

SUPPORTING STATEMENT FOR CENSUS OF PROSECUTOR OFFICES

A. JUSTIFICATION

Overview

The Bureau of Justice Statistics (BJS), through a cooperative agreement (15PBJS-23-GK-02627-BJSB) with its data collection agent, the Urban Institute (Urban), requests clearance to conduct the 2025 Census of Prosecutor Offices (2025 CPO), an iteration of the National Survey of Prosecutors (NSP) series (OMB Control Number 1121-0149, latest expiration 12/31/2023). This collection gathers general administration information on staffing, budgets, and caseloads of state prosecutor offices. BJS has collected data from state court prosecutors through a survey or census since 1990. The last census was conducted in 2007, and the last survey was conducted in 2020. 2025 CPO seeks information on the administration and operational characteristics of the 2,349 prosecutor offices that handle felony cases in state criminal courts. This effort is part of a sequence of BJS's statistical collections that focus on key criminal justice measures and institutions.

The 2025 CPO aims to build a current frame of state prosecutor offices and administer a survey (**Attachment 1**) to all state prosecutor offices that handle felony cases in courts of general jurisdictions (an overview may be found in **Attachment 2**).¹ An earlier generic clearance addressed the frame building portion of the project (OMB #1121-0339; see **Attachment 3** for clearance). The CPO survey was developed in consultation with prosecutors to collect core information on general office operations including staffing, office expenditures, and caseload statistics.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Necessity of Information Collection

2025 CPO plays an important role in BJS being able to fulfill its mission to collect and disseminate information on crime and justice. Since 1990, BJS has sponsored national surveys or censuses of prosecutor offices to collect data on the resources, policies, and practices of this component of state court systems. Publications from the NSP series include *Prosecutor in State Courts* in 1990, 1992, 1994, 1996, 2001, 2005, 2007, and 2020. Additionally, BJS released *State Court Prosecutors in Large Districts 2001*, *State Court Prosecutors in Small Districts 2001*, *Reporting by Prosecutor Offices to Repositories of Criminal History Records 2005*, and *Juveniles Prosecuted in State Criminal Courts 1997*.

¹ State courts of general jurisdiction are trial courts that hear serious criminal, juvenile, and civil cases.

The information gathered in the NSP series represents a long-standing effort to provide national-level statistics on the staffing, expenditures, and operations of prosecutor offices. While other professional associations and interest groups have conducted periodic collections of similar data, the CPO portion of the NSP is the only ongoing census collection. With the last census conducted almost 20 years ago, a new collection is needed to provide updated statistics and an updated frame for the survey collection. CPO is a source of valuable information for criminal justice planning. The burden involved in collecting 2025 CPO is warranted by the fact that the data are used by the components of the U.S. Department of Justice, Congress, state-legislators, journalists, researchers, students, and state prosecutor offices themselves. In addition to BJS publications, the public use file that will be produced from CPO will permit interested parties to conduct their own research. Byers, Warren-Gordon, and Jones (2012) did this when they conducted a study using data from the 2001 Census to examine state-level hate crime bias laws.² Thus, information made available through CPO serves as a multifaceted tool that can be used in a variety of ways.

2025 CPO will provide updated statistics for the following core measures:

Staffing. Staffing questions in the CPO are directed at gathering accurate estimates on the total number and types of positions employed by prosecutor offices. Staffing data are crucial to understanding the human resources available to address crime in local communities. BJS has routinely used this information to do comparisons of changes in prosecutor office staffing over time. For instance, the NSP-20 found that the number of staff employed by state prosecutor offices increased by 44% from 1992 to 2020. 2025 CPO will add to this information by providing staffing totals for both prosecutor and non-attorney staff.

Budget. The NSP series has collected prosecutor office budget or expenditure information since 1990. The only national estimates on this topic are from the NSP. BJS data revealed interesting changes in budgets and expenditures over time. For example, in 2007, the CPO found that prosecutor offices nationwide had total budgets of over \$5.8 billion, which was over \$1.2 billion more than what was reported in 2001 (\$4.6 billion). Moreover, NSP-20 found that state prosecutor offices' operating expenditure totaled nearly \$6.5 billion and the average operating expenditure per prosecutor was nearly \$185,000. 2025 CPO will continue to examine this topic by having specific questions on expenditures of prosecutor offices.

Caseloads. Heavy caseloads can place demanding constraints on prosecutors that may impact how they handle cases. The NSP-20 revealed that prosecutors concluded about 1.9 million felony cases in 2020. The NSP-20 also discovered that 85% of state prosecutor offices did not have a policy for attorney caseload size. Excessive prosecutor caseloads may create a backlog in case processing that can lead to delays in trial and ultimately result in negative impacts to defendants and victims.³ Thus, there is a need to continually track national trends of caseloads. 2025 CPO

² Byers, Bryan D., Kiesha Warren-Gordon, and James A. Jones. "Predictors of hate crime prosecutions: An analysis of data from the national prosecutors survey and state-level bias crime laws." *Race and Justice* 2, no. 3 (2012): 203-219.

³ Gershowitz, Adam M., and Laura R. Killinger. "The state (never) rests: How excessive prosecutorial caseloads harm criminal defendants." *Nw. UL Rev.* 105 (2011): 261-302.

proposes to gather data on the number of felony cases closed, method of case closures, and the number of litigating attorneys per office.

Statutes and Regulations

BJA seeks to implement 2025 CPO under its existing authorizing legislation to address the current need for updated statistical information. Under 34 USC § 10132, BJA is authorized to “collect and analyze statistical information, concerning the operations of the criminal justice system at the federal, state, tribal, and local levels” (**Attachment 4**). Prosecutor offices are an essential component of the American criminal justice system. 2025 CPO aligns with BJA’s mission to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. Moreover, 2025 CPO furthers the Department’s mission by describing the work of prosecutors’ offices, strategies employed by those offices to address different priorities, and changes to staffing, office expenditures, and caseloads over time by comparing the 2025 CPO data to earlier NSP series data. Additionally, it addresses the Attorney General’s priorities of upholding the rule of law by examining how prosecutors charge and handle crimes.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

BJA Uses:

The 2025 CPO will contribute new information to BJA’s established portfolio of prosecutorial research by generating an updated census of prosecutor offices and, through survey administration, capture key aspects of office operations nationwide. There is no other national source of data that can offer a complete picture of the work done by prosecutors and the composition and operation of their offices.

(1) Validating the national frame of prosecutor offices:

BJA will use the 2025 CPO to create a current national frame of prosecutor offices that handle felony cases in state courts of general jurisdiction. The project team has identified 2,349 offices that meet the criteria of prosecutor offices handling felony cases in state courts of general jurisdiction.

(2) Using the 2025 CPO as a sampling frame for future prosecutor surveys:

Compiling a comprehensive frame identifying all prosecutor offices in the U.S. will allow BJA to pursue full implementation of a census. By gathering attorney demographic information and office geographic coverage, the 2025 CPO will support the creation of a census that accounts for jurisdiction urbanicity, population size, attorney demographics and employment type (part time versus full time) from all offices. These characteristics will provide a detailed sampling frame for future BJA prosecutor surveys.

(3) Using the 2025 CPO data to develop a current empirical knowledge base about prosecutors:

Information gathered through the 2025 CPO will be a valuable and unique source of knowledge about prosecutor offices that can be used to fill major gaps in knowledge about parity of resources for prosecutors, particularly when aligned with earlier NSP collections and with other BJS data collections. First, the 2025 CPO can be compared to earlier NSP data collections to examine trends in prosecutor office staffing, expenditures, and caseloads. Second, the 2025 CPO can be compared to the Census of Public Defender Offices (CPDO) series (OMB Control # 1121-0095), which provides information on the administration, governance, staffing, budgets or expenditures, and caseloads of the nation's public defender offices. The 2024 CPDO is currently in the field. BJS's Criminal Cases in State Courts (OMB Control #1121-0371) and the National Pretrial Reporting Program (OMB Control #1121-0375) are administrative data collections focusing on felony criminal case processing in the United States. These collections combined with 2025 CPO and CPDO-24 could provide an organizational overview of courts, public defenders, and prosecutors responsible for adjudicating criminal cases in state courts. Thus, 2025 CPO plays an important role in BJS being able to fulfill its mission to collect and disseminate information on crime and justice by collecting information from prosecutors.

2025 CPO seeks to collect key statistics about all prosecutor offices currently operating in the United States. Below are examples of the pressing policy, practice, and research questions that can be addressed with data collected through the 2025 CPO:

- *How many prosecutor offices are there in the U.S.?*
- *How many prosecutors are there in the U.S.?*
- *What are the demographics of the prosecutor population?*
- *How many support staff are employed nationwide in prosecutor offices?*
- *What are the average expenditures of prosecutor offices?*
- *What are the common trends of cases reviewed, filed, and prosecuted?*

Other Uses:

BJS will make the 2025 CPO data set available to the public through restricted use files located at the National Archive of Criminal Justice Data Archive (NACJD) at the University of Michigan, Ann Arbor, MI (<https://www.icpsr.umich.edu/icpsrweb/content/NACJD/index.html>). No information about the persons completing the survey will be included in any archived file.

Examples of users and uses of the data include—

National Institute of Justice (NIJ) – NIJ recently completed their *Court Strategic Research Plan for 2020-2024*. This effort provided funding to assess the impact of staffing, budget, and resource allocations of courts and courtroom actors. NIJ utilized the statistics provided by BJS to formulate funding opportunities that focus on prosecutors in this initiative. For example, the *FY 24 Prosecution Practice, Justice, Case Tracking, and Workforce* solicitation cited both the NSP and CPO as federal research programs with overlapping priorities with this award.⁴

⁴ NIJ *Prosecution Practice, Justice, Case Tracking, and Workforce*. <https://nij.ojp.gov/funding/O-NIJ-2024-171995.pdf>

Bureau of Justice Assistance (BJA) – BJA has released several funding opportunities for prosecutor offices. For example, BJA’s *FY 24 Smart Prosecution – Innovative Prosecution Solutions* provides state, local, and tribal prosecutors with funding to reduce crime by using data to develop fair, effective, cost-effective, and innovative responses to crime within their jurisdictions.⁵ Additionally, BJA’s *FY 25 Prosecuting Cold Cases Using DNA* award supports prosecutors in the investigation and prosecution of violent cold case crimes.⁶ Metrics captured in CPO can assist BJA in tracking implementation of past, present and future funding awards for prosecutors.

Panel on Modernizing the Nation’s Crime Statistics. In 2014, BJS and the FBI formed the Panel on Modernizing the Nation’s Crime Statistics to develop new classifications of crime reporting. Although there is no specific mention of prosecutorial initiatives in the reports produced by the panel, they emphasized collecting data from outcomes that occur after arrest, such as the number of arrests resulting in prosecution, number of filings, and outcomes/sentences by offense in court.⁷ Data collected in the 2025 CPO will gather similar information to further enhance statistical data on prosecutor charging and outcomes.

Academia and Independent Researchers – Below is a sample of publications using data from the NSP and CPO series.

- Choi, M. & Giblin, M. (2023). The environmental and organizational determinants of county prosecutor salaries. *Journal of Crime and Justice*, 46(3), 383-396.
- Pfaff, John. (2017). *Locked in: The true causes of mass incarceration-and how to achieve real reform*. Basic Books.
- Byers, B., Warren-Gordon, K., & Jones, J. (2012). Predictors of hate crime prosecutions: An analysis of data from the national prosecutors survey and state-level bias crime laws. *Race and Justice*, 2(3), 203-219.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The 2025 CPO instrument (**Attachment 1**) and the procedures to collect, clean, and analyze the data were developed based on technological advances that enhance data quality and minimize burden to survey participants. The survey is offered through hardcopy and web-based modes, with the primary mode of data collection being a web-based, self-administered survey instrument (see welcome screen presented in **Attachment 5**). In the 2020 NSP, the majority of prosecutor offices completed the survey online suggesting the same for 2025 CPO. Additionally, if the

⁵ BJA FY24 Smart Prosecution – Innovative Prosecution Solutions. <https://bja.ojp.gov/funding/O-BJA-2024-172010.pdf>

⁶ BJA FY25 Prosecuting Cold Cases Using DNA. <https://www.ojp.gov/funding/docs/bja-2025-172467.pdf>

⁷ National Academies of Sciences, Engineering, and Medicine. *Modernizing crime statistics: Report 2: New systems for measuring crime*. National Academies Press, 2018.

respondent prefers to complete the hardcopy survey by phone rather than by mail or email, Urban will enter the data into the web survey on behalf of the respondent.

The web survey will provide a high-quality user experience that reduces respondent burden and ensures complete and accurate data. All web transactions will be secured through SSL encryption, and chief prosecutors will gain access via unique logins. The chief prosecutor can also designate all or parts of the survey to relevant staff members for completion. The 2025 CPO instrument has been designed for online data collection using the Voxco survey software.

The web survey has a user-friendly interface and conducts real-time, automated checking of responses for numeric range and logic errors and protects against data entry errors. The web survey includes several value-add features such as (1) the capability to resume work, allowing respondents to stop responding to the instrument and return to the point of break-off at a later time without losing previously entered data; (2) embedded links within the web instrument that make it easy for respondents to submit requests for support using email; (3) the ability to print a copy of responses to keep on file once the web survey is complete; and (4) the ability to share the unique link with more knowledgeable staff members for assistance with specific sections of the survey. In addition, staff will monitor the completion of surveys and, for those who time out or leave the survey early, be able to email a link to the partially completed survey asking the chief prosecutor or other relevant staff to complete the survey.

Although the web will be emphasized as the preferred mode of survey completion, a small portion of respondents completed the 2020 NSP in hardcopy, largely from rural offices, indicating that some portion of 2025 CPO respondents will prefer the hardcopy. Data collected via email, mail or over the phone will be entered into the web survey as they are received, noting the date and method of submission.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

2025 CPO does not duplicate any other questionnaire or work being done by any other federal agency. Staff also reviewed surveys, research data collections, programs, and academic literature to identify duplication. This review revealed no duplicative effort based on the systematic and recurring nature of 2025 CPO.

BJS is the only federal government agency that collects comparable data on state prosecutors. While agencies like the U.S. Bureau of Labor Statistics and the Census Bureau collect employment data on attorneys, they do not collect specific information on prosecutors.⁸ Similarly, the Census Bureau only reports a judicial and legal category, so researchers are unable to examine solely employment trends of prosecutors in this data.⁹ The NSP series is the only

⁸ Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Lawyers.
<https://www.bls.gov/ooh/legal/lawyers.htm#tab-5>

⁹ The United States Census Bureau, Annual Survey of Public Employment and Payroll.
https://www.census.gov/content/dam/Census/library/publications/2020/econ/2019_summary.pdf

national collection that specifically focuses on staffing, expenditures, and caseloads of prosecutor offices.

In conducting a literature review, BJS found that most prosecutor surveys and studies produced by external organizations were specific to a particular jurisdiction or were limited occurrences. For example, Mitchell et al. (2022) conducted a study that examined case outcomes between jurisdictions headed by progressive and traditional chief prosecutors in Florida.¹⁰ Similarly, Kutateladze et al. (2014) conducted a study that examined racial and ethnic disparity in prosecution and sentencing of 185,275 cases from the New York County District Attorney's Office.¹¹ Although both studies yielded interesting findings, the data were limited to one jurisdiction. 2025 CPO amends this limitation by collecting data from all state prosecutor offices in the United States.

The few prosecutor studies that were nationwide collections were limited in occurrences. For example, Urban's 2018 National Survey of State Prosecutors utilized BJS's 2007 census to build a sampling frame that consisted of a census of prosecutor offices representing a population of 250,000 residents or more and a stratified random sample of offices representing a population of fewer than 250,000 residents. Although this study produced national estimates, it was a one-time study. The National District Attorney Associations' 2024 National Prosecutor Retention Survey reported responses from approximately 4,500 prosecutors, but did not include a detailed methodology as to how these prosecutors were selected. Neither of these studies was an ongoing effort, which is needed for detailed trend analyses. Thus, the NSP series is the only national data collection on prosecutors that is done on a reoccurring basis.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Small prosecutor offices may experience the burden of the survey to a greater extent. The small, rural offices are much more likely to only have a limited number of staff, which makes finding time to complete the survey challenging. Respondents in offices comprised of very few attorneys may shoulder more responsibilities than those in larger offices with additional support staff and attorneys. Respondents in these small prosecutor offices, however, may not need to share the link with anyone else on their staff as they manage all aspects of the office's operations.

To minimize burden on respondents while completing the 2025 CPO, Urban will operate a helpdesk to provide assistance by phone (toll-free) and email to all respondents during normal business hours (Eastern Time). Contact information for the project principal investigator will be provided to respondents.

¹⁰ Mitchell, Ojmarrh, Daniela Oramas Mora, Tracey L. Sticco, and Lyndsay N. Boggess. "Are progressive chief prosecutors effective in reducing prison use and cumulative racial/ethnic disadvantage? Evidence from Florida." *Criminology & Public Policy* 21, no. 3 (2022): 535-565.

¹¹ Kutateladze, Besiki L., Nancy R. Andiloro, Brian D. Johnson, and Cassia C. Spohn. "Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing." *Criminology* 52, no. 3 (2014): 514-551.

The survey can be accessed by any internet-connected device and responses to questions are saved as they are entered. This allows respondents to complete the survey as they can. The online survey also has data entry checks which will reduce the likelihood of data quality follow-up.

To further reduce burden, questions requesting specific numbers, such as attorney counts and office expenditures, include a box for respondents to indicate that their response is an estimate. This allows respondents to give an answer even if they are unable to look up the specific information.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the 2025 CPO is not conducted, essential empirical data vital for understanding the landscape of prosecutor offices across the nation will remain unavailable. Basic inquiries such as the number and locations of prosecutor offices, the size of their staff, and the sources and levels of funding they receive will go unanswered. The last CPO was conducted 19 years ago. Without a comprehensive census specifically focused on prosecutors, there is a significant gap in understanding the current state of prosecutors. This lack of data impedes efforts to accurately assess the parity of resources available to prosecutor offices.

Additionally, without benchmarking against similar prosecutor offices nationwide, offices lack crucial insights into their funding and staffing levels. Policymakers, practitioners, and researchers rely on such data for strategic planning, funding allocation, and policy development, especially considering the substantial federal investment in prosecutors each year. Therefore, the urgent need for the 2025 CPO cannot be overstated.

Moreover, the ongoing call for empirical data regarding prosecutors has been reinforced by scholars. Henry et al. (2023) mentioned they were forced to obtain their own sample and frame for research because BJS had not released data on a census of prosecutor offices since the 2007 CPO.¹² This led to the use of a small sample size and non-scientific measures like determining attorney's race based on photographs. The lack of a recent census also limited efforts in other federal agencies to achieve national estimates. For example, in 2018, BJA funded the National Prosecutor Consortium project. Although this project was branded as a national effort, it only collected data from 527 offices.¹³ An updated frame through CPO could have assisted in identifying more prosecutor offices for a larger sample.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

¹² Henry, Tri Keah S., Tyeisha Fordham, and Julius Mitchell. "Progressive politics and policy setting: Examining criminal justice reform efforts by Black prosecutors." *Crime & Delinquency* 71, no. 1 (2025): 3-34.

¹³ The 2018 survey was part of the National Prosecutor Consortium project that was supported by Award No. 2015-DP-BX-KOO4 awarded to Justice & Security Strategies, Inc. by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances in conducting this information collection. The CPO collection is consistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The research under this clearance is consistent with the guidelines in 5 CFR 1320.8(d). The 60-day notice was published in the *Federal Register*, Volume 91, Number 60, pages 15638-15639 on March 30, 2026. The comment period ended on May 29, 2026. BJS did not receive any comments. The 30-day notice was posted following the expiration of the 60-day notice.

The project team met with a subject matter expert panel virtually in August 2024 to discuss the draft instrument and several changes were made to refine the instrument because of the panel's feedback. The panel included the following 19 individuals:

Jean Peters Baker Prosecuting Attorney, Jackson County, MO	Matt Jennings County Attorney, Missoula County, MT
Kriste Burnett District Attorney, Palo Pinto County, TX	Leesa Manion Prosecuting Attorney, King County, WA
John Choi County Attorney, Ramsey County, MN	George Marquez District Attorney, Imperial County, CA
Mark Dupree District Attorney, Wyandotte County, KS	Lisa Page Chief of Staff, Fourth Judicial Circuit, FL
Reese Frederickson County Attorney, Pine County, MN	Dalia Racine District Attorney, Douglas County, GA
Jose Garza District Attorney, Travis County, TX	Jeff Reisig District Attorney, Yolo County, CA
Sarah George State's Attorney, Chittenden County, VT	Mike Schmidt District Attorney, Multnomah County, OR
James Gibbons-Shapiro Assistant District Attorney, Santa Clara County, CA	Eric Sparr District Attorney, Winnebago County, WI
Baird Green Chief Deputy County Attorney, Pima County, AZ	David Sullivan District Attorney, Northwestern, MA
Oren Gur Director of Philadelphia District Attorney's DATA Lab, Philadelphia, PA	

In addition to the expert panel, the project team conducted cognitive testing of the CPO instrument. Sixteen offices completed the questionnaire and 15 participated in debriefing interviews afterward. For more information on cognitive testing, see **Part B Testing of Procedures**. Cognitive testing revealed an early version of the 2025 CPO questionnaire had an average time burden of approximately 141.1 minutes per office and a median time burden of 75 minutes (**Attachment 6**). The questionnaire was reduced to focus on primarily full-time employees, only collecting information on felony cases, and removing the special topics section. These changes, among others, reduced the questionnaire to an anticipated burden of 45 minutes.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable. No government funds will be used as payment or for gifts to respondents. Prosecutor offices will participate voluntarily and will not receive payment.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

BJS, its employees, and its data collection agents will only use the information gathered in this data collection for statistical or research purposes pursuant to 34 U.S.C. §§ 10231 and 10134. Respondents' participation in the survey is voluntary, and participants will be informed prior to

starting the survey that the information they provide about their office will be available to the public, and that the identities of the respondents themselves will remain confidential.

Specifically for this project, there are two practical responses to privacy. The first response is about data security. BJS's data collection agent has a formal data management plan (DMP) that details the security of responses through collection, storage, analysis, and upload to BJS. Electronic data are stored on the data collection agent's secure file server, which restricts analysis to that file server and access only to personnel required to complete the project. Paper surveys are entered into a secure environment and kept in locked cabinets only accessible to relevant staff. Any transfer of data between the data collection agent and BJS uses DOJ's secure file transfer portal, Box.

The second response is about dissemination. According to 28 CFR Part 22.23 (b)(8), BJS and its data collection agents are required to ensure that "Project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person except as authorized under § 22.22." Following the regulation, BJS would be required to report the data in a way that does not allow for any specific chief prosecutor or other office staff to be identified by direct or indirect identifier, including by race or ethnicity. In the report, we will apply appropriate statistical disclosure limitation techniques to the data to mitigate disclosure risk and potential for re-identification.

Furthermore, all BJS data collections and reports follow the BJS Data Protection Guidelines, which describe our data use and confidentiality requirements to protect information identifiable a private person, including in our published statistical products. This could include suppressing, collapsing, swapping or coarsening cell sizes. BJS defines information identifiable to a private person and a private person as:

- Information identifiable to a private person means information which either—
 - Is labelled by name or other personal identifiers, or
 - Can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular private person.
- Private person means any person defined in § 22.2(a) other than an agency, or department of Federal, State, or local government, or any component or combination thereof. Included as a private person is an individual acting in his or her official capacity.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable. There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

BJS estimates the respondent burden for the 2025 CPO at 4,698 hours. This estimate was calculated based on the total number of prosecutor offices (2,349), the time to attend an informational webinar about the data collection (60 minutes), the anticipated time it will take respondents to complete the questionnaire (45 minutes), and the time to review outreach materials and complete data quality follow-up (15 minutes). See Table 2 for calculations.

Table 2. 2025 CPO Estimated Annualized Respondent Cost and Hour Burden

	Total annual responses	Participation time (min)	Total burden (hours)	Hourly rate*	Monetized value of respondent time
Informational webinar	2,349	60	2,349	\$63.60	\$149,396
Data collection	2,349	45	1,762	\$63.60	\$112,063
Outreach and data quality follow-up	2,349	15	587	\$63.60	\$37,333
Total	2,349		4,698	--	\$298,793

**Hourly rate for respondents obtained from the Bureau of Labor Statistics May 2023 estimates for Local Government Lawyers*

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a**

total operation and maintenance and purchase of service component.

The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no anticipated costs to respondents beyond the employee time expended in gathering information or completing the instrument. Respondents are not being asked to purchase anything or maintain any services as part of this data collection.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The total cost to the Federal government for the 2025 CPO data collection is \$1,261,073, paid by BJS. BJS personnel costs are calculated based on the Office of Personnel Management's salary table effective January 2026. BJS awarded \$699,578 to Urban through a cooperative agreement. This cost is associated with conducting the 2025 CPO with a roster of 2,349 offices, analyzing the data, and producing BJS reports of the findings. The contractor's costs include the amount spent on outreach efforts, project management, data monitoring and processing, and data documentation. The project is expected to take about four years, beginning in FY 2023 and ending in FY 2027. See Table 4 for a detailed breakdown of costs to the Federal government.

Table 4. Estimated BJS and Contractor Costs for 2025 CPO

Items	Costs	Total
BJS Personnel		
GS-13 Statistician (step 1: \$121,785), 40%	\$48,714	
GS-15 Supervisory Statistician (step 4: \$186,207), 15%	\$27,931	
GS-13 Editor, (step 5: \$138,024), 10%	\$13,802	
Salaries Subtotal:	\$90,447	
Fringe benefits (30% of salaries)	\$27,134	
Salary & Fringe Subtotal:	\$117,581	
Other administrative costs of salary and fringe (15%)	\$17,637	
Total staff costs	\$135,218 x 4 years, 2.5% raise escalation in years 2, 3, and 4	\$561,495
Urban Institute cooperative agreement	\$699,578	\$699,578
Total Estimated Costs		\$1,261,073

15. Explain the reasons for any program changes or adjustments.

Compared to the 2007 CPO, the burden for the 2025 CPO will be higher. The 2007 CPO instrument took 30 minutes and had a 95% response rate. To obtain a high response rate, the questions asked in the 2025 CPO were constructed in a fashion that closely aligned with the 2007 CPO. Nonetheless, the instrument was adjusted to reflect modern prosecutorial practices and topics of interest to the Department, the field of prosecutors, scholars, and the general public. The instrument burden is higher in the 2025 CPO (45 minutes) to account for these adjustments. Additionally, we are offering a 1-hour informational webinar to help boost the response rate.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

BJS plans to release one or more statistical reports summarizing the characteristics of prosecutor offices across the nation. The first release of the data will provide national counts of all prosecutors and offices in the United States, including:

- a. Demographic breakdown of chief and litigating attorneys
- b. Number of litigating attorneys and non-attorney staff
- c. The average office expenditure
- d. The number of cases reviewed, filed, and declined for prosecution
- e. Outcome of cases that were filed in court.

The 2025 CPO data will be archived in a public use file at the National Archive for Criminal Justice Data (NACJD) at the Inter-University Consortium for Political and Social Research (ICPSR). These public use data files and supporting documentation will be fully available for download at no charge once the BJS report is published and the data are processed by NACJD. To make it possible for other researchers, practitioners, policymakers, and citizens to access and analyze the information, the data will be available in multiple formats such as Excel, SPSS, and/or SAS. Access to these data permits analysts to identify the specific responses of individual facilities and to conduct their own statistical analyses. For example, office total operating expenditure can be analyzed in the context of staffing numbers, caseloads, and availability of adequate case management systems that meet office needs. All BJS publications and products will be available on the BJS website.

Pending OMB approval, the 2025 CPO data collection is scheduled to begin on August 1, 2026, and be in the field through May 1, 2027 (10 months). Urban will clean and verify data on a continual basis over the course of data collection, and final data cleaning will take place in the summer of 2027. The data will be delivered to BJS by the fall of 2027.

The schedule is as follows:

August 1, 2026	Data collection begins
May 1, 2027	Data collection ends
August 1, 2027	Data delivery to BJS
May – September 2027	Data analysis
October 2027	First BJS report release/data file and documentation published

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

BJS is not requesting an exemption. The expiration date will be displayed on the survey form.

18. Explain each exception to the certification statement.

The 2025 CPO collection does not include any exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection contains statistical data.

Attachments:

- Attachment 1: Survey instrument
- Attachment 2: Study overview
- Attachment 3: Generic OMB approval for 2025 CPO frame construction
- Attachment 4: Title 34, United States Code, Section 10132 of the Justice Systems Improvement Act of 1979
- Attachment 5: Welcome screen for online instrument
- Attachment 6: Cognitive testing report
- Attachment 7: BJS pre-notification letter
- Attachment 8: Invitation email
- Attachment 9: APA endorsement letter
- Attachment 10: Webinar outline
- Attachment 11: Webinar invitation email
- Attachment 12: Reminder emails
- Attachment 13: State prosecutor associations' endorsement letter
- Attachment 14: Reminder letter and hardcopy survey mailing
- Attachment 15: Reminder script – telephone
- Attachment 16: Reminder letter
- Attachment 17: Reminder letter
- Attachment 18: Reminder script – telephone
- Attachment 19: Last chance postcard
- Attachment 20: Thank you email