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. The OCA 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.

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.

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 and game wardens) in the course of investigations and in response to questions concerning criminal law.

FY 2011 Budget Reduction Impact Summary

The agency will continue to hold four positions vacant and manage position vacancies in order to absorb the FY 2011 reduction. As two of the positions are attorneys, this reduction will impact the caseloads of existing prosecutors. As a result of a recent U.S. Supreme Court ruling, the preparation required for driving while intoxicated (DWI) cases has increased dramatically, which has also impacted prosecutor workload. Attorneys will prepare for cases during evenings and weekends more frequently. The agency will also be required to curtail training, postpone the purchase of a case management system update and reduce legal research subscriptions to accommodate the FY 2011 reduction. As part of the FY 2010 Adopted Budget Plan, the agency's funding was reduced by $269,995 requiring the agency to hold positions vacant. This delayed efforts to organize specialized units to respond specifically to cases regarding domestic violence and sexual abuse of children.

Office of Commonwealth's Attorney

Budget and Staff Resources

Agency Summary				
Category	FY 2009 Actual	FY 2010 Adopted Budget Plan	FY 2010 Revised Budget Plan	FY 2011 Advertised Budget Plan
Authorized Positions/Staff Years				
Regular	36/ 36	36/ 36	36/ 36	36/ 36
Exempt	1/ 1	1/ 1	1/ 1	1/ 1
Expenditures:				
Personnel Services	$2,352,739	$2,533,794	$2,533,794	$2,457,780
Operating Expenses	153,255	87,684	90,734	87,684
Capital Equipment	0	0	0	0
Total Expenditures	**$2,505,994**	**$2,621,478**	**$2,624,528**	**$2,545,464**
Income:				
Commonwealth's Attorney Fees	$12,478	$13,085	$13,085	$13,085
City of Fairfax Contract	57,126	57,702	51,751	51,751
State Shared Retirement - Commonwealth's Attorney	48,608	42,832	42,832	42,832
State Shared Commonwealth's Attorney Expenses	1,583,992	1,399,155	1,399,155	1,399,155
State Reimbursement Commonwealth's Attorney Witness	24,413	16,400	16,400	16,400
Total Income	**$1,726,617**	**$1,529,174**	**$1,523,223**	**$1,523,223**
Net Cost to the County	**$779,377**	**$1,092,304**	**$1,101,305**	**$1,022,241**

Position Summary					
1	Commonwealth's Attorney E	16	Assistant Commonwealth's Attorneys II	1	Paralegal Assistant
1	Chief Deputy Commonwealth's Attorney	1	Management Analyst II	1	Administrative Assistant IV
3	Deputy Commonwealth's Attorneys	1	Management Analyst I	3	Administrative Assistants III
3	Sr. Assistant Commonwealth's Attorneys	1	Network Telecom. Analyst I	1	Administrative Assistant II
4	Assistant Commonwealth's Attorneys III				

TOTAL POSITIONS
37 Positions / 37.0 Staff Years **E Denotes Exempt Position**

FY 2011 Funding Adjustments

The following funding adjustments from the FY 2010 Adopted Budget Plan are necessary to support the FY 2011 program:

- **Employee Compensation** **$0**
  It should be noted that no funding is included for pay for performance or market rate adjustments in FY 2011.

- **Reductions** **($76,014)**
  A decrease of $76,014 reflects agency reductions utilized to balance the FY 2011 budget. The following chart provides details on the specific reductions approved, including funding and associated positions.

Title	Impact	Posn	SYE	Reduction
Manage Position Vacancies to Achieve Savings	The agency will continue to hold four positions vacant and manage position vacancies in order to absorb the FY 2011 reduction. As two of the positions are attorneys, this reduction will impact the caseloads of existing prosecutors. Attorneys will be required to prepare for cases during evenings or weekends more frequently. The agency will also be required to curtail training, postpone the purchase of a case management system update and reduce legal research subscriptions.	0	0.0	$76,014

Changes to FY 2010 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2010 Revised Budget Plan since passage of the FY 2010 Adopted Budget Plan. Included are all adjustments made as part of the FY 2009 Carryover Review, and all other approved changes through December 31, 2009:

- **Carryover Adjustments** **$3,050**
  As part of the *FY 2009 Carryover Review*, the Board of Supervisors approved encumbered funding of $3,050 in Operating Expenses.

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.