

Form NSP-1
(5-9-95)

U.S. Department of Justice
Bureau of Justice Statistics

1994 NATIONAL SURVEY OF PROSECUTORS

Data supplied by

Name

Title

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GENERAL INFORMATION

Please mail your completed survey by **July 10, 1995** to the **Bureau of Justice Statistics, Adjudication Unit, 633 Indiana Avenue, N.W., Washington, D.C. 20531**, or **FAX** (all pages) to **(202) 307-5846**.

If you have any questions or need assistance in completing the survey, please call Carol DeFrances at (202) 307-0777.

BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, include time for reviewing instructions, searching existing sources, gathering and maintaining the data needed, and completing and reviewing the collection information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Adjudication Unit, Bureau of Justice Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531; and to the Office of Management and Budget, OMB Number 1121-0149, Washington, D.C. 20503.

REFERENCE YEAR

BEGINNING			ENDING		
Month	Day	Year	Month	Day	Year
01	01	94	12	31	94

REFERENCE YEAR (If different than above)

BEGINNING			ENDING		
Month	Day	Year	Month	Day	Year

PLEASE CORRECT ANY ERROR IN NAME, ADDRESS, AND ZIP CODE



NATIONAL SURVEY OF PROSECUTORS

GENERAL INSTRUCTIONS

Be sure that, except when otherwise specified, your answers relate specifically to--

- a. **Felony prosecution only**--Include juveniles prosecuted in criminal court.
- b. **Your entire prosecutorial district**--If your district includes more than one county, respond for the entire district.
- c. **Reference year**--Answer all questions as they apply during the reference period (January 1, 1994, through December 31, 1994). If you can only respond for a different 12-month period, indicate that 1 year period in the space provided under "reference year" on the front cover of the questionnaire.
- d. **Precise numbers, when possible**--If a question asks for a number that you must estimate, mark an asterisk (*) next to your answer.

TERMINOLOGY

Use the following definitions when completing this questionnaire.

- **Chief prosecutor**--Refers to the head of the prosecutorial district, typically the elected or State-appointed official.
- **Assistant prosecutor**--Refers to anyone who is a full- or part-time employee of the chief prosecutor, who is licensed to practice law and who litigates cases. Excludes attorneys in non-litigating positions.
- **Felony**--Depends on how the term is defined by the laws of your State. If this term is not used in your State, please interpret "felony" to mean any case in which the defendant, if convicted, could be sentenced to one year or more in a State prison facility.
- In questions relating to frequency, the words ROUTINELY, NORMALLY, etc., can be interpreted to mean "in a majority of cases." Unless specified, mark the single answer which best applies to your jurisdiction.

Section A GENERAL INFORMATION

1. According to BJS information, your prosecutorial district is comprised of the following counties for which your office had felony prosecution responsibility. Please indicate any changes below by adding or deleting as necessary.

2. In addition to felony cases, does your office have responsibility for or jurisdiction over any of the following?

Mark (X) all that apply

- Misdemeanor cases
- Traffic violations (excluding driving while intoxicated and hit-and-run accidents)
- Child-support enforcement
- Represent government in civil lawsuits

4. In 1994, did your office prosecute any new categories of offenses involving firearms based on criminal laws passed by the State legislature in the past 3 years?

Mark (X) all that apply

- Possession of a prohibited type of firearm
- Possession of a firearm by a convicted felon
- Possession of a firearm by a juvenile
- Sale of a prohibited type of firearm
- Sale of a firearm to a juvenile
- Attempted purchase of a firearm by a prohibited person
- Other--specify:

Did not prosecute any new categories of firearm offenses

Section C METHODS OF FELONY PROSECUTION

Answers should refer only to the reference year.

5. Does your jurisdiction have a separate, specialized drug court for processing drug-involved offenders?

- No
- Yes

6. Does the prosecutor's office use any of the following methods of prosecution?

Mark (X) all that apply

- Deferred prosecution (such as probation before judgment or adjudication withheld)
- Diversion of first-time offenders
- Probation revocation in lieu of new prosecution
- Vertical prosecution ("Vertical" means the attorney stays with the case through all phases of prosecution)--Specify the kinds of cases handled by vertical prosecution.

Other--specify:

7. Are any prosecutors in your office cross-designated to prosecute cases in Federal court?

- No--Skip to Section D
- Yes

Section B SPECIAL CATEGORIES OF FELONY PROSECUTIONS

Answers should refer only to the reference year.

3. Did your office prosecute any of the following types of felony offenses?

Mark (X) all that apply

- Gang membership
- Hate crime
- Domestic violence
- Elder abuse
- Stalking
- Child abuse
- HIV exposure
- Computer fraud or tampering
- Environmental pollution
- Health care fraud
- Bank and thrift fraud
- Parental abduction of children
- Nonpayment of child support

- None of the above

8. In 1994, did your office prosecute any cases in Federal court?

- No--Skip to Section D
- Yes--Please provide information on the following:

Mark (X) all that apply for each item in this section

a. Type of cases prosecuted in Federal court

- Career criminal
- Drug
- Environmental crime
- Firearm
- Gang-related
- Organized crime
- White-collar crime
- Other--specify:

b. Reason(s) cases were prosecuted in Federal court

- Stiffer Federal penalties
- Nature of case crossed jurisdictional boundaries
- Needed special methods to gather evidence (e.g., wiretap or electronic surveillance)
- Federal authorities had better investigative capabilities
- Evidentiary requirements were lower for Federal proceeding
- Other--specify:

Section D EVIDENCE USED IN TRIALS

Answers should refer only to the reference year.

9. Did any felony **trial cases** include use of the following?

Mark (X) all that apply

- DNA evidence
- Videotaped evidence
- Child witness under age 12
- Expert witness for the defense
- Expert witness for the prosecution
- Testimony via remote phone/video link
- Polygraph tests
- Evidence obtained by wiretap
- 911 audiotapes
- None of the above

Section E INTERMEDIATE SANCTIONS

Answers should refer only to the reference year.

Note: Count as "intermediate sanctions" any sentences other than incarceration or traditional probation.

10. Does the felony court in your jurisdiction use any of the following intermediate sanctions in sentences?

Mark (X) all that apply

- House arrest
- Electronic monitoring
- Boot camp
- Work release
- Drug rehabilitation
- Alcohol rehabilitation
- Counseling/therapy
- Community service
- Fine without incarceration
- Day fines
- Restitution without incarceration
- Victim-offender reconciliation
- Intensive supervision probation
- Day reporting center
- Community diversion
- None of the above

Section F PROBLEM CASES

Answer should refer only to the reference year.

11. Did any felony cases prosecuted by your office have the following problems?

Mark (X) all that apply for each item in this section

- a. Declined, diverted, or deferred because of--
- Victim reluctance
 - Witness reluctance

<u>Reasons for this reluctance:</u>	Victim	Witness
Fear of reprisal	_____	_____
Threats against victim/witness	_____	_____
Threats against family members	_____	_____
Distrust of law enforcement	_____	_____
Other--specify: _____	_____	_____

- b. Dismissed by the court because of--
 - Search and seizure problems
 - Speedy trial
 - Self-incrimination
 - Right to counsel
 - Defense of double jeopardy
 - Unavailability of prosecution witnesses
 - Language barrier
- c. Trial date re-scheduled because of unavailability of witness for--
 - Defense
 - Prosecution
- d. Involved--
 - Writ of extradition filed by another State
 - Writ of extradition filed in another State
 - Petition of writ of habeas corpus filed by an inmate of a jail or prison
- e. None of the above problems

Section G PERSONAL RISKS ASSOCIATED WITH THE ROLE OF THE PROSECUTOR
 Answers should refer only to reference year.

Note: In items 12-13, "member" refers to the chief prosecutor, assistant prosecutors, and staff investigators.

12. Threats and assaults

- a. In 1994, did any member of the prosecutor's office receive any work-related threats or assaults?
 - No--Skip to item 13
 - Yes--Mark (X) all that apply

At least one:	Chief prosecutor	Assistant prosecutors	Staff Investigators
Threatening call			
Threatening letter			
Face-to-face threat			
Battery/Assault			
Other--specify:			

- b. Who committed these threats and/or assaults?

Mark (X) all that apply

 - Adult offender
 - Juvenile offender
 - Family member(s) of defendant
 - Family member(s) of victim
 - Friend(s) of defendant
 - Friend(s) of victim
 - Other--specify: _____

Unknown

13. Security

- a. Were any of the following security measures used for protection of the prosecutor's office?

- Mark (X) all that apply
- Police protection
 - Building guards
 - Electronic surveillance
 - Metal detectors
 - Electronic security systems
 - None of the above

- b. In 1994, was any member of the prosecutor's office authorized to carry a firearm in response to work-related threats or assaults?

- No
- Yes--Mark (X) all that apply
 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators

- c. Does any member of the prosecutor's office carry a firearm for personal security?

- No
- Yes--Mark (X) all that apply
 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators

d. Was any member of the prosecutor's office provided personal police protection as a result of work-related threats or assaults?

- No
- Yes--Mark (X) all that apply
 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators

b. Was at least one of these lawsuits filed in response to a pretrial or post-conviction action by a member of the prosecutor's office?

- No
- Yes--Against which member(s)

Mark (X) all that apply

 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators
 - Other--specify: _____

Section H CIVIL ACTIONS AGAINST PROSECUTORS
 Answers should refer only to the reference year.

Note: In items 14-15, "member" refers to the chief prosecutor, assistant prosecutors, staff investigators, or any other professional staff.

14. Does any member of the prosecutor's office have personal liability insurance for protection in civil lawsuits related to prosecutorial duties?

- No--Skip to item 15
- Yes--Mark (X) all that apply
 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators
 - Other--specify: _____

b. Does the prosecutor's office pay the cost of the personal liability insurance for any member?

- No
- Yes--Mark (X) all that apply
 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators
 - Other--specify: _____

15a. Were any civil lawsuits filed against any member of the prosecutor's office in connection with their prosecutorial duties?

- No--Skip to item 16
- Yes--Mark (X) all that apply
 - Chief prosecutor
 - Assistant prosecutors
 - Staff investigators
 - Other--specify: _____

16. Does the prosecutor's office have an internal written policy regarding a civil action filed against a member?

- No
- Yes

Section I CRIMINAL DEFENSE OF INDIGENT OFFENDERS

Answer should refer only to the reference year.

17a. What types of indigent defense delivery systems are used in your jurisdiction?

- Mark (X) all that apply
 - Assigned counsel
 - Public defender
 - Contract with individual private attorneys, law firms, or local bar associations
 - Other--specify: _____

b. What is the primary indigent defense delivery system used in your jurisdiction?

- Mark (X) only one
 - Assigned counsel
 - Public defender
 - Contract with individual private attorneys, law firms, or local bar associations
 - Other--specify: _____

Section J STAFFING

Answers should refer only to reference year.

18. As of December 31, 1994, how long has the chief prosecutor served in this capacity?

Years Months

Specify both years **and** months _____

19. How many of the following types of staff members are employed in your office?

Note: Use the following definitions to complete item 19.

Part-time includes two or more people sharing one job (job sharing).

Assistant prosecutor refers to anyone who is a full- or part-time employee of the chief prosecutor, who is licensed to practice law, and who litigates cases. Excludes attorneys in non-litigating positions.

Manager/supervisor includes any attorneys in non-litigating, managerial, or supervisory positions.

	Total district	
	Number Full-time	Number Part-time
Chief prosecutor		
Assistant prosecutors		
Managers/supervisors		
Victim advocates		
Legal services (e.g., law clerks, paralegals)		
Investigators (Include those on contract)		
Support staff (e.g., secretaries, computer specialists, etc.)		
Other--specify:		

Section K WORKLOAD STATISTICS

Answers should refer only to the reference year.

Note: Use the following definitions to complete item 20. If you can only provide estimates, please mark an asterisk () next to your answers.*

Case--A case refers to a defendant. A case with three defendants should be recorded as three cases but a case with one defendant with multiple charges should be counted as **one case**. If you are unable to provide defendant-based answers, specify in the "Notes" section on page 11 the method used to provide counts for item 20.

Closed case--Any case with a judgment of conviction, acquittal, or dismissal with or without prejudice, entered by the court.

Felony case--Use your State definition of felony. (See terminology on page 2.) Include as a felony case, any **defendant** who had at **least one** felony **filing charge**.

Felony case convicted as a felony--Any case that started with felony charges and ended with a conviction of a felony offense.

Misdemeanor case--Any defendant who had only misdemeanor filing charges.

20. Complete the chart below by entering the following :

Total number of **felony cases** closed _____
 Number of **felony cases** convicted _____
 Number of **felony cases convicted as a felony** _____
 Total number of **misdemeanor cases** closed _____
 Number of **misdemeanor cases** convicted _____
Please mark (X) if the data are unavailable

Section L FUNDING

21a. What was the total budget of the office for **prosecutorial functions** in 1993 and 1994? (If fiscal year, please provide months.)

	Total budget	Fiscal year (months)
1993 \$		
1994 \$		

b. Indicate the percent of funds provided to the prosecutor's office by each source below.

	Percent of prosecutor's office funds	
	1993	1994
State government	%	%
County government	%	%
City government	%	%
Grants	%	%
Other--specify:	%	%
Total	100%	100%

Section M CRIMINAL HISTORY DATA

Answers should refer only to reference year.

Note: Adult criminal history data include juveniles prosecuted in criminal court. Juvenile delinquency history data refer to juvenile court proceeding and dispositions.

22. Are adult criminal history data or juvenile delinquency history data normally of practical value to your office in **adult** felony prosecutions?

- No--Skip to Section N
- Yes--Mark (X) all that apply
 - Adult criminal history data
 - Juvenile delinquency history data

a. Indicate the kind(s), source(s), and use of criminal history information.

	Mark (X) all that apply	
	Adult	Juvenile
1. Kind(s) of information		
Arrest records		
Disposition records		
Probation reports		
2. Source(s) of information		
Your agency		
State criminal history system		
FBI's National Crime Information Center (NCIC)		
Local police		
Courts		
Other--specify:		
3. Stage(s) when used		
At a bail hearing		
When filing charges		
At a preliminary hearing		
Transfer juvenile to criminal court		
Pretrial negotiation		
During trial		
Sentencing		
Other--specify:		

b. Indicate problems with any of the above sources or kinds of information, as well as areas where the practical value has undergone improvement.

	Mark (X) all that apply	
	Adult	Juvenile
1. Problems		
Older records lack complete information (e.g., disposition)		
Records not updated		
Records take too long to retrieve		
Use of records restricted by privacy regulations		
Other--specify:		

2. Recent improvements		
More timely		
More accurate		
More complete		
Fewer privacy restrictions		
Increased availability		
Other--specify:		

Section N JUVENILE MATTERS
Answers should refer only to reference year.

23. Does your office handle the following types of juvenile cases?

- Mark (X) all that apply
- Abuse and neglect
 - Dependency review
 - Noncriminal misdemeanors (status offenses such as runaways, incorrigibility, truancy, etc.)
 - Delinquency cases
 - Requests to transfer juveniles to criminal court
 - Other--specify: _____
 - Do not handle juvenile cases--Skip to Section O

24. Does your office have a specialized unit that handles juvenile criminal cases (i.e., cases transferred to adult criminal court)?

- No
- Yes

25. What legal mechanisms exist in your jurisdiction to transfer a juvenile to criminal court?

- Mark (X) all that apply
- Statutory mandate: law requires certain offenses to be handled by criminal court
 - Prosecutor discretion: prosecutor has option to decide whether to file case in criminal court
 - Juvenile court waiver: juvenile court decisionmaker decides case should be pursued in criminal court
 - Offender request: juvenile offender requests criminal court processing
 - Other--specify: _____

26a. In 1994, did your office handle any juvenile cases that were transferred to criminal court?

- No--Skip to item 27
- Yes--How many? _____ cases

b. What type(s) of cases were transferred to criminal court?

Note: If you can only provide estimates, please mark an asterisk () next to your answers. Please mark (X) if the data are not available but you have had transfers for the specific offense.*

Type of case:	Number of cases transferred
Murder, non-negligent manslaughter	_____
Forcible rape	_____
Aggravated assault	_____
Robbery	_____
Burglary	_____
Larceny	_____
Auto theft	_____
Arson	_____
Drug offenses	_____
Weapon offenses	_____
Other offenses--specify:	_____

27. Does your office have written guidelines about the transfer of juveniles to criminal court?

- No
- Yes

28. What sentencing options exist in your jurisdiction for juveniles convicted in criminal court? The felony court may impose:

Mark (X) for all that apply

- Adult sanctions only
- Juvenile sanctions only
- Blended sentence of adult and juvenile sanctions

Section O RELATIONSHIPS WITH VICTIMS AND OTHER PERSONS AIDING PROSECUTION
 Answers should refer only to reference year.

29. Does your jurisdiction require your office to provide any of the following services to victims?

Mark (X) all that apply

- Crisis intervention
- Personal advocacy
- Counseling
- Victim notification and/or alert
- Witness notification and/or alert
- Victim escort
- Witness escort
- Referral
- Orientation to court procedures
- Victim compensation procedures
- Public education
- Victim restitution assistance
- Property return
- Victim impact statement assistance

- None of the above

30. Does your office normally provide victims information about available protections from intimidation?

- No
- Yes--Mark (X) to only one
 - Upon victim request only
 - Not dependent upon victim's request

31. Does your office provide security or assistance for victims or witnesses in felony cases who are threatened or assaulted?

- No
- Yes--Mark (X) all that apply

- Temporary relocation
- Police protection
- Seek high bail against accused
- Seek increased penalties for obstruction-of-justice offenses
- Provide separate courtroom waiting area
- Provide safe transportation to and from court
- Provide inmates who testify with protective custody
- Other--specify: _____

Section P COMPUTERIZATION

Answers should refer only to reference year.

32. Does the prosecutor's office use any computerized systems?

- No--Skip to Section Q
- Yes

Mark (X) all that apply for each item in this section

a. Office management

- Employment records
- Budgeting
- Expenditures
- Caseload statistics
- Other--specify:

b. Individual criminal matters

- Processing/outcome evidence about cases
- Arrest information about individuals
- Adult criminal history records
- Juvenile criminal history records
- Other--specify:

c. Case-management use by attorneys

- Court dates
- Subpoenas
- Witnesses
- Physical evidence
- Discovery requests
- Form or letter preparation
- Pre-written motions
- Jury instructions
- Other--specify:

33. Is your office part of an integrated computerized system with other criminal justice agencies?

- No
- Yes--Mark (X) all that apply

- Law enforcement
- Courts
- Pretrial services agency
- Public defender
- Corrections
- Other--specify:

Section Q COMMUNITY LEADERSHIP

Answers should refer only to reference year.

34. Has any prosecutor in your office been a member of a multi-jurisdictional task force(s)?

- No
- Yes--Mark (X) all that apply

- Gangs
- Juvenile delinquents
- Drugs
- Firearms
- Organized crime
- Health care fraud
- Crime prevention (e.g., PACT, Weed & Seed)
- Other--specify:

35. Has the prosecutor's office established any of the following?

Mark (X) all that apply

- Community or neighborhood prosecution program
- School-based crime prevention program
- Community coalition
- Juvenile diversion program
- Truancy prevention program

36a. Is the prosecutor's office involved with any community-based drug abuse programs?

- No
- Yes--Mark (X) all that apply

- Prevention
- Treatment
- Education
- Other--specify:

b. Is the prosecutor's office involved with the funding of this project(s) through asset forfeiture, operating budget, or soliciting funds from nongovernmental sources?

- No
- Yes--Mark (X) all that apply

- Asset forfeiture
- Operating budget
- Soliciting funds
- Other--specify:
