offenses from juvenile court jurisdiction, the variation in the definition of juvenile across States, and the different terminology used by States in referring to this type of case). The total number of juvenile cases proceeded in criminal court presented in this report is based on information supplied by prosecutors' offices.

Full-time large offices (58%) more frequently had written guidelines than their full-time and part-time office counterparts.

Work-related threats or assaults against staff in prosecutors' offices

Overall, 40% of prosecutors' offices reported a work-related threat or assault against a staff member (table 10). In 1992 about a quarter of the offices reported a threat or assault. In

2005, 84% of full-time large offices reported a work-related threat or assault against a staff member, 57% of full-time medium offices, 43% of full-time small offices, and 22% of part-time offices.

In 2005, 3% of offices reported that their chief prosecutor was the victim of a battery or assault. About one-quarter (24%) of part-time offices reported a battery or assault against their chief prosecutor.

Table 9. Juvenile cases prosecuted in criminal courts by State prosecutors' offices, 2005

| | All offices | Full-time offices by population served | | | Part-time offices |
|--|-------------|--|-----------------------------|-----------------------|-------------------|
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Juvenile cases prosecuted in criminal courts | | | | | |
| Percent of prosecutors' offices which prosecuted juvenile cases in criminal court | 65% | 95% | 92% | 65% | 51% |
| Case total | 23,194 | 4,335 | 5,330 | 12,571 | 959 |
| Median number of cases per office | 4 | 65 | 12 | 4 | 2 |
| Percent of prosecutors' offices with — | | | | | |
| Specialized unit only | 3% | 30% | 10% | 2% | -- |
| Designated attorney(s) only | 34 | 14 | 25 | 40 | 25% |
| Specialized unit, with designated attorney | 4 | 14 | 18 | 3 | -- |
| No specialized unit, with designated attorney | 59 | 43 | 47 | 55 | 75 |
| Written guidelines for handling juvenile cases in criminal court | 13 | 58 | 32 | 12 | 5 |

Note: Data were available for 100% of the prosecutors' offices.
--Less than 0.5%.

Table 10. Work-related threats and assaults received by staff of State prosecutors' offices, 2005

| Staff and type of work-related threats/assaults | All offices | Percent of prosecutors' offices | | | Part-time offices |
|---|-------------|--|-----------------------------|-----------------------|-------------------|
| | | Full-time offices by population served | | | |
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Received any work-related threats | 40% | 84% | 57% | 43% | 22% |
| Chief prosecutor | | | | | |
| Threatening letter | 47% | 53% | 54% | 45% | 52% |
| Threatening call | 31 | 26 | 25 | 25 | 71 |
| Face to face threat | 31 | 7 | 2 | 26 | 95 |
| Battery/assault | 3 | -- | 1 | -- | 24 |
| Assistant prosecutors | | | | | |
| Threatening letter | 29% | 63% | 49% | 24% | 24% |
| Threatening call | 28 | 71 | 54 | 21 | 24 |
| Face to face threat | 31 | 50 | 33 | 31 | 24 |
| Battery/assault | 6 | 7 | 6 | 8 | -- |
| Staff investigator | | | | | |
| Threatening letter | 3% | 10% | 10% | 2% | -- |
| Threatening call | 6 | 10 | 15 | 6 | -- |
| Face to face threat | 4 | 10 | 14 | 3 | -- |
| Battery/assault | -- | 3 | 1 | -- | -- |

Note: Data were available for 84% of the prosecutors' offices.
--Less than 0.5%.

Security measures used in prosecutors' offices

Prosecutors' offices used various security measures to protect their staff and building. Electronic security systems (27%), building guards (26%), or metal detectors (23%) were used by over 20% of all prosecutors' offices nationwide (table 11). Nearly 2 in 10 offices had electronic surveillance (17%). The percentage of prosecutors' offices using building guards and metal detectors in 2005 doubled since 1994 when 10% of offices reported using building guards and 10% metal detectors.

The chief prosecutor carried a firearm for personal security in 20% of the offices. A quarter of full-time small offices indicated the chief prosecutor carried a firearm for personal security, as did 10% of full-time medium offices, 11% of part-time offices, and 16% of full-time large offices.

Among all offices 27% reported that a staff investigator carried a firearm. Staff investigators were more likely to carry a firearm in full-time large (92%) and full-time medium (71%) offices than in full-time small (28%) offices. Assistant prosecutors in 44% of full-time large offices, 25% of full-time medium offices, 15% of full-time small offices carried a firearm for personal security.

DNA evidence used by prosecutors' offices

In 2005 a State-operated forensic laboratory performed DNA testing for 95% of all offices, up from 61% in 2001 (table 12).⁶ Prosecutors' offices also used other sources of DNA analysis, such as a private laboratory (34%), the Federal Bureau of Investigations (FBI) (13%), and a local agency (6%).

⁶For more information on DNA laboratories, see *Census of Publicly Funded Forensic Crime Laboratories, 2002*, <<http://www.ojp.usdoj.gov/bjs/abstract/cpffcl02.htm>>.

When asked about problems in the use of DNA evidence, nearly half (47%) of all offices indicated at least one instance of excessive delay in getting laboratory results. Excessive delays in getting DNA results were reported by 60% of full-time large offices, 80% of full-time medium offices, and 51% of

full-time small offices. Inconclusive DNA results were reported by about a quarter of all offices, 12% for improper collection of evidence by the police, and difficulty at least once in getting DNA results admitted in court as evidence by 1%.

Table 11. Security measures employed by State prosecutors' offices, 2005

| Type of security measures | Percent of prosecutors' offices | | | | |
|---|---------------------------------|--|-----------------------------|-----------------------|-------------------|
| | All offices | Full-time offices by population served | | | Part-time offices |
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Office protection | | | | | |
| Electronic systems | 27% | 33% | 57% | 71% | 13% |
| Building guards | 26 | 83 | 68 | 27 | 1 |
| Metal detectors | 23 | 72 | 64 | 20 | 6 |
| Electronic surveillance | 17 | 49 | 33 | 17 | 6 |
| Police protection | 13 | 36 | 23 | 13 | 6 |
| Firearm carried for personal protection by — | | | | | |
| Chief prosecutor | 20% | 16% | 10% | 25% | 11% |
| Assistant prosecutor | 13 | 44 | 25 | 15 | -- |
| Staff investigator | 27 | 92 | 71 | 28 | -- |
| Firearm not carried | 59 | 8 | 25 | 55 | 89 |

Note: Data were available on police protection, building guards, electronic surveillance, metal detectors, electronic security systems, and carrying firearms for 81% of offices.
--Less than 0.5%.

Table 12. Use of DNA evidence by State prosecutors' offices, 2005

| Use of DNA evidence | Percent of prosecutors' office | | | | |
|---|--------------------------------|--|-----------------------------|-----------------------|-------------------|
| | All offices | Full-time offices by population served | | | Part-time offices |
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Forensic laboratory performing DNA analysis for State prosecutors' offices operated by — | | | | | |
| State | 95% | 62% | 92% | 97% | 94% |
| Private organization | 34 | 73 | 53 | 38 | 13 |
| FBI | 13 | 22 | 16 | 14 | 7 |
| Local agency | 6 | 73 | 17 | 2 | 6 |
| Problems encountered with DNA evidence | | | | | |
| Excessive delay in getting DNA results | 47% | 60% | 80% | 51% | 17% |
| Inconclusive DNA results | 26 | 41 | 35 | 25 | 23 |
| Improper collection by police | 12 | 32 | 13 | 15 | -- |
| Difficulty obtaining expert witnesses | 9 | -- | 5 | 6 | 17 |
| Difficulty getting DNA results admitted in court | 1 | 5 | 1 | 1 | -- |
| District databases and coordination | | | | | |
| Offender DNA database | 28% | 89% | 51% | 28% | 17% |
| Local forensic DNA database | 8 | 49 | 25 | 5 | 5 |

Note: Data were available on DNA analyses performed by the FBI, State-operated forensic laboratories, local agency operated forensic laboratories, and privately operated forensic laboratories for 82% of prosecutors' offices. Data were available on improper collection of evidence by police, inconclusive DNA results, excessive delay in getting DNA results, and difficulty in getting DNA results submitted in court for 82% of prosecutors' offices.
--Less than 0.5%.

Community prosecution

Community prosecution has been defined by prosecutors as a way to engage the community to solve crime and coordinate their office, law enforcement, local residents, and local agencies and organizations to improve public safety and quality of life.⁷

During the previous year two-thirds of all prosecutors' offices used tools other than criminal prosecution to address community problems. Over half of the offices involved the community to identify crime or problem areas. Sixteen percent assigned prosecutors to specific geographic areas (table 13). Tools other than criminal prosecution used to address community problems were utilized by 95% of full-time large offices, 80% of full-time medium offices, 72% of full-time small offices, and 43% of part-time offices. Assigning prosecutors to specific geographic areas was done most often by full-time large offices (60%) compared to their smaller full-time and part-time counterparts.

Virtually all the offices (99%) indicated a formal or informal relationship with law enforcement agencies. Eighty-eight percent of the offices reported a formal or informal relationship with other governmental agencies, 70% community associations, and 56% private organizations. About three-fifths of all offices met regularly with school and advocacy groups. Nearly half of the offices reported meeting regularly with youth service organizations and business groups. About 3 in 10 met regularly with neighborhood associations. Only 6% of all offices indicated meeting regularly with tenant associations.

⁷For more information on community prosecution see Nugent, Elaine and Gerard A. Rainville, "The State of Community Prosecution: Results from a National Survey," *The Prosecutor*, March/April 2001, pp. 26-33 and the Office of Justice Programs website <<http://www.ojp.usdoj.gov/prosecution/commlinks.htm>>.

Twenty-four percent of all offices assigned prosecutors to oversee community-related activities. Of the offices assigning prosecutors to community-related activities, 37% reported that these prosecutors were located outside of the central prosecutors' offices in places such as the police department or a community-based office. The types of offenses prosecuted most

often by prosecutors assigned to community-related activities were drug crime (81%), violent crime (77%), juvenile crime (53%), and property crime (63%) (not shown in table). Over three-fourths of the offices that assigned prosecutors to community-related activities indicated that these prosecutors carried a full caseload.

Table 13. Community-related activities engaged in by prosecutors' offices, 2005

| Types of community-related activity | Percent of prosecutors' offices | | | | |
|--|---------------------------------|--|-----------------------------|-----------------------|-------------------|
| | All offices | Full-time offices by population served | | | Part-time offices |
| | | Large (1 million or more) | Medium (250,000 to 999,999) | Small (Under 250,000) | |
| Defined district as a community prosecution office | 39% | 75% | 49% | 36% | 38% |
| Engaged in any of the following — | | | | | |
| Used tools other than criminal prosecution to address community problems | 66% | 95% | 80% | 72% | 43% |
| Involved the community to identify crime and/or problem areas | 51 | 95 | 75 | 51 | 38 |
| Assigned prosecutors to specific geographic areas | 16 | 60 | 39 | 17 | 1 |
| Formal and/or informal relationships with — | | | | | |
| Law enforcement agencies | 99% | 100% | 100% | 98% | 100% |
| Other government agencies | 88 | 97 | 90 | 91 | 77 |
| Community associations | 70 | 92 | 80 | 74 | 53 |
| Private organizations | 56 | 89 | 72 | 58 | 41 |
| Members of office meet regularly with local community groups or organizations — * | | | | | |
| Advocacy groups | 62% | 89% | 76% | 65% | 49% |
| School groups | 61 | 84 | 78 | 62 | 49 |
| Youth service organizations | 47 | 81 | 70 | 52 | 22 |
| Business groups | 45 | 76 | 67 | 52 | 18 |
| Neighborhood associations | 30 | 81 | 68 | 32 | 7 |
| Religious groups | 24 | 56 | 45 | 22 | 17 |
| Tenant associations | 6 | 35 | 27 | 3 | 1 |
| Office assigned prosecutors to community-related activities | | | | | |
| Prosecutor located in — | 37 | 69 | 45 | 30 | 100 |
| Police department | 44 | 53 | 37 | 39 | 100 |
| Community-based office | 39 | 48 | 33 | 34 | 100 |
| City/municipal attorney office | 22 | 11 | 10 | 34 | -- |

Note: Data were available on involving the community to identify crime and/or problem areas, assigning prosecutors to specific geographic areas, and using tools other than criminal prosecution for 84% of the prosecutors' offices. Data were available on formal and/or informal relationships with law enforcement agencies, private organizations, community associations, and other government agencies for 82% of prosecutors' offices. Data were available on whether prosecutors' offices meet regularly with neighborhood associations, tenants' associations, advocacy groups, youth service organizations, business groups, religious groups, school groups, and on prosecutors assigned to oversee community-related activities for 85% of prosecutors' offices.

*Member includes the chief prosecutor, assistant prosecutors, staff investigators, or any other professional staff.

--Less than 0.5%.

Methodology

The chief prosecutors surveyed are a nationally representative sample of those that prosecute felony cases in State courts of general jurisdiction. Questionnaires were mailed to 310 chief prosecutors from the 2,344 who try felony cases in State courts.

Sampling frame

The sampling frame used for the 2005 NSP was similar to that employed for the 2001 NSP, but the 2005 frame was updated according to the current jurisdictions. In general, each district is composed of counties. However, the 13 Connecticut districts are composed of townships/cities. Additionally, concurrent districts exist in Alabama and Texas. Concurrent prosecutorial districts are pairs of districts which both cover all or part of the same county. The frame included chief prosecutor mailing information for each districts' geographic compositions along with 2004 total population estimates associated with each district. For districts comprised of counties, the 2004 Intercensal Census total population (<<http://www.census.gov/popest/counties/files/CO-EST2004-ALLDATA.csv>>, "POPESTIMATE2004," May 20, 2005) was linked to each district component and then summed within district. For Connecticut, 2000 Census population counts (<<http://www.opm.state.ct.us/pdpd3/data/estimate.htm>>, May 20, 2005) were linked to each township/city and summed within district. Each 2000 Census district total population was then inflated by a common factor to force the total population over the 13 Connecticut districts to equal the 2004 Intercensal Census statewide estimate. The National Opinion Research Center then drew a stratified systematic sample from the 2,344 prosecutorial districts.

Sample

The 2,344 prosecutorial districts were grouped into 5 strata, depending on their estimated 2004 populations. A sample of 310 districts were selected proportional to the total number of districts available in each stratum. A sam-

ple of 310 districts was chosen that is expected to yield a coefficient of variation of about 2% for sample estimates related to population size. Each chief prosecutor had only one chance to be in the sample.

| Stratum definition | Number of — | | |
|---------------------|--------------|----------------|----------------------|
| | Actual units | Sam-pled units | Respon-dents in 2005 |
| 1=1,000,000 + | 42 | 42 | 41 |
| 2=500,000 - 999,999 | 82 | 73 | 73 |
| 3=250,000 - 499,999 | 131 | 58 | 57 |
| 4=100,000 - 249,000 | 345 | 69 | 68 |
| 5=0 to 99,999 | 1,744 | 68 | 68 |
| | 2,344 | 310 | 307 |

Statistics computed using sample survey responses have an "analysis weight" for conversion of sample results to statistics applicable to the entire population — in the NSP context, the entire population of felony prosecutors in State courts.

One office each in Strata 1, 3, and 4 did not respond to the 2005 survey. Taking this into account, nonresponse adjusted weights were calculated for each of the remaining 307 respondents; that is, within each stratum the inverse of the probability of selection (the inverse of the number of districts selected out of the total number of districts within the stratum) was adjusted to force the final number of districts within the stratum to sum to the original total number of districts within the stratum. The final nonresponse adjusted weight should be used for analytical purposes.

Sampling error

Since the data in this report came from a sample, a sampling error (standard error) is associated with each reported number. In general, if the difference between two numbers is greater than twice the standard error for that difference, there is a 95% confidence of a real difference that is not simply the result of using a sample rather than the entire population. All the differences discussed in the text of this report were

statistically significant at or above the 95% confidence level.

Data collection

The 2005 survey was conducted through a mailed questionnaire, consisting of 48 questions that encompassed 172 items of information. The questionnaires were mailed to the survey participants by the National Opinion Research Center in June 2005. Follow-up continued until January 2006. Of the 310 prosecutors' offices in the survey, 307 completed the questionnaire.

The survey was completed by 262 offices in 1992, 269 offices in 1994, and 272 offices in 1996.

Overall, the survey response rate was 99% (307/310). Several kinds of requested information were difficult for prosecutors' offices to provide, such as workload statistics, data related to number of juveniles proceeded against, and budget information.

In reference to felony cases closed, 5.9% of the offices did not provide information and for misdemeanor cases closed 8.1% did not provide information. Of the 254 offices that proceeded against juveniles in criminal court, 2.8% were unable to provide the number of cases prosecuted. The 2005 budget figure for prosecutorial function was missing in 1.6% of survey respondents.

Appendix. Chief prosecutors who handle felony cases in State courts of general jurisdiction, 2005.

| State | Number of chief prosecutors | Title | Areas of jurisdiction | Elected | Appointed |
|------------------------|-----------------------------|---|---|---------|-----------|
| Alabama ^{a,b} | 42 | District Attorney | Judicial circuit | x | |
| Alaska | 1 | Attorney General | Entire state | | x |
| Arizona | 15 | County Attorney | County | x | |
| Arkansas | 28 | Prosecuting Attorney | Judicial circuit | x | |
| California | 58 | District Attorney | County, City/County government of San Francisco | x | |
| Colorado | 22 | District Attorney | Judicial circuit | x | |
| Connecticut | 13 | State's Attorney | Judicial district which is city and town based | | x |
| Delaware | 1 | Attorney General | Attorney General has primary duties for entire State | x | |
| District of Columbia | 1 | U.S. Attorney | U.S. Attorney has jurisdiction over adult felony and misdemeanor cases | | x |
| Florida | 20 | State's Attorney | Judicial circuit | | |
| Georgia ^b | 49 | District Attorney | Judicial circuit | x | |
| Hawaii | 4 | Prosecuting Attorney | County | x | |
| Idaho | 44 | Prosecuting Attorney | County | x | |
| Illinois | 102 | State's Attorney | County | x | |
| Indiana | 90 | Prosecuting Attorney | Judicial circuit | x | |
| Iowa | 99 | County Attorney | County | x | |
| Kansas | 105 | County Attorney (District Attorney in 5 counties) | County | x | |
| Kentucky ^b | 57 | Commonwealth's Attorney | Judicial circuit | x | |
| Louisiana | 41 | District Attorney | Judicial circuit, Orleans parish | x | |
| Maine | 8 | District Attorney | Geographical district | x | |
| Maryland | 24 | State's Attorney | County, Baltimore City | x | |
| Massachusetts | 11 | District Attorney | Geographical district | x | |
| Michigan | 83 | Prosecuting Attorney | County | x | |
| Minnesota | 87 | County Attorney | County | x | |
| Mississippi | 22 | District Attorney | Judicial circuit | x | |
| Missouri | 115 | Prosecuting Attorney (Circuit Attorney in city of St. Louis) | County | x | |
| Montana | 55 | County Attorney | County | x | |
| Nebraska | 93 | County Attorney | County | x | |
| Nevada | 17 | District Attorney | County, Carson City | x | |
| New Hampshire | 10 | County Attorney | County | x | |
| New Jersey | 21 | County Prosecutor | County | | x |
| New Mexico | 14 | District Attorney | Judicial district | x | |
| New York | 62 | District Attorney | County (5 boroughs of New York City) | x | |
| North Carolina | 39 | District Attorney | Prosecutorial district | x | |
| North Dakota | 53 | State's Attorney | County | x | |
| Ohio | 88 | Prosecuting Attorney | County | x | |
| Oklahoma | 27 | District Attorney | Judicial district | x | |
| Oregon | 36 | District Attorney | County | x | |
| Pennsylvania | 67 | District Attorney | County, City/County government of Philadelphia | x | |
| Rhode Island | 1 | Attorney General | Attorney General has primary duties for entire State | x | |
| South Carolina | 16 | Solicitors | Judicial district | x | |
| South Dakota | 66 | State's Attorney | County | x | |
| Tennessee | 31 | District Attorneys General | Judicial district | x | |
| Texas ^c | 155 | District Attorney, Criminal District Attorney, and County and District Attorney | County, judicial district | x | |
| Utah | 29 | County Attorney (District Attorney in Salt Lake County) | County | x | |
| Vermont | 14 | State's Attorney | County | x | |
| Virginia | 120 | Commonwealth's Attorney | County, 26 independent cities | x | |
| Washington | 39 | Prosecuting Attorney | County | x | |
| West Virginia | 55 | Prosecuting Attorney | County | x | |
| Wisconsin | 71 | District Attorney | County (2 counties share a district attorney) | x | |
| Wyoming | 23 | District Attorney County and Prosecuting Attorney | Judicial district County where district attorney office has not been created | x | |
| Total | 2,344 | | | | |

^aThe 10th Judicial Circuit is divided into two prosecutorial districts, each with a district attorney.

^bAlabama, Georgia, and Kentucky had an increase of one chief prosecutor from 2001.

^cFour counties (Kerr, Pecos, Reagan, and Tom Green) have two district attorneys with concurrent jurisdiction.

Sources: Information was collected from a review of State statutes from the *2004 National Directory of Prosecuting Attorneys* and from State prosecutor coordinators' offices.



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This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/psc05.htm>>. Users may also construct specialized data tables on prosecutors' in State courts using the BJS on-line data analysis system at <<http://bjsdata.ojp.usdoj.gov/dataonline/Search/Prosecutors/index.cfm>>.

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