

DRAFT PROSECUTOR SURVEY

BACKGROUND INFORMATION

Name: _____
 Position/Title: _____
 Jurisdiction: _____
 Chief Prosecutor: _____
 Address: _____
 Phone#: _____
 E-mail: _____

INTRODUCTION

1. Approximately what percent of your cases involved DNA evidence from January 1, 2005 – December 31, 2005?

- ___ 0%
- ___ 1 – 25%
- ___ 26 – 50%
- ___ 51- 75%
- ___ 76 – 100%

2. More specifically, for the following criminal indictments from January 1, 2005 – December 31, 2005, please indicate *approximately* how many involved the introduction of DNA evidence:

Type of Crime	0%	25%	50%	75%	100%
Murder	0%	25%	50%	75%	100%
Sexual	0%	25%	50%	75%	100%
Other Violent Crimes	0%	25%	50%	75%	100%
Burglary	0%	25%	50%	75%	100%
Other Property Crimes	0%	25%	50%	75%	100%
Other: _____	0%	25%	50%	75%	100%

3. What types of crime lab agencies are used by your office? (Select all that apply)

Percent of time used (0-100%)

- ___ Police crime lab _____
- ___ State crime lab _____
- ___ Private crime lab _____

4. Please rate the following in regard to which encounters create the most challenges for you when using DNA evidence?

Strongly agree=**SA**, Agree=**A**, Neither agree nor disagree=**N**, Disagree=**D**, Strongly disagree=**SD**.

	SA	A	N	D	SD
Law enforcement challenges:					
Delay in sending samples to labs for analysis	SA	A	N	D	SD
Lack of training in the collection of DNA evidence	SA	A	N	D	SD
Quality of testimony in court proceedings	SA	A	N	D	SD
Evidence retention by:					
Crime lab	SA	A	N	D	SD
Law enforcement	SA	A	N	D	SD
Crime lab challenges:					
Sample consumption without notification to prosecutor's office	SA	A	N	D	SD
Backlog	SA	A	N	D	SD
Access to new technology	SA	A	N	D	SD
Lack of lab accreditation	SA	A	N	D	SD
Analysts' failure of proficiency tests	SA	A	N	D	SD
Lab error (e.g., false positive/negative reporting)	SA	A	N	D	SD

5. Has your state enacted legislation on DNA databases?

Yes

No

5a. Has your state enacted a database for specific enumerated offenses?

Yes

No

If yes, which offenses? (Check all that apply)

Murder

All felony arrestees

Sexual assault

etc...

Burglary

5b. Has your state's DNA database legislation resulted in:

more resources to outsource sample processing.

more resources made available to your state lab for sample processing.

all of the above.

none of the above.

other (please specify) _____

5c. How has your state's DNA database legislation affected sample processing times:

Faster

- Slower
- About the same

6. Regardless of whether or not your state has any applicable state statutes, has your jurisdiction established written procedures for the collection, preservation, and retention of biological crime scene evidence?

- Yes
- No
- Unsure

6a. *If yes to question 6, when were the procedures established?*

- Within the past 2 years
- 3-5 years ago
- 6-8 years ago
- 9-10 years ago
- More than 10 years ago

7. Please rate the following statements from strongly agree to strongly disagree. Strongly agree=**SA**, Agree=**A**, Neither agree nor disagree=**N**, Disagree=**D**, Strongly disagree=**SD**.

When a case involves DNA evidence:

	SA	A	N	D	SD
The office is more likely to file charges on the case	SA	A	N	D	SD
The office is more likely to consider a plea to a reduced charge.	SA	A	N	D	SD
The case is more likely to be pled as charged	SA	A	N	D	SD
The case is more likely to go to trial.	SA	A	N	D	SD

8. After sending evidence to a public lab, what is the average length of time it takes to receive DNA results?

- Less than a week
- 8-14 days
- 15-30 days
- 1-2 months
- 2-3 months
- 4-5 months
- 5-6 months
- More than 6 months

9. After sending evidence to a private lab, what is the average length of time it takes to receive DNA results?

- 1- 30 days
- 1-2 months

- 3-4 months
- 5-6 months
- More than 6 months

10. What factors, in your experience, influence the time it takes to process DNA evidence and please indicate the time allocated (*in days*) for each factor.

	Allocated Time
1. High profile	_____
2. Availability of financial resources (e.g., sending to state lab vs. private lab)	_____
3. Type of crime	_____
4. Need of lab to outsource sample	_____
5. Statute of limitation	_____
6. Suspect/No suspect	_____
7. Trial date	_____
8. Other (please specify)	_____
9. Other (please specify)	_____

11. When sending evidence to be analyzed at a lab, please indicate the level of priority the evidence is sent based on the type of crime?
(1 = low priority to 5 = high priority)

- Murder
- Sexual Assault
- Burglary
- Other (please specify) _____
- Other (please specify) _____

12. At what point in time do you classify a case as a “cold case?”

12a. For cold cases, how many new DNA hits have you used to identify suspects from January 1, 2005-December 31, 2005? _____

13. For new cases with unknown suspects, how many DNA hits have resulted in the identification of a suspect from January 1, 2005-December 31, 2005?

14. What priority level for sending evidence is assigned for post-conviction testing?

- High priority
- Medium priority
- Low priority

15. What percentage of cases have you had to request a “continuance” or “adjournment” or “dismiss and rebring” (depending on your jurisdiction) during a trial because there was a delay in receiving DNA results from a lab?

- 0%
- 1 – 20%
- 20 – 40%
- 40 – 60%
- 60 – 80%
- 80 – 100%

TRAINING

16. In the past 48 months, what percentage of attorneys handling DNA cases in your office have received specialized training in DNA evidence?

- 0%
- 1 – 25%
- 26 – 50%
- 51 – 75%
- 76% – 100%

17. What type of DNA training have they received? (Please check all that apply)

- Scientific
- Legal application/procedural
- Other: _____

18. What types of procedural training have prosecutors received in your office?

- Cross-training with law enforcement
- Cross-training with lab analysts
- Trial advocacy training
- Lecture-focused prosecutor based training
- Training with lab analysts

19. Who provides DNA training for prosecutors in your office? (Choose all that apply)

- American Prosecutors Research Institute
- National Advocacy Center
- University faculty
- Crime lab
- Other (please specify) _____

20. Is any of the DNA training that your office receives supported by federal DNA grants/money?

- Yes
- No

20a. *If no*, where does the funding for training come from?

- State funding
- Local funding

21. Do you believe your office needs (or prosecutors in your office need) DNA related training?

- More training is needed
- Less training is needed
- Training that prosecutors in this office receive is sufficient.

22. In your opinion, please select from the list below the types of DNA training that your office needs?

Develop a checklist

23. Do you feel that individuals from law enforcement in your jurisdiction receive adequate DNA training? Yes/No (please explain)

FUNDING/RESOURCES

24. Does your office receive any federal funding to reopen DNA evidence related cases?

- Yes
- No

25. How frequently are you unable to request processing of DNA samples due to insufficient funding?

26. Regarding DNA-evidence related cases, does your office prioritize the use of federal funding for (please circle that apply):

- 1. cold cases
- 2. backlog
- 3. processing DNA
- 4. post conviction

27. How are federal funds used in your office to process DNA-evidence related cases? (Create % Table)

- staff positions/personnel
- equipment
- training
- expert witness
- storage/preservation

28. Under what circumstances would you send evidence to a private or public lab?

a. What criteria do you use?

b. Is there a budget for such use of private versus public labs?

29. What is the average cost of analyst interpretation and consulting on DNA evidence?

- 1. \$0 to \$500
- 2. \$501 to \$1,000
- 3. \$1,001 to \$2,000
- 4. More than \$2,000

COMMUNICATION

30. What are the challenges faced by prosecutors in your office in presenting DNA evidence to jurors?

- CSI effect
- Jury trust in the science of DNA
- Jury trust in the system's collection/use of the DNA evidence

31. In general, how knowledgeable do judges appear to be about DNA evidence?

- Very knowledgeable
- Somewhat knowledgeable
- Not very knowledgeable

32. What has been your office's experience working with law enforcement related to DNA evidence (e.g., when, how often, quality of interaction)?

33. Does your office have an internal mentoring or training program for DNA case development?

34. Are victims or families notified of DNA report results?

Yes

No

34a. If yes to question 34, when are they notified:

a. during investigation phase

b. during pre-trial phase

34b. If yes to question 34, who notifies victims or families?

a. Prosecutor

b. Victim advocate

c. Law enforcement

35. Please provide an example of how law enforcement, crime labs, and prosecutors collaborate on cold case hits?

35a. What are the challenges and benefits to these interactions?

36. Do prosecutors notify crime labs and law enforcement of the outcome of the case?

Yes

No

37. Does your office have a protocol for the communication with the lab when a case is settled prior to testing being completed?

Yes

No

37a. If yes, what is the time period for communication?

38. Do you communicate back to lab result of case?

Yes

No

38a. If yes, generally when does this notification occur?

39. How often does the lab communicate sample consumption?

40. Do your state lab analysts provide any formalized mentoring to the prosecutors in your office?

- Yes
- No

40a. If yes, by what means does it take place?

1. telephonic
2. email
3. prosecutor visit to state lab
4. analyst visit to prosecutor office

41. Who makes the decision to outsource sample processing within your office?

1. By the lab
2. By the prosecutor
3. Jointly

41a. If the decision is made by the lab, are you consulted before the sample is outsourced?

- Yes
- No

41b. If the decision is made by the lab, are you notified?

- Yes
- No

42. Who makes the decisions regarding the sample testing (e.g., whether nuclear testing is sufficient or mtDNA necessary)?

42a. How is that communicated?

43. Does your office have a protocol for the prioritization of evidence?

44. Is there communication of priority to lab for evidence typing?

44a. Who sets the criteria for prioritization of evidence typing?

1. Prosecutor's office
2. Lab
3. Both