

# Office of the 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.

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.



***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***

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## Budget and Staff Resources

| Agency Summary                                     |                    |                                   |                                   |                                      |                                   |
|--|--------------------|-----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|
| Category   | FY 2011<br>Actual  | FY 2012<br>Adopted<br>Budget Plan | FY 2012<br>Revised<br>Budget Plan | FY 2013<br>Advertised<br>Budget Plan | FY 2013<br>Adopted<br>Budget Plan |
| <b>Authorized Positions/Staff Years</b>            |                    |                                   |                                   |                                      |                                   |
| Regular  | 36 / 36            | 36 / 36                           | 36 / 36                           | 36 / 36                              | 36 / 36                           |
| Exempt   | 1 / 1              | 1 / 1                             | 1 / 1                             | 1 / 1                                | 1 / 1                             |
| <b>Expenditures:</b>                               |                    |                                   |                                   |                                      |                                   |
| Personnel Services                                 | \$2,362,215        | \$2,437,780                       | \$2,414,988                       | \$2,547,949                          | \$2,579,708                       |
| Operating Expenses                                 | 129,263            | 87,684                            | 147,684                           | 87,684                               | 87,684                            |
| Capital Equipment                                  | 0                  | 0                                 | 0                                 | 0                                    | 0                                 |
| <b>Total Expenditures</b>                          | <b>\$2,491,478</b> | <b>\$2,525,464</b>                | <b>\$2,562,672</b>                | <b>\$2,635,633</b>                   | <b>\$2,667,392</b>                |
| <b>Income:</b>                                     |                    |                                   |                                   |                                      |                                   |
| Commonwealth's Attorney Fees                       | \$19,229           | \$13,085                          | \$19,229                          | \$19,229                             | \$19,229                          |
| City of Fairfax Contract                           | 65,134             | 65,255                            | 40,478                            | 50,964                               | 50,964                            |
| State Shared Retirement -<br>Commonwealth's Atty   | 30,582             | 29,848                            | 29,848                            | 29,848                               | 29,848                            |
| State Shared Commonwealth's Atty<br>Expenses       | 1,542,228          | 1,456,403                         | 1,456,403                         | 1,456,403                            | 1,456,403                         |
| State Reimbursement<br>Commonwealth's Atty Witness | 35,009             | 16,400                            | 16,400                            | 16,400                               | 16,400                            |
| <b>Total Income</b>                                | <b>\$1,692,182</b> | <b>\$1,580,991</b>                | <b>\$1,562,358</b>                | <b>\$1,572,844</b>                   | <b>\$1,572,844</b>                |
| <b>Net Cost to the County</b>                      | <b>\$799,296</b>   | <b>\$944,473</b>                  | <b>\$1,000,314</b>                | <b>\$1,062,789</b>                   | <b>\$1,094,548</b>                |

| Position Summary                         |    |                                       |                                  |  |  |
|--|----|---------------------------------------|----------------------------------|--|--|
| 1 Commonwealth's Attorney E              | 16 | Assistant Commonwealth's Attorneys II | 2 Paralegal Assistants           |  |  |
| 1 Chief Deputy Commonwealth's Attorney   |    | 1 Management Analyst II               | 1 Administrative Assistant IV    |  |  |
| 3 Deputy Commonwealth's Attorneys        | 1  | 1 Management Analyst I                | 3 Administrative Assistants III  |  |  |
| 3 Sr. Assistant Commonwealth's Attorneys | 1  | 1 Network Telecom. Analyst I          |                                  |  |  |
| 4 Assistant Commonwealth's Attorneys III | 1  |                                       |                                  |  |  |
| <b>TOTAL POSITIONS</b>                   |    |                                       |                                  |  |  |
| <b>37 Positions / 37.0 Staff Years</b>   |    |                                       | <b>E Denotes Exempt Position</b> |  |  |

## FY 2013 Funding Adjustments

The following funding adjustments from the FY 2012 Adopted Budget Plan are necessary to support the FY 2013 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the budget on May 1, 2012.

- ◆ **Employee Compensation** \$85,966  
An increase of \$85,966 in Personnel Services reflects \$54,207 for a 2.18 percent market rate adjustment (MRA) in FY 2013, effective July 2012, and \$31,759 for a 2.50 percent performance-based scale and salary increase for non-uniformed merit employees, effective January 2013.
  
- ◆ **Full Year Impact of FY 2012 Market Rate Adjustment** \$81,217  
As part of the *FY 2011 Carryover Review*, the Board of Supervisors approved an increase of \$48,756 in Personnel Services for a 2.0 percent market rate adjustment (MRA), effective September 24, 2011. In addition, an increase of \$32,461 is included to adjust the pay supplement for Constitutional Officers as approved by the Board of Supervisors on January 24, 2012.

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◆ **Reductions** (\$25,255)

A decrease of \$25,255 reflects the following reduction utilized to balance the FY 2013 budget:

| Title                            | Impact   | Posn | SYE | Reduction |
|----------------------------------|--|------|-----|-----------|
| Manage Salary<br>Vacancy Savings | In recent years the agency has relied upon personnel turnover savings to supplement its operating budget. This reduction is projected to eliminate personnel surpluses that in years past have been reallocated to cover operating shortages. Potential operating expenses that may be impacted include witness travel expenses, postage, office supplies, transcript orders, and law books. | 0    | 0.0 | \$25,255  |

## **Changes to FY 2012 Adopted Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2012 Revised Budget Plan since passage of the FY 2012 Adopted Budget Plan. Included are all adjustments made as part of the FY 2011 Carryover Review, FY 2012 Third Quarter Review, and all other approved changes through April 24, 2012.*

◆ **Carryover Adjustments** \$37,208

As part of the *FY 2011 Carryover Review*, the Board of Supervisors approved funding of \$37,208 in Personnel Services for a 2.0 percent market rate adjustment, effective September 24, 2011.

## **Key Performance Measures**

No Performance Indicators are available for this agency.