

Office of Commonwealth's Attorney

Commonwealth's Attorney

Focus

The Commonwealth's Attorney is a constitutional officer of the Commonwealth of Virginia. As such, he is not an officer or employee of the County from which he was elected. In this jurisdiction, the Commonwealth's Attorney is elected by voters of Fairfax City and Fairfax County.

The Office of the Commonwealth's Attorney (OCA) is charged primarily with the prosecution of crime. This office prosecutes criminal and traffic matters in the Fairfax County General District Court, criminal and delinquency matters in the Juvenile and Domestic Relations District Court, and all felony cases in the Fairfax County Circuit Court. The office handles both the violation of County ordinances and the violation of state statutes.

The caseload of the office is substantial and is one of the highest per prosecutor in the Commonwealth. For example, it handles such offenses as murder, rape, robbery, burglary and illegal drug sales, from arrest to trial. It prosecutes a wide variety of misdemeanor and traffic cases, including more than 4,000 driving under-the-influence violations, thousands of assaults, and thousands of petty thefts.

State law specifically mandates certain duties for the Commonwealth's Attorney. He is charged with advising the Grand Jury relative to their duties, representing the Electoral Board in certain election matters, and advising any officers or employees of Fairfax City or Fairfax County on matters involving conflict of interest. On a daily basis, the OCA works with numerous law enforcement units (e.g., State Police, Fairfax County Police, Fairfax City Police, the Town of Herndon and Town of Vienna Police, game wardens and humane agents) in the course of investigations and in response to questions concerning criminal law.



The Commonwealth's Attorney is a constitutional officer of the Commonwealth of Virginia (the Commonwealth seal is depicted above), elected by the voters of Fairfax City and Fairfax County.

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Budget and Staff Resources

Agency Summary					
Category	FY 2007 Actual	FY 2008 Adopted Budget Plan	FY 2008 Revised Budget Plan	FY 2009 Advertised Budget Plan	FY 2009 Adopted Budget Plan
Authorized Positions/Staff Years					
Regular	36/ 35.5	36/ 35.5	36/ 35.5	36/ 35.5	36/ 35.5
Exempt	1/ 1	1/ 1	1/ 1	1/ 1	1/ 1
Expenditures:					
Personnel Services	\$1,859,669	\$2,233,776	\$2,211,099	\$2,706,151	\$2,739,243
Operating Expenses	117,726	87,684	89,316	87,684	87,684
Capital Equipment	0	0	0	0	0
Total Expenditures	\$1,977,395	\$2,321,460	\$2,300,415	\$2,793,835	\$2,826,927
Income:					
Commonwealth's Attorney Fees	\$13,138	\$12,670	\$13,880	\$14,140	\$14,140
City of Fairfax Contract	29,735	42,356	41,753	43,223	43,223
State Shared Retirement - Commonwealth's Attorney State Shared	42,236	43,265	43,265	43,265	43,265
Commonwealth's Attorney Expenses State Reimbursement	1,378,817	1,375,567	1,413,288	1,413,288	1,413,288
Commonwealth's Attorney Witness	11,234	16,400	16,400	16,400	16,400
Total Income	\$1,475,160	\$1,490,258	\$1,528,586	\$1,530,316	\$1,530,316
Net Cost to the County	\$502,235	\$831,202	\$771,829	\$1,263,519	\$1,296,611

Position Summary					
1	Commonwealth's Attorney E	17	Assistant Commonwealth's Attorneys II	2	Paralegal Assistants
1	Deputy Commonwealth's Attorney		Chief of Administrative Services	3	Administrative Assistant IV
3	Assistant Commonwealth's Attorneys IV	1	Management Analyst I	2	Administrative Assistants III
4	Assistant Commonwealth's Attorneys III	1	Computer Systems Analyst I	2	Administrative Assistants II, 1 PT
		1			
TOTAL POSITIONS				E Denotes Exempt Position	
37 Positions / 36.5 Staff Years				PT Denotes Part-Time Position	

FY 2009 Funding Adjustments

The following funding adjustments from the FY 2008 Revised Budget Plan are necessary to support the FY 2009 program:

- ◆ **Employee Compensation** **\$519,094**
 An increase \$519,094 in Personnel Services is primarily due to funding of \$450,000 included to allow for a reorganization within the agency in response to significant workload-related issues and to provide for an improved career ladder and retention of employees. The reorganization will result in the conversion of vacant administrative/support positions to higher grade positions in the Office of Commonwealth's Attorney to support court requirements. The remaining increase of \$69,094 is associated with salary adjustments necessary to support the County's compensation program
- ◆ **Personnel Services Reduction** **(\$46,719)**
 A decrease of \$46,719 in Personnel Services as part of an across-the-board reduction to meet budget limitations based on available revenues as a result of a continued softening of the residential real estate market.

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- ◆ **Operating Expenses** **(\$1,632)**
A decrease of \$1,632 in Operating Expenses due to one-time expenses included as part of the *FY 2007 Carryover Review*.

Board of Supervisors' Adjustments

The following funding adjustments reflect all changes to the FY 2009 Advertised Budget Plan, as approved by the Board of Supervisors on April 28, 2008:

- ◆ **Pay for Performance** **\$33,092**
An increase of \$33,092 in Personnel Services is associated with the decision by the Board of Supervisors to eliminate the 50 percent reduction to employee increases as part of the pay for performance system. A reduction to pay for performance increases had been proposed in the FY 2009 Advertised Budget Plan due to budget constraints. However, as a result of the Board's decision, employees will be eligible for the full compensation increase for which they qualify based on performance.

Changes to FY 2008 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2008 Revised Budget Plan since passage of the FY 2008 Adopted Budget Plan. Included are all adjustments made as part of the FY 2007 Carryover Review and all other approved changes through December 31, 2007:

- ◆ **Carryover Adjustments** **\$1,632**
As part of the *FY 2007 Carryover Review*, the Board of Supervisors approved funding of \$1,632 in Operating Expenses.

The following funding adjustments reflect all approved changes to the FY 2008 Revised Budget Plan from January 1, 2008 through April 21, 2008. Included are all adjustments made as part of the FY 2008 Third Quarter Review:

- ◆ **Third Quarter Adjustments** **(\$22,677)**
As part of the *FY 2008 Third Quarter Review*, the Board of Supervisors approved a decrease of \$22,677 in Personnel Services as part of an across-the-board reduction necessary to address budget limitations resulting from declining revenues. This adjustment accelerated the Personnel Services reduction included for FY 2009 in the FY 2009 Adopted Budget Plan.

Key Performance Measures

No Performance Indicators are available for this agency.

Objectives

- ◆ To continue to prosecute all criminal cases in Fairfax County and all felony cases occurring in the City of Fairfax, for which sufficient evidence is available to support charges.