

FORM NSP-05

RETURN TO NORC/NSP-05 16th Floor
One North State Street
Chicago, Illinois 60602

**U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS**
(NORC ACTING AS DATA COLLECTION AGENT)



2005 National Survey of Prosecutors

In correspondence about this survey, please refer to the number at the top left of the address label. (On the label, please correct any error in name and mailing address)

INFORMATION SUPPLIED BY

NAME				TITLE		
TELEPHONE	Area code	Number	Extension	FAX	Area Code	Number
EMAIL ADDRESS						

On behalf of the Bureau of Justice Statistics (BJS), U.S. Department of Justice, the National Opinion Research Center (NORC) is conducting the 2005 National Survey of Prosecutors (NSP-05), a survey of prosecutors who try felony cases in State courts of general jurisdiction. Your prosecutorial district is one of 310 selected to participate. Enclosed for your information is a letter from the National District Attorneys Association endorsing the survey along with a report from BJS' 2001 National Survey of Prosecutors. Findings from the 2005 survey will be sent to all respondents and will be available on the BJS website at <http://www.ojp.usdoj.gov/bjs>.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes this information collection. The request for information is in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3507). Although this survey is voluntary, we urgently need and appreciate your cooperation to make the results comprehensive, accurate, and timely.

Please complete the survey within 14 days and fax it to NORC at 312-759-5238, or return the survey in the enclosed envelope. A web-based version of the NSP-05 is also available. If you have questions or need assistance, please e-mail NORC at NSP-05@norc.org or call NORC at 1-866-209-0129. Thank you for your cooperation in this important data collection effort.

Sincerely,

Lawrence A. Greenfeld
Director, Bureau of Justice Statistics

Enclosures

Instructions for Completing the National Survey of Prosecutors

1. The label on the front cover contains identifying information about your prosecutorial district. We have identified your office as having jurisdiction over felony cases handled in State courts of general jurisdiction. Please answer all questions for your entire district. If your prosecutorial district includes more than one county, respond for all counties. If your office does not have jurisdiction over any felony cases, please email NORC at NSP-05@norc.org.
2. Please answer each question in sequence by marking the appropriate box and/or by printing the requested information in the space provided. In some cases you will be requested to skip certain questions based on your response.
3. If you need to give an explanation for an answer, please use the space provided.
4. Please complete the survey within 14 days, and fax the cover and pages 3-7 to: NORC/NSP-05 at 312-759-5238. (Keep the original pages for your records.) Or, mail the survey to NORC in the pre-addressed, pre-paid envelope provided, and keep a copy for your records.
5. If you need assistance to answer any question please e-mail NORC at NSP-05@norc.org, or call NORC at 1-866-209-0129.

WEB VERSION

We have also created an electronic version of the survey which you can access and complete over the Internet at <https://survey.norc.org/nsp-05/>

Since some questions may require you to look up information, we suggest filling in the answers on the mail survey before accessing the Internet version. Your password and pin number are printed on the cover label. Please keep the mail version for your records.

BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection. Although this survey is voluntary, we urgently need and appreciate your cooperation to make the results comprehensive, accurate, and timely.

Section A: Staffing and Office Demographics

A1. What is the term of office for the Chief prosecutor?

_____ years

A2. As of the end of last month, how long had the chief prosecutor served in this capacity?

a. _____ years b. _____ months

A3-A4. Currently, how many of the following types of staff are employed in your entire district? Part-time refers to any employee who works fewer hours than your standard work week and includes job sharing. If an employee works in more than one position, please count that employee in only one category. (If you are unable to provide the actual number, please provide your best estimate. If none, enter "0".)

Staff position	Total district	
	A3. Number Full-time	A4. Number Part-time
<u>Chief prosecutor:</u> The elected or State-appointed head of the prosecutorial district	a. _____	_____
<u>Assistant prosecutors:</u> Any employee of the chief prosecutor licensed to practice law and litigating criminal cases. Excludes attorneys in non-litigating positions.	b. _____	_____
<u>Supervisory attorneys:</u> Attorneys in managerial positions litigating cases.	c. _____	_____
<u>Civil attorneys:</u> Any employee of the chief prosecutor licensed to practice law and litigating civil cases. Excludes attorneys in non-litigating positions.	d. _____	_____
<u>Managers:</u> Attorneys or non-attorneys in primarily managerial positions who do not litigate cases.	e. _____	_____
<u>Victim advocates</u>	f. _____	_____
<u>Legal services</u> (e.g., law clerks, paralegals)	g. _____	_____
<u>Investigators</u> (Include those on contract)	h. _____	_____
<u>Support staff</u> (e.g., administrative staff, clerical staff, computer personnel, fiscal officers, etc.)	i. _____	_____
<u>Other (Describe)</u> _____	j. _____	_____

TOTAL STAFF	k. _____	_____

A5. What is the annual salary of the Chief prosecutor?

\$ _____ .00 per year

A6. Is the Chief prosecutor an elected official?

1 Yes

2 No

A7. During the past 12 months, did your office experience problems with recruiting new staff attorneys?

1 Yes

2 No → Skip to A9

A8. What was the primary obstacle to recruiting new staff attorneys in your office?

(Mark (X) only one)

1 Salary

2 Workload

3 Professional development/training opportunities

4 Benefits package

5 Advancement opportunities

6 Non-salary incentives (e.g., loan forgiveness, flextime, child care, etc.)

7 Other (Describe) _____

A9. During the past 12 months, did your office experience problems with retaining existing staff attorneys?

1 Yes

2 No → Skip to Section B

A10. What was the primary obstacle to retaining existing staff attorneys in your office?

(Mark (X) only one)

1 Salary

2 Workload

3 Staff burnout

4 Professional development/training opportunities

5 Benefits package

6 Advancement opportunities

7 Non-salary incentives (e.g., loan forgiveness, flextime, child care, etc.)

8 Other (Describe) _____

Section B: Funding

- B1. What is the current annual budget of your office for prosecutorial functions?** (If you are unable to provide the actual amount, please provide your best estimate.)

Total prosecutorial budget, current year

\$ _____ .00

If you reported for a time period other than calendar year 2005, please enter the dates below:

Budget Period

_____ to _____
month day year month day year

- B2. What percentage of the prosecutor's annual office budget entered at B1 comes directly from each of the following sources?** (If you are unable to provide the actual percentage, please provide your best estimate. If none, enter "0".)

Percentage Source

- a. _____ % State
b. _____ % County
c. _____ % City government
d. _____ % Grants (State, Federal, other)
e. _____ % Other (Describe) _____
100 % TOTAL

Section C: Special Categories of Felony Prosecutions

- C1. Does your State have a domestic (family) violence statute?**

- 1 Yes
2 No

- C2. Does your office have a domestic violence unit?**

- 1 Yes
2 No

- C3. Did your office prosecute any computer related crimes under the computer crime statutes in your State?** (Mark (X) only one)

- 1 Yes
2 No → Skip to Section D
3 No State computer crime statutes → Skip to Section D

- C4. Which of the following types of computer crimes (either misdemeanor or felony) did your office prosecute during the past 12 months?** (Mark (X) yes or no for each type of computer crime)

Yes No Type of computer crime

- 1 2 a. Credit card fraud
1 2 b. Bank card fraud (i.e., ATM, debit)
1 2 c. Computer forgery (i.e., alteration of computerized documents)
1 2 d. Computer sabotage (i.e., to hinder the normal functioning of a computer system through the introduction of worms, viruses, or logic bombs)
1 2 e. Unauthorized access to a computer system (i.e., hacking)
1 2 f. Unauthorized copying or distribution of computer programs (i.e., software copyright infringement)
1 2 g. Cyberstalking (i.e., the activity of users sending harassing or threatening e-mail to other users)
1 2 h. Theft of intellectual property
1 2 i. Transmitting child pornography
1 2 j. Identity theft
1 2 k. Other (Describe) _____

Section D: Homeland Security

- D1. During the past 12 months, did anyone from your office attend training on homeland security issues?**

- 1 Yes
2 No

- D2. During the past 12 months, did anyone from your office participate on a state or local task force for homeland security?**

- 1 Yes
2 No

- D3. During the past 12 months, did your office prosecute any cases related to terrorism?**

- 1 Yes
2 No

- D4. During the past 12 months, did anyone from your office actively participate in terrorism related investigations?**

- 1 Yes
2 No

Section E: Caseload

E1. In addition to felony cases, does your office have jurisdiction over any of the following?

(Mark (X) all that apply)

- a. Misdemeanor cases
- b. Misdemeanor cases only if associated with a felony
- c. Misdemeanor appeals
- d. Felony appeals
- e. Traffic violations (excluding driving while intoxicated and hit-and-run accidents)
- f. Juvenile matters
- g. Child support enforcement
- h. Represent government in civil lawsuits

E2. Which of the following best describes how your office counts a criminal case?

(Mark (X) only one)

- 1 By each charge
- 2 By the most serious charge
- 3 By each defendant
- 4 By each incident
- 5 Other *(Describe)* _____

E3. Please use the following definitions to provide the total number of cases closed and convicted during the past 12 months.

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

Felony case: Please use your State definition of felony. 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 more than one year in a State prison facility. Include as a felony case any defendant who had at least one felony filing charge.

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

(If you are unable to provide the actual number, please provide your best estimate. If none, enter "0".)

- | Number | Type of case |
|----------|----------------------------------|
| a. _____ | Total felony jury trial verdicts |
| b. _____ | Total felony cases closed |
| c. _____ | Total felony cases convicted |

(If your office does not handle misdemeanor cases, enter "NA".)

- | | |
|----------|-----------------------------------|
| d. _____ | Total misdemeanor cases closed |
| e. _____ | Total misdemeanor cases convicted |

Section F: Juvenile Matters

Case: Use the definition you selected in E2.

F1. During the past 12 months, did your office proceed against any juveniles in criminal court? Count only cases where juveniles are treated as adults.

- 1 Yes → How many cases? _____
(If you cannot provide the actual number, please provide your best estimate)
- 2 No

F2. Does your office have a specialized unit or designated attorney(s) that handles juveniles proceeded against in criminal court?
(Mark (X) only one)

- 1 Has specialized unit
- 2 Has designated attorney(s)
- 3 Has both specialized unit or designated attorneys
- 4 Does not have specialized unit or designated attorneys.

F3. Does your office have written guidelines about proceeding against juveniles in criminal court?

- 1 Yes
- 2 No

If you are unsure how to answer any questions
please e-mail NORC at
NSP-05@norc.org
or call 1-866-209-0129

Section G: Work-Related Threats or Assaults

G1. During the past 12 months, did your chief prosecutor, any assistant prosecutors, or any staff investigators receive any work-related threats or assaults?

- 1 Yes
 2 No → Skip to G5

G2-G4. For each type of work-related threat or assault, mark (X) for each person who received that type of threat or assault during the past 12 months.
 (Mark (X) all that apply)

Type of threat or assault	G2. Chief prosecutor	G3. Assistant prosecutor	G4. Staff investigator
a. Threatening letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Threatening call	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Face-to-face threat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Battery/Assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other (Describe) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G5. Are any of the following security measures used for protection of the prosecutor's office?
 (Mark (X) all that apply)

- a. Police protection
 b. Building guards
 c. Electronic surveillance
 d. Metal detectors
 e. Electronic security systems
 f. Other (Describe) _____

 g. No security measures used

G6. Does your chief prosecutor, any assistant prosecutors, or any staff investigators carry a firearm for personal safety or security?
 (Mark (X) all that apply)

- a. Chief prosecutor
 b. Assistant prosecutors
 c. Staff investigators
 d. None of these staff carry a firearm

Section H: DNA Evidence

H1. During the past 12 months, which laboratory performed DNA analyses for your office?
 (Mark (X) all that apply)

- a. Federal Bureau of Investigation (FBI)
 b. State operated forensic laboratory
 c. Local agency operated forensic laboratory
 d. Privately operated forensic laboratory
 e. Other (Describe) _____

H2. During the past 12 months, did your office encounter any of the following problems with the use of DNA evidence?
 (Mark (X) all that apply)

- a. Improper collection of evidence by police
 b. Inconclusive DNA results
 c. Excessive delay in getting DNA results from laboratory
 d. Difficulty in getting DNA results admitted in court as evidence
 e. Difficulty obtaining expert witnesses

H3. During the past 12 months, did anyone from your office attend training on the use of DNA evidence?

- 1 Yes
 2 No

H4. Does your district maintain an offender DNA database?

- 1 Yes
 2 No

H5. Does your district maintain a local forensic DNA database?

- 1 Yes
 2 No

H6. During the past 12 months, for each of the following types of crime, what percentage did your office prosecute using DNA evidence? (If you are unable to provide the actual percentage, please provide your best estimate. If none, enter "0".)

- a. _____ % Violent (non-sexual) crimes (i.e., Homicide, etc.)
 b. _____ % Rape and/or sexual assault
 c. _____ % Property
 d. _____ % Other (Describe) _____

H7. Is there routine coordination between your office and local police departments regarding DNA evidence policies or procedures?

- 1 Yes
 2 No

**Section J: Community
Related Activities**

J1. During the past 12 months, did your office engage in any of the following activities?
(Mark (X) yes or no for each activity)

Yes No Type of activity

- 1 2 a. Involved the community to identify crime and/or problem areas
- 1 2 b. Assigned prosecutors to specific geographic areas
- 1 2 c. Used tools other than criminal prosecution to address community problems

J2. At any time during the past 12 months, did your office have a formal and/or informal relationship with any of the following?
(Mark (X) all that apply)

- a. Law enforcement agencies
- b. Other government agencies
- c. Private organizations
- d. Community associations

J3. During the past 12 months, did any member of your staff meet regularly with the following types of local community groups or organizations? Member refers to the chief prosecutor, assistant prosecutors, staff investigators, or any other professional staff.
(Mark (X) yes or no for each group)

Yes No Type of groups

- 1 2 a. Neighborhood associations
- 1 2 b. Tenants' associations
- 1 2 c. Youth service organizations
- 1 2 d. Advocacy groups
- 1 2 e. Business groups
- 1 2 f. Religious groups
- 1 2 g. School groups
- 1 2 h. Other (Describe) _____

J4. During the past 12 months, did your office assign prosecutors to handle community related activities?

- 1 Yes
- 2 No → Skip to J9

J5. During the past 12 months, were these prosecutors ever located outside your central office location?

- 1 Yes
- 2 No → Skip to J7

J6. Where were these prosecutors located?
(Mark (X) all that apply)

- a. Police department
- b. Community based prosecutor's office
- c. City/municipal attorney office
- d. Other (Describe) _____

J7. What types of offenses were handled by these prosecutors?
(Mark (X) all that apply)

- a. Violent crime
- b. Property crime
- c. Drug-related crime
- d. Public order crime
- e. Juvenile crime
- f. Nuisance complaints

J8. Did these prosecutors handle a full or reduced caseload in addition to their community related activities?
(Mark (X) only one)

- 1 All had a full caseload
- 2 All had a reduced caseload
- 3 Some had a full caseload, others a reduced caseload
- 4 None had a caseload

J9. Community Prosecution involves a long-term, proactive partnership among the prosecutor's office, law enforcement, the community and public and private organizations, whereby the authority of the prosecutor's office is used to solve problems and improve public safety.

Do you define your district as a community prosecution site or office?

- 1 Yes
- 2 No

Thank you for your participation.
Please return your completed survey to:
NORC/NSP-05 16th Floor
One North State Street
Chicago, IL 60602

or fax to:
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312-759-5238