

Office of the Commonwealth's Attorney

Commonwealth's Attorney

AGENCY DASHBOARD			
Key Data	FY 2013	FY 2014	FY 2015
1. County population	1,114,500	1,119,200	1,120,875
2. Caseload/Concealed Weapons Permits ¹	Circuit: 14,231	Circuit: 11,079	Circuit: 11,357
3. Caseload ¹	GDC: 277,271 JDRC: 3,366	GDC: 290,434 JDRC: 3,326	GDC: 257,890 JDRC: 3,505
4. Out of State Travel	Actual: \$20,442	Actual: \$22,114	Actual: \$25,997
5. Attorney Training – Specialized Assignments	Total: 7,369	Total: 7,268	Total: 5,594

¹It 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 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

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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.

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 2017.

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



Maintaining Safe and Caring Communities

Office of the Commonwealth's Attorney

Budget and Staff Resources

Category	FY 2015 Actual	FY 2016 Adopted	FY 2016 Revised	FY 2017 Advertised															
FUNDING																			
Expenditures:																			
Personnel Services	\$3,195,434	\$3,597,621	\$3,597,621	\$3,724,606															
Operating Expenses	180,671	120,634	138,494	120,634															
Capital Equipment	0	0	0	0															
Total Expenditures	\$3,376,105	\$3,718,255	\$3,736,115	\$3,845,240															
Income:																			
Commonwealth's Attorney Fees	\$29,761	\$32,104	\$29,761	\$29,761															
City of Fairfax Contract	86,811	83,065	89,364	92,045															
State Shared Retirement - Commonwealth's Atty	33,780	32,309	32,309	32,309															
State Shared Commonwealth's Atty Expenses	1,699,296	1,713,655	1,713,655	1,713,655															
State Reimbursement Commonwealth's Atty Witness	20,340	16,400	16,400	16,400															
Total Income	\$1,869,988	\$1,877,533	\$1,881,489	\$1,884,170															
NET COST TO THE COUNTY	\$1,506,117	\$1,840,722	\$1,854,626	\$1,961,070															
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)																			
Regular	39 / 39	40 / 40	40 / 40	40 / 40															
Exempt	1 / 1	1 / 1	1 / 1	1 / 1															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">1 Commonwealth's Attorney E</td> <td style="width: 33%;">14 Asst. Commonwealth's Attorneys II</td> <td style="width: 33%;">2 Paralegal Assistants</td> </tr> <tr> <td>1 Chief Deputy Commonwealth's Attorney</td> <td>1 Management Analyst II</td> <td>1 Administrative Assistant IV</td> </tr> <tr> <td>3 Deputy Commonwealth's Attorneys</td> <td>1 Management Analyst I</td> <td>3 Administrative Assistants III</td> </tr> <tr> <td>7 Sr. Asst. Commonwealth's Attorneys</td> <td></td> <td></td> </tr> <tr> <td>7 Asst. Commonwealth's Attorneys III</td> <td></td> <td></td> </tr> </table>					1 Commonwealth's Attorney E	14 Asst. 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 Management Analyst I	3 Administrative Assistants III	7 Sr. Asst. Commonwealth's Attorneys			7 Asst. Commonwealth's Attorneys III		
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TOTAL POSITIONS																			
41 Positions / 41.0 FTE			E Denotes Exempt Position																

FY 2017 Funding Adjustments

The following funding adjustments from the FY 2016 Adopted Budget Plan are necessary to support the FY 2017 program.

- Employee Compensation** **\$126,985**
 An increase of \$126,985 in Personnel Services includes \$47,848 for a 1.33 percent market rate adjustment (MRA) for all employees and \$69,856 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2016. In addition, an increase of \$9,281 is included to adjust the pay supplement for Constitutional Officers as approved by the Board of Supervisors on January 12, 2016.

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Changes to FY 2016 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2016 Revised Budget Plan since passage of the FY 2016 Adopted Budget Plan. Included are all adjustments made as part of the FY 2015 Carryover Review, and all other approved changes through December 31, 2015.

- ◆ **Carryover Adjustments** **\$17,860**
As part of the *FY 2015 Carryover Review*, the Board of Supervisors approved encumbered funding of \$973 primarily associated with legal books. In addition, unencumbered funding of \$16,887 was approved as part of the Incentive Reinvestment Initiative that allowed agencies to identify savings and efficiencies in FY 2015 and return a portion to reinvest in employees.

Key Performance Measures

No Performance Indicators are available for this agency.