Commonwealth's Attorney

AGENCY DASHBOARD			
Key Data	FY 2012	FY 2013	FY 2014
1. County population	1,109,668	1,114,500	1,119,200
2. Caseload/Concealed Weapons Permits[1]	Circuit: 12,957	Circuit: 14,231	Circuit: 11,079
3. Caseload[1]	GDC: 266,883 JDRC: 4,103	GDC: 277,271 JDRC: 3,366	GDC: 290,434 JDRC: 3,326
4. Out of State Travel	Actual: $14,484	Actual: $20,442	Actual: $22,114
5. Attorney Training – Specialized Assignments	Total: 17,723	Total: 7,369	Total: 7,268

[1] It should be noted that caseload data is calendar year data. The Office of the Commonwealth's Attorney handles all criminal cases that require an attorney to be present and those cases are within the numbers in the filing.

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

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.

Office of the Commonwealth's Attorney

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.

Office of the Commonwealth's Attorney supports the following County Vision Elements:

Maintaining Safe and Caring Communities

Exercising Corporate Stewardship

For an extended period of time, OCA has been significantly understaffed, with the agency's already difficult workload becoming even more challenging in recent years due to several factors. First, due to a 2009 United States Supreme Court decision, *Melendez-Diaz v. Massachusetts*, OCA has had to designate one prosecutor and one office staff member with the full-time responsibility of complying with the additional notices and subpoenas now required for each DWI that is prosecuted in the County. This has effectively removed that prosecutor from the other work of the office, including preliminary hearing and Circuit Court dockets. In addition, preparation time for cases and time spent in trial has increased dramatically in the past 5-7 years for various reasons including the evolution of discovery standards and pretrial motions, the split of trials into two phases, guilt and sentence, longer periods of jury *voire dire*, and the increase in court appointed experts for Defendants. Also, OCA now has to respond in writing to all motions made by the Defendant in Circuit Court by order of the Court. Formerly, oral responses were adequate on motions considered routine by the Court. Finally, in the early 2000's, the average daily number of traffic court rooms that OCA had to staff was 3-4. Over the last 8 years, that number has increased to 5 or 6 traffic courtrooms daily, requiring an extra two attorneys per day to staff daily traffic dockets.

In order to address this situation, additional funding was included in the FY 2015 Adopted Budget Plan to fund four existing (but previously vacant) Assistant Commonwealth's Attorney positions and create 3/3.0 FTE additional Senior Assistant Commonwealth's Attorney positions to allow OCA to address the significant current and projected prosecutorial needs within the OCA's jurisdiction. This funding is continued in FY 2016.

Budget and Staff Resources

Category	FY 2014 Actual	FY 2015 Adopted	FY 2015 Revised	FY 2016 Advertised	FY 2016 Adopted
FUNDING					
Expenditures:					
Personnel Services	$2,595,861	$3,407,316	$3,303,542	$3,588,761	$3,597,621
Operating Expenses	154,345	122,384	213,550	120,634	120,634
Capital Equipment	0	0	0	0	0
Total Expenditures	$2,750,206	$3,529,700	$3,517,092	$3,709,395	$3,718,255
Income:					
Commonwealth's Attorney Fees	$33,003	$32,104	$32,104	$32,104	$32,104
City of Fairfax Contract	50,620	50,620	86,811	83,065	83,065
State Shared Retirement - Commonwealth's Atty	34,816	32,309	32,309	32,309	32,309
State Shared Commonwealth's Atty Expenses	1,749,120	1,687,078	1,687,078	1,687,078	1,713,655
State Reimbursement Commonwealth's Atty Witness	28,287	16,400	16,400	16,400	16,400
Total Income	$1,895,846	$1,818,511	$1,854,702	$1,850,956	$1,877,533
NET COST TO THE COUNTY	$854,360	$1,711,189	$1,662,390	$1,858,439	$1,840,722
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	36 / 36	39 / 39	39 / 39	40 / 40	40 / 40
Exempt	1 / 1	1 / 1	1 / 1	1 / 1	1 / 1

1	Commonwealth's Attorney E	14	Asst. Commonwealth's Attorneys II, 1T	2	Paralegal Assistants
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
7	Sr. Asst. Commonwealth's Attorneys				
7	Asst. Commonwealth's Attorneys III				

TOTAL POSITIONS
41 Positions (1T) / 41.0 FTE (1.0T)

(T) Denotes Transferred Position
E Denotes Exempt Position

FY 2016 Funding Adjustments

The following funding adjustments from the FY 2015 Adopted Budget Plan are necessary to support the FY 2016 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 April 28, 2015.

- **Employee Compensation** **$118,597**
  An increase of $118,597 in Personnel Services includes $37,482 for a 1.10 percent market rate adjustment (MRA) for all employees and $81,115 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2015.

- **Position Adjustment** **$71,708**
  An increase of $71,708 is associated with the conversion of 1/1.0 FTE position from Grant to Merit status as grant funding is not sufficient to support this position in FY 2016. This position supports services provided to victims of domestic violence or stalking and their families who reside in Fairfax

County or were assaulted and/or stalked in the county through the Domestic Violence Action Center (DVAC). Referrals for offender services are also available. It should be noted that an increase of $26,616 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total cost of $98,324 in FY 2016. For further information on Fringe Benefits, please refer to the Agency 89, Employee Benefits, narrative in the Nondepartmental program area section of Volume 1.

- **Reductions** **($1,750)**

A decrease of $1,750 reflects the following reduction utilized to balance the FY 2016 budget:

Title	Impact	Posn	FTE	Reduction
Reduce Printing and Copying Supplies	This reduction is associated with a countywide policy decision being implemented to reduce the volume of printing and copying documents over a multi-year period. This was a common and recurring theme brought forward by employees as part of the Mission Savings process in Fall 2014. Agencies are being directed to review internal printing policies and reduce the use of individual desktop printers by utilizing the Multi-Functional Devices (MFDs) available throughout County buildings. In addition, agencies are being directed to reduce paper and toner consumption by only printing documents when necessary and by printing materials double-sided whenever possible.	0	0.0	$1,750

Changes to FY 2015 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2015 Revised Budget Plan since passage of the FY 2015 Adopted Budget Plan. Included are all adjustments made as part of the FY 2014 Carryover Review, FY 2015 Third Quarter Review, and all other approved changes through April 30, 2015.

- **Carryover Adjustments** **$4,279**

As part of the *FY 2014 Carryover Review*, the Board of Supervisors approved encumbered funding of $4,279 primarily associated with legal books.

- **Incentive Reinvestment Initiative** **($16,887)**

A net decrease of $16,887 reflects 50 percent of the savings generated as the result of careful management of agency expenditures during the fiscal year and was returned to the General Fund as part of the *FY 2015 Third Quarter Review*. The remaining 50 percent was retained by the agency to be reinvested in employee training, conferences and other employee development and succession planning opportunities.

Key Performance Measures

No Performance Indicators are available for this agency.