



# Bureau of Justice Statistics Bulletin

October 1996, NCJ-151656

# Prosecutors in State Courts, 1994

By Carol J. DeFrances  
Steven K. Smith  
Louise van der Does  
BJS Statisticians

Across the Nation about 2,350 prosecutors' offices handle felony cases in State trial courts. A chief prosecutor is the attorney who advocates for the public in felony cases and in a variety of other cases. State law determines the number of chief prosecutors in a State and whether they are elected or appointed. Over 95% of chief prosecutors are elected locally.<sup>1</sup> Office titles for State court prosecutors include district attorney, county attorney, prosecuting attorney, Commonwealth attorney, and State's attorney (*Appendix 1*). This study does not include municipal and county attorneys who primarily operate in courts of limited jurisdiction.

In 1994 State court prosecutors' offices employed approximately 65,000 total staff, with a median annual office budget of \$226,000. The median staff size was eight. In about 70% of prosecutors' offices, the chief prosecutor served full time. In 1994 half the offices closed 250 or more felony cases and obtained convictions in 180 or more. These findings are from the 1994 National Survey of Prosecutors,

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

## Highlights

### State court prosecutors' offices, 1994

	All offices	Full-time office (population served)		Part-time office
		500,000 or more	Less than 500,000	
Number of offices	2,343	127	1,533	683
<b>Median</b>				
Population served, 1992	29,480	724,418	43,812	16,196
Adult felony arrests in district, 1992	157	5,964	264	29
Staff size, 1994	8	179	10	4
Budget for prosecution, 1994	\$226,000	\$8,500,000	\$255,000	\$75,000

### All prosecutors' offices

- In 1994, 2,343 State court prosecutors employed about 65,000 attorneys, investigators, and support staff; a 14% increase from 1992.
- Almost 90% of all offices prosecuted domestic violence and child abuse cases during 1994. About half the offices prosecuted cases involving new kinds of firearms offenses.
- 75% of the offices provided security or assistance for felony case victims or witnesses who had been threatened.
- Half the offices reported a staff member received a work-related threat or was assaulted.
- 25% of chief prosecutors carried a firearm for personal security.

### Full-time prosecutors' offices in large jurisdictions

- In 1994 about 127 full-time prosecutors' offices served jurisdictions with a population of 500,000 or more. In total these offices represented 49% of the Nation's population.
- A majority of the larger offices prosecuted cases involving stalking, elder abuse, hate crime, and parental abduction of children.
- More than half the larger offices had specialized units to handle juvenile cases in adult criminal court.
- 48% of offices in larger jurisdictions had at least one assistant prosecutor cross-designated to prosecute cases in Federal court.
- 68% of the chief prosecutors in larger jurisdictions had a civil suit filed against them.

the most recent in a series of biennial sample surveys of State court prosecutors.

The structure and workload of prosecutors' offices often differ according to the size of population being served. This report provides information about prosecutors' offices categorized by whether the chief was full- or part-time and by the number of residents served. *Full-time office in large jurisdictions* refers to an office with a full-time chief prosecutor in a jurisdiction of 500,000 or more persons. *Full-time office in small jurisdictions* refers to an office with a full-time chief prosecutor in a jurisdiction of fewer than 500,000 persons. *Part-time office* has a part-time chief prosecutor.

### State court prosecutors, 1992-94

Between 1992 and 1994 in prosecutors' offices nationwide —

- the total number of personnel increased 14%.
- the use of DNA evidence in felony trials increased from 25% to 42%.
- threats or assaults against staff members increased from 28% to 51%.
- membership in multi-jurisdictional task forces increased from 30% to 46%.
- the imposition of intermediate sanctions such as house arrest and electronic monitoring by the State felony courts increased to over 55%.

### National Survey of Prosecutors, 1994

The 1994 National Survey of Prosecutors (NSP) of the Bureau of Justice Statistics (BJS) sampled 308 chief prosecutors from the estimated 2,350 who try felony cases. The nationally representative sample was drawn from a list of all the prosecutors' offices that handle felony cases in State courts.

Nearly all prosecutors' offices serve a county-based jurisdiction. While some prosecutorial districts encompass more than one county, the majority (89%) serve one county. About three-quarters of the prosecutors' offices in 1994 represented districts with

populations of fewer than 87,000. One percent of the offices represented jurisdictions with 1 million or more persons.

Besides handling felony cases, over 90% of all prosecutors' offices also had jurisdiction for misdemeanor cases, 81% for traffic violations, 60% for child support enforcement, and 44% for civil suits. Handling traffic violation cases was more common in part-time offices (85%) and full-time small offices (81%) than in full-time large offices (59%).

### Staffing of prosecutors' offices

In 1994 the Nation's prosecutors' offices employed a workforce of approximately 65,000 full-time and part-time staff, including prosecuting attorneys, paralegals, victim advocates, support staff, and investigators (table 1). This total represents a 14% increase in staff from 1992. Support staff, including clerks and secretaries,

comprised about 36% of office personnel. Assistant prosecuting attorneys made up more than a third of the total office staff, representing over 22,000 staff attorneys responsible for at least some phase of felony criminal cases.

Total employment in prosecutors' offices represented about 4% of all State and local justice employment.<sup>2</sup>

About 70% of the Nation's chief prosecutors occupied full-time positions. Overall, slightly more than 90% of the total staff positions were full-time. The median total staff size was eight, with a median of two prosecuting attorneys, not including the chief prosecutor. Sixty-one percent of all offices had at least one full-time assistant attorney.

Full-time prosecutors' offices in large jurisdictions had a median total staff size of 179, with a median of 64 assistant prosecutors, not including the chief prosecutor. In full-time prosecutors' offices in the smaller jurisdictions, the median total staff size was 10, and in part-time prosecutors' offices, the median total staff size was 4.

### Chief prosecutor length of service

Half of all chief prosecutors (elected and appointed) had served 4.7 years or more. A quarter had served 12 years or more.

The median length of service for chief prosecutors in full-time large offices was 7.1 years; for chief prosecutors in full-time small offices, 5.3 years; and for chief prosecutors in part-time offices, 4 years.

### Budget of prosecutors' offices

County governments provided the primary source of funds for State court prosecutors' offices. Forty-six percent of all prosecutors' offices relied exclusively on the county government for their budget. About 46% of the offices reported that some portion of their budget came from State funds. Seventeen percent of all offices received funds from grants. Half of prose-

**Table 1. Personnel categories in prosecutors' offices, 1994**

	Percent of total personnel in prosecutors' offices nationwide
Total	100.0%
Chief prosecutor	4%
Assistant prosecutors	34
Managers/supervisors <sup>a</sup>	3
Legal services <sup>b</sup>	5
Victim advocates	5
Staff investigators	11
Support staff <sup>c</sup>	36
Other staff	4
Number of personnel	65,000

Note: Detail may not add to 100% because of rounding. Data on the number of chief prosecutors were available for all offices. Data on the number of assistant prosecutors, managers, legal services personnel, victim advocates, staff investigators and support staff were available for 2,336 offices. Data on the number of other staff were available for 2,293 offices.

<sup>a</sup>Managers/supervisors include any attorney in non-litigating, managerial, or supervisory positions.

<sup>b</sup>Legal services includes law clerks and paralegals.

<sup>c</sup>Support staff includes secretaries, clerks, and computer specialists.

Survey question: How many of the following types of staff members are employed by your office?

<sup>2</sup>Justice Expenditure and Employment Extracts, 1992, as reported in *Sourcebook of Criminal Justice Statistics, 1994*, p. 32, table 1.25, reports a total State and local justice system employment of 1,635,502 in October 1992.

cutors' offices reported an annual budget of \$198,000 in 1993 and \$226,000 in 1994. The reported budgets ranged from \$8,150 to over \$155 million in 1994.

The median budget for full-time large offices was about \$8 million in 1993 and \$8.5 million in 1994. In 1994 full-time offices in small jurisdictions had an average budget of \$255,000, and part-time offices, \$75,000.

### Number of cases and convictions

In 1994 more than half the prosecutors' offices nationwide closed over 900 criminal cases (table 2). In at least half the offices, 87% of all cases closed resulted in a felony or misdemeanor conviction. The median number of felony cases closed by each prosecutor's office was 250.

Half the offices closed more than twice as many misdemeanor cases as felony cases. Half of the full-time large offices closed over 5,200 felony cases and 15,000 misdemeanor cases. In at least half of full-time large offices, 86% of felony cases and 74% of misdemeanor cases resulted in a conviction. On average, full-time small offices closed 270 felony and 820 misdemeanor cases. Half the part-time offices closed at least 20 felony and 380 misdemeanor cases.

### Special categories of felony prosecution

Nearly 90% of all the offices reported they had prosecuted domestic violence and child abuse cases in 1994 (table 3). Stalking cases were prosecuted in 68% of all offices, nonpayment of child support in 57%, elder abuse and parental abduction of children in 41%, and bank fraud in 34%.

The type of felony cases prosecuted varied by the type of office. Hate crimes were more likely to be prosecuted by full-time large offices (85%) than by full-time small offices (32%) or part-time offices (13%). Elder abuse was prosecuted in 82% of the full-time large offices, compared to 50% of full-time small offices and 15% of part-time offices. Almost two-thirds of the

full-time large offices prosecuted at least one case related to computer fraud, compared to almost a fifth of the full-time small offices and none of the part-time offices.

### New firearm prosecutions

Based on statutes enacted by the State legislature in the previous 3

years, half of all offices prosecuted criminal cases addressing newly defined crimes involving firearms. About a third of all offices prosecuted at least one case involving possession of a firearm by a convicted felon, and more than a quarter prosecuted possession of a firearm by a juvenile.

**Table 2. Cases closed and convictions by prosecutors' offices in State courts, 1994**

	All offices	Median		Part-time office
		Full-time office (population served)		
		500,000 or more	Less than 500,000	
Criminal cases closed (felonies and misdemeanors) <sup>a,b</sup>	985	23,389	1,201	586
Percent convicted	87%	75%	87%	88%
Felony cases closed <sup>c</sup>	250	5,214	270	20
Percent convicted	87%	86%	86%	90%
Misdemeanor cases closed <sup>d</sup>	649	15,291	820	380
Percent convicted	88%	74%	90%	88%

Note: Data on the total number of criminal cases closed were available for 1,092 offices; the number of felony cases closed for 1,252; and the number of misdemeanor cases closed, for 1,093 offices. Conviction percentages for total criminal cases closed were available for 928 offices; for felony cases closed, 1,037 offices; and for misdemeanor cases closed, 913 offices.

<sup>a</sup>Case refers to a defendant. A defendant with multiple charges was counted as one case.

<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 State statute.

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

**Table 3. Special types of felony offenses prosecuted by prosecutors' offices, 1994**

At least one case of:	All offices	Percent of offices		
		Full-time office (population served)		
		500,000 or more	Less than 500,000	Part-time office
<b>Case type</b>				
Domestic violence	88%	100%	92%	79%
Stalking	68	94	73	50
Elder abuse	41	82	50	15
Hate crime	29	85	32	13
Environmental pollution	26	68	28	13
Gang membership	12	46	15	0
HIV exposure	10	27	13	0
<b>Child related</b>				
Child abuse	88%	100%	91%	80%
Nonpayment of child support	57	58	63	45
Parental abduction of children	41	81	54	6
<b>Fraud</b>				
Bank/thrift fraud	34%	58%	43%	11%
Health care fraud	21	49	27	4
Computer fraud/tampering	16	64	19	0
Number of offices	2,336	120	1,533	683

Note: Zero indicates no cases in the sample.

Survey question: Did your office prosecute any of the following types of felony offenses?

## Methods of felony prosecution

In 1994 prosecutors' offices used a variety of methods to process cases in their jurisdiction. Sixty-three percent of all offices had a diversion program for first-time offenders, and 59% used deferred prosecution. Two-thirds of all offices used vertical prosecution in which a prosecutor stays with a case to disposition. Among these offices, prosecutors reported using this method for —

All cases	41%
Sexual assault	12
Drug	11
Felony only	10
Child abuse	9
Homicide	8

### Drug courts

Relatively few of the State court prosecutors' offices (8%) reported that their jurisdiction operated a separate, specialized drug court for processing drug-involved offenders. Drug courts were most frequently operated (41%) in full-time offices in large jurisdictions.

### Cross-designation as Federal prosecutor

Overall, few offices (6%) had a prosecutor cross-designated to prosecute cases in Federal court — most frequently found in offices in larger jurisdictions. For example, full-time large offices (48%) were more likely than full-time small offices (5%) or part-time offices (0%) to have had at least one prosecutor cross-designated to try cases in Federal court. Among the full-time large offices that did have a cross-designated prosecutor, half prosecuted at least one case in Federal court in 1994. About two-thirds of these larger offices prosecuted drug-related cases, and about a quarter, organized crime cases. Stiffer penalties were most frequently cited to explain prosecution in Federal court.

### Evidence used in felony trials

Prosecutors employed a wide range of testimony and evidence in felony trials, including expert witnesses (83%), witnesses under age 12 (78%), videotape evidence (64%), 911 audiotapes (51%), and DNA evidence (42%) (table 4). The use of DNA evidence

was more extensive in full-time large offices than in either full-time small offices or part-time offices. Overall, the use increased from the 1992 survey, when about a quarter of prosecutors' offices reported the use of DNA evidence in felony trials.

### Sentences

Virtually all the prosecutors' offices (98%) had felony cases that resulted in the imposition of intermediate sanctions (any sentence other than incarceration or traditional probation) (table 5). Almost 90% of all offices had cases in which the sentence in-

involved alcohol rehabilitation, drug rehabilitation, or community service. Fines or restitution were reported for cases in three-fourths of the offices. Seventy-two percent of prosecutors' offices reported that the State court imposed intensive supervision probation. Over half of the offices prosecuted some cases that resulted in the imposition of electronic monitoring (58%) or house arrest (55%). In 1992, about a third of the offices reported the courts in their jurisdiction using electronic monitoring (36%) and house arrest (35%).

**Table 4. Testimony and evidence used in felony trials by prosecutors' offices, 1994**

Type of testimony or evidence used in at least one trial	Percent of offices			
	All offices	Full-time office (population served)		Part-time office
500,000 or more		Less than 500,000		
Expert witness for prosecution	83%	99%	89%	68%
Child witness under age 12	78	98	82	65
Expert witness for defense	66	98	70	50
Videotaped evidence	64	94	73	38
911 audiotapes	51	90	62	20
DNA evidence	42	95	47	23
Evidence obtained by wiretap	16	45	19	5
Polygraph tests	9	17	11	4
Testimony via remote phone/video link	3	10	3	0
Number of offices	2,281	120	1,513	648

Note: Zero indicates no cases in the sample.  
Survey question: Did any felony trial cases include use of the following?

**Table 5. Intermediate sanctions imposed by felony court in prosecutors' jurisdiction, 1994**

Type of sanction	Percent of offices			
	All offices	Full-time office (population served)		Part-time office
500,000 or more		Less than 500,000		
Alcohol rehabilitation	91%	90%	94%	85%
Drug rehabilitation	88	91	94	74
Community service	88	91	91	78
Work release	79	81	84	68
Counseling/therapy	78	78	85	63
Restitution without incarceration	78	75	81	72
Fine without incarceration	76	75	80	66
Intensive supervision probation	72	78	83	45
Electronic monitoring	58	70	59	55
House arrest	55	59	57	50
Boot camp	44	53	54	18
Community diversion	24	38	25	20
Victim-offender reconciliation	14	17	11	19
Day reporting center	7	17	4	11
Day fines	2	2	3	0
Number of offices	2,335	119	1,533	683

Note: Zero indicates no cases in the sample.  
Survey question: Does the felony court in your jurisdiction use any of the following intermediate sanctions in sentences?

## Difficult or complex cases

About two-thirds of all offices reported handling cases that were dismissed by the court. The most frequent reason cited for the dismissal was search and seizure problems (52% of offices), followed by the unavailability of prosecution witnesses (44%) (table 6). Prosecutors reported that they had declined, diverted, or deferred one or more felony cases because of victim (74% of offices) or witness (58%) reluctance. The reason for this reluctance was usually fear of reprisal, followed by actual threats against the victim or witness.

Over 60% of all offices had rescheduled at least one trial during the previous 12 months because of unavailability of witnesses for the prosecution or defense. Almost 4 in 10 offices had dealt with writ(s) of extradition filed in another State, and about 4 in 16 dealt with writ(s) of extradition filed by another State.

Eighty-six percent of full-time offices in large jurisdictions had at least one case dismissed because of improper searches or seizures by law enforcement. Victim reluctance was a problem in 92% of larger, full-time offices. Almost half of the larger, full-time offices dealt with an inmate's habeas corpus petition.

## Civil actions against prosecutors

In 1994 about 37% of prosecutors' offices had defended against a civil action filed in connection with the discharge of prosecutorial responsibilities. This represents little change from 1992. Of offices reporting such suits, staff members as defendants, were —

Chief prosecutor	91%
Assistant prosecutor	53
Staff investigator	16

Seven percent of all offices had an internal written policy regarding a civil action filed against a staff member.

Of the offices defending against a civil action, about 63% said at least one of these lawsuits was filed in response to a pretrial or post-conviction action by a member of the prosecutors' office.<sup>3</sup> Among offices with these types of cases, 84% involved the chief prosecutor and 54% involved an assistant prosecutor.

Almost a third of prosecutors' offices had at least one office member who had personal liability insurance for protection in civil lawsuits related to prosecutorial duties. The percentage of offices, by staff member with personal liability insurance, were —

Chief prosecutor	29%
Assistant prosecutor	24
Staff investigator	9

<sup>3</sup>In *Buckley v. Fitzsimmons*, 113 S. Ct. 2606 (1993), the Supreme Court ruled that prosecutors are only entitled to qualified immunity when they perform investigative functions normally reserved for a police officer or detective.

## Violence or threats against prosecutors' staff

In just over half of all prosecutors' offices, a staff member had experienced a work-related threat or assault. The percentage of offices, by staff members threatened, were —

Chief prosecutor	31%
Assistant prosecutor	28
Staff investigator	8

In 1992 over a quarter of prosecutors' offices reported that someone on the staff experienced a work-related threat or assault.

Adult offenders most often committed these types of threats and/or assaults. Actual assaults against a staff member were rare. About 3% of all offices reported an assault.

In full-time large offices, assistant prosecutors were more likely than the chief prosecutor to receive a work-related threat.

**Table 6. Sources of problems in felony cases in prosecutors' offices, 1994**

	Percent of offices			
	All offices	Full-time office (population served)		Part-time office
500,000 or more		Less than 500,000		
<b>Felony case difficulty</b>				
<b>Reasons for court dismissals</b>				
Search or seizure problems	52%	86%	63%	22%
Unavailability of prosecution witnesses	44	82	50	22
Speedy trial restrictions	13	36	16	0
Defense of double jeopardy	8	13	10	5
Self-incrimination	4	16	5	0
Right to counsel	3	11	4	0
Language barrier	1	2	2	0
<b>Reasons for declined, diverted, or deferred cases</b>				
Victim reluctance	74%	92%	80%	57%
Witness reluctance	58	77	63	44
<b>Reasons for rescheduled trials</b>				
Unavailable —				
Prosecution witness	69%	89%	80%	39%
Defense witness	66	92	74	41
<b>Other areas of complexity</b>				
Writ of extradition filed				
In another State	37%	57%	45%	16%
By another State	26	51	31	11
Inmate habeas corpus petitions	24%	49%	32%	0
Number of offices	2,266	120	1,498	648

Note: Zero indicates no cases in the sample.  
Survey question: Did any felony cases prosecuted by your office have the following problems?

**Table 7. Security measures used for protection of prosecutors' offices, 1994**

Type of security measure	All offices	Percent of offices		
		Full-time office (population served)		Part-time office
		500,000 or more	Less than 500,000	
Electronic security systems	12%	42%	14%	1%
Building guards	10	59	11	0
Metal detectors	10	42	11	0
Police protection	8	35	5	10
Electronic surveillance	3	18	4	0
Number of offices	2,250	118	1,449	683

Note: Zero indicates no cases in the sample.  
Survey question: Were any of the following security measures used for protection of the prosecutor's office?

### Security measures for prosecutorial staff

About a quarter of all prosecutors' offices had safety measures in place to protect members of the staff. The most common measures used were electronic security systems (12%), building guards (10%), and the installation of metal detectors (10%) (table 7). Full-time large offices (72%) were more likely than full-time small offices (27%) or part-time offices (11%) to have security measures in place.

In 1994, 22% of all offices reported that the chief prosecutor carried a firearm in response to a work-related threat or assault; 17% reported an assistant prosecutor to be armed for that reason; and 9%, a staff investigator.

The percentages of offices with a chief prosecutor carrying a firearm in response to a work-related threat or assault were —

Full-time large	9%
Full-time small	27
Part-time	15

About 1 in 5 assistant prosecutors in full-time offices in both large (20%) and small (19%) jurisdictions were authorized to carry a firearm in response to work-related threats or assaults.

Overall, about 4% of all offices reported that a staff member was provided personal police protection as a result of a work-related threat or assault. As a result of work-related threats or assaults, personal police protection was provided to an assistant prosecutor in 15% of the large full-time offices, to the chief prosecutor in 6%, and to a staff investigator in 1%.

In about a quarter of all offices, the chief prosecutor or assistant prosecutors carried a firearm for personal security — not necessarily a result of work-related threats or assaults.

Forty-four percent of assistant prosecutors in full-time large offices carried a firearm for personal security, 30% in full-time small offices, and 7% in part-time offices. Two-thirds of staff investigators in full-time large offices carried a firearm for personal security.

### Criminal history records

Accurate and current criminal history records are critical for making decisions throughout the criminal justice system. Ninety-six percent of all offices reported using criminal history data during the course of prosecuting felony cases. Of these offices, all reported using adult criminal history information, and 85% reported using juvenile delinquency records.

### Adult criminal history information

The kinds of adult criminal history information used by prosecutors' offices were primarily disposition (91%) and

arrest records (90%), followed by probation reports (81%). Most of the use occurred at sentencing (98%) and pre-trial negotiation (96%).

Stage of use of adult criminal history records	Percent of prosecutors' offices that used adult criminal history records
Sentencing	98%
Pretrial negotiation	96
At bail hearing	85
During trial	79
When filing charges	70
At preliminary hearing	46
Transfer juvenile to criminal court	36

Prosecutors' offices obtained adult criminal history information from a variety of sources:

94%	from the State criminal history system
89%	from the FBI's National Crime Information Center (NCIC)
82%	from the local police
78%	from their own agency
68%	from the courts

Incomplete information (85%) was the problem in adult criminal records mentioned most often by prosecutors' offices (table 8). Fifty-seven percent of the prosecutors' offices cited lack of accuracy as a problem; 41%, lack of timeliness; and 22%, privacy restrictions.

About a quarter of the offices reported improvements in completeness (27%), accuracy (26%), and timeliness (26%) of criminal history data.

**Table 8. Problems and improvements in adult and juvenile criminal history data used by prosecutors' offices, 1994**

Problems	Percent of all prosecutors' offices	
	Adult	Juvenile
<b>Problems</b>		
Completeness	85%	49%
Accuracy	57	34
Timeliness	41	28
Privacy restrictions	22	46
<b>Recent improvements</b>		
Completeness	27%	10%
Accuracy	26	9
Timeliness	26	6
Privacy restrictions	3	8
Availability	14	10
Number of offices	2,160	1,836

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

### Juvenile delinquency records

Offices using juvenile delinquency history information in adult felony prosecutions primarily utilized disposition records (90%), followed by arrest records (76%), and probation reports (69%). Eighty percent or more of these prosecutors' offices reported using juvenile delinquency records during sentencing, pretrial negotiation, and when transferring a juvenile to criminal court.

Stage of use of juvenile delinquency records	Percent of prosecutors' offices that used juvenile delinquency records
Sentencing	86%
Pretrial negotiation	82
Transfer juvenile to criminal court	80
When filing charges	55
During trial	53
At bail hearing	46
At preliminary hearing	27

Prosecutors' offices reported the following sources of juvenile delinquency records:

- 72% their own agency
- 69% local police
- 68% the courts
- 57% State criminal history system
- 42% the FBI's National Crime Information Center (NCIC).

### Improvements in criminal history records

The National Criminal History Improvement Program (NCHIP), administered by BJS, began in 1995. A total of \$125 million was appropriated in FY95 and FY96 under the Brady Handgun Violence Prevention Act. Awards totaling \$112 million were made to every State and the District of Columbia for improvement of their criminal history record systems and \$6 million was transferred to the FBI to support its work on building the Federal segment of the national instant background check.

BJS also sponsors a 50-State survey of the status of criminal history record systems. The most current findings are available in the BJS report *Survey of Criminal History Information Systems, 1993* (NCJ-148951).

Incomplete information (49%) and privacy restrictions (46%) were reported most often as problems with juvenile delinquency history data (table 8).

Recent improvements cited were more complete information (10%) and increased availability (10%).

### Prosecutors' offices with a part-time chief prosecutor, 1994

In about 30% of the Nation's prosecutors' offices the chief prosecutor occupied a *part-time* position. These offices serve about 14.7 million people, representing almost 6% of the total U.S. population. The median population that each office served was about 16,000.

In 1994 offices with a part-time prosecutor employed a total of 3,464 persons, accounting for 5% of all prosecutors' employees. The median staff size was four.

- When compared to offices with full-time chief prosecutors, part-time offices typically had —

- smaller budgets.
- prosecuted fewer special types of felony offenses.
- fewer cases dismissed by State courts because of difficulties.
- fewer trials rescheduled because of unavailability of prosecution witnesses.
- used videotaped evidence in felony trials less often.
- fewer threats and/or assaults against staff members.

- The median budget for offices with a part-time chief prosecutor was \$75,000 in 1993 and 1994. The reported budgetary amounts ranged from \$8,150 to \$603,000 in 1994.

- Half of the part-time offices closed 586 criminal cases in 1994. In at least half of the offices, 88% of the cases closed resulted in a conviction. The median number of felony cases closed was 20.

- 15% of part-time offices prosecuted elder abuse cases, 11% bank/thrift fraud, 6% parental abduction of children, and 4% health care fraud.

- About a fifth of the part-time prosecutors' offices had a case dismissed by the court due to search and seizure problems or unavailability of prosecution witnesses.

- 39% of part-time offices had a felony trial rescheduled owing to unavailability of a prosecution witness, compared to 80% of full-time offices.

- Part-time offices (38%) were less likely than full-time offices (74%) to use videotaped evidence in felony trials.

- 28% of part-time prosecutors' offices had a staff member who received a work-related threat. About 15% of the offices reported that the chief prosecutor was authorized to carry a firearm in response to a work-related threat or assault.

## Juvenile matters

Ninety-four percent of all prosecutors' offices handled juvenile cases in 1994. Types of juvenile cases handled by all offices included delinquency cases (86%), requests to transfer juveniles to criminal court (84%), abuse and neglect (70%), noncriminal behavior (64%), and dependency review cases involving minors in the protective custody of the court (45%) (table 9).

Among offices handling juvenile cases, about 19% had a specialized unit that dealt with juvenile cases transferred to criminal court. These specialized units were most often found in large, full-time offices (61%).

In 1994, among offices handling juvenile cases, 63% reported handling cases that were transferred to criminal court. Ninety-six percent of large, full-time offices reported handling transfers to criminal court, compared to 67% of small, full-time offices and 48% of part-time offices.

An accused juvenile offender can reach criminal court for trial as an adult through several mechanisms. In all States except New Mexico, Nebraska, and New York, juvenile court judges may waive jurisdiction over the case and transfer it to criminal court in response to a request by the prosecutor or in some States at the request of juveniles or their parents. Concurrent jurisdiction statutes in some States give prosecutors the authority to file certain juvenile cases in either juvenile or criminal court. The third mechanism in many States is to statutorily exclude certain serious offenses from juvenile court jurisdiction.<sup>4</sup>

Overall, 16% of the offices that handled juvenile cases reported having written guidelines about the transfer of juveniles to criminal court. Forty-one percent of full-time offices in large jurisdictions indicated having written guidelines, 16% of full-time offices in smaller jurisdictions, and 13% of part-time offices.

<sup>4</sup>Information about the three mechanisms was derived from Howard N. Snyder and Melissa Sickmund, *Juvenile Offenders and Victims: A National Report*, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1995 and the National Center for Juvenile Justice.

In 1994 about 37% of the offices that handled juvenile cases transferred to criminal court reported transferring at least one aggravated assault case, 35%, at least one burglary case, 34%, at least one robbery case and 32%, at least one murder case (table 10).

The types of cases transferred varied by type of office. In full-time offices in large jurisdictions, 80% of the offices reported that at least one murder case was transferred to criminal court; 72%, at least one robbery case; and 58%, at least one aggravated assault case. Sixty percent of the part-time offices handling juvenile cases transferred to criminal court reported that at least one burglary case was transferred, and 36%, at least one auto theft case.

Among the offices handling juvenile cases, 46% indicated that adult sanctions were the only sentencing option for juveniles convicted in criminal court in their jurisdiction. Thirty-three percent reported that the felony court could impose a blend of adult and juvenile sanctions.

## Indigent defense for criminal defendants

Public defenders were the primary means most often used to provide an attorney for indigent felony defendants in the prosecutor's district. To provide counsel, 68% of the offices said their districts primarily used a public defender, 20% assigned private counsel, and 12% contracted with law firms or local bar associations. Among the

**Table 9. Types of juvenile cases that prosecutors' offices handle, 1994**

Type of juvenile case	All offices	Percent of offices		Part-time office
		Full-time office (population served)		
		500,000 or more	Less than 500,000	
Delinquency	86%	83%	83%	94%
Requests to transfer juveniles to criminal court	84	93	87	78
Abuse and neglect	70	55	66	83
Noncriminal misdemeanors*	64	36	62	73
Dependency review	45	26	44	53
Number of offices	2,292	119	1,490	683

\*Includes status offenses such as running away, incorrigibility, truancy, and others.  
Survey question: Does your office handle the following types of juvenile cases?

**Table 10. Prosecutors' offices that handled juvenile cases transferred to criminal court, by type of case, 1994**

At least one case of:	All offices	Percent of offices that transferred juvenile cases		Part-time office
		Full-time office (population served)		
		500,000 or more	Less than 500,000	
Murder <sup>a</sup>	32%	80%	32%	15%
Forcible rape	29	53	28	24
Aggravated assault <sup>b</sup>	37	58	45	6
Robbery <sup>c</sup>	34	72	36	15
Burglary	35	34	27	60
Larceny	9	13	12	0
Auto theft <sup>d</sup>	19	21	14	36
Arson	5	10	6	0
Drug offense	19	30	23	0
Weapon offense	25	23	25	24
Number of offices	1,305	108	908	289

Note: Excludes 778 offices that did not have any juvenile cases transferred to criminal court in 1994, 145 offices that did not handle juvenile cases, and 115 that did not answer the question. Zero indicates no cases in the sample.  
<sup>a</sup>Includes nonnegligent manslaughter.  
<sup>b</sup>Includes assault with intent to murder.  
<sup>c</sup>Includes armed robbery and robbery with a deadly weapon.  
<sup>d</sup>Includes carjacking.  
Survey question: What type(s) of cases were transferred to criminal court?



larger jurisdictions, 81% primarily used public defenders for indigent defense services.

### Assistance to victims and witnesses

Most jurisdictions required prosecutors' offices (86%) to provide services to victims. In 1994, 82% of all offices were required to notify victims of the disposition of felony cases concerning them, 60% were required to provide victim restitution assistance, and 58% were required to assist with victim compensation procedures (table 11).

Three-quarters of all prosecutors' offices provided some level of security or assistance for victims or witnesses or felony case victims or witnesses who were threatened or assaulted. The most common action taken to enhance the security for threatened victims or witnesses was to seek higher bail against the accused (table 12).

Larger full-time offices were more likely than smaller full-time offices and part-time offices to provide temporary relocation, safe transport to and from court, and inmates with protective custody.

Eighty-six percent of all offices normally provided victims with information about available protections from intimidation. However, about a third of the offices did so only upon request of the victim.

Provide information	86%
Upon victim request only	37
Not dependant on victim request	49
Do not provide information	14%

### Computer use

About 83% of all offices used computer systems for office management, individual criminal matters, or case-management use by attorneys. These offices used computers for a variety of purposes:

Office management —	
Caseload statistics (60%)	
Budgeting (46%)	
Expenditures (38%)	
Employment records (17%)	

Information on individual criminal matters —

Adult criminal history records (48%)
Processing/outcome evidence about cases (41%)
Arrest of individuals (36%)
Juvenile delinquency history records (25%)

Case management by attorneys —

Form or letter preparation (82%)
Pre-written motions (71%)
Jury instructions (65%)
Court dates (55%)
Subpoenas (55%)
Discovery requests (51%)
Witnesses (50%)
Physical evidence (16%)

**Table 11. Victim services that jurisdictions require prosecutors' offices to provide, 1994**

Type of service	All offices	Percent of offices		
		Full-time office (population served)		Part-time office
		500,000 or more	Less than 500,000	
<b>Notification/alert</b>				
Notify victim	82%	87%	85%	73%
Notify witness	55	67	59	42
<b>Orientation/education</b>				
Victim restitution assistance	60%	62%	62%	55%
Victim compensation procedures	58	73	65	41
Victim impact statement assistance	55	78	60	40
Orientation to court procedures	41	57	48	24
Public education	15	20	17	9
<b>Escort</b>				
Escort victim	23%	39%	28%	9%
Escort witness	17	31	19	9
<b>Counseling/assistance</b>				
Property return	38%	46%	39%	35%
Referral	32	46	37	18
Personal advocacy	17	26	22	5
Counseling	10	21	12	5
Crisis intervention	10	19	14	0
Number of offices	2,282	119	1,480	683

Note: Zero indicates no cases in the sample.  
Survey question: Does your jurisdiction require your office to provide any of the following services to victims?

**Table 12. Security or assistance for victims and witnesses provided by prosecutors' offices, 1994**

Type of security/assistance provided	All offices	Percent of offices		
		Full-time office (population served)		Part-time office
		500,000 or more	Less than 500,000	
Seek higher bail against accused	95%	94%	94%	100%
Provide separate courtroom area	70	71	73	62
Seek increased penalty for obstruction-of-justice offenses	61	69	64	51
Police protection	54	66	51	58
Safe transport to and from court	49	81	54	28
Provide inmates with protective custody	30	64	33	13
Temporary relocation	14	52	13	9
Number of offices	1,672	105	1,104	464

Note: Excludes 566 offices that did not provide assistance and/or security, 4 offices that did not specify the kinds of security of assistance they provided, and 100 offices that did not respond to the question.  
Survey question: Does your office provide security or assistance for victims or witnesses in felony cases who are threatened or assaulted?

All of the full-time offices in large jurisdictions, 90% of the full-time offices in small jurisdictions, and 63% of the part-time offices used some type of computerized system.

About a third of computerized offices were part of an integrated computer system with other criminal justice agencies. Seventy-five percent of the full-time offices in large jurisdictions were part of an integrated computer system, compared to 33% of full-time offices in small jurisdictions and 16% of part-time offices.

For offices that were part of an integrated computerized system, 73% reported involvement with law enforcement, 58% with the courts, 16% with corrections, 10% with a public defender office, and 7% with a pretrial services agency.

### Community leadership

Forty-six percent of all prosecutors' offices indicated that at least one prosecutor has been a member of a multi-jurisdictional task force. Of offices on such a task force, 76% indicated drug enforcement to be the goal. In 1992, 30% of prosecutors' offices reported involvement with a multi-jurisdictional task force. Almost 80% of these offices also were involved with a drug task force.

Over 80% of full-time offices in large jurisdictions had at least one prosecutor who served as a member of a multi-jurisdictional task force. The percentages of full-time large offices with at least one prosecutor serving on a multi-jurisdictional task force were —

Drug	91%
Gang	54
Crime prevention	41
Organized crime	28

Over a quarter of all offices had established a juvenile diversion program. School-based crime prevention programs were provided by 12% of all offices. Forty-one percent of full-time offices in large jurisdictions had established a school-based crime prevention program, 32% a community coalition, and 31% a juvenile diversion program. Forty percent of all part-time offices had a juvenile diversion program.

About 45% of all offices were involved with community-based drug abuse programs. Of these offices, almost all (96%) were involved with a community-based drug education program, 70% a drug prevention program, and 39% a drug treatment program. The percentages of offices involved with community-based drug abuse programs, by type of office, were —

Full-time large	61%
Full-time small	46
Part-time	42

Of offices involved with community-based drug abuse programs, 45% also were involved with the funding of the program through asset forfeiture, operating budget, or soliciting funds from nongovernmental sources.

### Methodology

The chief prosecutors surveyed are a nationally representative sample of those who prosecute felony cases in State courts. Questionnaires were mailed to 308 chief prosecutors from among the approximately 2,350 who try felony cases in State courts.

#### Sampling frame

A list of all prosecutorial districts that handle felony cases was compiled from the approximately 3,100 counties and independent cities in the United States (total 2,343). Except for Connecticut, prosecutorial districts can be comprised of one or more counties and independent cities. To compile the list, analysts reviewed statutes for the 50 States and the District of Columbia to see how each State selects prosecutors and how prosecutors are organized (by county, judicial district, or geographical district).

The universe database listed the 2,343 prosecutorial districts, 1992 population figures, and 1992 UCR Part I adult arrest data by county. From this file the Bureau of the Census drew a stratified systematic sample.

#### Sample

The 2,343 prosecutorial districts were grouped into 6 strata, depending on the number of Part I adult arrests in 1992. Within each stratum, districts were systematically selected for the sample. A sample of 308 districts was chosen for an expected coefficient of variation of about 2 percent for variables correlated with population and arrests.

Stratum definition/ number of arrests	Number of actual units	Number of sampled units
1 = 4,800 or more	94	94
2 = 2,700 to 4,799	71	41
3 = 1,100 to 2,699	186	50
4 = 450 to 1,099	329	46
5 = 150 to 449	511	36
6 = less than 150	1,152	41
	2,343	308

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

The analysis weight that was applied to the data provided by the sampled office was based on the inverse of the probability of selection for NSP. Each of the 94 offices in stratum 1 was selected with certainty resulting in a weight of 1.

Some statistical adjustment had to be made for the 33 out of the 308 chief prosecutors who did not respond to the 1994 survey. The adjustment method used was to recompute the analysis weight based on response rates.

### *Sampling error*

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

### **Data collection**

The survey was conducted through a mailed questionnaire, consisting of 36 questions that encompassed 429 items of information. BJS mailed questionnaires in June 1995. Follow-up continued until December 1995. Of the 308 prosecutors' offices in the survey, 269 completed the questionnaire. For 6 offices that did not return the survey, selected information on total staff and total budget for 1994 was obtained by telephone. In the 1992 survey 262 offices completed the questionnaire.

Overall, the survey response rate was nearly 90%. However, several kinds of requested information were difficult for prosecutors' offices to provide. These primarily included caseload data, budget information, and data related to number of juvenile transfers. Thirty-eight percent of the surveyed office did not provide any data on their caseload, and 19% did not provide their 1994 total budget for prosecutorial functions. Of the 202 offices that handled juvenile cases transferred to criminal court, 25% were unable to provide the number of cases handled.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Bulletins are a publication series that presents the first release of findings from permanent data collection programs.

Carol J. DeFrances, Steven K. Smith, and Louise van der Does of BJS wrote this report. Carma Hogue of the Bureau of the Census designed the sample. Tina Dorsey and Dale Murphy assisted in data collection and entry. John Scalia provided statistical review and editorial assistance. Laura Federline, Office for Victims of Crime; Don Rebovich, American Prosecutors Research Institute; and Melissa Sickmund, National Center for Juvenile Justice, gave comments. Tom Hester, Tina Dorsey, Yvonne Boston, Jayne Robinson, and Rhonda Keith edited the report. Marilyn Marbrook administered production.

October 1996, NCJ-151656

Data from the National Survey of Prosecutors 1994 (ICPSR 6785) may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The report, data, and supporting documentation are also available on the Internet:

<http://www.ojp.usdoj.gov/bjs/>

## Appendix 1. Chief prosecutors who handle felony cases in State Courts, 1994

State	Number of chief prosecutors	Title	Areas of jurisdiction
Alabama	40	District Attorney*	Judicial circuits
Alaska	13	District Attorney	Regional districts
Arizona	15	County Attorney	Counties
Arkansas	24	Prosecuting Attorney	Judicial circuits
California	58	District Attorney	Counties, city/county government of San Francisco
Colorado	22	District Attorney	Judicial circuits
Connecticut	12	State's Attorney	Judicial districts which are county- and city-based
Delaware	1	Attorney General	Attorney General has primary duties for the entire State
District of Columbia	1	U.S. Attorney	U.S. Attorney has jurisdiction over adult felony and misdemeanor cases
Florida	20	State's Attorney	Judicial circuits
Georgia	46	District Attorney	Judicial circuits
Hawaii	4	Prosecuting Attorney	Counties
Idaho	44	Prosecuting Attorney	Counties
Illinois	102	State's Attorney	Counties
Indiana	90	Prosecuting Attorney	Judicial circuits
Iowa	99	County Attorney	Counties
Kansas	105	County Attorney Called District Attorney in 5 counties	Counties
Kentucky	56	Commonwealth's Attorney	Judicial circuits
Louisiana	41	District Attorney	Judicial districts, Orleans Parish
Maine	8	District Attorney	Geographical districts
Maryland	24	State's Attorney	Counties, Baltimore City
Massachusetts	11	District Attorney	Geographical districts
Michigan	83	Prosecuting Attorney	Counties
Minnesota	87	County Attorney	Counties
Mississippi	22	District Attorney	Judicial districts
Missouri	115	Prosecuting Attorney Called Circuit Attorney in city of St. Louis	Counties Counties, city of St. Louis
Montana	56	County Attorney	Counties
Nebraska	93	County Attorney	Counties
Nevada	17	District Attorney	Counties, Carson City
New Hampshire	10	County Attorney	Counties
New Jersey	21	County Prosecutor	Counties
New Mexico	14	District Attorney	Judicial districts
New York	62	District Attorney	Counties, 5 boroughs of New York City
North Carolina	38	District Attorney	Prosecutorial districts
North Dakota	53	State's Attorney	Counties
Ohio	88	Prosecuting Attorney	Counties
Oklahoma	27	District Attorney	Judicial district
Oregon	36	District Attorney	Counties
Pennsylvania	67	District Attorney	Counties, city/county government of Philadelphia
Rhode Island	1	Attorney General	Attorney General has primary duties for entire State
South Carolina	16	Solicitor	Judicial circuits
South Dakota	66	State's Attorney	Counties
Tennessee	31	District Attorney General	Judicial districts
Texas	152	District Attorney, Criminal District Attorney, and County and District Attorney	Counties, judicial districts
Utah	29	County Attorney**	Counties
Vermont	14	State's Attorney	Counties
Virginia	121	Commonwealth's Attorney	Counties, 26 independent cities
Washington	39	Prosecuting Attorney	Counties
West Virginia	55	Prosecuting Attorney	Counties
Wisconsin	71	District Attorney	Counties (2 counties that share a district attorney)
Wyoming	23	District Attorney County and Prosecuting Attorney	Judicial districts Counties where office of a district attorney has not been created
Total	2,343		

\*One circuit in Alabama has an elected assistant prosecutor.

\*\*Salt Lake County, Utah, has both a district attorney, who handles felony cases, and a county attorney, who handles civil and city ordinance violations.

Sources: 1994 National Directory of Prosecutors, *The American Bench, 7th Ed.* Information was also provided directly to BJS by selected State prosecutor coordinators' offices.

**Appendix 2. Selected estimates and standard errors, 1994 survey**

	Estimate	One standard error
Total number of —		
Personnel	65,402	1,639
Assistant prosecutors	22,278	450
Mean population served	110,172	2,211
Percent of offices prosecuting —		
Domestic violence	88%	3%
Elder abuse	41	4
Hate crimes	29	4
Computer fraud	16	3
Percent of jurisdictions		
With a drug court	8%	2%
Percent of offices		
Using videotaped evidence in felony trials	64%	5%
Using DNA evidence in felony trials	42	4
Handling juvenile cases transferred to criminal court	63	5
Percent of offices with —		
Cases dismissed by court due to search and seizure problems	52%	5%
Staff members threatened or assaulted	51	5
Civil suits filed against staff members	37	4
Security measures in place	25	3
A specialized unit to handle juvenile cases transferred to criminal court	19	3