



Bureau of Justice Statistics Bulletin

Prosecutors in State Courts, 1992

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During the year ending June 30, 1992, half the offices of prosecutors who try felony cases in State courts closed 200 or more felony cases. The median number of felony cases closed and resulting in a conviction was 139. The average cost was about \$400 per case closed.

At midyear 1992 prosecutors' offices employed about 57,000 total staff, with a median annual office budget of \$190,000. The median staff size was seven members. In about 70% of the Nation's prosecutors' offices, the chief prosecutor served full time.

These findings are from the 1992 National Prosecutor Survey Program (NPSP) of the Bureau of Justice Statistics (BJS), the most recent in a series of biennial sample surveys of State court prosecutors. Other major findings include:

- In over a quarter of prosecutors' offices someone on the staff had experienced a work-related threat or assault. Most often the victim was the chief prosecutor.
- Over a third of prosecutors' offices were involved in civil lawsuits relating to the discharge of prosecutors' responsibilities.
- In the 75 largest counties in the United States, 48% of offices had at least one prosecutor who was armed.

This report provides the results of the second national BJS survey of local prosecutors' offices, a biennial statistical series. The survey reveals new information on the risks associated with being a criminal prosecutor. In more than a quarter of prosecutors' offices at least one staff member had experienced a work-related threat or assault during the year, and more than a third took special precautions for employee safety, such as authorizing firearms for staff or using metal detectors.

Prosecutors' offices were found to be generally small but very active — in 1992, the median office had 7 staff, including 3 prosecuting attorneys, and closed

about 200 felony cases and nearly 500 misdemeanor cases with an overall conviction rate of about 85%. The majority of offices reported that they informed victims and witnesses of disposition decisions.

This report would not have been possible without the involvement and support of the Nation's local prosecutors. On behalf of BJS, I want to express my deepest appreciation to the chief prosecutors and their staff members in the 262 prosecutors' offices nationwide that participated in this survey.

Lawrence A. Greenfeld
Acting Director

- Many prosecutors' offices implemented new prosecution methods to improve operations or reduce court caseloads. The following were the percentages of prosecutors' offices that used —
Vertical prosecution (59%)
Deferred prosecution (51%)
Diversion of first-time offenders (44%)
Probation revocation in lieu of new prosecution (36%).
- A majority of the Nation's prosecutors handled new categories of offenses based on statutes enacted within the previous 3 years. New types of child abuse cases were prosecuted by 13% of the offices; drunken driving cases by 12%; and hate crime cases by 10%.

- At least three-quarters of prosecutors' offices had used videotapes or polygraph tests in a phase of felony prosecution. A fourth had used DNA evidence in felony trials.
- While almost all the prosecutors regularly used adult criminal history records in felony prosecutions, about two-thirds said lack of record completeness was a problem.
- Three-quarters of prosecutors' offices had some felony cases dismissed in court because of constitutional violations, witness unavailability, or speedy trial time restrictions.
- Nearly all the prosecutors' offices notified victims of the disposition of relevant felony cases.

National Prosecutor Survey Program

The National Prosecutor Survey Program (NPSP) of the Bureau of Justice Statistics (BJS) sampled 290 chief prosecutors from the about 2,400 who try felony cases. The sample was based on those counties with courts in the nationally representative survey of 1990 felony sentencing for the National Judicial Reporting Program (NJRP), making NPSP nationally representative as well.

A chief prosecutor is the attorney who advocates for the public in felony cases and in a variety of other cases. Over 95% of chief prosecutors are elected locally.¹ The most popular titles for chief prosecutors, according to the 1990 NPSP, are district attorney (28%), county attorney (27%), prosecuting attorney (18%), commonwealth's attorney (10%), and State's attorney (9%).

About three-quarters of the prosecutors' offices in 1992 represented jurisdictions with populations of fewer than 65,000. One percent of the offices represented a million or more persons.

Civil lawsuits and violence or threats against prosecutors' staff

Over the 12 months before the 1992 survey, about 35% of prosecutors' offices had defended against a civil action filed in connection with the discharge of prosecutors' responsibilities. The individuals named as defendants and the percentages of offices with such lawsuits were —

- Chief prosecutor (27%)
- Assistant prosecutor (18%)
- Staff investigator (4%).

In over a quarter of prosecutors' offices someone on the staff — most often, the chief prosecutor — had experienced a work-related threat or assault. About 14% of all chief prosecutors received a threatening phone call or letter, the most frequent combination of type of threat or assault and type of victim.

¹Prosecutors in State Courts, 1990, BJS Bulletin (NCJ-134500), March 1992, p. 2.

About a third of prosecutors' offices had put in place safety measures to protect members of the staff. The major measures used, and percentages of offices using them, were —

- Firearms (26%)
- Metal detectors (11%).

Other types of security measures included use of police protection, building guards, and electronic surveillance.

In the 75 largest counties in the United States, 48% of offices had at least one prosecutor who was armed, in contrast to 26% of offices in smaller districts. In 28% of the larger prosecutors' offices, the chief prosecutor or a staff member had been the victim of a work-related threat or assault. The percentages of larger offices, by type of staff member assaulted, were —

- Chief prosecutor (9%)
- Assistant prosecutor (18%)
- Staff investigator (7%).

Number and kinds of employees of prosecutors' offices

The Nation's prosecutors' offices employed a total workforce of approximately 57,000 full-time and part-time staff, including prosecuting attorneys, support staff, and investigators (table 1). Support staff, including clerks and secretaries, comprised 43% of office personnel. Assistant prosecuting attorneys made up more than a third of the total office staff, representing more than 21,000 staff attorneys responsible for at least some phase of criminal cases.

Table 1. Personnel categories in prosecutors' offices, 1992

	Percent of total personnel in prosecutors' offices nationwide
Total	100%
Chief prosecutor	4%
Assistant prosecutors	37
Investigators	11
Support staff	43
Other	5
Number of personnel	57,000

Note: Other employment in many offices included victim or witness assistance personnel.

Total employment in State prosecutors' offices represented about 4% of the Nation's State and local justice employment.² The Office of the District Attorney, Los Angeles County, employed the largest office staff, more than 2,700. About a third of the offices had a total staff of four or fewer, including the chief prosecutor. The median total staff size was seven, with a median of three prosecuting attorneys, not including the chief prosecutor (table 2). Eighty-four percent of prosecutors' offices had at least one full- or part-time assistant prosecutor; 58% had at least one full-time assistant attorney. Generally only the larger offices employed staff investigators.

More than half the offices (56%) employed a senior staff attorney to prosecute high profile or particularly difficult criminal cases.

About 70% of the Nation's chief prosecutors occupied full-time positions. Overall, more than 90% of the total staff positions were full-time.

²Justice Expenditure and Employment, 1990, BJS Bulletin (NCJ-135777), September 1992, table 7, reports a total State and local justice system employment of 1,555,871 in October 1990.

Table 2. Size of staff in prosecutors' offices, by personnel categories, 1992

	Percentile		
	25th	50th	75th
Staff size	3	7	14
Number of assistant attorneys	2	3	7
Number of support staff	1	3	7
Number of staff investigators	0	0	1

Note: Percentile refers to the number equal to or below the percentage level indicated. For example, 3 is the largest total staff size among the 25% of offices with the smallest number of staff. The "median" is the term used for the 50th percentile. The detail percentiles will not ordinarily add to the summary.

Length of service, experience, and training

The median length of service for a chief prosecutor was 5½ years. Three-quarters of the chief prosecutors had served 10 years or less. The longest tenure among surveyed respondents was 29 years in office. Across the Nation about a third of all the prosecuting attorneys responsible for any phase of felony cases had 9 or more years of trial experience; another third had 4 years or less of trial experience.

More than half (55%) of all the prosecutors' offices provided training in trial practice to new assistant prosecutors. Among those who hired at least one new assistant prosecutor during the reference year, 78% provided trial practice training. About half (53%) of all offices provided formal classroom training or written training materials to police officers; 19% provided such training to staff investigators.

More than half the offices (57%) did not hire any new assistant prosecutors during the reference year. Those offices which did hire, hired an approximate total of 2,900 new prosecuting attorneys. More than half (58%) of these hires were new law graduates with a median starting salary of \$26,000. About 4 in 10 of the new hires were attorneys with some trial experience, receiving a median starting salary of \$32,000. Among offices which did hire new attorneys, the new employees were

Table 3. Cases closed and convictions by prosecutors in State courts, July 1, 1991-June 30, 1992

Case category	Percentile		
	25th	50th	75th
Total number of felony cases closed	35	203	689
Percent of all felony cases resulting in conviction	77%	87%	97%
Total number of misdemeanor cases closed	145	477	1,500
Percent of misdemeanor cases convicted	78%	88%	94%
Total criminal cases closed (felonies and misdemeanors)	295	840	2,441
Percent of total criminal cases convicted (felonies and misdemeanors)	75%	85%	94%

Note: See table 2 note on percentiles. A closed case refers to any case with a judgment of conviction, acquittal, or dismissal with prejudice (final dismissal) entered by the court.

primarily recruited from within their own judicial district (50%), as compared to either from outside the district within the State (40%) or from outside the State (10%).

About 95% of the surveyed prosecutors provided information on selected demographic characteristics of the full-time and part-time prosecutors, including the chief prosecutor. Across the Nation, 70% of the prosecuting attorneys were male; 88% were white non-Hispanic; 4% were black non-Hispanic; and 5% were Hispanic of any race. (See *Methodology* for a discussion of completeness of reporting.)

Drug testing of staff

The vast majority of the Nation's prosecutors' offices (97%) did not conduct urinalyses to detect drug use among staff. Nationwide, an estimated 900 staff members were tested during the reference year.

Number of cases and convictions

More than half the prosecutors' offices closed over 800 criminal cases (table 3). In at least half the offices, 87% of felony cases resulted in felony or misdemeanor conviction.

The median number of felony cases closed by each prosecutor's office was 203 (table 4). Half the offices closed more than twice as many misdemeanor cases as felony

Table 4. Cases closed and convictions obtained per prosecutor's office and per attorney, July 1, 1991-June 30, 1992

Base of measure	Median number of cases		
	Total	Felony ^a	Misdemeanor
Cases closed			
Prosecutor's office	840	203	477
Attorney ^b	233	50	157
Convictions			
Prosecutor's office	584	139	400
Attorney ^b	185	39	118

^aFelony cases were those in which a felony was charged. Cases closed included convictions. Convictions for cases charged as felonies included both felonies and misdemeanors.

^bIncludes chief prosecutors and all other prosecuting attorneys on staff.

cases. Half the offices closed 50 felonies and 157 misdemeanors per prosecuting attorney, including the chief prosecutor. The median number of total convictions per prosecutor's office was 584: 139 felony case convictions per office and 400 misdemeanor case convictions per office.

Budgets of prosecutors' offices

On average, 9 out of 10 dollars of funding for prosecutors' offices came from local government (table 5). About 40% of the offices relied exclusively on local government for their budget. About 60% of the offices reported that some portion of their budget came from State funds, including almost all of the large prosecutors' offices.

On average, a prosecutor's office had an annual budget of \$190,000. The reported budgetary amounts ranged from \$21,000 to over \$200 million, with over half the offices using at least 40% of their budget for felony prosecution, as distinct from other kinds of prosecution and activities (table 6). Six percent of prosecutors' offices used 100% of their budget for felony prosecution.

Table 5. Sources of funding for prosecutors' offices, 1992

Funding source	Median percent of budget accounted for by source	Percent of offices for which source provided	
		None of budget	All of budget
State	8%	42%	11%
County/city	90	12	39

Table 6. Budget for prosecutors' offices and the percent used for felony prosecution, 1992

	Percentile		
	25th	50th	75th
Total budget for the prosecutor's office	\$76,400	\$190,000	\$564,400
Percent of total budget for felony prosecution	30%	40%	70%

Note: See table 2 note on percentiles. Total budgetary figures are based on 82% of responding offices; the estimate of percent of budget used for felony prosecution is based on 67% of responding offices.

Innovations in prosecutors' offices

State prosecutors across the Nation responded to new State criminal statutes. Based on statutes enacted in the previous 3 years, 53% of the offices prosecuted criminal cases addressing

Table 7. New types of cases, dispositions, and evidence used in prosecutors' offices, 1992

July 1, 1991-June 30, 1992	Percent of prosecutors' offices
A case based on statutes enacted in the previous 3 years	53%
A new kind of felony drug case	33%
Illegal drugs in a school zone	21%
Related to drug possession	9
New kinds of drugs, such as types of prescription drugs, anabolic steroids, and drug precursor chemicals	23%
Counterfeit drug cases	8
Other felony cases (including stalking and domestic violence)	39%
Child abuse cases	13
Drunken driving cases	12
Hate crime cases	10
Using one or more new means of case disposition	91%
Using 2 or more new means	63%
Vertical prosecution (prosecuting attorney stays with a case to disposition)*	59
Deferred prosecution (probation before judgment or adjudication withheld)	51
Diversion of first-time offenders	44
Probation revocation in lieu of new prosecution of parolee or probation violator	36
Using a new type of evidence gathering	99%
In felony trials	
Expert witness for the prosecution	71%
Witness under age 12	63
Videotape	53
DNA data	25
Polygraph test	10
In any phase of prosecution	
Videotape	87%
Crime scenes/physical evidence	63
Drug sales or drunken driving	48
Complainant's statement	28
Polygraph test	75%
Assessing suspect's guilt	65
Assessing complainant's reliability	39
Police or confidential informants in drug, gang, homicide, or auto theft cases	93%
Number of offices	2,396

*If vertical prosecution was used, it was usually used for all cases, or all felonies. Specific kinds of cases for which vertical prosecution was used included child abuse, child sex crime, rape or sexual assault, homicide, and drugs.

newly defined crimes in areas related to drugs, child abuse, stalking, and hate crimes (table 7).

The prosecutors also used a variety of new procedures and technologies in their operations. About two-thirds of the offices used two or more newer approaches to case disposition. These new means included vertical prosecution, diversion of first-time offenders, and probation revocation in lieu of new prosecution. Virtually all the offices reported using a new type of investigative tool in prosecuting cases, ranging from videotapes in any phase of prosecution (87% of offices) to DNA data as evidence during trial (25%).

Forfeiture funds

Over half of prosecutors' offices (56%) had received funds from nonbudgetary sources, most often from asset forfeiture of criminal enterprises. About a third of prosecutors' offices received nonbudgetary funds from the forfeiture of criminal enterprise property. The major non-budgeted sources and percentage of offices using them were as follows:

Forfeiture of criminal enterprise property	35%
State grants	17
Federal grants	14
Defendants' defraying the costs of prosecution	13
Fee-for-service with other governmental units	8

Among those prosecutors' offices with no direct State appropriation, 1 in 8 did receive State grants. Other reported budgetary sources included bond forfeiture proceeds, private grants, check collection fees, and victims' assistance funds.

Table 8. Special units in prosecutors' offices, 1992

Specialization	Percent of prosecutors' offices
All special units	30%
Narcotics	19%
Juvenile offenders	17
Asset seizure or forfeiture	16
Child abuse	14
Sex crimes	12

Multijurisdictional taskforces and special units

Almost a third of prosecutors' offices participated in a task force involving other jurisdictions (not shown in tables). Eighty percent of the offices that reported participating in a task force indicated that the subject of the task force was drugs. Other task forces focused on street gangs, racketeering, and auto theft. Of those in task forces, 19% participated in more than one.

About a third of prosecutors' offices had specialized units to which staff attorneys were assigned (table 8). The most frequent special units were those for drugs (19%), juvenile offenders (17%), asset forfeiture (16%), and child abuse (14%). Prosecutors also named other areas of specialization, including homicide, domestic violence, gangs, career criminal prosecution, white-collar crime, and arson.

Criminal history records

Accurate and current criminal history records are critical for making decisions throughout the criminal justice process.

Stage of use of adult criminal history records	Percent of prosecutors' offices
At some stage	96%
Sentencing	92%
Pretrial negotiation	82
At bail hearing	78
During trial	76
When filing charges	67
At preliminary hearing	47

Almost all the Nation's prosecutors (96%) reported using adult criminal history data during the course of prosecuting felony cases. Juvenile records were used in felony cases in about three-quarters of the prosecutors' offices. In adult cases, prosecutors most frequently used criminal history records during sentencing (92%), followed by pretrial negotiations (82%).

Prosecutors obtained criminal history information from a variety of sources: 84% from the State repository 80% from the local police 75% from their own agency 65% from the FBI.

Other sources often named by survey respondents included courts, juvenile authorities, and corrections and probation departments. Fifty-seven percent of the prosecutors' offices reported using laboratory reports in felony prosecutions.

Problems and improvements in adult criminal history records, 1992

Characteristic	Percent of prosecutors' offices	
	Problems	Recent Improvements
Completeness	62%	16%
Accuracy	41	14
Timeliness	36	22
Availability	20	11
Privacy restrictions	13	3

Incompleteness was the problem in adult criminal records mentioned by the most offices, while timeliness of information was the area of recent improvement most often cited. Forty-one percent of the prosecutors' offices cited lack of accuracy as a problem; 13% believed privacy restrictions were a problem.

Among the 36% that identified record timeliness as a problem, 41% indicated recent improvements; among the 41% who said record accuracy was a problem, 23% said recent improvements had been made; and among the 62% who said completeness was a problem, 19% acknowledged improvements.

To assist in improving the quality of records the Criminal History Record Improvement Program, administered by BJS, provided about \$27 million to the States during fiscal 1990-93. Over half the States used these funds to improve record automation in both the central repository and the courts. Twenty-eight States used funds to improve the courts' reporting capacity or to develop the access to the FBI Interstate Identification Index. Three-quarters of the States used funds to bring records up to date, reduce backlogs, or put in place procedures for collection of court dispositions.

BJS also sponsored a 50-State survey of the status of the criminal history record systems. Findings are available in the BJS report *Survey of Criminal History Information Systems, 1992* (NCJ-143500).

Plea bargaining

All but one survey respondent reported engaging in plea negotiations in felony cases during the reference year.

In over 90% of prosecutors' offices, the circumstances that may affect negotiations include the defendants' criminal history and willingness to cooperate with the prosecution. In half of the prosecutors' offices, the prosecution workload may also affect negotiations. Survey respondents also reported that other criteria for negotiating included strength of case, evidentiary problems, and the victims' attitude or concerns.

In over 90% of prosecutors' offices, the issues subject to negotiations included charges and sentencing recommendations. In 30% of the offices, pretrial release recommendations could be negotiated. Some survey respondents indicated victim restitution as a negotiable issue.

About 12% of prosecutors' offices in 1992 had written criteria governing plea negotiations. Many offices reported more than one method for controlling plea negotiations. Staff supervision was the primary means.

Means of supervising plea negotiations	Percent of prosecutors' offices
Case-by-case supervisory review	78%
Office-wide policy	48
Mandatory sentencing laws	43
Sentencing practices	40
Written criteria	12

In over a quarter of prosecutors' offices, case-by-case supervisory review was the only means of controlling plea negotiating. Forty-eight percent of prosecutors' offices had a policy limiting the time for plea negotiations in felony cases. Of these offices, 8% indicated that most plea negotiations were completed in accordance with their time limitation policy.

The more prevalent policies reported, and percentage of prosecutors' offices having such policies, were —

Time limits on plea negotiations	Percent of offices with time limits
Before a fixed number of days preceding trial date	50%
Prior to scheduled trial date or commencement of trial	25
Before plea is entered	24
Prior to or during pretrial conference	21

About 6 in 10 prosecutors' offices had a policy that required negotiations to be completed before the setting of a trial date or commencement of the trial. Three in ten of these offices had some cases where the agreement was reached after a trial date had been set. Overall, a third of the offices with some kind of time limitation policies had cases in which agreement was reached after the original trial date.

Difficult or complex cases

A large majority of prosecutors' offices handled cases with procedural complexities. Three-quarters of the prosecutors reported that their offices had experienced case dismissals based on constitutional issues (table 9). The most prevalent reason cited was search or seizure problems (55%), and the least prevalent, issues about right to counsel (7%). Prosecutors reported that they had declined, diverted, or deferred one or more felony cases because of reluctance of a victim (69%) or witness (37%). Two-thirds of the offices had rescheduled at least one trial during the previous 12 months because of unavailability of witnesses for the prosecution or defense. Four in ten offices had dealt with extraditing a suspect or defendant from another State, and 3 in 10, with extraditing to another State.

Public defenders

Public defenders were the means most often used to provide an attorney for indigent felony defendants. Virtually all prosecutors' offices (98%) had some felony cases in which an indigent defendant was provided an attorney. To provide that counsel, 64% of districts had a public

defender, 54% assigned private counsel, and 25% contracted with law firms or local bar associations. The most frequent combinations, by percentage of districts, were —

- Public defender only (27%)
- Mix of public defenders and assigned counsel (23%)
- Assigned counsel only (23%)
- Contracted counsel only (8%).

Indictment process

The mean percentage of all felony case filings in State courts brought by grand jury indictment or presentment was 28%, and by information following a defendant's waiver of indictment or of preliminary hearing, 22% (table 10). Survey respondents also indicated other methods, such as prosecutors' filing information, warrants, or complaints directly in court.

In 44% of prosecutors' districts a grand jury convened for the purpose of indictment (not shown in tables). In half of those districts, a judge determined probable cause in most cases that went to the grand jury. In over half of those districts (57%), misdemeanor cases were indicted by the grand jury. Six in 10 prosecutors' offices had no felony filings at all brought by grand jury.

Lower courts were routinely used in the preliminary processing of felony cases. In 80% of prosecutors' districts, a court other than those used for felony trials ("lower court") was normally used to handle at least some of the preliminary stages of felony cases. Major uses of lower courts in felony cases, and percentages of districts, were —

- Bail determination (75%)
- Accused's first court appearance (74%)
- Initial filing of charges (68%)
- Determination of probable cause (65%)
- Assignment of defense counsel (64%).

Table 10. Felony cases filed in State courts, by filing method, July 1, 1991-June 30, 1992

Filing method July 1, 1991-June 30, 1992	Mean percent of all felony cases filed
Grand jury indictment or presentment	28%
Information following	
A preliminary hearing	27
A defendant's waiver of indictment or preliminary hearing	22
Other means such as information, warrant, or complaint filed directly by the prosecutor	23

In 48% of districts where lower courts were used for felony processing, the uses included all 5 of those just mentioned.

Sentences

Almost all prosecutors' offices (93%) had felony cases that resulted in the imposition of intermediate sanctions (any sentence other than incarceration or traditional probation) (table 11). Nine in ten offices had at least some cases which resulted in intermediate sanctions involving nonfinancial obligations (91%), such as counseling and drug therapy, or financial obligations (90%), such as victim compensation. About a third of the offices prosecuted some cases that resulted in house arrest or electronic surveillance. Other types of financial obligations indicated by survey respondents included forfeiture and restitution; other types of loss of liberty included work release, furlough, and residence in halfway houses.

Fifty-three percent of prosecutors' offices had felony cases in State courts which imposed some type of specialized probation such as community control, community diversion, or intensive supervision.

Table 11. Alternative sentences imposed by State courts in cases prosecuted, 1992

Type of sentence	Percent of prosecutors' offices
Any alternative	93%
Nonfinancial obligations	91%
Counseling or therapy	88
Drug or alcohol rehabilitation	87
Community service	80
Financial obligations	90%
Restitution without incarceration	81
Victim compensation	72
Loss of privileges	83%
Restriction on contact with victim or witness	78
Loss of motor vehicle driver's license	66
Loss of liberty	60%
Electronic surveillance	36
House arrest	35
Boot camp confinement	31
Specialized probation*	53%

*Includes such sanctions as community control, community diversion, or intensive supervision.

Table 9. Sources of problems in felony cases as reported by prosecutors' offices, July 1, 1991-June 30, 1992

Felony case difficulty	Percent of prosecutors' offices
Reasons for court dismissals	
All types of problems	75%
Search or seizure problems	55%
Unavailability of prosecution witnesses	49
Speedy trial time restrictions	20
Language barrier	17
Self-incrimination	15
Defense of former jeopardy	11
Right to counsel	7
Declined, diverted, or deferred cases because of—	
Victim reluctance	69%
Witness reluctance	37
Rescheduled trial dates	
Rescheduled trials because of unavailability of witness for—	66%
Prosecution	61%
Defense	55
Other areas of difficulty	
Offices contending with the following complexities:	60%
Writ of extradition filed	
In another State	43%
By another State	32
Inmate's habeas corpus petition	29%
Arrest policy for domestic violence	21

Response to victims

Almost all prosecutors' offices actively involved victims in the prosecutorial process. In 1992, the percentages of offices with victim-related activities were —

97% notified victims of the disposition of felony cases concerning them.

73%, having information on the release of an incarcerated felon who was convicted in that district, notified the felon's victims. (Almost three-fourths of the offices routinely received such information.)

58% notified witnesses of case disposition.

11% relayed to witnesses information about the release of incarcerated felons.

93% used victim information in felony cases: By stage of prosecution —

- Sentencing (91%)
- Pretrial release determination (62%)
- Trial (55%).

Some survey respondents also indicated use of victim information in probation or parole hearings and in plea negotiations. Eighty-nine percent of prosecutors' offices were in districts where laws governing victims' rights were in effect during 1992.

National Criminal Victimization Survey (NCVS): Victims' contact with justice agencies

In 1991 about 40% of the nearly 35 million personal and household crimes were reported to the police, according to the NCVS. Three percent of those who reported their crime said they received help or advice from an office or agency, other than the police, that deals with victims of crime. About 40% of these persons said that their contact was with a governmental, rather than private, agency.

Almost 6% of those reporting a crime to the police said they had contact with other authorities such as a prosecutor, court, or juvenile officer. Among victims of reported crime, 2% (about 328,000 victims) identified contact with a prosecutor's office and 2%, with a court.

Computer use

In almost half of prosecutors' offices, the staff used computers to track case information or arrest data on individuals. In three-quarters of prosecutors' offices, computers were used for a variety of purposes:

Case-management use by attorneys (72%)

- Form or letter preparation (65%)
- Pre-written motions (51%)
- Jury instructions (49%)
- Subpoenas (36%)
- Witness information (30%)
- Discovery requests (29%).

Information on individual criminal matters (43%)

- Arrest of individuals (33%)
- Case processing and outcome (23%).

Office management (34%)

- Budgeting (25%)
- Expenditures (23%).

Public relations

Most prosecutors' offices (71%) engaged in public awareness campaigns. The types of activities included —

- talks with community groups (65%)
- talks in public schools (54%)
- TV/radio talk shows (33%).

Methodology

Questionnaires were mailed to the same 290 chief prosecutors in 1990 and 1992.

Probability sampling

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

In the NPSP survey, the probability of a chief prosecutor's being selected was the probability of inclusion in the NJRP survey. The analysis weight which was applied to the data provided by each sampled office was based on the inverse of the probability of selection for NJRP.

Chief prosecutors who have felony responsibility for more than one county had a probability of inclusion in NPSP equal to the probability of one or more of the counties having been chosen for NJRP. These chief prosecutors had more than one chance to be in the sample.

The survey was conducted by means of a mailed questionnaire (NPSP-1), consisting of 43 questions that encompassed 437 items of information. The questionnaires were mailed to the survey participants by the U.S. Bureau of the Census in August 1992. Follow-up continued until March 1993. Of the 290 prosecutors' offices in the survey, 262 completed the questionnaire. In the 1990 survey all but 1 of the 290 offices completed the questionnaire.

Definition of cases

As defined on the questionnaire, the count of cases was a count of defendants.

Closed case meant any case with a judgment of conviction, acquittal, or dismissal with prejudice entered by the court. Whether a case was a felony case depended on how the laws of the respondent's State defined the term.

Misdemeanor case referred to or cases in which criminal defendants had no felony charges against them.

Questions with higher rates of nonresponse

Of the 43 questions on the NPSP-1, 10 resulted in problems of item nonresponse. Each of the following items were unavailable (item nonresponse) by 2 or more, but fewer than 11, respondents:

Work-related assaults experienced by staff members (NPSP Q.13)

Number of support staff members by type of position (NPSP Q.17)

Number of attorneys with criminal case responsibilities (NPSP Q.18)

Staff attorneys' years of trial experience (NPSP Q.19)

Average starting salary of experienced attorneys and new law graduates (NPSP Q.20)

Geographic scope of attorney recruitment (NPSP Q.20)

Number of staff attorneys who left employment (NPSP Q.21)

Number of office employees who were tested for drugs (NPSP Q.43).

These items were unavailable from 11 or more respondents:

Caseload statistics (NPSP Q.14)

Race, sex, and ethnicity of staff members (NPSP Q.22)

Total budget for the prosecutor's office, and percent of budget used for felony prosecution (NPSP Q.24).

The item most often unavailable was the number of all felony cases which resulted in a felony conviction, missing on 117 questionnaires. Also missing on 90 or more questionnaires were the number of all felony cases in which a conviction was obtained, the total number of misdemeanor cases closed, and the number of misdemeanor cases resulting in conviction.

Survey data and documentation on diskette

Survey data are available from the National Archive of Criminal Justice Data, 1-800-999-0960 on computer diskette (ICPSR #6273). The diskette contains a computer data file in ASCII format and documentation describing contents in detail. The data consist of the NPSP-1 responses from the 262 survey participants. Summary 1990 NJRP felony sentencing data for the county where the prosecutor's office is located are also included. The NJRP data concern relative frequencies of various felony conviction offenses, sentences received, method of conviction, and case processing time.

Because 27 of the 43 questions on the NPSP-1 included *Other (please specify)* to clarify questions that offer a limited number of response categories, the diskette has a file which contains those responses.

This Bureau of Justice Statistics Bulletin was written by John M. Dawson, Steven K. Smith, and Carol J. DeFrances. Latrice Brogsdale-Davis, U.S. Bureau of the Census, Governments Division, administered data collection. Helen Graziadei assisted in data collection. The National District Attorneys Association and its American Prosecutors Research Institute, especially Mark Faulk and Don Rebovich, provided assistance to the project. Ann Taylor, a National Institute of Justice Visiting Fellow, gave comments. Tom Hester edited the report. Marilyn Marbrook, assisted by Jayne Robinson and Yvonne Boston, administered production.

December 1993, NCJ-145319

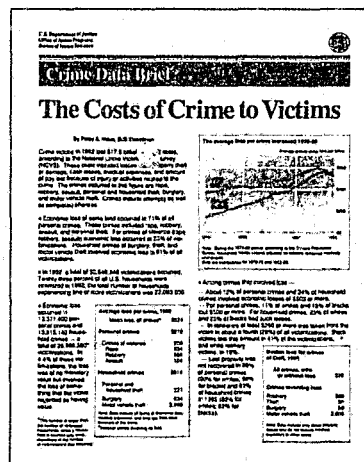
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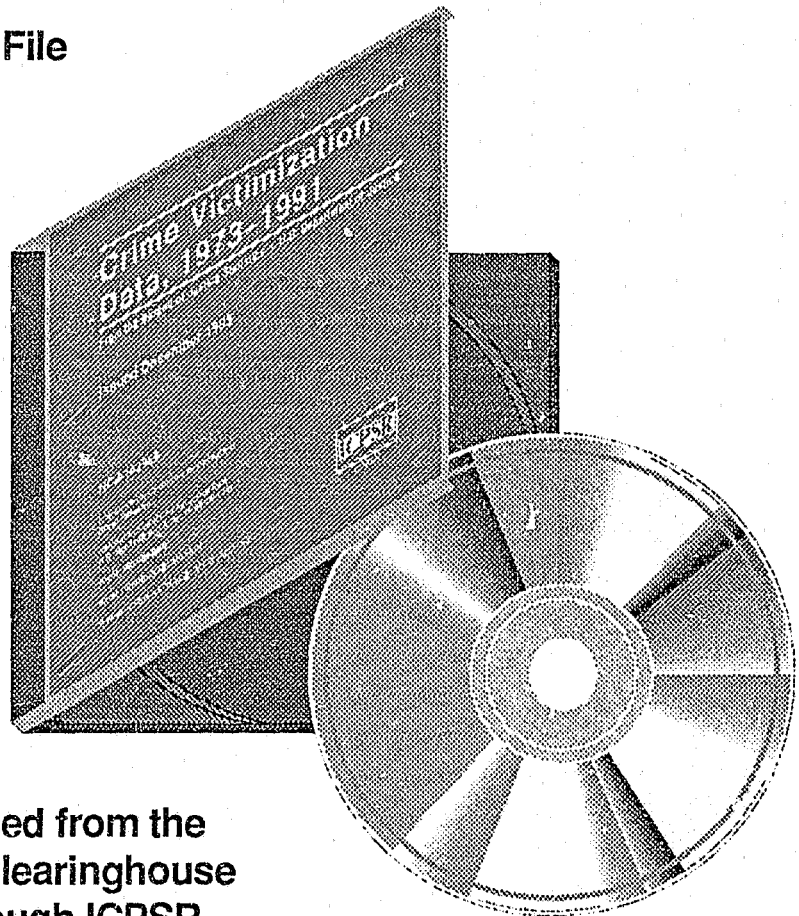
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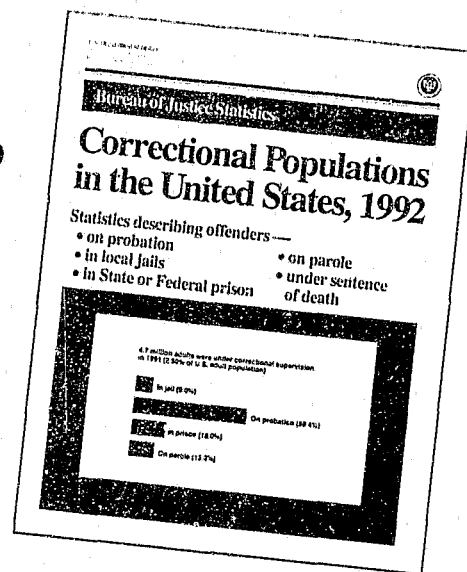
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