

BACKLOG PROJECT

SURVEY FINDINGS REPORT

Report Finds Prosecutor Case Backlog Has Worsened since the Pandemic, Harming the Judicial System

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Survey by Association of Prosecuting Attorneys and Lafayette College reveals mounting caseload challenges facing U.S. prosecutors

January 17, 2024—U.S. prosecutor offices have an average of more than 14,000 cases awaiting trial, according to a national survey released today by The Association of Prosecuting Attorneys (APA).

The survey, conducted by Dr. Adam Biener at Lafayette College and funded by Stand Together Trust, found that there has been an average increase of 5,565 cases per office and a 62% increase in case backlogs since the court disruptions due to COVID-19. Case backlogs are cases pending before the court for a longer period than typically experienced and/or a period longer than prescribed by the court.

The survey sought to understand the prevalence and factors associated with prosecutor case backlogs and their impact on the criminal legal system since the start of the pandemic in March 2020.

“Our office struggles with the same issues plaguing prosecutor’s offices around the country. My attorneys each have caseloads in excess of 3-times the national standards and I have hundreds of felony cases waiting to be reviewed for prosecution,” explained Audrey Cromwell, County Attorney in Gallatin County, Montana. “These excessive caseloads challenge our ability to fulfill our responsibility to our community by driving experienced attorneys out of the profession and delaying cases, sometimes by years. The delay in justice leads to victim frustration, overcrowded jails and increased costs to law enforcement agencies and the judicial system. It is unacceptable.”

Most offices indicated that caseloads have increased since the start of the pandemic and that they are currently experiencing a backlog. The average number of adult criminal cases per attorney in 2019 was 139 cases per attorney, with a median caseload of 84 cases per attorney. By the time of the survey (2022-2023), the mean and median rose to 176 and 100 cases per attorney, respectively.

“This survey confirms that caseloads have grown post-pandemic and remain higher than pre-pandemic levels despite the resumption of normal operations and a varied programmatic response to address backlogs in many offices today,” said Dave LaBahn, CEO and President of the Association of Prosecuting Attorneys. “The morale challenges during the pandemic and lack of funding to hire and retain prosecutors appear to be the top reasons that offices are not able to adequately address their case backlogs.”

Offices also agreed that hiring prosecutors post-pandemic has been more difficult. Roughly two-thirds of offices that indicated staffing reduction or retention issues reported that these issues continue to impact backlogs. All but one office that indicated morale was an issue and all offices that indicated funding was an issue reported that these factors continue to impact their case backlogs.

These findings align with previous findings that prosecutor office staffing is not necessarily commensurate with jurisdiction size or caseloads, and that some offices have caseloads well in excess of their peers and above the consensus maximum numbers of cases set by the National Advisory Commission on Criminal Justice Standards.

The full report can be downloaded [here](#).

About The Association of Prosecuting Attorneys

The Association of Prosecuting Attorneys is a national nonprofit organization whose mission is to support prosecutors in their efforts to create safer communities through a more just and equitable legal system. APA provides prosecutorial training and technical assistance for our membership, which is made up of elected and appointed prosecuting attorneys, law enforcement professionals and other criminal justice system actors. APA works across disciplines to increase public safety and eliminate disparities in the justice system by providing prosecutors with the most effective and innovative resources and guidance to better serve everyone in their communities.

About Stand Together Trust

Stand Together Trust invests in social entrepreneurs developing solutions to America's most pressing problems. Alongside inspiring partners, we drive solutions on limited government, criminal justice, education, economic opportunity, health care, and dozens of other pressing issues. Learn more at www.standtogethertrust.org and www.standtogether.org. Join the Stand Together philanthropic community on [Facebook](#), [Twitter](#), [LinkedIn](#), [Instagram](#), and [YouTube](#).