National Survey of Prosecutors: Cognitive Interview Protocol

DATE:
START TIME:
Interviewer:
Agency:

Thanks for agreeing to help us develop the questionnaire for the National Survey of Prosecutors . This call will take about an hour. If this time still works for you, I'd like to start with a short summary of the goals for today's call and explain a bit about how I'll conduct the interview.

- IF NO LONGER A GOOD TIME, OFFER TO RESCHEDULE
- IF STILL GOOD TIME, CONTINUE

As you may know, the Bureau of Justice Statistics and RTI are preparing to conduct the National Survey of Prosecutors in the summer of 2020. As we get ready for the study, we are asking representatives from the offices of county-level prosecutors to review the draft questionnaire. During this call, I'll ask for your reactions to the draft questions – including things like how the questions are worded, ways to clarify instructions, and challenges related to obtaining the requested information, as your office may or may not easily track this information.

Please keep in mind that there are no right or wrong answers to my questions. One of our main goals is to draft questions that make sense, so if anything about the questions is confusing or unclear, you can help by pointing this out. Also, if you're not sure how you would respond to any of the questions, please tell me that, too.

I am interested in hearing all of your feedback on the survey, but because there are a lot of topics to discuss and we only have an hour, sometimes I might ask that we move on to the next question before you've had a chance to share everything on your mind. At the end of the interview you can share any important feedback that you didn't have a chance to share earlier.

Do you have any questions before we begin?

First, do you happen to recall approximately how much time you spent completing the questionnaire? Please include the time you and any others at your office spent gathering information needed to answer the questions.

_____ HOURS

_____ MINUTES

I'm planning to discuss only some of the questions on the questionnaire, but if you have comments or concerns about any of the questions I skip, please feel free to share them with me at any time.

Do you have any questions before we begin?
INTERVIEWERS: REVIEW PARTICIPANT RESPONSES TO THE SURVEY IN ADVANCE. NOTE ANY DISCREPANCIES, QUESTIONABLE RESPONSES, OR MISSING RESPONSES.

USE SPONTANEOUS PROBES DURING THE INTERVIEW WHEN YOU COME TO THAT ITEM TO CLARIFY OR TO SEE IF PARTICIPANT HAD TROUBLE COMPLETING THE QUESTION.

Section A: Staffing and Services

A1. In what year did the current chief prosecutor first assume the official duties of chief prosecutor for this office?

The chief prosecutor is the elected or State-appointed head of the prosecutorial district.

If there was an interruption in the chief prosecutor's term, please select the most recent year elected or appointed.

_____ [YEAR ELECTED OR APPOINTED]

NOTE: A FEW JURISDICTIONS MAY EMPLOY A PRIVATE ATTORNEY AS THEIR CHIEF PROSECUTOR.

A2. As of September 30, 2019, is the chief prosecutor a full-time or part-time employee of your office?

[ ] Full Time
[ ] Part time

A3. As of September 30, 2019, is the chief prosecutor male or female?

[ ] Male
[ ] Female

A4a. Please provide the ethnicity of the chief prosecutor as of September 30, 2019.

[ ] Spanish, Hispanic, or Latino
[ ] Not Spanish, Hispanic, or Latino

A4b. Please provide the race of the chief prosecutor as of September 30, 2019. *Please select all that apply.*

[ ] White
[ ] Black or African American
[ ] American Indian or Alaska Native
[ ] Asian
[ ] Native Hawaiian or Other Pacific Islander
[ ] Other (*Please specify*):_____

PROBE: REVIEW A1-A4b RESPONSES WITH PARTICIPANT. Then ask: For questions A1-A4b, did you have any challenges answering these questions?

PROBE: Is race stored separately from ethnicity in your system? Can you report race and ethnicity separately?

A5. For the pay period that included September 30, 2019, how many full- and part-time litigating attorneys were employed in your office? *If none, enter "0." If you are uncertain, please provide your best estimate and check the 'estimate' box. If you do not track this information, please check the 'Do not track this information' box. A litigating attorney is an attorney who carries an assigned caseload (e.g., assistant prosecutors, civil attorneys).*

a. _____ Full-time litigating attorneys **[ ]** *Estimate*
b. _____ Part-time litigating attorneys **[ ]** *Estimate*
c. _____ TOTAL NUMBER OF LITIGATING ATTORNEYS (Sum of A5a and A5b) **[ ]** *Estimate*

[ ] Do not track this information

PROBE: How much difficulty did you have retrieving this information?

A6. For the pay period that included September 30, 2019, how many full-time litigating attorneys were male and female? *If none, enter "0." If you are uncertain, please provide your best estimate and check the 'estimate' box. If you do not track this information, please check the 'Do not track this information' box.* ***The total number of male and female litigating attorneys should sum to the total in column A5c.***

A litigating attorney is an attorney who carries an assigned caseload.

a. _____ Male litigating attorneys **[ ]** *Estimate*
b. _____ Female litigating attorneys **[ ]** *Estimate*

[ ] Do not track this information

A7. Please provide the number of full-time litigating attorneys by race and ethnicity who were employed by your office during the pay period including September 30, 2019. *If none, enter "0." If you are uncertain, please provide your best estimate and check the 'estimate' box. If you do not track this information, please check the 'Do not track this information' box.* ***The total number of litigating attorneys should sum to the total in column A5c.*** A litigating attorney is an attorney who carries an assigned caseload.	**Number**
a. White (non-Hispanic)	_____ [ ] *Estimate*
b. Black or African American (non-Hispanic)	_____ [ ] *Estimate*
c. Hispanic	_____ [ ] *Estimate*
d. American Indian or Alaska Native (non-Hispanic)	_____ [ ] *Estimate*
e. Asian (non-Hispanic)	_____ [ ] *Estimate*
f. Native Hawaiian or Other Pacific Islander (non-Hispanic)	_____ [ ] *Estimate*
g. Two or more races	_____ [ ] *Estimate*
h. Not known	_____ [ ] *Estimate*
i. TOTAL FULL-TIME LITIGATING ATTORNEYS (sum of rows a through h)	_____ [ ] *Estimate*
[ ] Do not track this information	

PROBE: Did you have any challenges completing questions A6 and A7?

PROBE: A7 - Is race stored separately from ethnicity in your system? Can you report race and ethnicity separately?

PROBE: Does your office track this information, including the "Two or more races" option?

PROBE: Is including a "TOTAL FULL-TIME LITIGATING ATTORNEYS" line helpful to you?

INTERVIEWER: CHECK TO BE SURE TOTAL LINE in A7 EQUALS THE TOTAL PROVIDED IN A6 – ELSE PROBE DISCREPANCY.

A8-A9. During the pay period ending September 30, 2019, how many of the following types of non-attorney staff were employed in your office? *If none, enter "0." If you are uncertain, please provide your best estimate and check the 'estimate' box. If you do not track this information, please check the 'Do not track this information' box.*

Full-time staff: Enter the number of full-time personnel according to their PRIMARY job responsibility for the pay period that included September 30, 2019. Count each full-time employee only once. If full-time staff perform more than one job function, enter their count in the job category where they spend most of their time.

Part-time staff: Enter the number of employees who work fewer hours than your standard work week, including employees in job-sharing arrangements, according to their PRIMARY job responsibility for the pay period that included September 30, 2019. Count each part-time employee only once. If part-time staff perform more than one job function, enter their count in the job category where they spend most of their time.

Staff position	**A8. Number Full-time**	**A9. Number Part-time**
a. Investigators A person who investigates crime for the prosecutor's office, interviews witnesses, and evaluates evidence	_____ [ ] *Estimate*	_____ [ ] *Estimate*
b. Victim/ witness staff A professional who supports crime victims and witnesses by promoting rights, assessing needs, and linking to support services. *Please include paid staff only, and include anyone in your office whose main tasks are to assist victims (e.g., advocates, compensation claims processors).*	_____ [ ] *Estimate*	_____ [ ] *Estimate*
c. Support staff Examples include administrative staff, clerical staff, human resources, paralegals, information technology (IT) staff, accounting staff, etc.	_____ [ ] *Estimate*	_____ [ ] *Estimate*
d. Review/redaction staff Staff member(s) whose position is devoted to the review and redaction of digital evidence	_____ [ ] *Estimate*	_____ [ ] *Estimate*
e. TOTAL ACTUAL STAFF (sum of rows a through d)	_____ [ ] *Estimate*	_____ [ ] *Estimate*
[ ] Do not track this information		

PROBE: Please look at the instructions for this question.

For "Full-time staff" we include a description for respondents to "…Enter the number of full-time personnel according to their PRIMARY job responsibility…" Does this wording make sense or not?

PROBE: How difficult was it for you to answer this question? Why?

PROBE: Do the descriptions of the various staff positions make sense? If not, do you have any recommendations to make them more clear?

A10. Please provide the minimum and maximum dollar amounts that best encompass the range of entry-level salaries of full-time litigating attorneys hired by your office during the 12-month period ending on September 30, 2019. *If there is no range, please provide the same value for the minimum and maximum entry-level salaries*.

a. $_____.00 [MINIMUM]
b. $_____.00 [MAXIMUM]

[ ] *Estimate*

A11. During the 12-month period ending on September 30, 2019, how many full-time litigating attorneys were hired by your office and how many separated from your office? *If none, enter "0." If you are uncertain, please provide your best estimate and check the 'estimate' box. If you do not track this information, please check the 'Do not track this information' box.*

A litigating attorney is an attorney who carries an assigned caseload.

a. _____ Full-time litigating attorneys hired [ ] *Estimate*
b. _____ Full-time litigating attorneys separated [ ] *Estimate*

[ ] Do not track this information

PROBE: Did you have any challenges in answering question A10 or A11?

A12. How many attorneys are required to work an on-call position at any given time? *If none, enter "0." If you are uncertain, please provide your best estimate and check the 'estimate' box. If you do not track this information, please check the 'Do not track this information' box.*

An on-call position is one where the attorney is required to respond at any time in a 24-hour period.

_____ [NUMBER ATTORNEYS]

[ ] *Estimate*
[ ] Do not track this information

PROBE: What is this question asking in your own words?

PROBE: We use a time frame of "24-hour period" in this question. What did you think about this time period? Did you have any challenges providing a response for a given 24-hour period?

PROBE: Do you think this question will adequately cover the amount of work expended by different offices if we're only asking about "any given" 24-hour period?" Might this number change over the course of time?

A13. Are staff in your office responsible for any of the following non-litigating activities? *Select (X) all that apply.*

Activities	1. Yes – Attorney(s)	2. Yes – Other staff	3. No
a. Community events	[ ]	[ ]	[ ]
b. Expungements	[ ]	[ ]	[ ]
c. FOIA requests	[ ]	[ ]	[ ]
d. Restoration of rights	[ ]	[ ]	[ ]
e. Training	[ ]	[ ]	[ ]
f. Other. Please describe: _____	[ ]	[ ]	[ ]

PROBE: Does "non-litigating activities" best describe these extra-legal duties?

PROBE: Is asking whether staff are broadly responsible for these activities the best way to collect this information? If not, do you have any other recommendations?

A14. Does your office provide any direct victim assistance or referrals for victims or their families in any of the following situations? *Select (X) all that apply.*

	1. Provide direct victim assistance Someone on your staff is providing victim assistance	2. Provide referrals for victims or their families Someone on your staff refers the person to an outside organization	3. Not Provided
a. Child abuse and other youth violence	[ ]	[ ]	[ ]
b. Domestic or other dating violence	[ ]	[ ]	[ ]

c. Elder abuse	[ ]	[ ]	[ ]
d. Hate crime victimization (i.e., basis for crime is related to race, religion, disability, sexual orientation, ethnicity, gender, or gender identity)	[ ]	[ ]	[ ]
e. Homicide support (family members/co-victims of homicide)	[ ]	[ ]	[ ]
f. Human trafficking	[ ]	[ ]	[ ]
g. Sexual assault	[ ]	[ ]	[ ]

PROBE: Did you have any challenges answering question A14?

PROBE: Are there any other categories that you think should be included here?

Section B: Budget

B1. During the fiscal year including September 30, 2019, what were the total operating expenditures of your office, excluding capital outlays for construction? *If you are uncertain, please provide your best estimate and check the 'estimate' box.*

Operating expenditures or budget are defined as all recurring fixed and variable costs associated with the management and administration of your system. It does not include non-recurring fixed capital costs such as building construction and major equipment purchases.

Total office expenditures during the fiscal year that included September 30, 2019:

$ _____. 00 [OFFICE EXPENDITURES]
[ ] *Estimate*

PROBE: For this and other budget-related questions, we ask about the relevant fiscal year. Do you think this is an appropriate time frame? If not, what time frame would be more appropriate?

B2. From which of the following sources did your office receive funding during the fiscal year including September 30, 2019? *Select Yes or No for each option.* Please consider only direct revenue from these sources.	**Yes**	**No**
a. Federal government	[ ]	[ ]
b. State government	[ ]	[ ]

c. County government (Including multi-county prosecution districts)	[ ]	[ ]
d. Traffic tickets/Court fees (directly or through collection efforts)	[ ]	[ ]
e. Grant funding [IF NO, SKIP TO QUESTION C1]	[ ]	[ ]
f. Other. Please describe: _____	[ ]	[ ]

PROBE: Do you receive funding from multiple counties? IF YES: Do you feel this question is worded adequately to provide the answer? How so?

PROBE: How difficult was it for you to provide responses for each of the funding sources?

IF DIFFICULT: Would you be able to tell us the funding source from which you receive the majority of your funding?

B3. [IF QUESTION B2e (Grant Funding) = Yes]:

How much direct revenue did you receive in the form of grant funding during the fiscal year including September 30, 2019? *If you cannot provide an exact amount, please provide an estimate and check the estimate box. If you do not track this information, please check the 'Do not track this information' box.*

$ _____. 00 [DIRECT REVENUE]
[ ] *Estimate*
[ ] Do not track this information

PROBE: Did you have any challenges answering question B3?

Section C: Caseload

C1. During the 12-month period ending on September 30, 2019, did your office have either formal or informal policies for case-processing related to the following? *Select Yes or No for each option.* A policy is a shared understanding, written or unwritten, among attorneys in the office relating to how a case or type of case is processed.	**Yes**	**No**
a. Bail recommendation/pretrial release for felony defendants – Circumstances under which cash bail is requested for any felony offenses or judge is asked to deny bail for any felony offenses	[ ]	[ ]
b. Bail recommendations/pretrial release for misdemeanor defendants – Circumstances under which cash bail is requested for any misdemeanor offenses or judge is asked to deny bail for any misdemeanor offenses	[ ]	[ ]
c. Caseloads – Number of open cases one prosecutor can carry at one time	[ ]	[ ]
d. Charging standards – Specific standards of prosecutorial action and charging	[ ]	[ ]
e. Conviction integrity – Identifying or correcting false convictions	[ ]	[ ]
f. Diversion/problem-solving courts – Recommendations on cases eligible and ineligible for diversion or problem-solving courts	[ ]	[ ]
g. Non-prosecution – Declining any cases referred without review (e.g., marijuana possession, theft less than $100)	[ ]	[ ]
h. Plea bargains – Circumstances under which cases or offenders are eligible or ineligible for plea bargains	[ ]	[ ]

PROBE: Looking at just the question for C1, what did you think of the way the question is worded? Would you recommend any changes?

PROBE: Looking at the definitions we provided for the various policies, were they clear or would you recommend any changes?

PROBE: Would it be helpful for your office to hear the aggregated responses of other offices to this question?

PROBE: We realize that, while question asks about cases reviewed, filed, and terminated during the same one-year time frame, a case may take several years to move through this process. Is a one-year snapshot a helpful way to gather these data from different prosecutor's offices? If not, what wording changes would you suggest?

PROBE: What other case topics are you seeing in your jurisdiction?

C2. During the 12-month period ending on September 30, 2019, did your office prosecute the following types of felony offenses? *Select Yes or No for each option.*	**Yes**	**No**
a. Computer hacking or network disruption (cybercrime)	[ ]	[ ]
b. Elder abuse/neglect	[ ]	[ ]
c. Gang-related violence	[ ]	[ ]
d. Hate crime (i.e. basis for crime is related to race, religion, disability, sexual orientation, ethnicity, gender, or gender identity)	[ ]	[ ]
e. Human trafficking	[ ]	[ ]
f. Methamphetamine production or distribution	[ ]	[ ]
g. Mass murder (the killing of four or more people at the same place and time)	[ ]	[ ]
h. Opioids distribution (including prescription fraud)	[ ]	[ ]
i. Police use of excessive force	[ ]	[ ]
j. Use of internet for child exploitation/child sexual abuse/child pornography/child abuse	[ ]	[ ]

PROBE: In question C2, we ask if your office handles these types of cases. What if we were to ask if your office has a dedicated unit to handling these cases – how would you have responded?

PROBE: How would you have responded if we asked about prosecuting hemp, CBD, and marijuana regulations?

C3. During the 12-month period ending on September 30, 2019, did your office have jurisdiction for the prosecution of criminal cases (misdemeanor and/or felonies) occurring on tribal lands?

The term "tribal lands" includes areas also labeled Indian Country, federal or state recognized reservations, trust lands, Alaska Native villages, and/or tribal communities.

[ ] YES
[ ] NO

C4. During the 12-month period ending on September 30, 2019, did your office have a digital/electronic case management system?

[ ] YES
[ ] NO

PROBE: Any challenges completing questions C3 or C4?

C5. During the 12-month period ending on September 30, 2019, was your office responsible for prosecuting or litigating the following case types? *Select Yes or No for each option.*	**Yes**	**No**
a. Felony matters	[ ]	[ ]
b. Misdemeanor matters	[ ]	[ ]
c. Juvenile matters	[ ]	[ ]
d. Civil matters [IF NO, SKIP TO QUESTION C7]	[ ]	[ ]
e. Other matters (including municipal and traffic)	[ ]	[ ]

C6a. If your office was responsible for prosecuting or litigating civil matters during this time period, how many times did your office act as counsel for the plaintiff (state or county)?

_____ [PLAINTIFF]
[ ] *Estimate*
[ ] Do not track this information

C6b. If your office was responsible for prosecuting or litigating civil matters during this time period, how many times did your office act as counsel for the defendant?

_____ [DEFENDANT]
[ ] *Estimate*
[ ] Do not track this information

IF SKIPPED TO C7, SKIP BELOW PROBES

PROBE: How dififcult was it for you to answer questions C6a and C6b?

PROBE: Are these two questions (C6a and C6b) sufficient to cover civil matters? Why or why not?

C7. Does your jurisdiction allow police to file cases directly in court without prosecutorial review (including traffic, municipal, and infraction cases)?

[ ] Yes
[ ] No **[SKIP DIRECTLY TO C9a]**

C8a. [IF YES] After a case is filed directly in court by the police, does your office then handle those cases?

[ ] Yes

[ ] No **[SKIP DIRECTLY TO C9a]**

C8b. [IF YES] If your office handles cases that were filed directly in court by the police, how many of those cases did your office prosecute without review in the 12-month period ending on September 30, 2019?

_____ [NO REVIEW]
[ ] *Estimate*
[ ] Do not track this information

PROBE: After reading question C8b., did you understand the prompt "[NO REVIEW]" as an indicator of the number of cases directly filed by police, rather than undergoing prosecutorial review?

PROBE: If NOT: Which one- or two-word phrase would serve as a better indicator?

C9a. In the 12 months ending on September 30, 2019, how regularly did your office prosecute cases referred for the following public order offenses?

	Prosecution was almost always pursued	Prosecution was pursued more than half the time	Prosecution was pursued less than half the time	Prosecution was rarely or never pursued	My office has jurisdiction but no cases of this type were referred to my office	My office has no jurisdiction over this offense
Public Order Offenses						
Driving under the influence of alcohol	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Driving under the influence of marijuana	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Driving with a suspended license	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Fare evasion, including turnstile jumping, etc.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Drinking in public, or open container	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Public intoxication	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Disorderly conduct	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Resisting arrest	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Vagrancy	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Public urination/defecation						
Prostitution	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Solicitation of prostitution	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

PROBE: Are you able to answer these questions without expending significant time and effort?

(PROBE: In general, is it possible for you to access EITHER the proportion of each type of case for which prosecution was pursued OR the fact that no prosecution was pursued and why?)

PROBE: Should any other offenses be added to this list?

C9b. In the 12 months ending on September 30, 2019, how regularly did your office prosecute cases referred for the following drug offenses?

	Prosecution was almost always pursued	Prosecution was pursued more than half the time	Prosecution was pursued less than half the time	Prosecution was rarely or never pursued	My office has jurisdiction but no cases of this type were referred to my office	My office has no jurisdiction over this offense
Drug Offenses						
Smoking marijuana in public	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Marijuana possession	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Marijuana possession with intent to distribute	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Non-marijuana drug possession	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

PROBE: Are you able to answer these questions without expending significant time and effort?

(PROBE: In general, is it possible for you to access EITHER the proportion of each type of case for which prosecution was pursued OR the fact that no prosecution was pursued and why?)

PROBE: Should any offenses be added to this list?

C9c. In the 12 months ending on September 30, 2019, how regularly did your office prosecute cases referred for the following property offenses?

	Prosecution was almost always pursued	Prosecution was pursued more than half the time	Prosecution was pursued less than half the time	Prosecution was rarely or never pursued	My office has jurisdiction but no cases of this type were referred to my office	My office has no jurisdiction over this offense
Property Offenses						
Breaking and entering	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Breaking into a motor vehicle	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Shoplifting	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Pickpocketing or purse-snatching	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Possession of stolen property	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Criminal trespassing	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Vandalism/intentional damage to property	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

PROBE: Are you able to answer these questions without expending significant time and effort?

(PROBE: In general, is it possible for you to access EITHER the proportion of each type of case for which prosecution was pursued OR the fact that no prosecution was pursued and why?)

PROBE: For a general category such as "Breaking and Entering," are you able to generalize cases across this category?

IF NO: Why not? (PROBE: Are Breaking and Entering cases nuanced enough that they're not generalizable?)

PROBE: Should any other offenses be added to this list?

C10. What if any effect did offender characteristics have when deciding whether to prosecute these offenses? *Please check only ONE box per horizontal row.*

Offender had prior offenses	[ ] More likely to prosecute	[ ] Less likely to prosecute	[ ] No effect on decision

Offender was intellectually disabled	[ ] More likely to prosecute	[ ] Less likely to prosecute	[ ] No effect on decision
Offender was a non-U.S. citizen	[ ] More likely to prosecute	[ ] Less likely to prosecute	[ ] No effect on decision
Offender was a minor	[ ] More likely to prosecute	[ ] Less likely to prosecute	[ ] No effect on decision
Other characteristics (specify):			

PROBE: Are you able to answer these questions without expending significant and effort?

(PROBE: In general, is it possible for you to access information regarding the offender characteristics considered when your office chooses to prosecute or not to prosecute a case?)

PROBE: Should any other offender characteristics be added to this list?

C11. In the 1st column below, please indicate the number of cases reviewed by your office during the 12-months ending September 30, 2019. Next, please indicate the number of each type of case in Columns 2 through 3 for which your office was responsible during the 12-month period ending on September 30, 2019. The sum of Columns 2 through 3 should not exceed the number in Column 1. *If you are uncertain, please provide your best estimate and check the estimate box. Check NA if your office is not responsible for prosecuting or litigating these types of cases – Not selected in question C5.*

	1. Number of cases reviewed by office during 12-months ending 9/30/19	**2. Number of cases filed in court**	**3. Number of cases diverted/declined** (Diverted post arrest prior to filing in court / Prosecuting party does not pursue charges)	**4. NA** *Not selected in question C5*
a. Felony matters	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	[ ]
b. Misdemeanor matters	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	[ ]
c. Other matters (including, juvenile, municipal, and traffic)	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	[ ]
d.				

PROBE: Are the definitions for "Number of cases diverted/declined" in column 3 appropriate or would you recommend a different description?

PROBE: In Column 3, we are trying to gather information on cases that never reached either a plea or a guilty finding. Are the words "diverted/declined" appropriate, or do you prefer the word "deferred?"

C12. Of the cases filed in court (reported in the second column of question C11), how many were concluded by…

If you are uncertain, please provide your best estimate and check the estimate box. Check NA if your office has not filed cases named in question C5 or handled these types of cases.

	1. Number of cases concluded by court or jury trial	**2. Number of cases concluded by plea**	**3. Number of cases referred to Problem-Solving Court** (Court dockets designed to serve a particular group of offenses or offenders)	**4. Number of cases concluded by Nolle prosequi or dismissal**	**5. NA** *Not reported in question C5*
a. Felony matters	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	[ ]
b. Misdemeanor matters	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	[ ]
c. Other matters (including juvenile, municipal and traffic)	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	_____ [ ] *Estimate*	[ ]

PROBE: Are you able to provide the number of cases that are "successfully" concluded in problem-solving courts or would that be too burdensome?

PROBE: Do you feel that would that be useful information to collect?

PROBE: Do you feel the definition we provided for "Problem-Solving Court" is appropriate or would you recommend a different description?

C13. Of the felony cases concluded by court or jury trial (reported in the first column of question C12 for felony matters), how many resulted in… *If you are uncertain, please provide your best estimate and check the estimate box.*

a. _____ Conviction on one or more charges [ ] *Estimate*
b. _____ Not guilty/ acquittal on all charges [ ] *Estimate*
c. _____ Mistrial [ ] *Estimate*
d. _____ Other [ ] *Estimate*

[ ] Do not track this information

PROBE: Originally, a version of this question asked for information of "Conviction or dismissal on one or more charges." Should "Dismissal" be included in this question?

C14. If values were entered in C13d above (Other), please describe the other way that the felony cases were concluded: _____

Section D: Evidence in Prosecution

D1. During the 12-month period ending on September 30, 2019, what percentage of the felony cases reported in question C11a, column 2 did your office prosecute that involved the collection, analysis, review, and/or admission of the following types of digital evidence? *If you are uncertain, please provide your best estimate and check the 'estimate' box. If your office did not collect, analyze, review, and/or admit the following types of digital evidence, please mark the percentage as 0.*

Digital evidence includes information that is stored, transmitted or received on an electronic device.

	Percentage of cases
a. Cameras (police body-worn, police dashcam, other camera evidence):	_____ [ ] *Estimate*
b. Cell phones	_____ [ ] *Estimate*
c. Computer hard drive	_____ [ ] *Estimate*
d. Calls from jail/prison:	_____ [ ] *Estimate*
e. Social media	_____ [ ] *Estimate*

PROBE: In question D1 we ask about the percentage of cases prosecuted involving the different types of digital evidence. What if we had asked about the time waiting for test results or the number of staff that had to review the test results – would that have been a better question? Why or why not?

D2. During the 12-month period ending on September 30, 2019, what percentage of the felony cases reported in question C11a, column 2 did your office prosecute that involved the collection, analysis, review, and/or admission of the following types of forensic evidence? *If you are uncertain, please provide your best estimate and check the*

'estimate' box. If you choose to estimate this number, your estimate should be based on and should not exceed the number of felony cases reported in question C10, column 1.

	Number of cases
a. Autopsy	_____ [ ] *Estimate*
b. Ballistics	_____ [ ] *Estimate*
c. Chemical/drug testing	_____ [ ] *Estimate*
d. DNA	_____ [ ] *Estimate*
e. Fingerprints	_____ [ ] *Estimate*
f. Sexual assault evidence kits	_____ [ ] *Estimate*
g. Toxicology	_____ [ ] *Estimate*

PROBE: Do you think it would be better to focus this question on the time waiting for test results or the number of people running/waiting for test results? IF NEEDED: Would this be more or less burdensome to provide responses?

D3. Does your office have an established policy on how digital evidence is provided to defense attorneys?

[ ] Yes
[ ] No – **[IF NO, SKIP TO QUESTION D4]**

D3a. If your office has an established policy on the sharing of digital evidence with defense attorneys, what is the usual method by which this information is shared? *Please select only the most frequently used method.*

[ ] Digital platform only (e.g., www.evidence.com)
[ ] Hard handoff only (e.g., CD or USB flash drive)
[ ] Both platform and hard handoff
[ ] Method of sharing depends on specifics of case

D4. During the fiscal year that included September 30, 2019, what were the total expenditures of your office for the storage of digital evidence (including licensing fees, maintenance fees, IT support, and storage costs)? *If you are uncertain, please provide your best estimate and check the estimate box.*

$ _____. 00 [EXPENDITURES]
[ ] *Estimate*

PROBE: Is this question the best measure of the burden incurred by your office related to how digital evidence is used? If NECESSSARY: e.g. time necessary, staff burden, number of dedicated position

D5. During the fiscal year that included September 30, 2019, what were the expenditures of your office for the physical storage of forensic evidence? *If you are uncertain, please provide your best estimate and check the estimate box.*

$ _____. 00 [EXPENDITURES]
[ ] *Estimate*

PROBE: Looking at questions D4 and D5, would it be better to place these questions in the budget section (Section B) since we are asking about expenditures, or do you feel it is better to keep them here in the evidence section, as the questions directly relate to evidence?

PROBE: Should we specifically ask about the individuals, positions, or wait time related to processing of forensic evidence? Why or why not?

> **PROBE: IF YES: Should this be a question directed towards laboratories, in another survey, or would you be able to answer it?**

Section E: Diversion Programs and Specialty Courts

E1. Within your jurisdiction, do individuals in the following positions refer offenders to <u>diversion programs?</u> *Select Yes or No for each option.*	**Yes**	**No**
a. Judge	[ ]	[ ]
b. Law enforcement	[ ]	[ ]
c. Prosecutor [IF NO, GO TO QUESTION E3]	[ ]	[ ]
d. Someone else. Please describe: _____	[ ]	[ ]
e. Referrals are mandated by statute	[ ]	[ ]

E2. During the 12-month period ending on September 30, 2019, did your jurisdiction divert the following types of offenses from prosecution prior to adjudication? *Select (X) all that apply.*	**Yes – Felony cases**	**Yes – Misdemeanor cases**	**No**
a. Child abuse	[ ]	[ ]	[ ]
b. Child neglect	[ ]	[ ]	[ ]
c. Drug manufacturing/dealing offenses	[ ]	[ ]	[ ]
d. Drug simple possession offenses	[ ]	[ ]	[ ]
e. Domestic violence offenses	[ ]	[ ]	[ ]
f. DUI/DWI offenses	[ ]	[ ]	[ ]
g. Simple assault (other than domestic violence offenses)	[ ]	[ ]	[ ]

PROBE: How difficult was it for you to distinguish between felony and misdemeanor cases?

E3. Within your jurisdiction, do individuals in the following positions refer offenders to problem-solving courts? *Select Yes or No for each option.*	**Yes**	**No**
a. Judge	[ ]	[ ]
b. Law enforcement	[ ]	[ ]
c. Prosecutor	[ ]	[ ]
d. Someone else. Please describe: _____	[ ]	[ ]
e. Referrals are mandated by statute	[ ]	[ ]

E4. To what types of problem-solving courts do you refer offenders? *Select Yes or No for each option.*	**Yes**	**No**
a. Adult drug court	[ ]	[ ]
b. Juvenile court	[ ]	[ ]
c. Mental health court	[ ]	[ ]
d. Family court	[ ]	[ ]
e. Hybrid DWI/Drug court	[ ]	[ ]
f. DWI court	[ ]	[ ]
g. Domestic violence court	[ ]	[ ]
h. Veterans court	[ ]	[ ]
i. Tribal wellness court	[ ]	[ ]
j. Environmental court (e.g. refineries)	[ ]	[ ]

PROBE: Does your jurisdiction have an "Environmental court"? Should we just include an "other, please specify" for more specific types of courts?

E5. Is the prosecutor expected to monitor cases that are referred to problem-solving courts?

[ ] Yes – A member of the prosecutor's office is present and is responsible for monitoring PSC cases
[ ] Yes – Prosecutors are not required to be present, but do receive reports from PSC teams and are expected to provide some feedback
[ ] No – Prosecutor only knows if the defendant completes the court or is terminated from the court **[IF SELECTED, YOU HAVE COMPLETED THIS SURVEY. THANK YOU FOR YOUR TIME.]**

E6. How are prosecutors assigned to the problem-solving courts?

[ ] Original prosecutor assigned to case is responsible for handling case while in problem-solving court
[ ] Dedicated prosecutor(s) are assigned to all cases in one specific problem-solving court (e.g., one prosecutor for drug, one prosecutor for veterans, one prosecutor for DWI)
[ ] Dedicated prosecutor(s) are assigned to all cases in multiple problem-solving courts (e.g. one prosecutor for drug, veterans and DWI courts)

PROBE: Looking back to questions E1 through E6, do these questions aqeduately cover the topic of diversion and problem-solving courts? Why or why not?

Probe: Do questions E1 through E6, which cover the topics of diversion and problem-solving courts, cover all individuals who move through your justice system, but exit WITHOUT any kind of criminal consequence?

IF NO: What questions do we need to ask to cover other individuals who are involved with the criminal justice system but exit it without a criminal consequences?

IF NEEDED: e.g., "no criminal history," "no adverse effects regarding employment, housing, or other functions"

Debrief:

PROBE: What types of cases not seen five years ago are becoming more time-intensive now?

PROBE: Now think about the survey overall. Did you have difficulty with any aspect of the survey that we have not already discussed?

PROBE: How much of the information needed to answer these questions do you have available?

PROBE: What information did you need to get from other people at your agency?

PROBE: How do you feel about the length and time needed to complete the questionnaire. Did you feel that it was reasonable or overly burdensome? Please explain.

PROBE: Was there anything in this survey that you think we could drop or which you feel is less critical information to collect?

PROBE: Which one question would you most like to receive the answers to from other offices?

Your feedback on these questions has been very helpful. Before we conclude, do you have any other feedback or suggestions to improve the questionnaire?

Thank you very much for taking the time to provide feedback. We will combine your comments with feedback from other participants into an overall report. That report will help BJS evaluate the questionnaire and determine whether to make any changes.

Thanks again!

END TIME: _____