



# Bureau of Justice Statistics Bulletin

*National Survey of Prosecutors*

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# Prosecutors in State Courts, 2001

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In 2001, 2,341 prosecutors' offices handled felony cases in State courts of general jurisdiction. These offices employed over 79,000 attorneys, investigators, victim advocates, and support staff, with a median annual budget of \$318,000. Over 40% of the offices had experience prosecuting a computer-related crime, and 68% used DNA evidence either during plea negotiations or felony trials. Over three-fourths of chief prosecutors were employed full-time in 2001 compared to half in 1990.

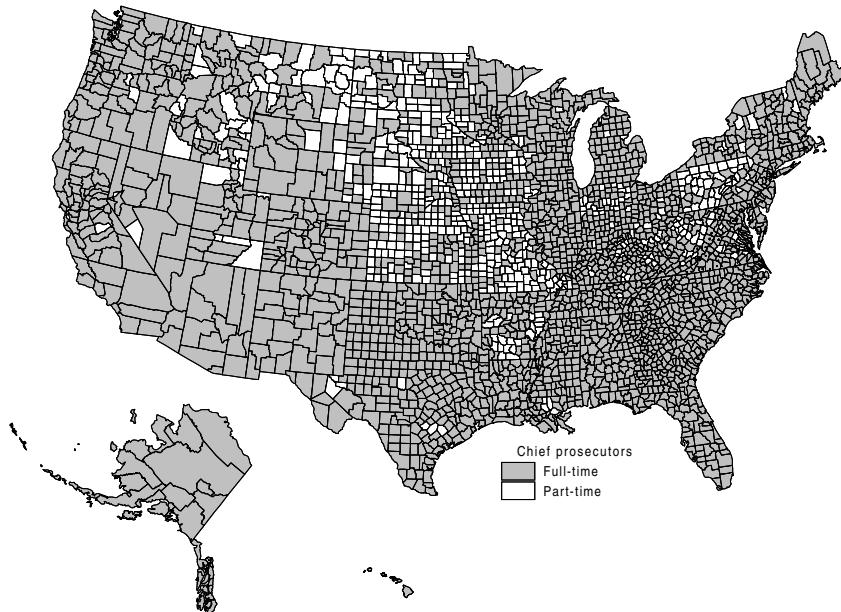
These are findings from the 2001 National Survey of Prosecutors (NSP), which was a census of all chief prosecutors that tried felony cases in State courts of general jurisdiction.<sup>1</sup> The census did not include municipal attorneys or county attorneys who primarily operate in courts of limited jurisdiction. This is the second report based on results from the 2001 NSP that describes how the role of the State court prosecutor has changed over the past decade.<sup>2</sup>

<sup>1</sup>The 1990, 1992, 1994, and 1996 NSP data collections surveyed a nationally representative sample of chief prosecutors that tried felony cases in State courts of general jurisdiction.

<sup>2</sup>*State Court Prosecutors in Large Districts, 2001*, NCJ 191206, available from the BJS website at <http://www.ojp.usdoj.gov/bjs>.

## Highlights

### Full- and part-time prosecutors, by county in the United States, 2001



- Over the past decade prosecutors' offices nationwide, on average, experienced increases in their staff size, budget for prosecutorial functions, and population served.
- In 2001 chief prosecutors were much more likely to serve in a full-time capacity than 10 years ago.
- The percentage of prosecutors' offices prosecuting felonies related to domestic violence, child abuse, and bank or thrift fraud increased in 2001 compared to 1994, when similar data were collected.
- Over the 12 months preceding the 2001 survey, 42% of prosecutors' offices reported prosecuting either felony or misdemeanor computer-related crimes under their State's computer statutes.
- Two-thirds of prosecutors' offices used DNA evidence during plea negotiations or felony trials in 2001 compared to about half of the offices in 1996.
- In 2001 about 23% of prosecutors' offices assigned prosecutors to handle community-related activities.

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 prosecutors include district attorney, prosecuting attorney, county attorney, commonwealth attorney, and state's attorney (*Appendix*). State law determines the number of chief prosecutors and whether they are elected or appointed. 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, in 2001 chief prosecutors were elected.

In Alaska, Delaware, and Rhode Island criminal prosecution was the primary responsibility of the State's Attorney General. In the District of Columbia the United States Attorney had jurisdiction over adult felony and misdemeanor cases.

Most chief prosecutors served prosecutorial districts comprised of one or more counties (not shown in a table). In 2001, 85% of chief prosecutors served a prosecutorial district comprised of one county compared to

80% in 1990. Half of all prosecutors' offices served a district with a population of 36,000 or less. Seventy-five percent of all offices served a district with a population of less than 100,000, and 5% served a district with a population of 500,000 or more.

The size of prosecutorial districts varied considerably among the 2,341 offices. This report provides information for all offices and by size of jurisdiction:

- A full-time office in a large jurisdiction refers to an office with a full-time chief prosecutor serving a prosecutorial district with a population of 1 million or more.
- A full-time office in a medium jurisdiction refers to an office with a full-time chief prosecutor serving a district with a population between 250,000 to 999,999.
- A full-time office in a small jurisdiction refers to a full-time chief prosecutor serving a district with a population less than 250,000.
- A part-time office has a part-time chief prosecutor serving a prosecutorial district of any size.<sup>3</sup>

<sup>3</sup>The full- and part-time categories used in this report are comparable to the categories used in *Prosecutors in State Courts, 1996*, NCJ 170092.

## Staffing in prosecutors' offices

In 2001 the Nation's prosecutors' offices employed a workforce of over 79,000 full and part-time staff, including assistant prosecutors, supervisory attorneys, investigators, victim advocates, and support staff (table 1). This total represented an increase of 39% from 1992 and 13% from 1996. Support staff, including administrative staff and clerical staff, comprised 35% of total staff, and assistant prosecutors, including supervisory attorneys, made up 34%. The number of assistant prosecutors, including supervisory attorneys, grew to nearly 27,000 in 2001, an increase of 35% since 1990 and 12% since 1996 (not shown in a table).

Over the past 10 years, the number of assistant prosecutors (including supervisory attorneys) per 100,000 residents kept pace with population growth. The rate per 100,000 residents was 10 in 2001, compared to 9 in 1996. Overall, the ratio of assistant prosecutors (including supervisory attorneys) to investigators was 3.6 attorneys to 1 investigator, to victim advocates 5.9 to 1, and to support staff members 1 to 1. Between 1990 and 2001, the percentage of prosecutors' offices with at least one full-time assistant prosecutor increased from 50% to 65%.

**Table 1. Distribution of personnel for prosecutors' offices, 2001**

	Percent of total personnel in prosecutors' offices
Total	100%
Chief prosecutor	3.0%
Assistant prosecutors	30.5
Civil attorneys	2.4
Supervisory attorneys <sup>a</sup>	3.5
Managers <sup>b</sup>	1.8
Victim advocates	5.8
Legal services personnel <sup>c</sup>	5.2
Staff investigators <sup>d</sup>	9.4
Support staff <sup>e</sup>	34.9
Other	3.7
Number of personnel	79,436

Note: Detail may not sum to 100% due to rounding. Data on types of personnel were available for 2,243 prosecutors' offices and estimated for 98 offices. (See *Methodology*, page 10.)

<sup>a</sup>Attorneys in managerial positions who litigate cases.

<sup>b</sup>Attorneys or nonattorneys in primarily managerial positions who do not litigate cases.

<sup>c</sup>Includes law clerks and paralegals.

<sup>d</sup>Includes investigators on contract.

<sup>e</sup>Includes administrative staff, clerical staff, computer personnel and fiscal officers.

**Table 2. Median staff size in prosecutors' offices, by personnel categories, 2001**

	All offices	Median for prosecutors' offices				
		Full-time offices (population served)			Part-time	
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)		
Total staff size <sup>a</sup>	9	456	112	10	3	
Assistant prosecutors	2	151	36	3	1	
Civil attorneys <sup>b</sup>	0	4	0	0	0	
Supervisory attorneys <sup>c</sup>	0	21	5	0	0	
Managers <sup>d</sup>	0	5	1	0	0	
Victim advocates	1	16	6	1	0	
Legal services personnel <sup>e</sup>	0	22	3	0	0	
Staff investigators <sup>f</sup>	0	43	9	0	0	
Support staff <sup>g</sup>	3	145	35	3	1	
Number of offices	2,341	34	194	1,581	532	

Note: Data on types of personnel were available for 2,243 prosecutors' offices and estimated for 98 offices. (See *Methodology*, page 10.)

<sup>a</sup>Includes the chief prosecutor.

<sup>b</sup>18% of prosecutors' offices employed part- or full-time civil attorneys.

<sup>c</sup>Attorneys in managerial positions who litigate cases.

<sup>d</sup>Attorneys or nonattorneys in primarily managerial positions who do not litigate cases.

<sup>e</sup>Includes law clerks and paralegals.

<sup>f</sup>Includes investigators on contract.

<sup>g</sup>Includes administrative staff, clerical staff, computer personnel and fiscal officers.

In 2001 half the entering assistant prosecutors earned \$35,000 or more a year; half the full-time assistant prosecutors with 5 years' experience, \$45,000 or more; and half the supervisory attorneys, \$60,000 or more. About 8% of the total staff worked part time in 2001. In offices with a part-time chief prosecutor, 40% of staff worked full time.

The median total staff size across all offices was nine, including the chief prosecutor (table 2). Half of the offices reported two or more assistant prosecutors, one or more victim advocates, and three or more support staff. In 2001 full-time offices in large districts had a median total staff size of 456, with medians of 151 assistant prosecutors, 21 supervisory attorneys, and 145 support staff. Half of part-time offices reported one or more assistant prosecutors and one or more support staff.

#### **Term of office, length of service, and salary of chief prosecutor**

In 2001 the percentage of full-time chief prosecutors was 77% compared to 53% in 1990 (not shown in a table). The 532 part-time chief prosecutors were located in 29 States. Missouri had the largest number of part-time chief prosecutors with 80 of the State's 115 chief prosecutors serving part-time. Fifty percent or more of chief prosecutors in Iowa, Kansas, Missouri, North Dakota, Nebraska, Pennsylvania, and South Dakota reported that they worked part time.

Eighty-seven percent of chief prosecutors nationwide reported that they were elected or appointed to 4-year terms. The median length of service for chief prosecutors (elected or appointed) was 6.8 years (table 3). About 32% of chief prosecutors had served 4 years or less and 20% had served 15 years or more.

Half of the chief prosecutors in full-time medium size offices served 8.4 years or more. The longest tenure reported by a survey respondent was 40 years.

Half of all offices reported that the chief prosecutor earned \$85,000 per year or more. About 29% of chief prosecutors earned \$100,000 or more per year. In general, the amount of annual salary varied by the size of the prosecutorial district served and whether the chief prosecutor was full or part-time. The median salary for chief prosecutors in full-time large offices was \$136,700; for full-time medium offices, \$115,000; for full-time small offices, \$90,000; and for chief prosecutors in part-time offices, \$39,750. The annual salary for chief prosecutors ranged from \$10,500 to \$189,000 (figure 1).

#### **Attorney recruitment and retention in prosecutors' offices**

Almost a third of offices had experienced problems with recruiting or retaining staff attorneys (not shown in a table). Fifty-nine percent of full-time medium offices and 46% of full-time large offices reported problems of recruiting new staff attorneys compared to 33% of full-time small offices and 12% of part-time offices. Similarly, over 60% of full-time large and medium offices indicated a problem of retaining staff attorneys, while 31% of full-time small offices and 11% of part-time offices reported such a problem. Low salaries were cited as the primary reason for recruitment (67%) and retention (58%) problems by the offices with these problems.

**Annual salary of chief prosecutors, 2001**

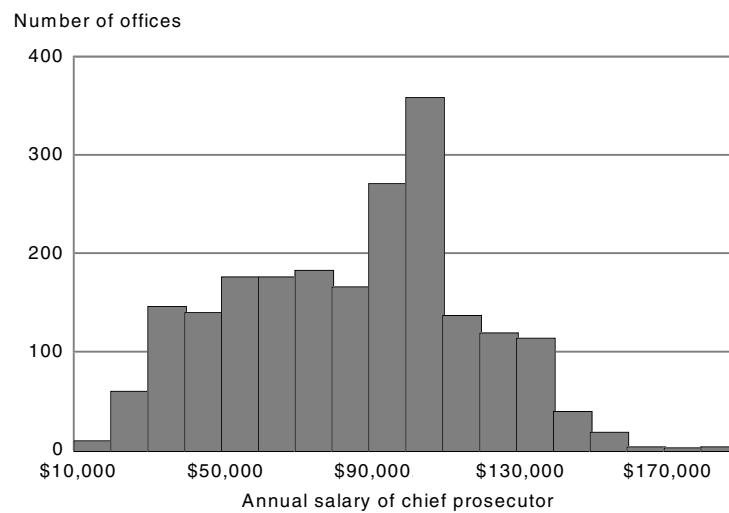


Figure 1

**Table 3. Length of service and annual salary for chief prosecutor, 2001**

Chief prosecutor	All offices	Full-time offices (population served)			Part-time
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	
<b>Median</b>					
Length of service (in years)	6.8	6.5	8.4	6.7	6.7
Annual salary	\$85,000	\$136,700	\$115,000	\$90,000	\$39,750
<b>Percent</b>					
Serving 4 years or less	31.9%	29.4%	25.5%	32.5%	32.8%
Serving 15 years or more	20.3	17.6	23.4	19.2	22.6
With annual salary over \$100,000	28.6	97.1	77.0	30.0	0.2

Note: Data on length of service were available for 2,173 prosecutors' offices and annual salary for 2,121 offices.

**Table 4. Budget for prosecutorial functions in prosecutors' offices, 2001**

Prosecutors' offices	All offices	Full-time offices (population served)			Part-time
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	
<b>Budget for prosecutorial functions (in thousands)</b>					
Total	\$4,680,000	\$1,910,000	\$1,580,000	\$1,120,000	\$78,788
Median	\$318	\$32,115	\$6,100	\$379	\$95
Mean	\$2,000	\$56,223	\$8,119	\$706	\$148
Minimum	\$6	\$7,200	\$200	\$6	\$7
Maximum	\$373,000	\$373,000	\$53,351	\$13,113	\$2,268
<b>Number of offices</b>	2,341	34	194	1,581	532
<b>Percent of offices in which budget includes</b>					
Staff salaries	97.6%	100.0%	99.5%	97.6%	96.8%
Expert services	65.3	97.1	86.5	65.9	51.8
Investigator services	52.9	100.0	83.8	53.5	34.4
DNA testing	39.9	70.6	67.4	38.0	31.6
Child support enforcement	31.7	37.5	31.7	33.0	27.1
Interpreter services	29.8	73.5	66.9	27.8	17.2
Social services	15.4	38.7	31.1	14.7	9.5

Note: Data on total budget for prosecutorial functions were available for 2,221 prosecutors' offices and estimated for 130 prosecutors' offices. Data on percentage of prosecutors' offices budget including staff salaries were available for 2,146 offices, expert services 2,029 offices, investigator services 1,984 offices, interpreter services 1,893 offices, social services 1,839 offices, child support enforcement 1,919 offices, and DNA testing 1,939 offices.

## Budget of prosecutors' offices

In 2001 prosecutors' offices nationwide had total budgets of over \$4.6 billion for prosecutorial functions (table 4). Half of the offices reported an annual budget of \$318,000 or more. The average budget was \$2 million. The reported budgets ranged from \$6,000 to \$373 million. The median annual budget for full-time large offices was \$32 million; for full-time medium offices, \$6 million; for full-time small offices, \$379,000; and for part-time offices, \$95,000.

Almost all of the prosecutors' offices (98%) indicated that salaries were included in their reported budget amounts for prosecutorial functions. Dollar amounts for expert services were included in 65% of reported budgets, investigators' services in 53%, and DNA testing in 40%. Funding for social services were included by 15% of prosecutors' offices.

**Staffing and budget in prosecutors' offices, 1992 to 2001**

	1992	1994	1996	2001
<b>Number of staff</b>				
Total	57,081	65,402	70,526	79,436
Median per office	7	8	9	9
Mean per office	24	29	30	34
<b>Number of assistant prosecutors*</b>				
Total	21,344	22,278	24,040	26,921
Median per office	2	2	3	2
Mean per office	9	10	10	10
<b>Budget for prosecutorial functions</b>				
Total (in 2001 dollars)	--	\$2.9 billion	\$3.5 billion	\$4.68 billion
Median per office (in 2001 dollars)	--	\$271,264	\$286,709	\$318,000
Mean per office (in 2001 dollars)	--	\$1,621,176	\$1,670,447	\$2,000,026

Note: Data for 1992, 1994, and 1996 are from a nationally representative sample of chief prosecutors who tried felony cases in State courts of general jurisdiction. In 1992 data on the number of total staff were available for 2,357 of 2,396 prosecutors' offices and the number of assistant prosecutors for 2,396 offices. In 1994 data on the number of total staff were available for 2,293 of 2,343 prosecutors' offices, the number of assistant prosecutors for 2,336 offices, and the budget for prosecutorial functions for 1,788 offices. In 1996 data on the number of total staff and number of assistant prosecutors were available for 2,341 of 2,343 prosecutors' offices, and the budget for prosecutorial functions for 2,121 offices. In 2001 data on the number of total staff and number of assistant prosecutors were available for 2,243 prosecutors' offices and estimated for 98 offices, and the budget for prosecutorial functions for 2,221 prosecutors' offices and estimated for 130 prosecutors' offices.

\*Includes supervisory attorneys who litigate cases.

--Data were for total budget and were not directly comparable to 1994, 1996, and 2001 data.

Half of the prosecutors' offices received 85% or more of their funding from the county government (not shown in a table). About a third of the offices relied exclusively on the county government for their budget. About half of the offices reported receiving some funding from the State government. Six percent of the offices reported 100% funding from their State government. Some funding from the city government was reported by 4% of the prosecutors' offices. Over a third of the offices indicated that some portion of their budget came from grant funds.

- Between 1992 and 2001 the number of total staff in prosecutors' offices increased by 39%.

- In terms of specific staff members, the number of assistant prosecutors increased 26% during the period 1992 to 2001.

- When 1994 budget amounts are adjusted for inflation, prosecutors' offices had combined total budgets of approximately \$2.9 billion for prosecutorial functions. In 2001 these offices had combined total budgets of over \$4.6 billion, an increase of 61%.

**Table 5. Types of nonfelony cases handled in prosecutors' offices, 2001**

Type of case	All offices	Percent of prosecutors' offices			
		Full-time offices (population served)			Part-time
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	
Misdemeanor	91.0%	97.1%	86.6%	89.7%	96.3%
Misdemeanor (only associated with a felony)	10.8	8.8	16.1	11.5	6.7
Misdemeanor appeals	75.4	97.1	78.0	73.0	80.4
Felony appeals	50.5	76.5	55.9	50.1	47.8
Traffic violations	83.6	52.9	64.0	83.6	93.8
Juvenile matters	88.6	94.1	91.4	89.1	85.8
Child support enforcement	48.6	41.2	45.7	49.2	48.3
Represent government in civil suit	53.9	41.2	26.9	51.1	74.6
Number of prosecutors' offices	2,165	34	186	1,481	464

Note: 121 offices reported both a misdemeanor caseload and prosecuting misdemeanors only associated with felonies.

### Types of cases handled by prosecutors' offices

In addition to felony criminal matters, prosecutors' offices handled a variety of other case types. Nine out of ten offices also had jurisdiction over misdemeanor cases (table 5). Juvenile matters were handled by 89% of the offices and traffic violations by 84%. Fifty-four percent of offices represented the government in civil lawsuits. About half of the offices had jurisdiction over child support enforcement cases.

Part-time offices were more likely to handle traffic violations (94%) and represent the government in civil lawsuits (75%) than their full-time counterparts. Felony (77%) and misdemeanor (97%) appeals were more likely to be handled in full-time large offices than any of the other office types.

### Computer-related crime prosecuted by prosecutors' offices

Cybercrime has new importance given the increased consumer and business use of the Internet. With cybercrime a priority on several levels, the 2001 NSP asked prosecutors' offices about the kinds of computer-related cases they may have handled.

Over the 12 months before the survey, 42% of the prosecutors' offices reported prosecuting computer-related crimes under their State's computer statutes. Computer-related crimes (felony or misdemeanor) were

prosecuted by 97% of full-time large offices, 73% of full-time medium offices, 44% of full-time small offices, and 17% of part-time offices.

Three in ten offices nationwide reported prosecuting computer-related crimes dealing with the transmittal of child pornography. A quarter of all offices prosecuted credit card fraud (27%) and bank card fraud (22%). Computer sabotage was prosecuted by 5% of the offices and theft of intellectual property by 3%.

Type of computer crime prosecuted	All offices	Percent of prosecutors' offices			
		Full-time offices (population served)			Part-time
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	
Any computer-related crime	41.5%	97.0%	72.9%	44.2%	16.8%
Credit card fraud	27.4	93.5	61.2	28.2	7.4
Bank card fraud <sup>a</sup>	22.3	83.3	50.9	22.6	6.9
Computer forgery <sup>b</sup>	13.3	63.0	39.2	12.8	2.7
Computer sabotage <sup>c</sup>	4.6	53.6	14.4	3.8	0.5
Unauthorized access to computer <sup>d</sup>	9.6	60.7	28.8	8.8	2.3
Unauthorized copying or distribution of computer programs <sup>e</sup>	2.7	53.8	9.0	1.8	0.2
Cyberstalking <sup>f</sup>	16.3	76.7	47.8	15.1	4.5
Theft of intellectual property	3.2	40.7	13.4	2.3	0.5
Transmitting child pornography	30.0	87.1	67.1	30.4	10.8
Identity theft	18.2	80.0	51.9	17.2	4.5

Note: Data on prosecution of any computer related crime under their State's computer statutes were available for 2,151 prosecutors' offices. Data were available on credit card fraud for 1,995 prosecutors' offices, bank card fraud 1,956 offices, forgery 1,894 offices, sabotage 1,853 offices, unauthorized access to computer system 1,878 offices, unauthorized copying or distribution of computer programs 1,883 offices, cyberstalking 1,927 offices, theft of intellectual property 1,839 offices, transmitting child pornography 2,029 offices, and identity theft 1,927 offices.

<sup>a</sup>ATM or debit.

<sup>b</sup>Alteration of computerized documents.

<sup>c</sup>To hinder the normal function of a computer system through the introduction of worms, viruses, or logic bombs.

<sup>d</sup>Hacking.

<sup>e</sup>

<sup>f</sup>The activity of users sending harassing or threatening e-mail to other users.

**Table 6. Special categories of felonies prosecuted by prosecutors' offices, 2001**

Felony case type	Percent of prosecutors' offices				
	All offices	Full-time offices (population served)			
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	Part-time
Hate crime	20.2%	91.2%	56.5%	18.2%	5.6%
Domestic violence	95.7	100.0	100.0	96.7	89.7
Elder abuse	41.6	97.1	74.7	42.3	20.5
Stalking	61.1	94.1	88.2	62.7	41.0
Child abuse	93.2	100.0	99.5	94.6	85.5
Health care fraud	22.5	55.9	37.6	22.9	12.1
Bank or thrift fraud	45.3	73.5	66.1	47.1	28.0
Telemarketing fraud	10.2	50.0	24.7	9.1	4.7
Illegal sale/possession of a firearm	83.0	97.1	94.1	86.7	64.3
Police use of excessive force	8.5	64.7	28.0	6.7	1.6
Number of prosecutors' offices	2,117	34	186	1,468	429

### Special categories of felony offenses handled by prosecutors' offices

During the previous year over 90% of prosecutors' offices prosecuted domestic violence (96%) and child abuse (93%) offenses (table 6). Illegal sale or possession of a firearm offenses were prosecuted by 83% of the offices, stalking offenses 61%, bank or thrift fraud 45%, and elder abuse 42%. About 2 in 10 offices reported prosecuting offenses related to health care fraud (23%) or hate crime (20%).

In general, full-time large offices were more likely to prosecute special categories of felony offenses than the smaller offices. For example, hate crime offenses were prosecuted in 91% of full-time large offices compared to 57% of full-time medium offices, 18% of full-time small offices, and 6% of part-time offices. Sixty-five percent of full-time large offices prosecuted police use of excessive force offenses compared to 28% of full-time medium offices, 7% of full-time small offices, and 2% of part-time offices.

### Number of cases and convictions in prosecutors' offices

Over 2.3 million felony cases and almost 7 million misdemeanor cases were closed by prosecutors' offices during the 12 months preceding the survey (not shown in a table).<sup>4</sup> About 38% of the total number of felony cases closed were prosecuted in full-time small offices, 37% in full-time medium offices, 21% in full-time large offices, and 3% in part-time offices.

Approximately 857 felony cases were closed per 100,000 residents. About 87 felony cases per assistant prosecutor were closed.<sup>5</sup> Staff from prosecutors' offices participated in over 67,000 felony jury trials that resulted in a verdict.

The median number of felony and misdemeanor criminal cases closed by prosecutors' offices was 976 (table 7).<sup>6</sup> Half of the prosecutors' offices closed 250 or more felony cases. In at least half of the offices, 90% or more of the felony cases closed resulted in a felony or misdemeanor conviction.

The median number of felony jury trial verdicts per office was 8. The median annual number of felony cases closed by full-time large offices was 12,079; by full-time medium offices 3,162; by full-time small office 288; and by part-time offices 50. The median conviction rate for felony cases was 90% or more in part-time offices (93%) and in full-time small offices (90%).

**Table 7. Criminal cases closed and percent convicted in prosecutors' offices, 2001**

Criminal cases closed	Median for prosecutors' offices				
	All offices	Full-time offices (population served)			
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	Part-time
All cases <sup>a,b</sup>	976	48,121	13,450	1,134	300
Percent convicted	87.8%	74.9%	79.3%	87.3%	91.4%
Felony cases <sup>c</sup>	250	12,079	3,162	288	50
Percent convicted	90.0%	87.2%	83.2%	90.0%	93.3%
Misdemeanor cases <sup>d</sup>	684	40,033	9,738	800	200
Percent convicted	88.7%	73.6%	80.0%	87.5%	91.7%
Felony jury trial verdicts	8	354	91	10	2

Note: Respondents were asked to provide caseload data for the previous 12 months. Accordingly, not all cases reported were for 2001. Data on total cases closed were available for 1,887 prosecutors' offices, misdemeanor cases closed 1,887 offices, and felony jury verdicts for 2,079 offices. Data on the number of felony cases closed were available for 2,053 offices and were estimated for 288 offices. Data on percentage of total cases convicted were available for 1,790 prosecutors' offices, percentage felony cases convicted 1,973 offices, and percentage misdemeanor cases convicted 1,714.

<sup>a</sup>Case was defined by the respondent.

<sup>b</sup>Closed case means any case with a judgment of conviction, acquittal, or dismissal with or without prejudice, entered by the court.

<sup>c</sup>Each respondent categorized cases as felonies according to their State statute.

<sup>d</sup>Misdemeanor cases refer to cases in which criminal defendants had no felony charges against them.

<sup>4</sup>The caseload data collected in the 2001 NSP are not directly comparable to prior NSP caseload estimates. For the 2001 NSP data collection, the respondent defined a case, whereas in the 1992, 1994, and 1996 collections, BJS provided the definition of a case.

<sup>5</sup>This estimate was calculated by dividing the total number of felony cases closed by the number of assistant prosecutors including supervisory attorneys. An assumption made in calculating the estimate is that all assistant prosecutors handled felony cases, which may not always be the case.

<sup>6</sup>Methods of counting criminal cases vary among prosecutors' offices. About 44% indicated counting criminal cases by each defendant; 21%, by each charge; 17%, by each incident; 4%, by the most serious charge; and 15%, by other methods or did not respond.

Half of the full-time large offices were involved in at least 354 felony jury trials that resulted in a verdict during the preceding year. Half of the offices serving a medium size jurisdiction participated in 91 or more such trials; half the small offices, 10 or more trials; and half the part-time offices, 2 or more felony jury trials.

#### **Juveniles proceeded against in criminal courts by prosecutors' offices**

Measuring the number of juvenile cases proceeded against is difficult due to the various mechanisms (judicial waiver, direct file by prosecutor, and statutory exclusion of certain offenses from juvenile court jurisdiction) by which a juvenile case can reach criminal court, the variation in the definition of *juvenile* across States, and the

different terminology used by States in referring to this type of case. Approximately 69% of prosecutors' offices indicated that they had handled juvenile cases in criminal court (table 8). During the previous year, prosecutors' offices reported proceeding against over 32,000 juvenile cases in criminal court, an increase of 23% from 1996.<sup>7</sup> A median of five juvenile cases per office were proceeded against in criminal court.

About 7% of the offices reported having a specialized unit that handled juvenile cases in criminal court. These specialized units were more likely to be

<sup>7</sup>Other sources of statistics for juvenile cases handled in criminal court: *Delinquency Cases Waived to Criminal Court, 1988-1997*, Office of Juvenile Justice and Delinquency Prevention Fact Sheet, February 2000; *State Court Sentencing of Convicted Felons, 1994*, BJS, NCJ 164614; and *Juvenile Felony Defendants in Criminal Court*, BJS, NCJ 165815.

found in full-time medium offices (39%) and full-time large offices (35%) than either full-time small offices (5%) or part-time offices (1%).

Over a third of prosecutors' offices indicated that a designated attorney handled juvenile cases proceeded against in criminal court. Forty-one percent of full-time small offices indicated designating attorneys to handle juvenile cases in criminal court, 35% of full-time large offices, 32% of full-time medium offices, and 17% of part-time offices.

Written guidelines for handling juvenile cases in criminal court were reported by 19% of all offices. Full-time large offices (59%) were more likely to have written guidelines than their full-time and part-time office counterparts.

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

In 2001, 41% of prosecutors' offices reported a work-related threat or assault against a staff member (not shown in table). This was a decrease from 1996 when 49% of offices indicated that a staff member experienced a work-related threat or assault. In 2001, 81% of full-time large offices reported a work-related threat or assault against a staff member, 56% of full-time medium offices, 41% of full-time small offices, and 32% of part-time offices. About 2% reported having only assaults against staff members.

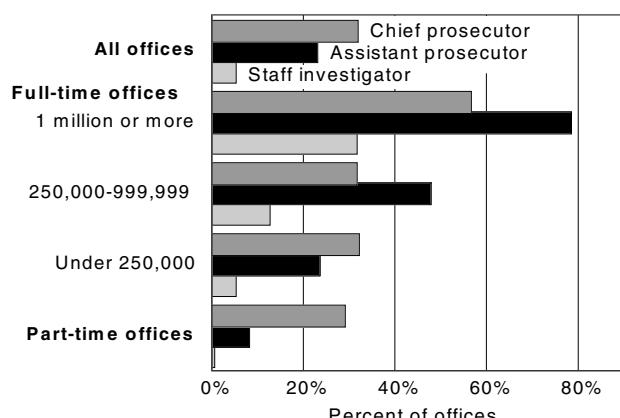
**Table 8. Juveniles proceeded against in criminal court by prosecutors' offices, 2001**

Juveniles proceeded against in criminal court	All offices	Full-time offices (population served)			Part-time
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	
<b>Percent of prosecutors' offices which handled juvenile cases in criminal court</b>					
Case total, 2001*	32,605	4,581	9,922	15,562	2,540
Median number of cases, per office	5	53	20	5	4
<b>Percent of prosecutors' offices with:</b>					
Specialized unit	7.4%	35.3%	39.3%	4.6%	0.9%
Designated attorney(s)	34.8	35.3	31.7	40.6	16.9
Written guidelines for handling juvenile cases in criminal court	18.6	58.8	39.2	16.1	15.4

Note: Respondents were asked to provide the number of juvenile cases proceeded against in criminal court for the previous 12 months. Accordingly, not all cases reported were for 2001. Data on the percent of offices handling juvenile cases in criminal court were available for 2,214 offices. Data on number of juveniles cases proceeded against in criminal court were available for 1,474 of 1,533 prosecutors' offices and estimated for 4 offices serving a population of 500,000 or more residents. Data on the percentage of offices with a specialized unit and on the percentage of offices with designated attorneys were available for 2,087 offices, and data on the percentage of offices with written guidelines for handling juvenile cases in criminal court were available for 2,084 offices.

\*Juveniles proceeded against in criminal court include cases that reached criminal court by judicial waiver, statutory exclusion, direct filing by a prosecutor's office or any other mechanism available in the prosecutor's State.

**Work-related threats and assaults received by members of prosecutors' offices, 2001**



Data were available for 2,151 offices. Threats and assaults include threatening letters or phone calls, face-to-face threats, and battery or assault.

**Table 9. Security measures used for protection by prosecutors' offices, 2001**

Security measures	Percent of prosecutors' offices					
	All offices	Full-time offices (population served)	Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	Part-time
<b>Office protection</b>						
Police protection	10.9%	45.5%	21.2%	10.4%	5.7%	
Building guards	21.2	87.9	60.3	20.2	3.5	
Electronic surveillance	11.8	54.5	26.6	11.7	2.9	
Metal detectors	20.8	75.8	57.1	20.2	4.0	
Electronic systems	22.1	63.6	47.8	22.0	9.0	
<b>Firearm carried for personal protection</b>						
Chief prosecutor	20.9%	12.1%	21.7%	22.8%	15.3%	
Assistant prosecutor	17.9	39.4	28.3	20.2	5.0	
Staff investigator	30.8	81.8	76.7	31.4	7.2	

Note: Data on police protection, building guards, electronic surveillance, metal detectors, electronic security systems and carrying of a firearm were available for 2,127 prosecutors' offices.

Figure 2

In terms of specific staff members, about a third of chief prosecutors and a quarter of assistant prosecutors nationwide experienced a work-related threat or assault (figure 2).

#### Security measures used in prosecutors' offices

A variety of security measures were used by prosecutors' offices to protect their staff and building. Electronic security systems (22%), building guards (21%), and metal detectors (21%) were used by over 20% of all prosecutors' offices nationwide (table 9). About 1 out of 10 offices had electronic surveillance (12%) or police protection (11%). The percentage of prosecutors' offices using building guards and metal detectors in 2001 had more than 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 21% of the offices. Twenty-three percent of full-time small offices indicated that their chief prosecutor carried a firearm for personal security, 22% of full-time medium offices, 15% of part-time offices, and 12% of full-time large offices. About a third of all offices reported that a staff investigator carried a firearm.

#### DNA evidence used by prosecutors' offices

In 2001 two-thirds of prosecutors' offices reported the use of DNA evidence during plea negotiations or felony trials (table 10). This is an increase from 1996 when about half of

all offices indicated using DNA evidence during plea negotiations or felony trials. All the full-time large offices reported using DNA evidence during plea negotiations or felony trials, 98% of full-time medium offices, 73% of full-time small offices, and 38% of part-time offices.

**Table 10. DNA evidence used by prosecutors' offices, 2001**

Use of DNA evidence	Percent of prosecutors' offices					
	All offices	Full-time offices (population served)	Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	Part-time
<b>Used during plea negotiations or felony trials</b>						
68.2%	100.0%	98.3%	73.1%	38.3%		
<b>Stage of case</b>						
Plea negotiations	59.4%	81.3%	89.0%	63.6%	32.6%	
Trial	48.0	100.0	95.0	50.7	17.1	
<b>Forensic laboratory analyzing DNA</b>						
FBI	7.8%	28.1%	22.8%	6.8%	3.7%	
State-operated	60.7	65.6	81.7	66.5	33.7	
Local agency	4.8	81.3	21.7	2.4	0.4	
Privately operated	21.6	68.8	53.3	20.6	9.1	
<b>Problems with use of DNA evidence</b>						
Improper collection of evidence by police	6.5%	21.9%	16.9%	6.4%	1.8%	
Inconclusive DNA results	14.9	46.9	34.3	14.9	5.0	
Excessive delay in getting DNA results from laboratory	33.3	71.9	65.2	34.4	14.7	
Difficulty in getting DNA results admitted in court as evidence	1.3	3.1	3.4	1.3	0.2	

Note: Data on use of DNA any time, during plea negotiations, and during felony trials were available for 2,140 prosecutors' offices. Data on FBI performing DNA analyses, State-operated forensic laboratory, local agency operated forensic laboratory, and privately operated forensic laboratory were available for 2,145 prosecutors' offices. Data 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 were available for 2,125 prosecutors' offices.

A State-operated forensic laboratory performed the DNA testing for 61% of all offices, a privately operated laboratory for 22%, the FBI for 8%, and a local agency for 5%. Full-time medium offices (82%) were more likely to use a State-operated forensic laboratory than full-time small offices (67%), full-time large offices (66%), and part-time offices (34%). A local agency was used for DNA testing by 81% of full-time large offices, 22% of full-time medium offices, and 2% of full-time small offices.<sup>8</sup>

When asked about problems in the use of DNA evidence, a third of all offices indicated at least one instance of excessive delay in getting laboratory results. Excessive delays in getting DNA results were reported by 72% of full-time large offices, 65% of full-time medium offices, 34% of full-time small offices, and 15% of part-time offices. Inconclusive DNA results were reported by 15% of all offices, improper collection of evidence by the police 7%, and difficulty at least once in getting DNA results admitted in court as evidence 1%.

### **Community prosecution in prosecutors' offices**

Community prosecution has been defined by prosecutors as a way to involve the community to solve crime and coordinate their office, law enforcement, local residents, and organizations to improve public safety and quality of life.<sup>9</sup>

During the previous year 68% of all prosecutors' offices used tools other than traditional criminal prosecution to address community problems, 55% involved the community to identify crime or problem areas, and 18% assigned prosecutors to specific geographic areas (table 11). Assigning prosecutors to specific geographic

areas was done most often by full-time large offices (66%) compared to their full and part-time counterparts.

Virtually all the offices (99%) indicated a formal or informal relationship with law enforcement agencies. Eighty-seven percent of the offices reported a formal or informal relationship with other governmental agencies, 69% community associations, and 61% private organizations.

About three-quarters of all offices met regularly with school groups. Half of the offices reported meeting regularly with youth service organizations and business groups. About a third met regularly with neighborhood associa-

tions. Nine percent of all offices indicated meeting regularly with tenant associations.

Twenty-three percent of all offices assigned prosecutors to handle community-related activities. Of the offices assigning prosecutors to handle community-related activities, 30% reported that these prosecutors were located outside of the central prosecutors' offices in places such as the police department or a community-based office (not shown in a table).

The types of offenses handled most often by prosecutors assigned to community-related activities were drug crime (80%), violent crime (65%),

**Table 11. Community-related activities engaged in by prosecutors' offices, 2001**

Community-related activities	All offices	Percent of prosecutors' offices			
		Full-time offices (population served)			
		Large (1,000,000 or more)	Medium (250,000 to 999,999)	Small (under 250,000)	Part-time
<b>Engage in any of the following —</b>					
Involved the community to identify crime and/or problem areas	55.3%	87.5%	79.5%	55.2%	43.5%
Assigned prosecutors to specific geographic areas	17.6	65.6	52.2	16.4	3.7
Used tools other than criminal prosecution to address community problems	68.4	96.9	84.1	68.3	60.3
<b>Formal and/or informal relationships with —</b>					
Law enforcement agencies	99.1%	100.0%	99.5%	99.2%	98.4%
Other government agencies	87.0	100.0	92.3	87.1	83.5
Private organizations	60.7	90.9	80.9	61.1	48.5
Community associations	69.4	93.9	88.0	70.3	57.1
<b>Member of office meet regularly with local community groups or organizations* —</b>					
School groups	73.3%	93.9%	82.3%	73.3%	65.7%
Advocacy groups	69.4	87.9	85.1	71.1	51.1
Youth service organizations	50.5	81.8	66.9	50.0	39.2
Business groups	48.9	81.8	71.8	46.8	40.1
Neighborhood associations	31.2	81.8	72.4	28.6	12.0
Religious groups	25.9	51.5	54.7	23.3	17.2
Tenant's associations	8.5	39.4	33.1	5.8	1.9
<b>Office assigned prosecutors to handle community-related activities</b>					
	23.0%	84.8%	61.9%	22.0%	6.2%

Note: Data on involving the community to identify crime and/or problem areas were available for 1,998 prosecutors' offices, assigning prosecutors to specific geographic areas 1,893 offices, and using tools other than criminal prosecution 2,052 offices. Data on formal and/or informal relationship with law enforcement agencies, other government agencies, private organizations, and community associations were available for 2,095 prosecutors' offices. Data on whether prosecutors' offices in large districts meet regularly with neighborhood associations, tenants' associations, youth service organizations, advocacy groups, business groups, religious groups, and school groups were available for 1,774 offices. Data on prosecutors assigned to handle community related activities were available for 2,112 prosecutors' offices.

\*Member refers to the chief prosecutor, assistant prosecutors, staff investigators, or any other professional staff.

<sup>8</sup>For more information on DNA laboratories, see BJS report, *Survey of DNA Crime Laboratories, 2001*, NCJ 179104.

<sup>9</sup>For 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>>.

juvenile crime (63%), property crime (62%), and public-order crime (46%).

Over three-fourths of the offices that assigned prosecutors to community-related activities indicated that these prosecutors carried a full caseload.

## Methodology

### *Respondent selection*

The 2001 National Survey of Prosecutors (NSP) was a census of the 2,341 chief prosecutors in the United States that handled felony cases in State courts of general jurisdiction. In 2001 there were 2,341 prosecutorial districts in the Nation, each with one chief prosecutor.

### *Data collection*

The National Opinion Research Center (NORC) conducted the data collection for the 2001 NSP through a mailed questionnaire. The 2001 NSP questionnaire is available at the BJS website <<http://www.ojp.usdoj.gov/bjs/pub/pdf/nsp01.pdf>>.

In May 2001, the 2001 NSP questionnaire was mailed to the 114 prosecutors' offices that served districts with a population of 500,000 or more. The remaining 2,228 prosecutors' offices were sent questionnaires in June 2001. After the initial mailings, an extensive follow-up was required to obtain a returned survey from each of the prosecutors' offices. The follow-up process involved phone calls, e-mail and fax communication, re-mailing questionnaires, and sending follow-up letters. Staff of the National District Attorneys Associations as well as the Prosecutor Coordinator Office in each State also assisted NORC in providing follow-up.

NORC conducted additional telephone, fax, and e-mail follow-up on completed surveys to obtain responses to unanswered items and to clarify some responses.

### *Survey response*

Overall, 2,243 or 96% of the 2,341 prosecutors' offices nationwide responded to the 2001 NSP.

Data were not collected for the 98 prosecutors' offices listed below:

**Alabama** (judicial circuits) 6th, 12th, 20th, 28th;  
**Arizona** (judicial district) 9th West;  
**California** (counties) Plumas;  
**Georgia** (judicial circuits) Dublin, Piedmont, Bell-Forsyth;  
**Idaho** (counties) Clark;  
**Indiana** (judicial circuits) 20th;  
**Iowa** (counties) Howard;  
**Kansas** (counties) Harper, Kingman, Neosho, Osage, Phillips;  
**Kentucky** (judicial circuits) 1st, 26th, 28th, 31st, 33rd, 35th, 39th, 41st, 44th;  
**Louisiana** (judicial districts) 8th, 12th, 16th, 18th, 19th, 20th, 26th, 34th, 40th;  
**Minnesota** (counties) Pipestone, Ramsey, Roseau;  
**Missouri** (counties) Carter, Crawford, Dade, Douglas, Howell, Lewis, Lincoln, Madison, Pike, St. Francois, Ste. Genevieve, Stoddard, Taney;  
**Nebraska** (counties) Dodge, Gage, Garden, Harlan, Holt, Howard, Nemaha, Stanton, Washington, Wheeler;  
**North Carolina** (prosecutorial districts) 23, 25;  
**North Dakota** (counties) Mountrail, Dunn;  
**Oklahoma** (judicial districts) 13th;  
**Oregon** (counties) Clackamas, Klamath, Lincoln, Linn, Tillamook, Umatilla, Union;  
**South Carolina** (judicial circuits) 10th;  
**South Dakota** (counties) McCook, Miner, Perkins, Shannon;  
**Texas** (counties) Coleman, Floyd, Jim Wells, Matagorda, Val Verde, Wilbarger, Winkler;  
**Virginia** (counties) Buckingham, Nottoway, Rappahannock;  
**Washington** (counties) Asotin, Kitsap, Lewis, Mason, Pacific, Spokane;  
**West Virginia** (counties) Lewis, Pleasants;  
**Wisconsin** (counties) Bayfield, Richland.

### *Data imputations*

Data on the total budget for prosecutorial functions for 10 of the 98 nonrespondents were retrieved from a secondary source (such as an office web page, telephoning the county budget or treasurer's office) and entered into the data set. Similarly, data on the number of full-time assistant prosecutors and the total number

of full-time staff for 11 of the 98 nonrespondents were collected from a secondary source and entered into the data set. Since these data were retrieved from proxy sources other than the prosecutors' offices, they are treated as imputed data.

The simple hot deck method — copying a value from a donor case having similar values or related variables — was used to impute various variables for the 2001 NSP. Initially, the number of full-time chief prosecutors, the number of part-time chief prosecutors, the number of part-time assistant prosecutors, the total number of part-time staff, and the number of various full-time and part-time staff members (that is, investigators, victim advocate, support staff) were imputed for 98 prosecutors' offices; the number of full-time assistant prosecutors and the number of full-time staff for 87 offices; the total budget for prosecutorial function for 120 offices; and the number of felony cases closed for 288 offices. The number of juvenile cases proceeded against in criminal court was imputed for 4 offices that served a district with a population over 500,000.

To impute any variable by the hot deck method, the prosecutorial district size was used to sort the completed cases (that is, prosecutor office surveys) in descending order. A missing value for each variable was imputed as the value of the variable on the case immediately preceding the case with missing data. For example, a missing value for felony cases closed was imputed as the value of felony cases closed on the case that immediately proceeded the case with missing data.

For the 98 prosecutors' offices where the full-time or part-time status of the chief prosecutor was imputed, BJS staff verified this information with the Prosecutor Coordinator's office in each of the 24 States where the 98 offices were located.

**Appendix. Chief prosecutors who handle felony cases in State courts of general jurisdiction, 2001**

State	Number of chief prosecutors	Title	Areas of jurisdiction	Elected	Appointed
Alabama <sup>a</sup>	41	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 Attorney	Judicial circuit		
Georgia	48	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	County	x	
		Called District Attorney in 5 counties			
Kentucky	56	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	County	x	
		Called Circuit Attorney in city of St. Louis			
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 <sup>b</sup>	155	District Attorney, Criminal District Attorney, and County and District Attorney	County, judicial district	x	
Utah	29	County Attorney	County	x	
		Called District Attorney in Salt Lake County			
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 that share a district attorney)	x	
Wyoming	23	District Attorney	Judicial district	x	
		County and Prosecuting Attorney	County where district attorney office has not been created		
Total	2,341				

<sup>a</sup>The 10th Judicial Circuit is divided into 2 prosecutorial districts, each with a district attorney.

<sup>b</sup>Four counties (Kerr, Pecos, Reagan, and Tom Green) have 2 district attorneys with concurrent jurisdiction.

Sources: Information was collected from a review of State statutes, from the 2001 National Directory of Prosecuting Attorneys, and from State prosecutor coordinators' offices.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is acting director.

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This report in portable document format and in ASCII, its tables, survey questionnaire, and related statistical data are available at the BJS World Wide Web Internet site: <http://www.ojp.usdoj.gov/bjs/>

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