

Office of the Sheriff

91-04-Legal Process Service

Fund/Agency: 001/91	Office of the Sheriff	
Personnel Services	\$1,756,135	<div style="text-align: center;"> <p>CAPS Percentage of Agency Total</p> <p>4.9%</p> <p>95.1%</p> <p>■ Legal Process Service ■ All Other Agency CAPS</p> </div>
Operating Expenses	\$284,329	
Recovered Costs	\$0	
Capital Equipment	\$0	
Total CAPS Cost:	\$2,040,464	
Federal Revenue	\$0	
State Revenue	\$107,222	
User Fee Revenue	\$66,271	
Other Revenue	\$0	
Total Revenue:	\$173,493	
Net CAPS Cost:	\$1,866,971	
Positions/SYE involved in the delivery of this CAPS	31/31	

► CAPS Summary

The Fairfax County Sheriff's Office Court Services Division Commander and Assistant Commander provide command, control, and coordination for the Civil Enforcement and Court Security Branches of the organization.

The Court Services Division Commander and Assistant Commander positions are staffed by sworn, accredited deputy sheriffs who are county employees, but whose salary is eligible for reimbursement by the State Compensation Board. The services provided in these CAPS areas benefit Judges, special justices, court employees, attorneys, law enforcement officers, prisoners, mental patients, the general public having business in the courts, the entire population of Fairfax County, Fairfax City, Vienna, Herndon, the population of the contiguous jurisdictions of Arlington County, Alexandria City, Falls Church City, Prince William County, and Loudoun County, the Federal Court in Alexandria, local and state government, and out of state government and courts.

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The Civil Enforcement Branch has civil and criminal jurisdiction in Fairfax County and civil authority in contiguous jurisdictions. Its primary responsibility is the enforcement of civil law. That includes: The guarantee of 5th, 6th, and 14th Amendment rights of due process. Acting as the enforcement arm of the courts and other judicial and legislative agencies (DMV suspension enforcement, spousal and child abuse cases, habitual offender enforcement, tax enforcement for Commonwealth claims, e.g., income and business tax, landlord tenant disputes, property disputes, non-support enforcement, tax enforcement through the target program, enforcement of civil judgments and provide assistance to local police agencies).

Fees for Sheriff's service of process are mandated by State Statute. Additional fees for services go directly to the State Compensation Board, e.g., Division of Motor Vehicles pays fees for service of license suspension orders. The State Compensation Board uses these fees to offset some of their payment to Fairfax County for Sheriff's Office salaries and operating costs. In addition, the Court Services Division is the enforcement arm of the Fairfax County Program TARGET which is directly responsible for collecting millions of dollars in unpaid personal property tax since the inception of the program

► Method of Service Provision

The Civil Enforcement functions are performed by 31 dedicated and diligent staff members consisting of sworn, accredited deputy sheriffs and 6 civilian staff. Civil enforcement services are provided by sworn, accredited deputy sheriffs. Most of these services may only be performed by a sheriff or deputy sheriff since only the Sheriff has civil and constitutional authority. Service of legal process is a constitutional guarantee and requires in addition to "notice" an explanation of "purport." The civilian staff provides administrative support.

Hours of operation for Civil Enforcement sworn personnel can range from 5:00 a.m.-10:00 p.m., Monday through Saturday. A standby schedule provides for services at unusual times. Civilian administrative support personnel hours are usually 8:00 a.m.- 4:30 p.m. Monday through Friday.

► Performance/Workload Related Data

Title	FY 1998 Actual	FY 1999 Actual	FY 2000 Actual	FY 2001 Estimate	FY 2002 Estimate
Civil Process Execute/Serve	188,227	195,386	203,201	185,640	204,860
Prisoner Escorts to Court	19,572	20,076	19,656	20,018	20,418
Cost Per Capita Civil Enforcement	2.31	2.43	2.32	3.06	3.04

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► Mandate Information

This CAPS is Federally or State mandated. The percentage of this CAPS' resources utilized to satisfy the mandate is 76 - 100%. The specific Federal or State code and a brief description of the code follows:

- Virginia Constitution, Virginia State Statute 53.1-119, 53.1-120, Chapters 8.01, 15.1, 16.1, and Common Law. The Constitution of Virginia establishes the Office of Sheriff, 53.1-119 requires the Sheriff to attend the courts in his jurisdiction, 53.1-120 requires the Sheriff to provide courthouse and courtroom security, Chapters 8.01, 15.1, 16.1, and Common Law set forth the procedures to be followed by the Sheriff for execution of civil process.

► User Fee Information

Subobject Code	Fee Title	FY 2002 ABP Fee Total
0625	Sheriff's Fees	\$66,271
Current Fee		Maximum Allowable Fee Amount
\$66,271		\$66,271
Purpose of Fee: The Sheriff collects fees for the service of civil process papers. The maximum the County can retain is \$66,271.		
Levy Authority	Requirements to Change the Fee	Year Fee Was Last Adjusted
<u>Code of Virginia</u>	Case by case depending on the type of process	1995
Other Remarks:		