Judicial Administration Program Area Summary

Overview

The four agencies in this program area – Circuit Court and Records, Office of the Commonwealth's Attorney, General District Court and the Office of the Sheriff – are all dedicated to providing equal access for the fair and timely resolution of court cases. The Circuit Court, with 15 judges, has jurisdiction in criminal cases that involve a possible sentence to the State Penitentiary as well as misdemeanor appeals. It also has civil jurisdiction for adoptions, divorces and lawsuits where the claim exceeds $15,000. The General District Court has 11 judges and exercises jurisdiction over criminal and traffic court, and civil/small claims (not exceeding $2,000). The General District Court assists defendants who request court-appointed counsel or interpretation services, interviews defendants in jail in order to assist judges and magistrates with release decisions, operates a supervised release program and provides probation services to convicted misdemeanants and convicted non-violent felons.

The Commonwealth's Attorney is a constitutional officer of the Commonwealth of Virginia. He is elected by the voters of Fairfax County and Fairfax City and is responsible for the prosecution of crimes. The Office of the Sheriff falls under two program areas – Judicial Administration and Public Safety. In the Judicial Administration program area, approximately 29 percent of the agency staff ensure courtroom and courthouse security, as well as provide service of legal process, contributing to the swift and impartial adjudication of all criminal and civil matters before the courts.

A major development affecting this program area in FY 2009 is a major expansion to the Jennings Judicial Center, anticipated to be complete in spring/summer 2008. This expansion includes a 316,000-square-foot addition to the existing building including courtrooms, chambers, office space, necessary support spaces and site improvements. The expansion will consolidate court services and reduce overcrowding. The Courthouse Expansion is greatly needed to keep pace with the growth in population which has had a direct impact on caseload growth, translating into additional judges and support staff. Renovations will then be undertaken for the existing space and will be completed in spring/summer 2009.

Strategic Direction

As part of the countywide focus on developing strategic plans, agencies took steps to establish or update their vision and values statements; perform environmental scans; and define strategies for achieving their missions. These are then linked to the overall County Core Purpose and Vision Elements (see adjacent box). Common themes in the Judicial Administration program area include:

- Equal access to justice
- Fair and timely resolution of cases
- Effective use of technology
- Volunteer utilization
- Courthouse security

COUNTY CORE PURPOSE

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County by:

- Maintaining Safe and Caring Communities
- Building Livable Spaces
- Practicing Environmental Stewardship
- Connecting People and Places
- Creating a Culture of Engagement
- Maintaining Healthy Economies
- Exercising Corporate Stewardship

A high workload continues to challenge each of the agencies in the Judicial Administration program area. These workloads require each of the affected agencies to find ways to leverage constant or even decreasing resources in the face of increasing demands, largely due to the growing population.

In FY 2007, the Land Records Division of the Circuit Court recorded 275,973 documents generating $7,597,799 in County revenue. The number of documents represents a decrease of 22 percent from the FY 2006 total of 354,688 due to a slowdown in the number of refinancings due to higher interest rates and the general slowdown in the housing market. As anticipated last year, the number of Deeds of Trust and Certificates of Satisfaction recorded have decreased due to a slowdown in the number of refinances resulting from rising interest rates and a depressed housing market. It is anticipated that in FY 2008 and FY 2009, the number of recordings will be at a similar level as experienced in FY 2007.

Land Records also recorded 11,392 documents electronically in FY 2007. This represents 13 percent of the total Certificates of Satisfaction (87,784) that were recorded. Certificates of Satisfaction are the only documents recorded electronically at this time. The electronic recording of documents will continue to grow proportionately as it becomes a widely accepted practice in the industry and as the document types available for electronic filing expands pursuant to the new Uniform Real Property Electronic Recording Act (URPERA). A total of 72,000 Certificates of Satisfaction have been recorded electronically since the inception of the process. As the number of documents recorded electronically increases, the collection of recordation fees and recordation of documents will become more efficient. An initiative of the Clerk's Office was to create an electronic filing system that is capable of recording all document types in a format that is accessible to large and small businesses. This system was implemented in January 2008.

In the Office of the Commonwealth's Attorney, 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, as well as thousands of assaults and petty thefts. In FY 2009, $0.5 million is included to allow for a reorganization within the office in response to workload-related issues and to provide for an improved career ladder and retention of employees.

In recent years, the General District Court has been impacted by increases in caseload and legislative changes that have had a major impact on how the Court operates. Since all of these factors are outside the Court's control, it is often difficult to anticipate trends and future needs. GDC's total caseload decreased slightly from 314,964 new cases in fiscal year FY 2006 to 309,118 new cases in FY 2007. In FY 2008, the court's total caseload will likely increase over FY 2007 based on the increased number of traffic cases reported for the first two months of the current fiscal year. So far, both July and August show an increase of more than 4,000 new traffic cases over last year's numbers for the same months.

Criminal new case totals have shown slight fluctuations in the past three years and are expected to remain consistent with FY 2007's total caseload. Criminal and traffic caseloads are dependant on law enforcement efforts of the Fairfax County Police Department, State Police, and other local law enforcement agencies. Increased traffic enforcement programs, while greatly needed, have placed a significant strain on court resources and have challenged the court's ability to provide the level of service county citizens expect. Since additional funding for staff is unavailable through the state, the Court is seeking technology solutions in partnership with the Fairfax County Police Department.

The expansion of the Judicial Center will give rise to new demands for the Sheriff's Office. In FY 2007, over 1.36 million visitors utilized the court facilities with over 458,000 court cases heard. Visitors are expected to increase in response to a growing population in the County as well as in the region. The Sheriff's Office will continue to ensure that there is no corresponding increase in security risks and will continue to provide the highest degree of safety to the residents of Fairfax County.

More on each agency in this program area can be found in the individual narratives that follow this section. The complete budget narrative pertaining to the Office of the Sheriff can be found in the Public Safety program area section of Volume 1.

Judicial Administration Program Area Summary

Linkage to County Vision Elements

This program area supports the following four of the seven County Vision Elements:

- Maintaining Safe and Caring Communities
- Connecting People and Places
- Creating a Culture of Engagement
- Exercising Corporate Stewardship

Predominant among the strategic priorities of this program area is the **Maintaining Safe and Caring Communities** vision element. All four of the agencies work in concert to realize that vision. The Sheriff's Office provides security for judges and courtrooms located in the County, as well as the City of Fairfax and the Towns of Herndon and Vienna. It was responsible for safely escorting 29,839 prisoners to and from these courts in FY 2007. After defendants are booked, the staff in the General District Court's Pre-Trial Release Program performs a review to determine which defendants can be released at the initial bail hearing instead of at the arraignment hearing. This saved 376 jail days in FY 2007, reducing the cost of incarceration, while ensuring that the public is at minimal risk. The state-mandated Pre-Trial Risk Assessment instrument is used to improve the assessment of defendants' risk factors. All three courts – Circuit, General District, and Juvenile and Domestic Relations District (in the Public Safety program area) work closely to create a standardized list of qualified foreign language interpreters to ensure that only the most qualified are used in the courtroom, thus affording equal access to non-English petitioners before the court. The General District Court is continuing to develop training programs related to cultural awareness and the use of interpreters and is working with the state to re-administer certification examinations to increase the number of available interpreters. The courts are also increasing the number of volunteers recruited and are expanding their duties to help address a growing workload without adding paid positions. Managing community service is another key function of the General District Court, which had 44 citizens/interns volunteer a total of 5,300 hours in FY 2007.

As discussed, Judicial Administration agencies are using technology extensively to address the **Connecting People and Places** vision element. The Circuit Court is continually making additional forms available on their Web site. These forms are consistent in form and processing capabilities with state and County paper forms and are interactive, meaning that the public can access and complete them conveniently at home, saving unnecessary trips to the Judicial Center. Residents also have access to juror information 24 hours a day, seven days a week through the Web and the telephone, allowing them access when they need it, not just when staff is available. Through the Court's Public Access Network, or CPAN, public access of court records is available through a secure remote access system.

This program area also emphasizes the use of volunteers as critical to **Creating a Culture of Engagement**. As noted above under the **Maintaining Safe and Caring Communities** vision element, the number and scope of volunteer opportunities have been expanded. This helps leverage scarce resources as volunteers provide support for administrative, accounting and technology functions. This also helps them to better understand the role the courts play in the community and connects them to their local government. Volunteer opportunities are not only advertised through Volunteer Fairfax, but are also posted on the County Web site to provide easier and more widespread access.

Managing in a resource-constrained environment, while the service population and accompanying needs are increasing, presents a challenge to be creative if agencies are to fulfill their missions. As an example of **Exercising Corporate Stewardship**, the courts implemented a case management e-filing system with imaging components to place case information on the Internet, providing attorneys and others with 24/7 access to court calendars and information screens. Also, the Clerk's Office created an electronic filing system that is capable of recording all document types in a format that is accessible to large and small businesses. This system was implemented in January 2008.

Judicial Administration Program Area Summary

Program Area Summary by Character

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	357/ 356	357/ 356	364/ 363	364/ 363	364/ 363
Exempt	28/ 28	28/ 28	28/ 28	28/ 28	28/ 28
State	139/ 132.5	139/ 132.5	139/ 132.5	139/ 132.5	139/ 132.5
Expenditures:					
Personnel Services	$23,785,522	$24,922,125	$25,386,647	$28,577,146	$28,944,856
Operating Expenses	8,008,222	6,999,213	8,564,718	7,880,166	7,980,166
Capital Equipment	27,038	0	9,000	0	0
Total Expenditures	**$31,820,782**	**$31,921,338**	**$33,960,365**	**$36,457,312**	**$36,925,022**
Income	**$25,143,418**	**$24,339,669**	**$23,305,881**	**$26,585,739**	**$27,498,460**
Net Cost to the County	**$6,677,364**	**$7,581,669**	**$10,654,484**	**$9,871,573**	**$9,426,562**

Program Area Summary by Agency

Agency	FY 2007 Actual	FY 2008 Adopted Budget Plan	FY 2008 Revised Budget Plan	FY 2009 Advertised Budget Plan	FY 2009 Adopted Budget Plan
Circuit Court and Records	$9,850,565	$10,450,912	$11,124,923	$10,536,610	$10,626,213
Office of the Commonwealth's Attorney	1,977,395	2,321,460	2,300,415	2,793,835	2,826,927
General District Court	2,155,841	2,285,064	2,392,961	2,346,081	2,358,002
Office of the Sheriff	17,836,981	16,863,902	18,142,066	20,780,786	21,113,880
Total Expenditures	**$31,820,782**	**$31,921,338**	**$33,960,365**	**$36,457,312**	**$36,925,022**

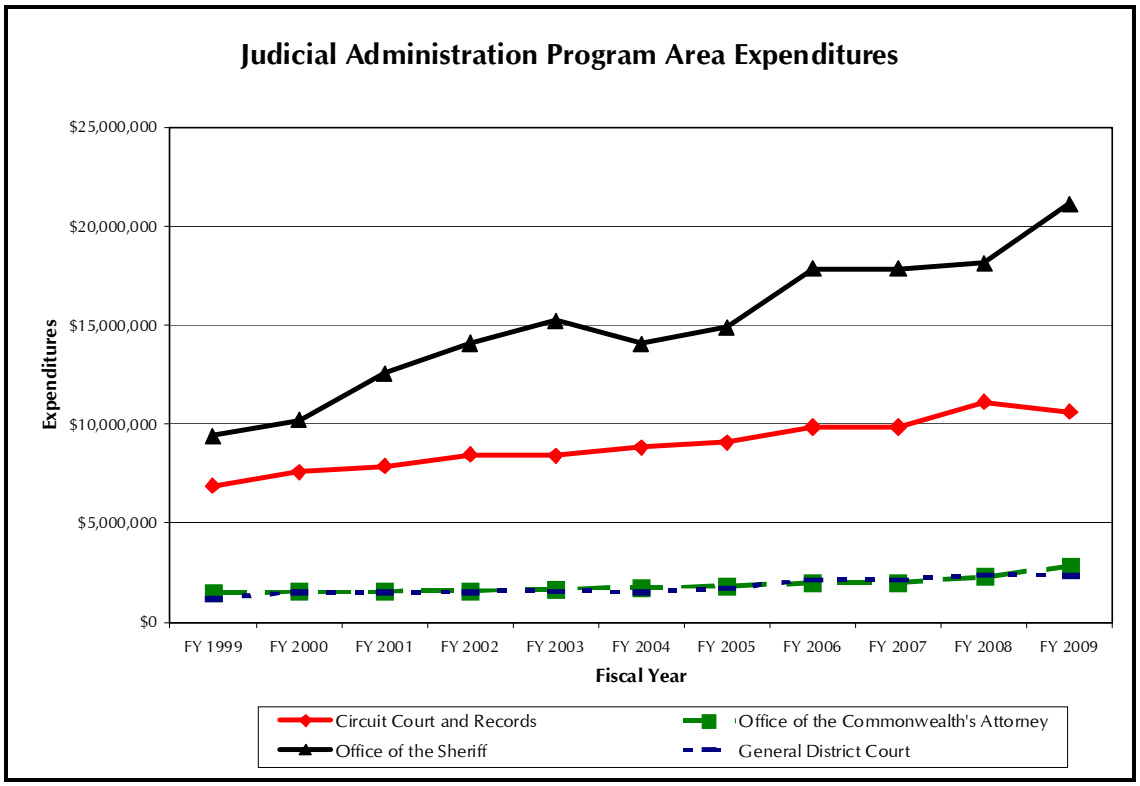
Budget Trends

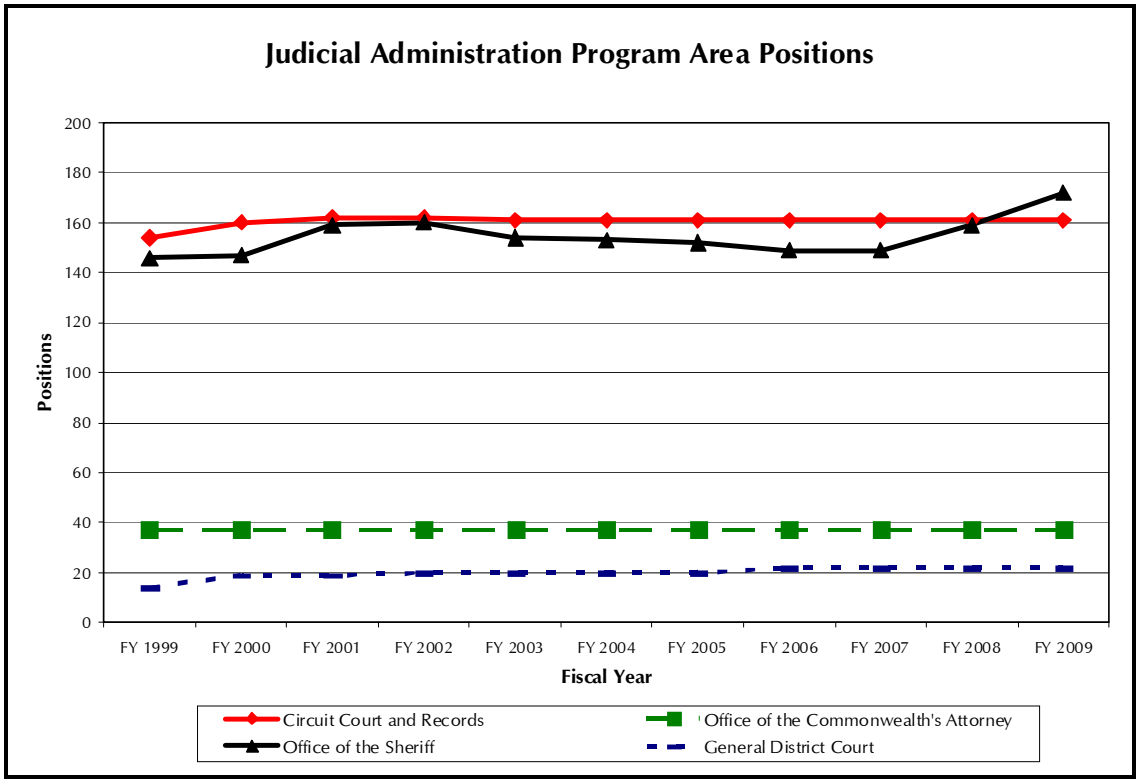
For FY 2009, the adopted funding level of $36,925,022 for the Judicial Administration program area comprises 3.0 percent of the total recommended General Fund expenditures of $1,236,263,323. It also includes 392 or 3.3 percent of total authorized positions for FY 2009 (not including state positions).

Judicial Administration program area expenditures will increase by $2,964,657 or 8.7 percent, over the *FY 2008 Revised Budget Plan* expenditure level. This is primarily due to increases in Personnel Services resulting from the redeployment of positions by the Sheriff's Office as the Inmate Finance Section was moved from the Support and Services Division in the Public Safety program area to the Administrative Services Division in the Judicial Administration program area so that all agency matters involving finances would be handled within the same branch; an increase in the Office of the Commonwealth's Attorney to provide for an improved career ladder and retention of employees; and costs related to salary adjustments necessary to support the County's compensation program. These increases are partially offset by decreased Operating Expenses primarily associated with one-time costs that were carried over into FY 2008. It should be noted that the FY 2009 funding level reflects an increase of $5,003,684 or 15.7 percent, over the FY 2008 Adopted Budget Plan funding level. It is important to note that revenue, predominantly for fines and forfeitures, offsets a majority of the costs of this program area. For FY 2009, projected revenue of $27,498,460 represents 74.5 percent of total expenditures.

The graphs on the following page illustrate funding and position trends for the four agencies in this program area.

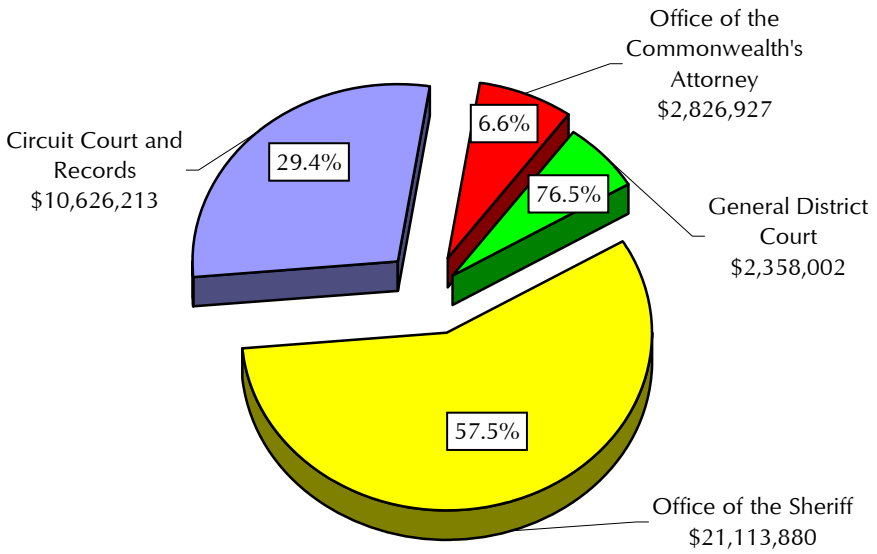
Trends in Expenditures and Positions





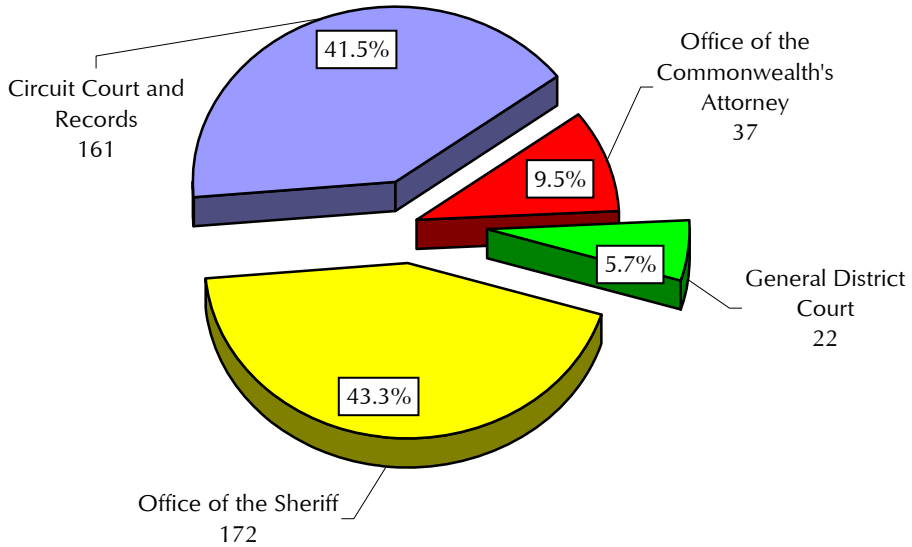
FY 2009 Expenditures and Positions by Agency

FY 2009 Expenditures By Agency



TOTAL EXPENDITURES = $36,925,022

FY 2009 Authorized Regular Positions



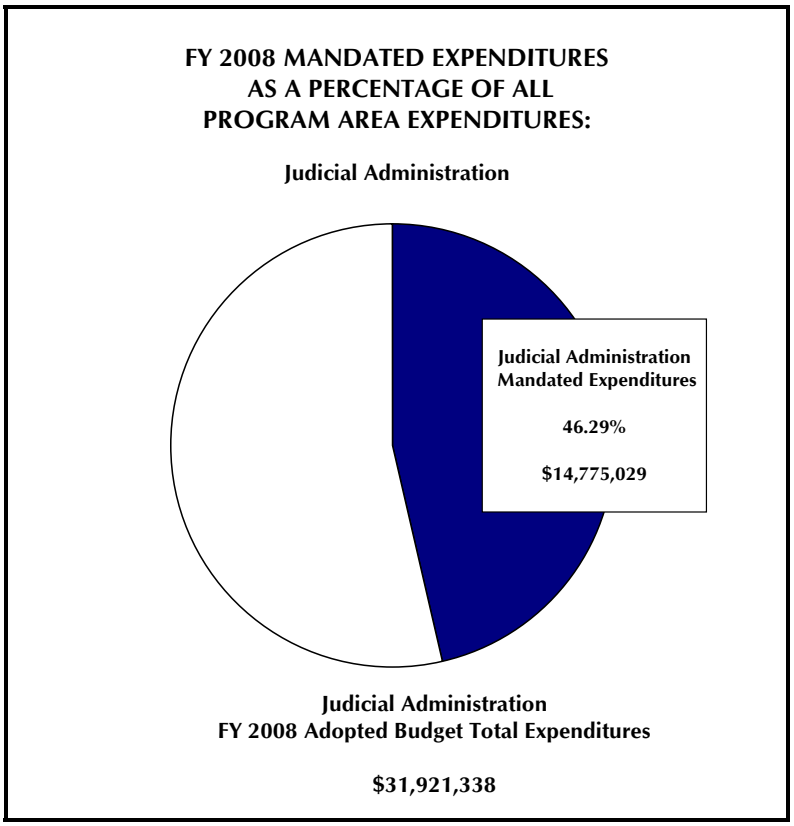
TOTAL REGULAR POSITIONS = 392

Federal and State Mandates

For purposes of compiling federal and state mandate data, the Office of the Sheriff is reflected entirely in the Public Safety program area. Thus only mandate data pertaining to the remaining three agencies is reflected in this section. These three agencies are primarily driven by state code and thus function almost entirely as a result of state mandate.

Circuit Court and Records operates under state code for all of its programs including civil and criminal case management, as well as land records and probate services. The Commonwealth Attorney is a state constitutional officer; this agency too only operates programs, such as the prosecution of criminal cases, which are mandated by state law. The Code of Virginia has established the 19th District Court to Fairfax County and the City of Fairfax, and currently operates with ten judges. General District Court is part of the judicial branch of the state of Virginia, with most of its programs state mandated and state funded. The expenditures for the majority of the agency are located and supported by the state budget, including traffic court and civil cases. A portion of the General District Court - Court Services Division, which manages services such as interpretation and pretrial community supervision to defendants awaiting trail, however is locally funded and only partially mandated. The non-mandated portion of this division is maintained as a result of local public policy.

In FY 2008, the agencies in this program area(excluding the Office of the Sheriff as noted above) anticipated spending $14.8 million to comply with federal and state mandates, receiving $20.2 million in revenue (to include federal, state and user fee/other revenue), for a net savings to the County of $5.4 million. This net savings is primarily a result of the user fee/other revenue received by the courts for fines and fees.



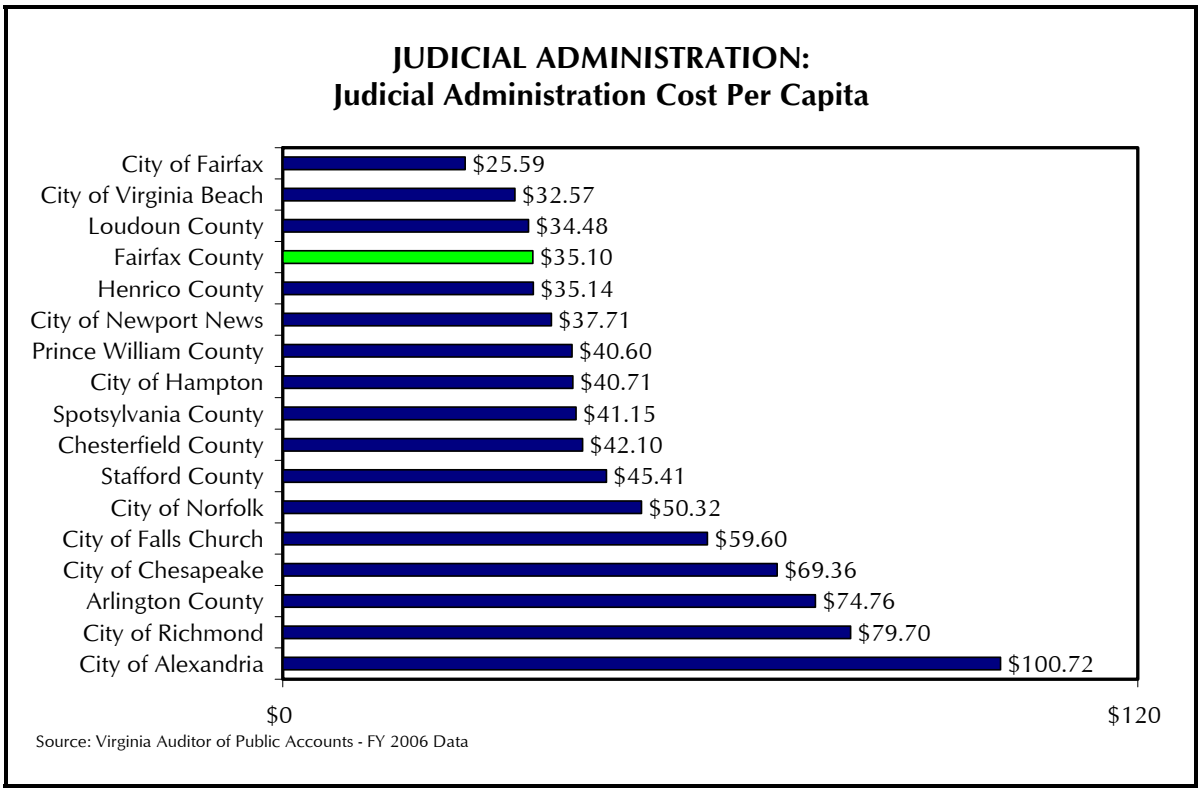
Benchmarking

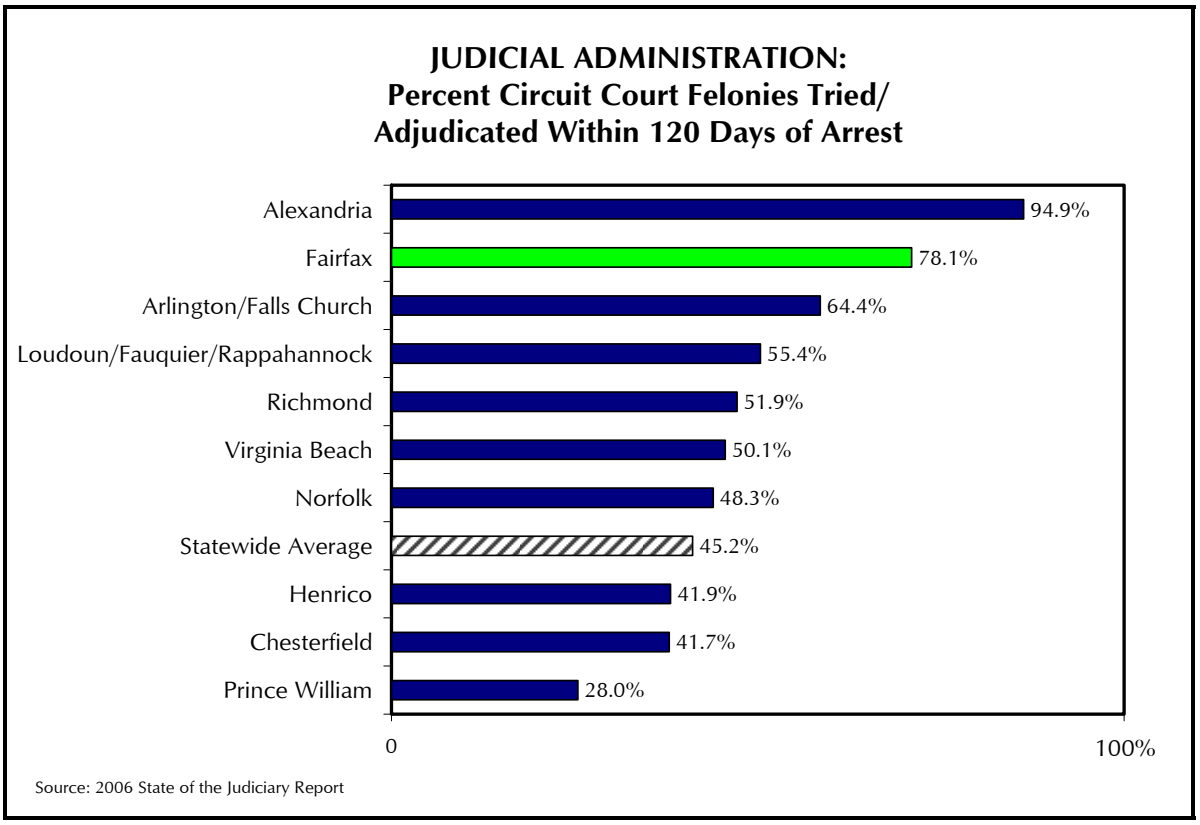
As a means of demonstrating accountability to the public for results achieved, benchmarking data have been included in the annual budget since the FY 2005 Budget. These data are included in each of the Program Area Summaries in Volume 1 (General Fund) and Volume 2 (Other Funds) as available. To illustrate program efficiency, data collected by the Auditor of Public Accounts (APA) for the Commonwealth of Virginia that show cost per capita in each of the seven program areas are included. FY 2006 represents the most recent year for which data are available due to the time required to collect and verify the data. An advantage to including these APA data is comparability. In Virginia, local governments follow stringent guidelines regarding the classification of program area expenses. Cost data are provided annually to the APA for review and compilation in an annual report. Since these data are not prepared by any one jurisdiction, their objectivity is less questionable than they would be if collected by one of the participants. In addition, a standard methodology is consistently followed, allowing comparison over time. For each of the program areas, these comparisons of cost per capita are the first benchmarks shown in these sections. As seen below, Fairfax County has among the lowest cost per capita rates in the Judicial Administration program area for Northern Virginia localities and other large Virginia jurisdictions.

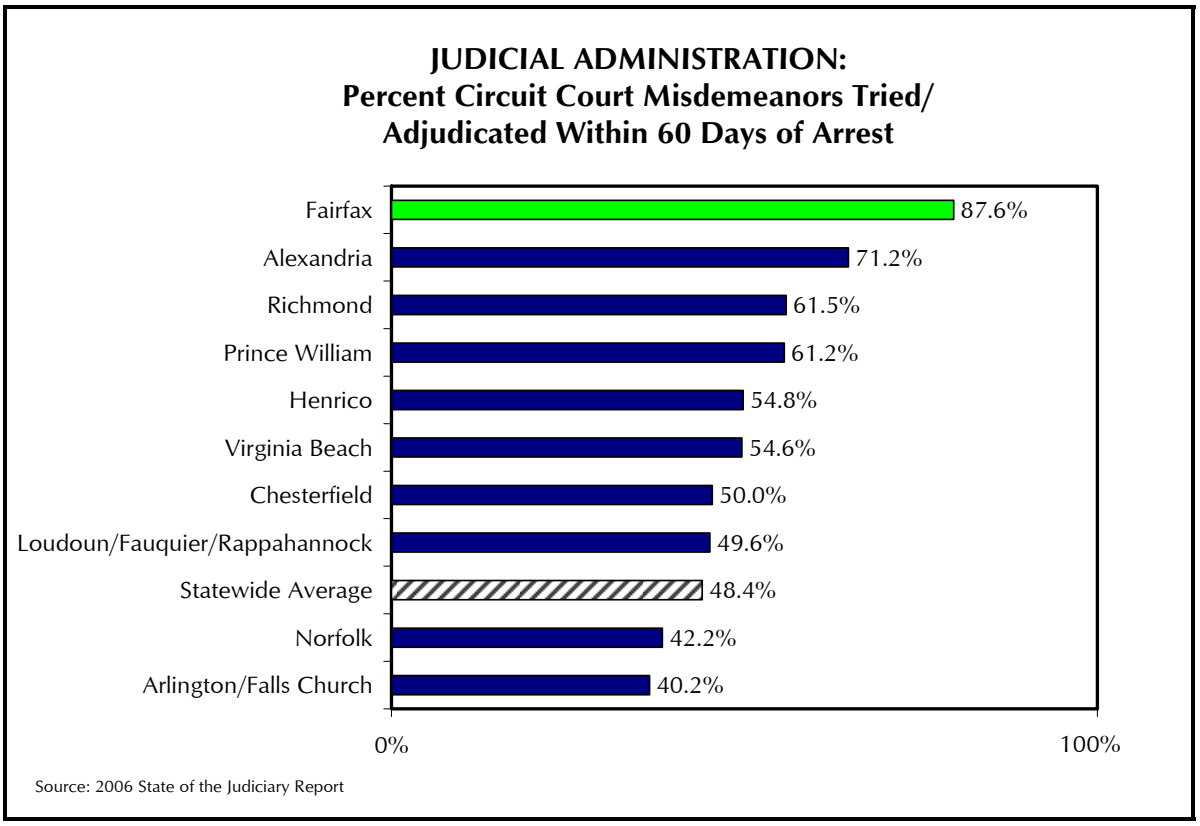
While a major portion of Fairfax County's comparative performance data for other program areas comes from the International City/County Management Association's (ICMA) benchmarking effort, judicial administration is not a service area that is addressed in that program. However, the State Supreme Court produces an extensive report on the annual "State of the Judiciary." The most recent report available is for Calendar Year 2006. This report provides detailed data for each of the districts in the Commonwealth of Virginia and addresses Circuit, General District, and Juvenile and Domestic Relations District Courts. Trends within each district are provided, as are comparisons to state averages. In addition, in some instances, urban averages for cities are also illustrated to show comparison to statewide averages. The charts shown on the next few pages reflect data from this report.

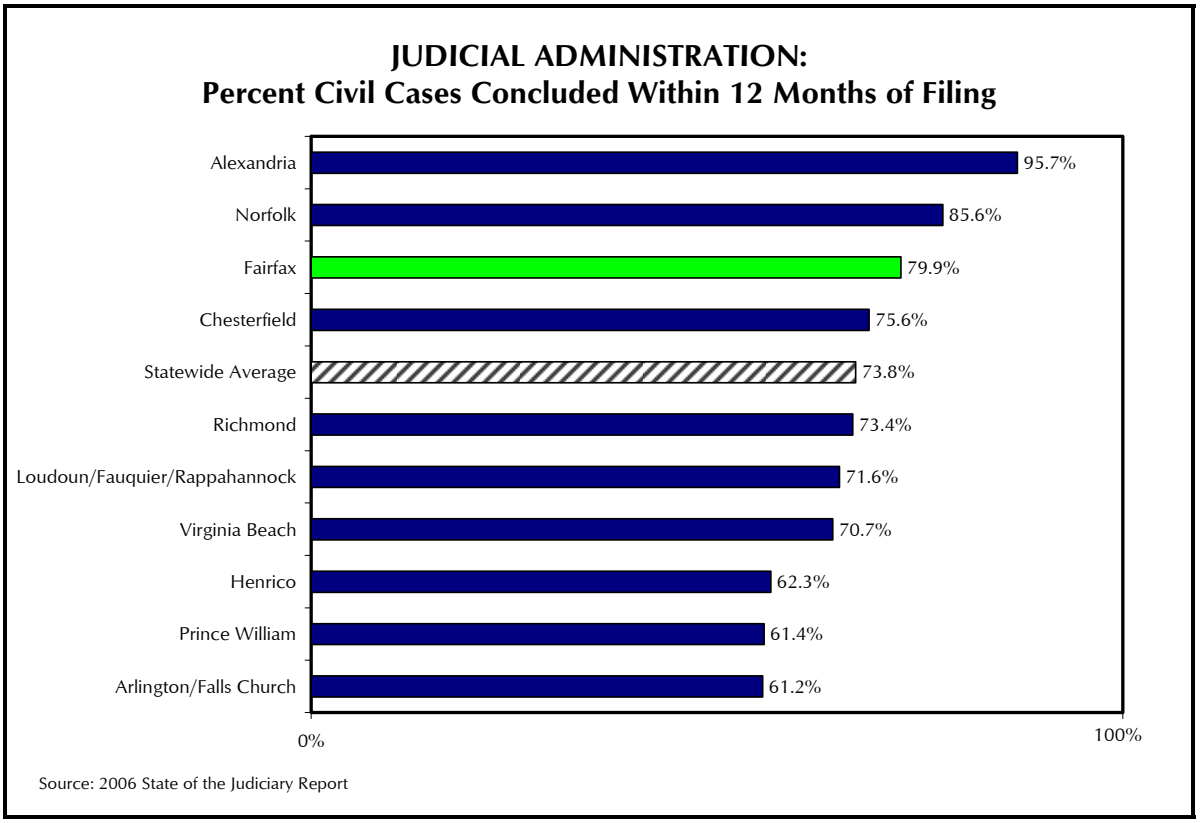
As can be seen on the following page, 78.1 percent of felony cases in Fairfax's Nineteenth Circuit in 2006 were tried/adjudicated within 120 days of arrest. Among all 31 circuits in the Commonwealth, the Nineteenth ranked second in 2006 and was considerably above the statewide average of 45.2 percent. In terms of the percentage of misdemeanors tried/adjudicated within 60 days of arrest, Fairfax County ranked first in the state at 87.6 percent. The statewide average was 48.4 percent.

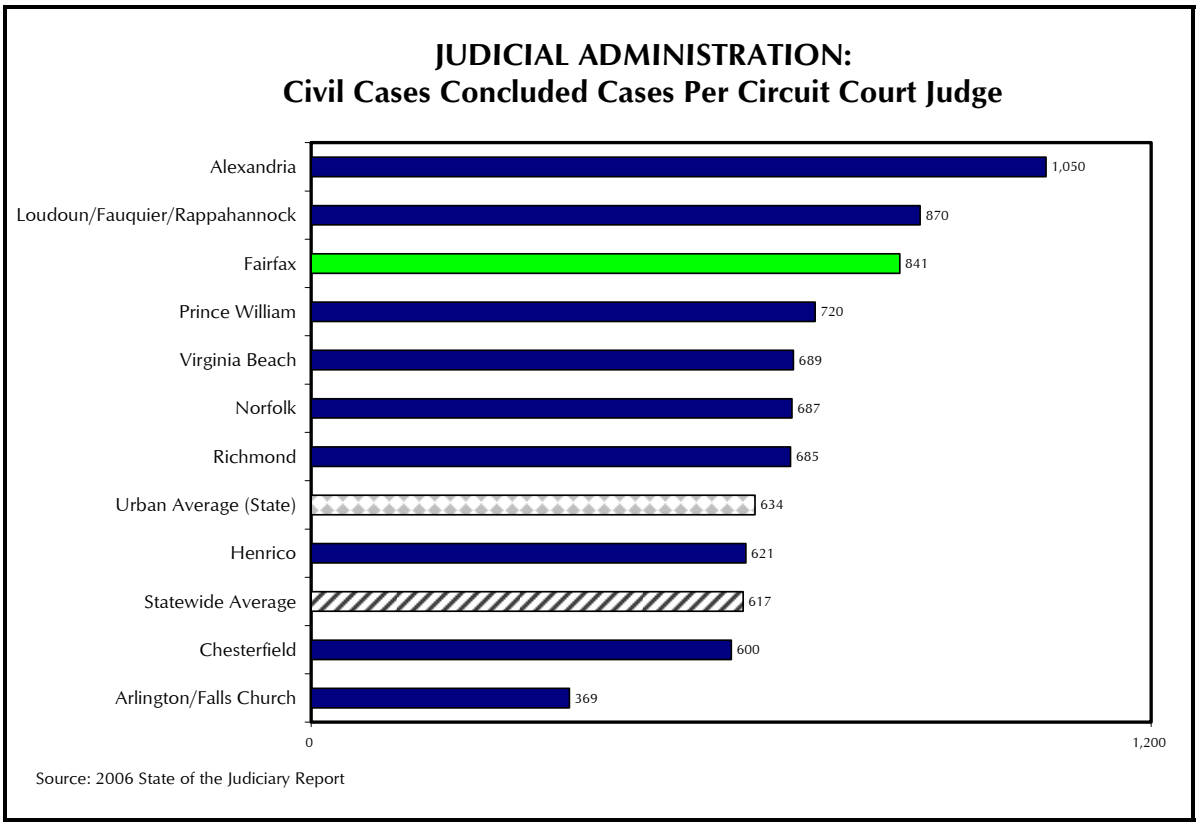
Judicial Administration Program Area Summary

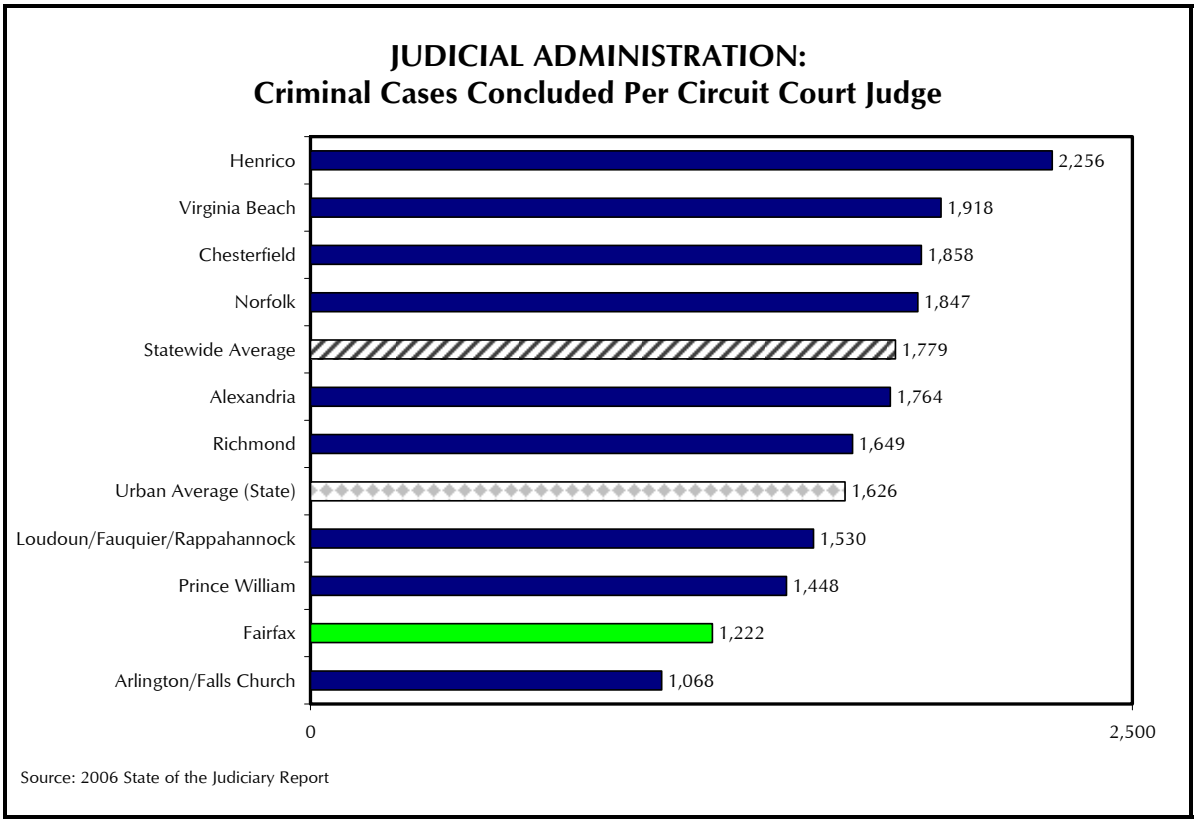


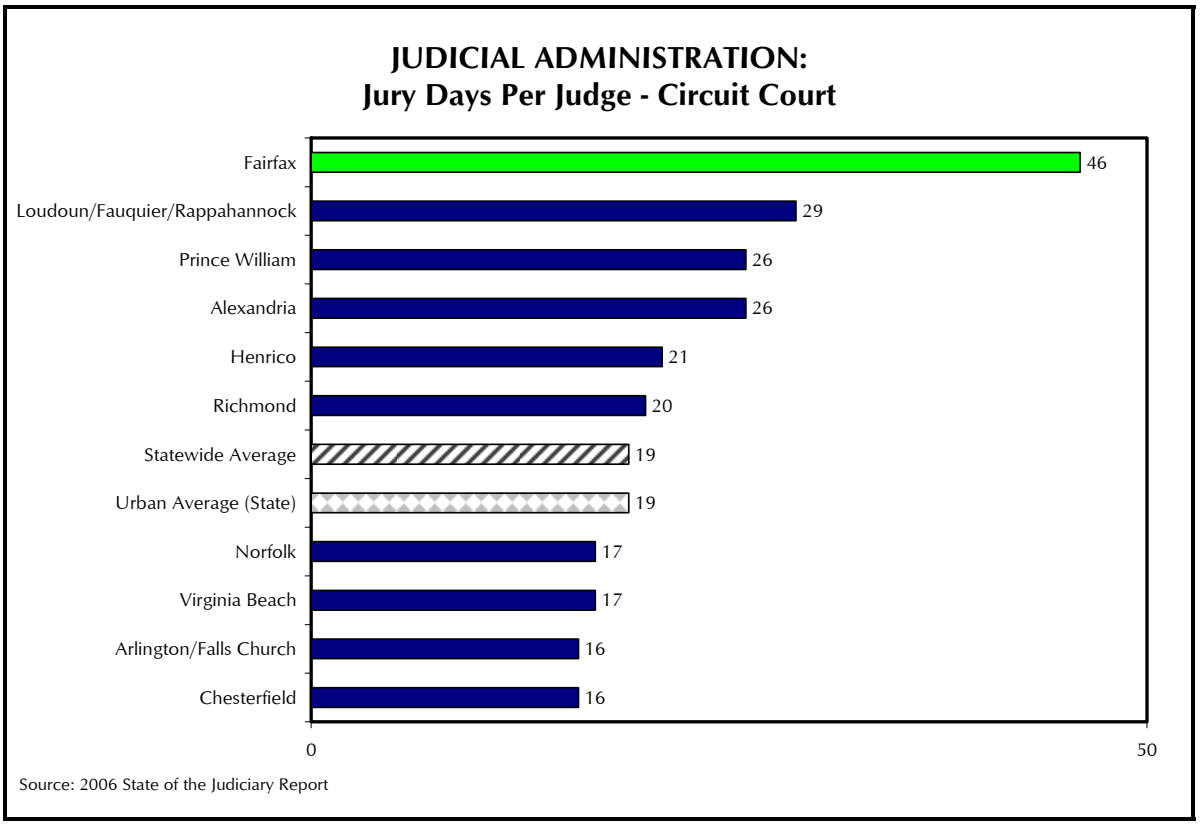


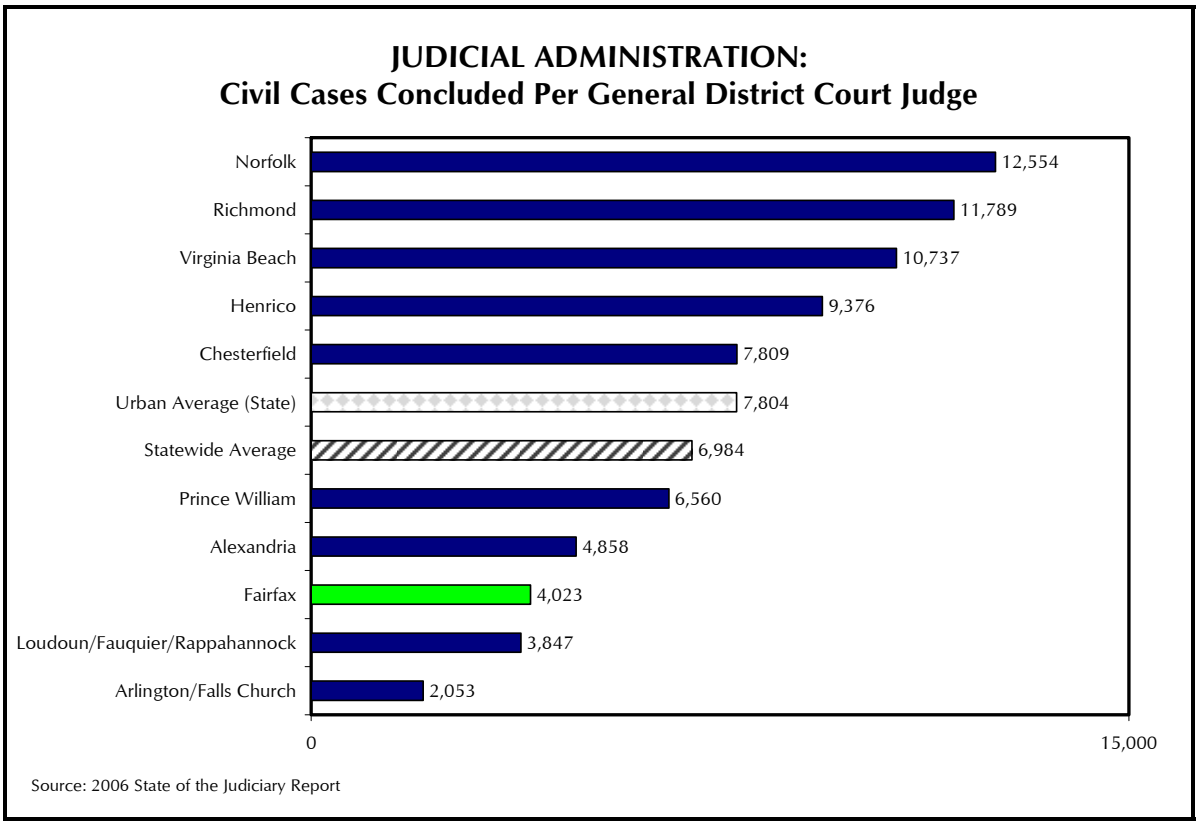

JUDICIAL ADMINISTRATION:
Percent Circuit Court Misdemeanors Tried/
Adjudicated Within 60 Days of Arrest
Fairfax 87.6%
Alexandria 71.2%
Richmond 61.5%
Prince William 61.2%
Henrico 54.8%
Virginia Beach 54.6%
Chesterfield 50.0%
Loudoun/Fauquier/Rappahannock 49.6%
Statewide Average 48.4%
Norfolk 42.2%
Arlington/Falls Church 40.2%
0%
100%
Source: 2006 State of the Judiciary Report

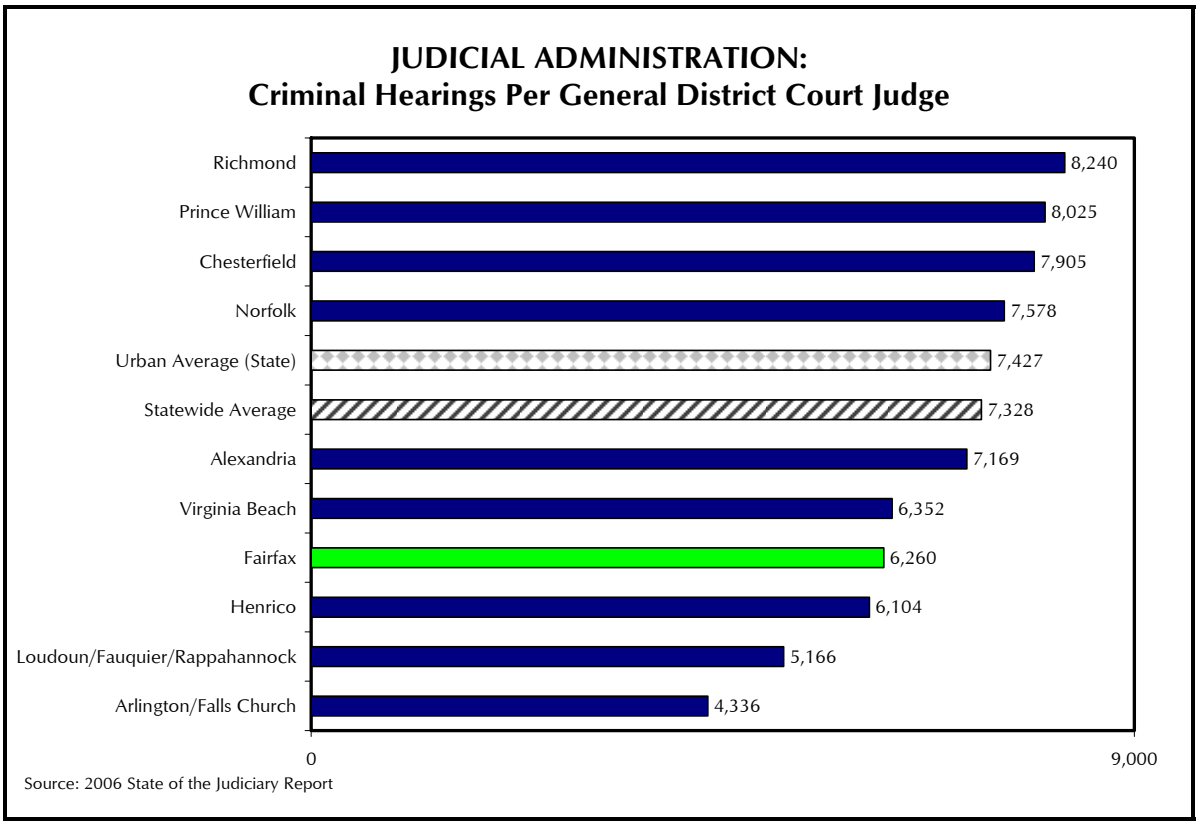

JUDICIAL ADMINISTRATION:
Percent Civil Cases Concluded Within 12 Months of Filing
Alexandria 95.7%
Norfolk 85.6%
Fairfax 79.9%
Chesterfield 75.6%
Statewide Average 73.8%
Richmond 73.4%
Loudoun/Fauquier/Rappahannock 71.6%
Virginia Beach 70.7%
Henrico 62.3%
Prince William 61.4%
Arlington/Falls Church 61.2%
0%
100%
Source: 2006 State of the Judiciary Report

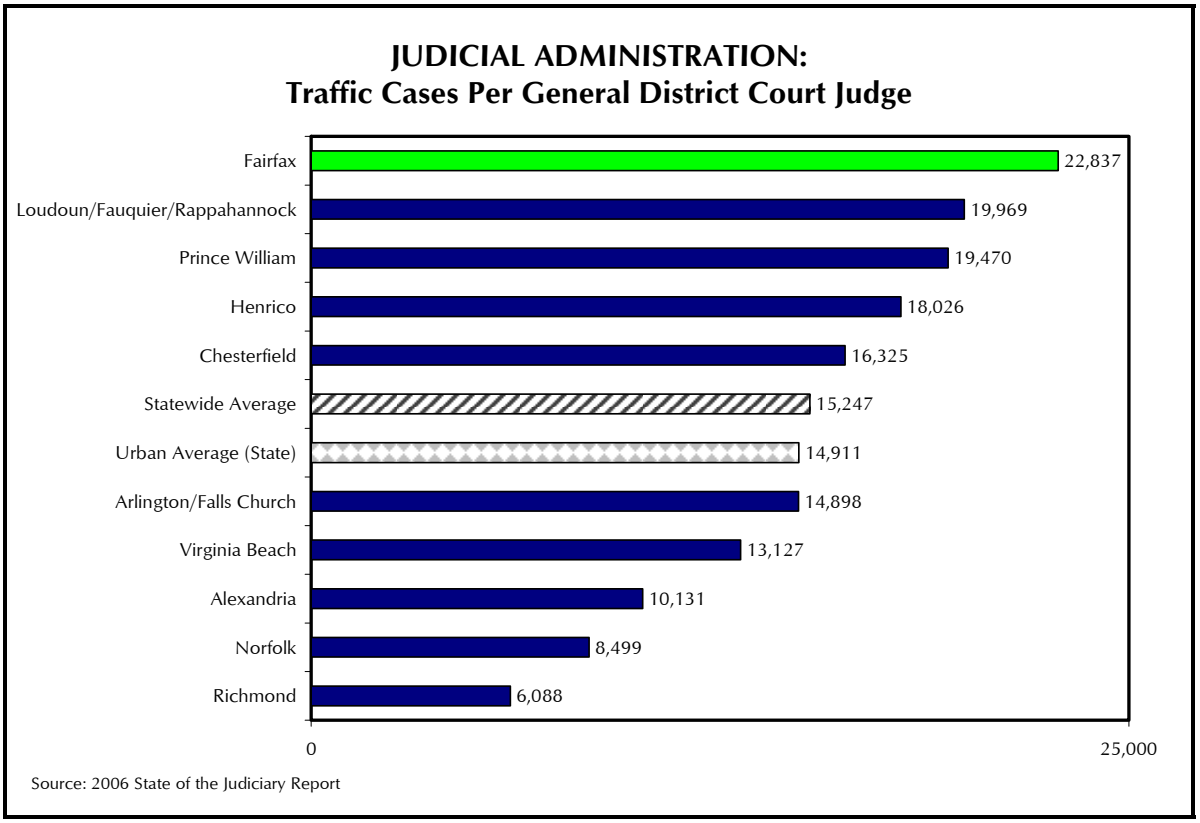

JUDICIAL ADMINISTRATION:
Civil Cases Concluded Cases Per Circuit Court Judge
Alexandria 1,050
Loudoun/Fauquier/Rappahannock 870
Fairfax 841
Prince William 720
Virginia Beach 689
Norfolk 687
Richmond 685
Urban Average (State) 634
Henrico 621
Statewide Average 617
Chesterfield 600
Arlington/Falls Church 369
0
1,200
Source: 2006 State of the Judiciary Report

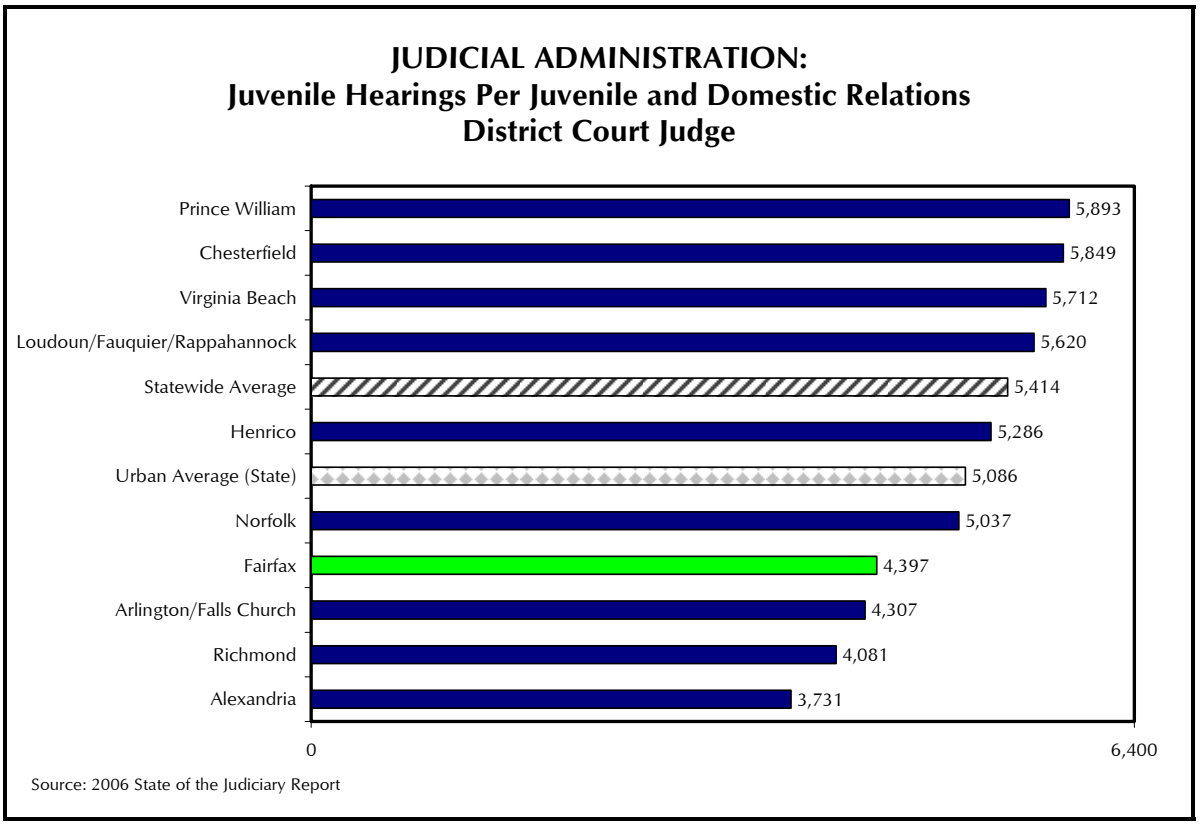

JUDICIAL ADMINISTRATION:
Criminal Cases Concluded Per Circuit Court Judge
Henrico 2,256
Virginia Beach 1,918
Chesterfield 1,858
Norfolk 1,847
Statewide Average 1,779
Alexandria 1,764
Richmond 1,649
Urban Average (State) 1,626
Loudoun/Fauquier/Rappahannock 1,530
Prince William 1,448
Fairfax 1,222
Arlington/Falls Church 1,068
0
2,500
Source: 2006 State of the Judiciary Report

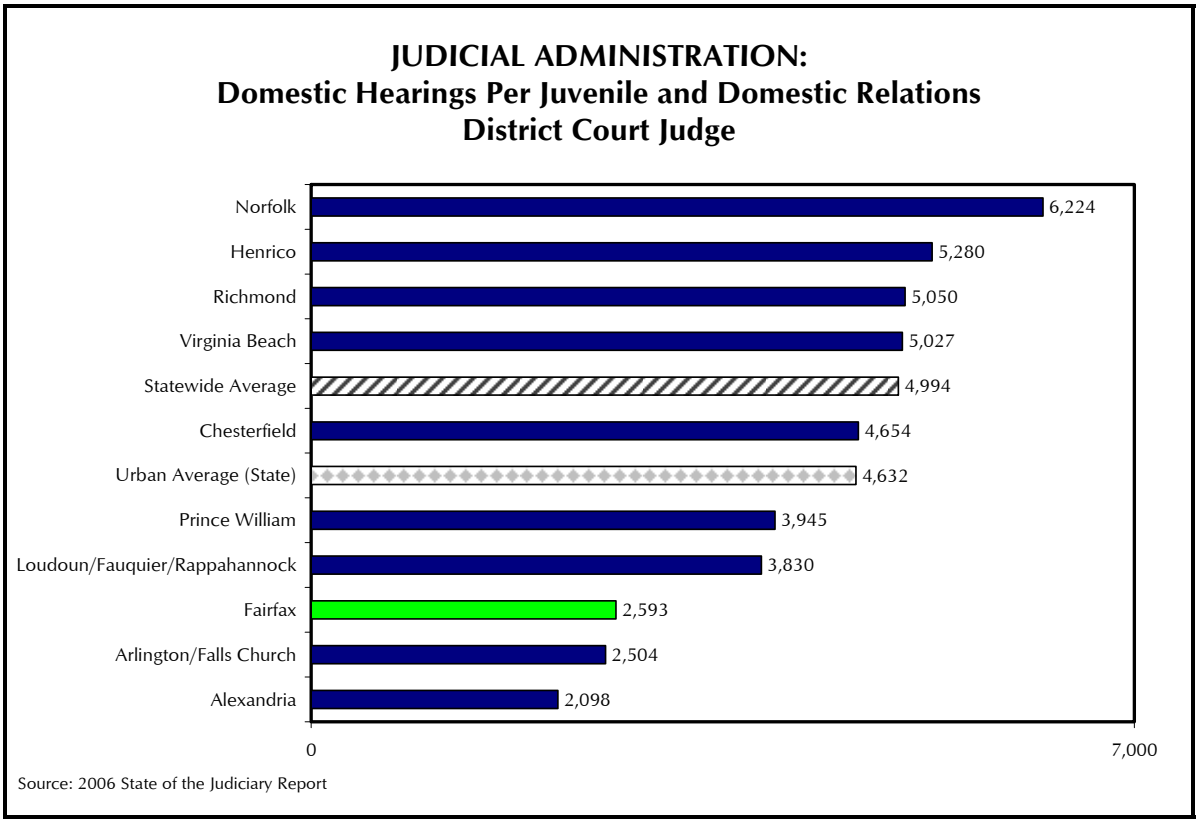

JUDICIAL ADMINISTRATION:
Jury Days Per Judge - Circuit Court
Fairfax 46
Loudoun/Fauquier/Rappahannock 29
Prince William 26
Alexandria 26
Henrico 21
Richmond 20
Statewide Average 19
Urban Average (State) 19
Norfolk 17
Virginia Beach 17
Arlington/Falls Church 16
Chesterfield 16
0
50
Source: 2006 State of the Judiciary Report


JUDICIAL ADMINISTRATION:
Civil Cases Concluded Per General District Court Judge
Norfolk 12,554
Richmond 11,789
Virginia Beach 10,737
Henrico 9,376
Chesterfield 7,809
Urban Average (State) 7,804
Statewide Average 6,984
Prince William 6,560
Alexandria 4,858
Fairfax 4,023
Loudoun/Fauquier/Rappahannock 3,847
Arlington/Falls Church 2,053
0
15,000
Source: 2006 State of the Judiciary Report


JUDICIAL ADMINISTRATION:
Criminal Hearings Per General District Court Judge
Richmond 8,240
Prince William 8,025
Chesterfield 7,905
Norfolk 7,578
Urban Average (State) 7,427
Statewide Average 7,328
Alexandria 7,169
Virginia Beach 6,352
Fairfax 6,260
Henrico 6,104
Loudoun/Fauquier/Rappahannock 5,166
Arlington/Falls Church 4,336
0
9,000
Source: 2006 State of the Judiciary Report


JUDICIAL ADMINISTRATION:
Traffic Cases Per General District Court Judge
Fairfax 22,837
Loudoun/Fauquier/Rappahannock 19,969
Prince William 19,470
Henrico 18,026
Chesterfield 16,325
Statewide Average 15,247
Urban Average (State) 14,911
Arlington/Falls Church 14,898
Virginia Beach 13,127
Alexandria 10,131
Norfolk 8,499
Richmond 6,088
0
25,000
Source: 2006 State of the Judiciary Report


JUDICIAL ADMINISTRATION:
Juvenile Hearings Per Juvenile and Domestic Relations District Court Judge
Prince William 5,893
Chesterfield 5,849
Virginia Beach 5,712
Loudoun/Fauquier/Rappahannock 5,620
Statewide Average 5,414
Henrico 5,286
Urban Average (State) 5,086
Norfolk 5,037
Fairfax 4,397
Arlington/Falls Church 4,307
Richmond 4,081
Alexandria 3,731
0
6,400
Source: 2006 State of the Judiciary Report


JUDICIAL ADMINISTRATION:
Domestic Hearings Per Juvenile and Domestic Relations District Court Judge
Norfolk 6,224
Henrico 5,280
Richmond 5,050
Virginia Beach 5,027
Statewide Average 4,994
Chesterfield 4,654
Urban Average (State) 4,632
Prince William 3,945
Loudoun/Fauquier/Rappahannock 3,830
Fairfax 2,593
Arlington/Falls Church 2,504
Alexandria 2,098
0
7,000
Source: 2006 State of the Judiciary Report