

## **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

### **1. Universe and Respondent Selection**

The 2025 Census of Prosecutor Offices (2025 CPO) will be administered to all prosecutor offices that handle felony cases in courts of general jurisdiction in the United States. Over the course of nearly 10 months (March through December 2025), the Bureau of Justice Statistics (BJS), the Urban Institute (Urban), and the Association of Prosecuting Attorneys (APA), led the effort to verify the universe of prosecutor offices in all 50 states and the District of Columbia under BJS's generic clearance (OMB #1121-0339). The universe was developed by identifying all district, county, prosecuting, and state or commonwealth attorneys' offices that handle felony cases in state courts of general jurisdiction. Within this definition there are 2,349 eligible prosecutor offices.

Prosecutors serve a key role in the criminal justice system, as they are responsible for protecting the public, ensuring due process, and administering justice for each case while ensuring efficient use of limited resources. Prosecutors have broad discretion in deciding which cases to prosecute. It is important that they have access to updated, representative data regarding the staffing, expenditures, and caseloads of the nation's prosecutor offices. The most recent data available from prosecutors is the 2020 National Survey of Prosecutors (NSP), which surveyed 750 prosecutor offices. The last census was the 2007 National Census of State Court Prosecutors. The main reference period for this project will be calendar year January 1, 2025, through December 31, 2025, or fiscal year 2025, as selected and defined by the responding prosecutor office.

#### Universe/Sampling Frame

The 2025 CPO project team updated the 2020 NSP frame by using APA's membership directory, state prosecutor association's websites, and prosecutor office's websites. This effort verified existing offices and determined if any redistricting occurred or new offices were added. When there was a discrepancy between the 2020 NSP frame, the state association's site, APA's directory, and the actual prosecutor's website, the 2025 CPO team used the prosecutor's website. The criteria for eligible offices were those handling felony cases in state courts of general jurisdiction. This included offices at the state (Alaska, Connecticut, District of Columbia, Delaware, and Rhode Island), single county, and multi-county levels. Additionally, since frame development occurred immediately after the 2024 election cycle, the 2025 CPO team reviewed each jurisdiction's election results and called election clerks to verify the results of any changes in chief prosecutors. When there was a discrepancy between the prosecutor website and the election results, the 2025 CPO team used the election results as the most accurate information. This effort resulted in a universe list of 2,349 prosecutor offices and chief prosecutors as of December 2025 (see Table 1). An additional round of checks for new offices will be conducted prior to the start of data collection, though we expect the total universe of offices will remain stable at 2,349 at the time of data collection.

**Table 1. Jurisdiction Types Identified during Frame Building**

Jurisdiction Type	Definition	N
Multi-county	Office is multi-county, or serves a judicial circuit or district consisting of more than one county	431
County	Office serves one county, an independent city/county equivalent, or a judicial district/circuit containing only one county	1,913
Statewide	Office that takes cases across an entire state	5
Total		<b>2,349*</b>

\*The total represented in the table reflects the status of the frame as of December 2025.

Throughout the remainder of the project, the office list will be updated with any leadership changes or new contact information discovered during data collection. The dynamic nature of frame maintenance will ensure the most current prosecutor leadership and office contact information is used for data collection.

## **2. Procedures for Collecting Information**

Data collection for the 2025 CPO will involve a series of communication efforts using multiple modes. Table 2 summarizes the office contacts and non-response follow up.

**Table 2. Contact Procedures**

<b>Contact</b>	<b>Attachment</b>	<b>Contact Description</b>	<b>Timing of Contact</b>	<b>Details</b>
1	7, 2	Pre-notification letter from BJS with CPO Overview (mail)	1 week before data collection begins	Send to all offices via USPS
2	8, 9, 1, 2	Invitation letter with the survey link, APA endorsement letter, hardcopy survey, and CPO Overview (email)	Start of data collection	Send to all offices via email
3	10, 11	Webinar outline, webinar invitation email	1 week after data collection	Send to all offices via email
4	12a, 12b, 12c, 12d, 12e; 1, 2	Rotating reminder messages from Urban and BJS (email), CPO Overview, some with hardcopy of survey	2 weeks after data collection begins and then once per week until week 36	Send to non-responding offices via email
6	13	State prosecutor associations' endorsement letter	3 weeks after data collection	Send to non-responding offices via email
7	14, 1	Reminder letter and hardcopy survey (mail)	4 weeks after data collection begins (one time mailing)	Send to non-responding offices via USPS mail
8	15	Reminder calls from Urban (telephone)	8 weeks after data collection begins and every 3 weeks until 2nd set of reminder calls start 17 weeks after data collection begins	Call non-responding offices
9	16, 1	Reminder letter from BJS and hardcopy survey (mail)	12 weeks after data collection begins	Send to non-responding offices via USPS mail
10	17, 1	Reminder from Urban (mail)	16 weeks after data collection begins (one time mailing)	Send to non-responding offices via USPS mail
11	18	Reminder calls from Urban (telephone)	17 weeks after data collection begins and every 2 weeks until data collection closes	Call non-responding offices
12	19	Last chance communication postcard from BJS	20 weeks after data collection begins and 4 weeks before data	Send to non-responding offices via USPS mail

Census of Prosecutor Offices  
OMB Control Number 1121-0149  
OMB Expiration Date: XX/XX/XXXX

Contact	Attachment	Contact Description	Timing of Contact	Details
		(mail)	collection closes	
13	20	Thank you letter (email)	Upon survey completion	Send to each office as they complete the survey

Data collection will begin with a BJS pre-notification letter signed by the BJS Acting Director on BJS letterhead and mailed via USPS to each prosecutor office (**Attachment 7**). The letter will inform each office of the upcoming 2025 CPO data collection, the reason for the collection, importance of the data to the prosecutor community, and contact information for any questions the office may have. One week after the pre-notification letter is sent, the project team will email the formal invitation letter and unique survey link to each office (**Attachment 8**). Additionally, an endorsement letter signed by the Association of Prosecuting Attorneys will be attached (**Attachment 9**). One week after data collection begins, the CPO team will host a 1-hour long webinar that will explain the 2025 CPO to potential respondents (**Attachment 10**). Urban will send an email inviting all prosecutor offices to attend (**Attachment 11**). Two weeks after data collection begins, weekly email reminders will be sent to non-responding offices (**Attachments 12a-12e**). Emailed reminders will be paused when another mode of outreach is planned (e.g., in week 4, the project team will mail a reminder letter and hardcopy survey and not send the email reminder). An additional endorsement letter signed by state prosecutor associations will be attached to the second reminder email and sent to offices located in states with a state prosecutor association (**Attachment 13**).<sup>1</sup>

It is anticipated that a web-based format is the preferred mode for response; however, a hardcopy form using various formats (e.g., mail, email, or phone) will be offered as alternatives. Four and 12 weeks after the initial invitation, non-responding offices will receive a reminder letter (**Attachment 14**), hardcopy survey, and a postage-paid business reply envelope via USPS. This material will include a numeric case ID and bar code so returned surveys can be easily reconciled with the frame. The letter will include contact information for the data collection agent and informs the office that the survey can be completed and returned via the included prepaid envelope, scanned and returned to the project email, completed by web with the provided unique link, or by telephone.

Eight weeks after the start of data collection, outbound telephone calls will be made to non-responding offices (**Attachment 15**). These calls will confirm that the office received the 2025 CPO materials, respond to any questions and determine the respondent(s) for the office. Twelve weeks after the start of data collection, a second hardcopy survey and a reminder letter (**Attachment 16**) will be mailed via USPS first class mail. A postage-paid business reply envelope will be included in the packet. Four weeks after the second hardcopy survey mailing, a reminder letter (**Attachment 17**) will be mailed to non-responding offices and further telephone outreach from Urban (**Attachment 18**) will begin. Four weeks prior to the close of data collection, a last chance postcard (**Attachment 19**) will be sent to non-responding offices.

The web-based survey is programmed so that sections may be delegated to others within the office (e.g. administrative assistants, HR, research staff, IT support, accountants). It is BJS's understanding that contributions from several staff within the office may be needed to complete the survey. Prosecutor offices are encouraged in outreaches to delegate completing the survey to staff who are best suited to answer all or specific questions. The survey link can be shared among

---

<sup>1</sup> The CPO team identified 26 states with a state prosecutor association. This endorsement letter will only be included in non-response follow ups to prosecutor offices located in these states.

staff and hard copies can be downloaded. Additionally, the mailed surveys can be distributed among staff. At the end of the web-based survey, respondents will have the option to print their responses. Offices will also receive a thank you email (**Attachment 20**) upon survey completion.

### **Data Processing**

Upon receipt of a survey (web or hardcopy), data will be reviewed and edited, and if needed, the respondent will be contacted to clarify answers or provide missing information. Respondents who submit via web will be prompted with real-time validation checks when submitting missing or inconsistent data. Any unresolved items that remain after the respondent submits will result in Urban staff contacting the respondent to attempt to resolve these issues. The following is a summary of the data quality assurance steps that Urban will take during the data collection and processing period:

*Data Review.* Urban will reconcile missing or inconsistent data through automated and manual edits of each questionnaire, following up with respondents only when the data cannot be inferred from other responses. In collaboration with BJS, Urban will develop a list of edits that can be completed by referring to other data provided by the respondent on the survey instrument. For example, if a screening question was left blank, but the follow-up questions were completed, a manual edit could be made to indicate the intended positive response to the screening question. Through this process, Urban can quickly identify which hardcopy cases require follow-up and indicate the items that need clarification or retrieval from the respondent when the project team identifies missing or inconsistent answers that cannot be inferred from other responses, Urban staff will contact the respondent for clarification. Throughout the data retrieval process, Urban will document the critical questions needing retrieval (e.g., missing or inconsistent data elements), request clarification on the provided information, obtain values for missing data elements, and examine any other issues related to the respondent's submission.

*Data Entry.* Respondents completing the survey via the web instrument will enter their responses directly into the online instrument. For those respondents returning the survey via hardcopy (mail or email), Urban staff will enter the data once received. Throughout the remainder of the data collection period, Urban staff will conduct regular data reviews to evaluate the quality and completeness of data captured in both the web and hardcopy modes.

### **3. Methods to Maximize Response**

The 2007 CPO had a 95% response rate and the 2020 NSP had a 67% response rate. BJS anticipates the 2025 CPO will achieve an 85% response rate through various activities to ensure high response rates. BJS anticipates a response rate lower than the recommended OMB target of 95% due to falling response rates in establishment surveys across federal statistical agencies.<sup>2</sup>

---

<sup>2</sup> See <https://www.amstat.org/docs/default-source/amstat-documents/the-nation's-data-at-risk---report.pdf?v=0321>

**Instrument development.** In developing the 2025 CPO instrument, the project team’s priority was to make an instrument consistent with the 2007 census instrument to permit comparisons over time. The 2025 CPO uses definitions of key words from the 2020 NSP. The team also sought to address known problems with the wording of both instruments, and to update the instrument to reflect contemporary concerns.

Because the 2025 CPO instrument is intended to be sent to prosecutor offices across the nation, consultation with subject matter experts was an essential part of instrument preparation. The process of revising the instrument began with the project team engaging in a series of meetings to discuss and update the 2007 census instrument.

The revisions made by Urban and approved by BJS prior to the expert panel meeting included:

- Straightforward wording updates (e.g., reference year updated to reflect most recent year of data);
- Addition of demographic questions about prosecutorial leadership and staff;
- Addition of questions to capture prosecutorial staff turnover, such as length of tenure, departures and hires, and number of vacant positions;
- Addition of questions about matters referred, filed, diverted, and closed for a more comprehensive understanding of caseloads;
- Addition of a section on transparency and data dissemination to understand how prosecutorial data are collected and shared.

The project team met with a subject matter expert panel of 19 individuals virtually in August 2024 to discuss issues where input from the field was especially important. The panel included 19 individuals. As a result of the expert panel meeting, the following changes were made:

- Revision of staffing questions to differentiate between full-time litigating attorneys, part-time litigating attorneys, and non-attorney staff;
- Addition of the option to report expenditures by calendar year or fiscal year;
- Addition of detailed definitions of key terms in each section, such as “case,” “matter,” and “operating expenditures”;
- Addition of a table to separately indicate the number of matters reviewed, matters declined, and cases filed in court for felony matters; and
- Reduction of the section on transparency and data dissemination into one question on methods for sharing data with the public.

Further revisions developed due to cognitive test respondent feedback are detailed below in the “Testing of Procedures” section.

The final instrument (**Attachment 1**) will be supported by various help functions to maximize response rates. The project email and 2025 CPO team leadership’s phone numbers will appear on the introductory page of the survey and on the emails shared with the questionnaire and all other recruitment materials. Additionally, the web-based survey is programmed so that responses are captured and saved in real-time as they are entered. This allows the respondent to complete the

survey where they left off and as they have time. The survey will be on the Voxco platform. Voxco allows a unique PIN to be assigned to each office, provides easier non-response tracking, and allows for multiple delegates in the office to respond to the questionnaire. By setting up a unique PIN, respondents can open and save it from any device; as they advance to a new page, it saves automatically. The survey can be shared easily among staff. The chief prosecutor can delegate the survey to others by sharing the link or printing off and distributing a hardcopy. If various delegates from different units in their office are sent the questionnaire, the online platform allows staff to access their relevant sections via the table of contents.

***Outreach and recruitment efforts.*** Recruitment strategies for the 2025 CPO were developed to maximize response rates. The 2025 CPO is a complete enumeration of prosecutor offices in the United States and diverse communication methods will inform the prosecutor community of the importance of the project, how the data will be used and encourage participation. In addition to a strong outreach protocol (see Table 2 and Procedures for Collecting Information), BJS will utilize several other approaches to 2025. The project team may administer a critical item survey to increase response rates if low. Items for inclusion will be identified during data collection.

- States prosecutor associations: Crucial to the successful administration of the survey is the buy-in from the executive directors of each state prosecutor association across the country. They convene all prosecutors in their state regularly and have a close relationship with chief prosecutors. The CPO team will seek opportunities to virtually present on the census at one of their convenings.
- Targeted partner outreach: Partner organizations such as the Association of Prosecuting Attorneys (APA), Fair and Just Prosecution (FJP), and Institute for Innovation in Prosecution (IIP) will email their membership listserv/newsletter and/or their networks to promote the census.
- CPO webinar: The CPO team will host a webinar about one week after the census administration begins that provides information about CPO, BJS, and BJS' privacy and data protection guidelines. The webinar will conclude with a question/answer session about the data collection. .
- Consistent branding: Prosecutors are asked to take surveys often. This census has consistent branding across all materials and uses the same title, unique logo (which has been created as part of the project), and acronym.
- Mode and source of outreach: The project team will use various nonresponse modes and sources during data collection to include communication from BJS, Urban, and project partners.

***Nonresponse follow-up protocols.*** Prosecutor offices that do not complete the survey will be contacted through a series of follow-up prompts to remind them to complete the survey. This approach is consistent with best survey practices and moves from the least costly to the costliest outreach. Table 2 (above) outlines the follow-up contacts. Contacts will remain flexible in their timing and source as response rates are closely monitored from previous outreach efforts. That is, subsequent outreaches will be responsive to notable upticks in response rates by determining

whether the source of outreach (e.g., BJS, Urban, project partners) or the mode (email, mail, phone) are more successful in generating increased response.

## **Addressing nonresponse**

### *Weighting for Unit Non-Response*

The project team will strive to obtain the highest possible response rate for 2025 CPO. It is anticipated that the application of the steps described above will result in participation from at least 85% of offices. While the 2025 CPO will be implemented as a census, the final list of responding offices will likely be a nonrandom sample of the study population due to differential response rates across subpopulations. Therefore, Urban will develop an analysis weight for each respondent through a two-step weighting adjustment procedure. The sample base weight is 1 for all sample members because it is a census. The first step is an eligibility step. If any respondents are found to be ineligible, the base weight will be set to zero at this step. We expect that a very small percentage (less than 5%) of prosecutor offices will be deemed ineligible for the 2025 CPO.

The second step is a nonresponse weight adjustment step. The weight carried by non-respondents will be transferred to respondents within each adjustment cell so each responding office will represent a portion of the non-responding offices and the sum of the weights will be the total number of eligible offices. To determine which variables should be used to create the adjustment cells, a non-response bias analysis to compare response rates among different subgroups will be carried out. Variables analyzed may include the office size, region, state, single county vs. multiple county offices, and ruralness/urbanicity (population density). Variables where subgroups have the largest differential response rates will be used to define the adjustment cells for the nonresponse weight adjustment. The details of these analyses will be included in a non-response bias analysis report. To avoid introducing unnecessary weight variation, each adjustment cell will contain at least 20 cases.

The response rate achieved for the last full census of prosecutor offices conducted by BJS in 2007 was robust (exceeding 95%). However, BJS expects an 85% response rate for 2025 CPO. Lower response rates increase the risk of bias, resulting in differences between the sample estimates and the target population's actual values. If the final response rate falls below 85%, Urban will conduct a more thorough non-response bias analysis to assess the weighting and, if necessary, improve the sample weights. This analysis will involve comparing the characteristics of respondents and non-respondents to identify any significant discrepancies, comparing the sample estimates to external sources, comparing estimates using the base weights to the adjusted weights, and evaluating survey metadata such as response dates, ranks, and lengths in relation to the response behavior.

### *Imputation for Item Non-Response*

Item-missing data occurs when an otherwise complete questionnaire is received but not all survey items are answered or responses are illogical (e.g., out of range, inconsistent with an

earlier response to a related survey question). The project team will make every effort to follow up with individual prosecutor offices that have missing or illogical data on particular survey items to obtain this information. However, despite our best efforts to minimize missing data during the data collection phase, we expect that a small amount will remain. For example, offices may leave certain items blank due to lack of access to the information or the fact that the data are not being recorded by the office's records management system. To fill in those gaps, imputation is a technique that can be used to "complete" the dataset. Accordingly, Urban proposes using hot-deck and multiple imputation methods to ensure a complete data file. For item non-response rates less than 5%, imputation will not be used.

For item non-response rates from 5-20%, hot deck imputation is a cost-efficient imputation method that protects relationships between variables that are observed in the non-missing data. For each variable to be imputed using hot deck, the file will be sorted by variables that have correlations with the variable to be imputed. These "sort" variables will be chosen based on models in which the variable to be imputed is the dependent variable and the independent variables (sort variable candidates) will be other questionnaire items or variables known for all eligible agencies considered for weighting (see above). The initial models will be formed based on subjective knowledge of which independent variables are associated with the missing variable and its response status and the design variables. Several modeling techniques can be used, and Urban plans to use tree-based classifications and regressions. These sort variable candidates can be quantitative (continuous and discrete) or categorical, but the quantitative sort variables chosen will be converted to categorical variables during imputation so that later variables in the sort order can still have an impact on the sorting of the file. Once the file is sorted, hot deck imputation uses the nearest neighbor as the donor for the missing value. Each variable to be imputed will be sorted according to its own set of sort variables. This single-imputation method does result in an under-representation in variance. We note that for continuous variables, the hot deck imputation may be augmented by multiplying a proportionality constant, such as office size or other population measure, so the imputed continuous values make sense in the context of the office's size and/or complexity.

If there is a high non-response rate for certain items (20 to 60 percent), hot deck will not work as well due to the necessary re-use of donors. In these situations, a commonly used option for variables with high non-response is multiple imputation. Multiple imputation involves model building for multiple related variables in which all are imputed together or sequentially. In multiple imputation, the missing values are imputed several times to create multiple complete datasets by replacing missing values with plausible values. The multiple complete datasets are used to estimate the parameter of interest. The estimates will be different from each other reflecting the randomness of drawing from the plausible values. Then the estimates are pooled together to obtain one estimate and its variance. Multiple imputation can reduce non-response bias in items with high missing data rates (20% or greater) better than hot deck imputation.

Imputed values will be merged into the final data file (and flagged) prior to delivery to BJS and subsequent archiving of data to the public. In the case of single imputation, the values will be inserted and flagged in both the internal BJS and external public data, with a dataset and

documentation indicating the variables that should be used containing values with single imputation. If there are variables where it is necessary to use multiple imputation, the multiple datasets containing imputed values will be provided to BJS for both internal and external public use, with documentation indicating the variables that require multiple imputation and programming code to create valid point and variance estimates. As with the single imputation variables, multiple imputation values will be flagged. It is important that the final post-imputation dataset can be easily used by analysts within prosecutors' offices and members of the public who may not have advanced statistical skills. This will be accomplished through clear documentation of all data processing decisions, adjustments, weighting, and imputation procedures applied to the final dataset – thereby achieving the dual aims of completeness and ease of use.

#### **4. Testing of Procedures**

The project team conducted cognitive testing of the instrument under BJS's generic clearance (OMB No. 1121-0339) from July through November 2025.

##### **Cognitive testing**

The project team completed cognitive testing of the 2025 CPO instrument between July and November 2025 to assess its quality and to evaluate whether offices had the information needed to respond to the draft questions. In determining which offices to select to participate in the 2025 CPO pretest and cognitive interviewing, the project team considered the major structural and contextual differences in prosecutor offices across the country and developed a list of characteristics to include when selecting cognitive participants. The different office profiles could influence the availability and accessibility of financial and institutional data. Thus, the project team sought to include at least one office from each of these categories, to identify whether there are barriers in the survey instrument for offices that fit into each subset/stratum. Selected offices could fulfill more than one criterion (e.g., an urban office with an elected prosecutor). Additionally, the project team endeavored to select geographically diverse offices across the country.

Nineteen offices based on the following criteria/office types were identified to conduct the pretest:

- US region
- Office in a rural, urban, and suburban jurisdiction
- Jurisdiction size (in population)
- Elected and appointed chief prosecutors
- Political affiliation (if elected)
- Single county and multiple counties
- Statewide office

Nineteen prosecutor offices were initially invited to participate in cognitive testing. Thirty-five alternate offices were selected to replace offices that declined participation or did not reply after

non-response follow up. Sixteen offices completed the cognitive test questionnaire and 15 participated in debriefing interviews. One office completed the questionnaire but did not respond when asked to schedule a cognitive interview.

The project team sought to test the instrument on a variety of office types that were geographically diverse. The 15 offices that fully participated in cognitive testing represented the following subsets/office types (subsets are not mutually exclusive):

- US South region
- US Midwest region
- US West region
- US Northwest region
- US Northeast region
- US Eastern region
- Office in a rural jurisdiction
- Office in an urban jurisdiction
- Office in a suburban jurisdiction
- Large jurisdiction size (over 500,000 population)
- Small jurisdiction size (under 500,000 population)
- Elected chief prosecutor
- Republican elected chief prosecutor
- Democratic elected chief prosecutor
- Independent elected chief prosecutor
- Single county jurisdiction
- Multiple county jurisdiction

The project team sent an initial email to prosecutor offices that were selected for the pretest sample. This outreach went to chief prosecutors and included information about the purpose of the survey and cognitive test. After obtaining consent, respondents were asked to complete the questionnaire via PDF and return to the project team via email. Upon receipt of a completed survey, a project team member reached out to the respondent via email to schedule the cognitive debriefing interview. The debriefing interviews included a review of the instructions and screener questions and asked about readability, question clarity, adequacy of response choices, overall ease of providing the requested information, and the terminology used for each question. The length of time needed to complete the survey, challenges in providing the information requested, and the preferred mode of completing the survey were also discussed in these cognitive interviews. Results were recorded by Urban staff members conducting the debriefing call and reviewed following the call for accuracy and completeness. The final cognitive testing report is in **Attachment 6**.

*General findings.* All offices reported that it was not difficult for them to complete the questionnaire; however, many stated that the caseload number and staffing questions on recruitment, retention, and tenure were difficult to answer. Many offices indicated that it would

take extra time for them to answer questions about the exact number of specific types of cases received (even for those offices with automated case management systems), if that were required, with some adding that the estimate options made it worth completing. Accordingly, though many respondents did not check the estimate box, upon discussing with them, they admitted their answer was not exact.

Common feedback given indicated that the ease of responding to many questions depended on the size of the office. For example, for the staffing section, most of the smaller offices shared that it was easy for them, but they would imagine it would be difficult for larger offices. Conversely, several large offices reported that the caseload questions were discoverable due to their case management systems, but the smaller offices struggled with answering these, including some offices saying they do not have a case management system that aggregates data for them.

*Staffing.* Section A of the 2025 CPO captures information about staffing in prosecutor offices, including part-time and full-time attorney demographics, salaries, retention metrics, and non-attorney staff. Based on cognitive test feedback, several revisions were suggested in this section. First, there was confusion over how “litigating attorney” is defined. For example, some were unsure whether this meant the same as trial attorneys and whether appeals staff and management staff (who are not trying cases any longer) were to be included. Further, it was unclear whether this number should include the chief prosecutor. A remaining question was whether these were attorneys that only worked on criminal cases. This proved to be challenging for offices where attorneys have dual roles between criminal and civil cases. Seven respondents noted that a definition was necessary. To address these concerns, the project team added the following definition to the instrument:

*“A litigating attorney is an attorney, excluding the chief prosecutor, who carries an assigned caseload (e.g., assistant prosecutors, civil attorneys)”.*

There were also several concerns regarding non-attorney staff. One recommendation was that there needed to be a line for administrative or clerical staff as an option for non-attorney staff. One office included those staff in the legal support option, but most did not. Several offices reported that it was not clear what is included in legal services. One office did not think of adding administrative staff to the table because they believed the question was about specialized non-attorney staff, rather than general support staff. There was also confusion on how to answer this question when a person held multiple roles. Finally, several offices recommended changing “child support” to “child support enforcement.” In response, the project team added “administrative/clerical staff” and “child support enforcement” as options for non-attorney staff positions on the updated instrument.

Respondents overwhelmingly agreed that the part-time questions were either irrelevant or uninteresting, and several believed the part-time questions on demographics, salaries, retention, and tenure should be cut. One suggested combining the full- and part-time questions into one question on tables rather than a separate version of the question for each type of staff. There was even confusion about what constitutes part-time litigating attorneys and whether that includes temporary staff or if it means litigating attorneys who spend part of their time on criminal cases.

To address these concerns and reduce the burden, the updated instrument was revised to only ask for the total number of both part- and full-time litigating attorneys and non-attorney staff. Demographic and staffing questions for part-time litigating and non-attorney staff were removed. Additionally, questions on salaries, retention and tenure were cut.

*Expenditures.* Section B of the 2025 CPO focuses on operating expenditures for the prosecutor office's criminal work. Several offices could only reply with their budget rather than expenditure. Two respondents said it would be interesting to ask for both the budget and the expenditure to get a sense of any discrepancies. Offices that handle both civil and criminal cases reported that they were unable to separate out the costs. Seven respondents were interested in adding a question about sources of funding and the breakdown between city, county, state, and federal funding. However, to stay consistent with what BJS historically collected in this section, those recommendations were not implemented. Making those changes would inhibit BJS's ability to compare results with previous iterations of the NSP series.

*Caseloads.* Section C of the 2025 CPO census requests caseload information for prosecutor offices. Respondents reported difficulty understanding the instrument's definitions of case and matters. Some complications raised include 1) the entity that can refer cases and file cases vary by jurisdiction and the prosecutor may not be responsible for filing cases; 2) their office measured cases by incident rather than defendant, even if there were multiple co-defendants; and 3) whether a filing was due to an indictment by the office or because a case was taken up by the district court. One respondent reported that their case management system could only pull up cases and not matters. Another respondent shared that they do not have a case management system that tracks many of the questions asked in this section. That respondent said it was crucial that BJS ask if they have an electronic case management system that tracks cases across their life span. Following these recommendations, the project team decided to keep the definitions for case and matter as is and added a question whether their office had an electronic case management system.

Question C2 asked about matters and cases by offense seriousness (e.g., felony, misdemeanor, municipal, traffic, or juvenile), which proved difficult for many offices. A common point of feedback for this question was that there was no distinction between municipal cases and traffic. Others asked whether misdemeanors were specifically for gross or petty misdemeanors and if diversion should fall under the other matters section. To improve this question, respondents offered different options. One shared that the important issue here is separating out felonies against all other types of cases. However, one office said they were happy to have questions about misdemeanors, as it reflects much of their work. Another suggestion was to separate juvenile cases from the other matters listed in the bottom, though this was complicated by one respondent that said if a case involving a juvenile defendant is referred to their office, it is either a felony or misdemeanor case and is not explicitly considered juvenile. Across all respondents, this was mentioned as a high burden question. For simplicity and to reduce the burden, the instrument was revised to only ask about felony matters reviewed, filed in court, or declined for prosecution.

Question C3 in the cognitive testing instrument was revised from asking "indicate the total number of felony cases concluded in 2024" to "please indicate the number of felony cases filed

in court by your office, that were concluded by court or jury trial, plea, nolle prosequi or dismissal, by other means, or not concluded, case remained open in 2025.” This was done to better explain what was meant by “concluded” and capture the variety of methods in which a case could be concluded.

For question C4, some respondents offered additional types of resolutions including nolle prosequi, stricken on leave, transfer of venue/jurisdiction, extradition, abated by the death of the defendant, and covered by conviction on another charge (which they did not consider as a dismissed/acquitted charge). One requested breaking down the convictions into convictions by plea versus trials. These recommendations were incorporated into the updated instrument by including conviction of one or more charges, dismissal of all charges, acquittal on all charges, mistrial, or other outcome (please describe).

The last question that was controversial in this section was C6 of the cognitive test instrument, which asked about pending cases. Across all respondents, they struggled with answering this question; most said they do not collect this information, or it would be incredibly time-consuming to find an answer. One respondent said this question was good, while five others believed this question should be cut. The reasons for cutting were either 1) it is very burdensome or 2) it is implying that the issue of large amounts of pending cases is due to prosecutors when they believe courts have as much if not more responsibility. The project team decided to cut this question for these reasons.

*New and Emerging Topics.* This section was removed to reduce respondent burden. Although the questions will not be asked in the 2025 CPO, the information provided during cognitive testing will be utilized to develop future iterations of the NSP.

## 5. Consultants on the Statistical Aspects of the Design

The Judicial Statistics Unit of BJS takes responsibility for the overall design and management of the activities described in this submission, including data collection procedures, development of the questionnaires, and analysis of the data. The following individuals consulted on statistical aspects and collecting/analyzing the data:

<b>Bureau of Justice Statistics Contacts</b>	<b>Persons consulted on data collection, analysis, and methodology</b>
George (Ebo) Browne, PhD Project Manager (202) 307-0765	William Adams, MPP Urban Institute (202) 261-5506

Census of Prosecutor Offices  
OMB Control Number 1121-0149  
OMB Expiration Date: XX/XX/XXXX

Suzanne Strong, PhD Chief, Judicial Statistics Unit (202) 307-0765	Andreea Matei, MPP Urban Institute (202) 261-5477
Lizzie Remrey, PhD Statistician (202) 307-0765	