

# Office of the Commonwealth's Attorney

---



FY 2010 LOBS Review  
Proposed FY 2010 Budget Reductions

December 5, 2008

---

# Agency Mission



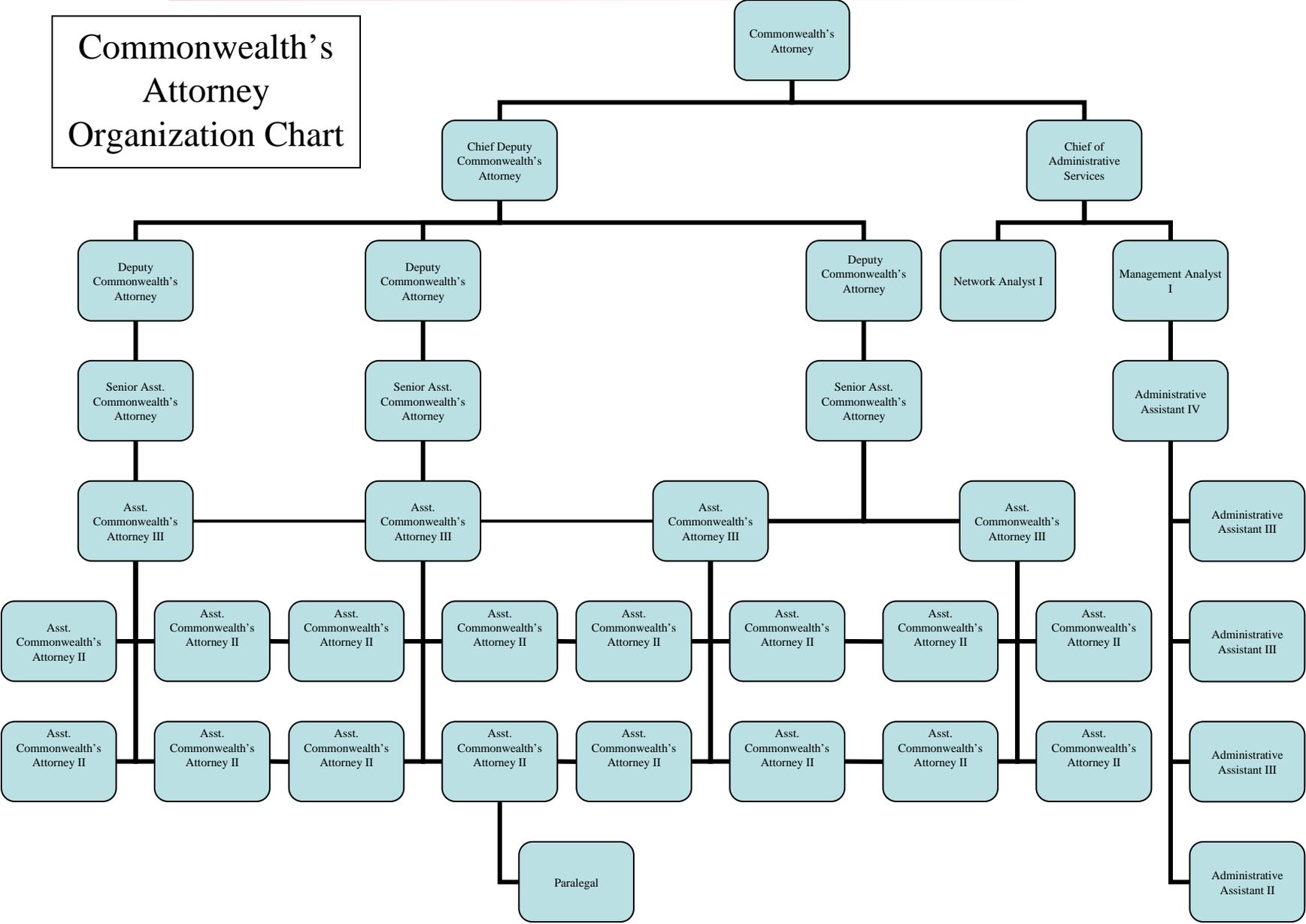
- ◆ The Commonwealth's Attorney is the Chief Law Enforcement Officer for Fairfax County. The Office of the Commonwealth's Attorney is charged with the duty of protecting public safety through the successful representation of the public in the prosecution of criminal, traffic and delinquency matters in the Circuit Courts, General District Courts and Juvenile and Domestic Relation Courts.

# Agency Strategic Focus



- ◆ After many years with little to no growth in the agency, we are attempting to restructure and grow to match citizens needs and the demands of the County court system.
  - For FY 2009 agency received additional personnel funding of \$450,000 towards this goal
  - By reclassifying current positions, we have created and filled three Deputy Commonwealth's Attorney positions and are hoping to hire a Network Analyst I to upgrade our case management system
  - In the future, we hope to create specialized duties for Senior Commonwealth's Attorneys to serve as advisors to lower level attorneys and law enforcement, and increase the number of Assistant Commonwealth's Attorney IIs.

# Commonwealth's Attorney Organization Chart



# Agency Growth Since FY 2001



## ◆ Growth in Expenditures

- FY 2009: \$2.83 million - FY 2001: \$1.90 million
  - an increase of \$0.93 million or 48.65%
  - an average annual increase of 5.08%

## ◆ Growth in Positions/Staff Year Equivalency (SYE):

- FY 2009: 37/36.5 - FY 2001: 37/36.5

## ◆ Which areas have seen the most growth?

- Personnel spending attributable to annual merit pay increases
- In nine years, the agency has not added any new positions

## ◆ What factors are driving the growth?

- FY 2001 to FY 2007 growth is due to annual 5% merit pay for employees

---

# Relationship with State Budget



- ◆ The Commonwealth's Attorney is a Constitutional Officer as established by the Constitution of Virginia, Article 7, Section 4.
  - Salaries are funded by the state and supplemented by the County.
  - Reimbursements for state portion of salaries go directly to the Fairfax County General Fund.
  - For FY 2010, it is anticipated that 68% of actual County expenses will be reimbursed by the state. This estimation is based on average actual reimbursement received in previous three fiscal years.

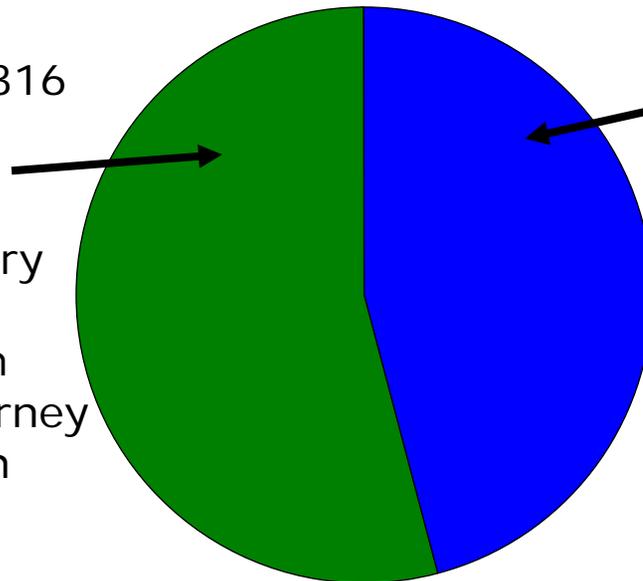


# Relationship with State Budget

- ◆ FY 2009 Adopted Budget Plan shows agency cost to county is 46% of total expenditures due to reimbursement for salaries, retirement and witness travel.

Total Income \$1,530,316  
or 54% of budgeted  
expenditures.

Obtained through salary  
reimbursements and  
revenue received from  
Commonwealth's Attorney  
Fees and contract with  
City of Fairfax.



Net cost to County  
\$1,296,611 or  
46% of budgeted  
expenditures.

FY 2009 Total Budget = \$2,826,927

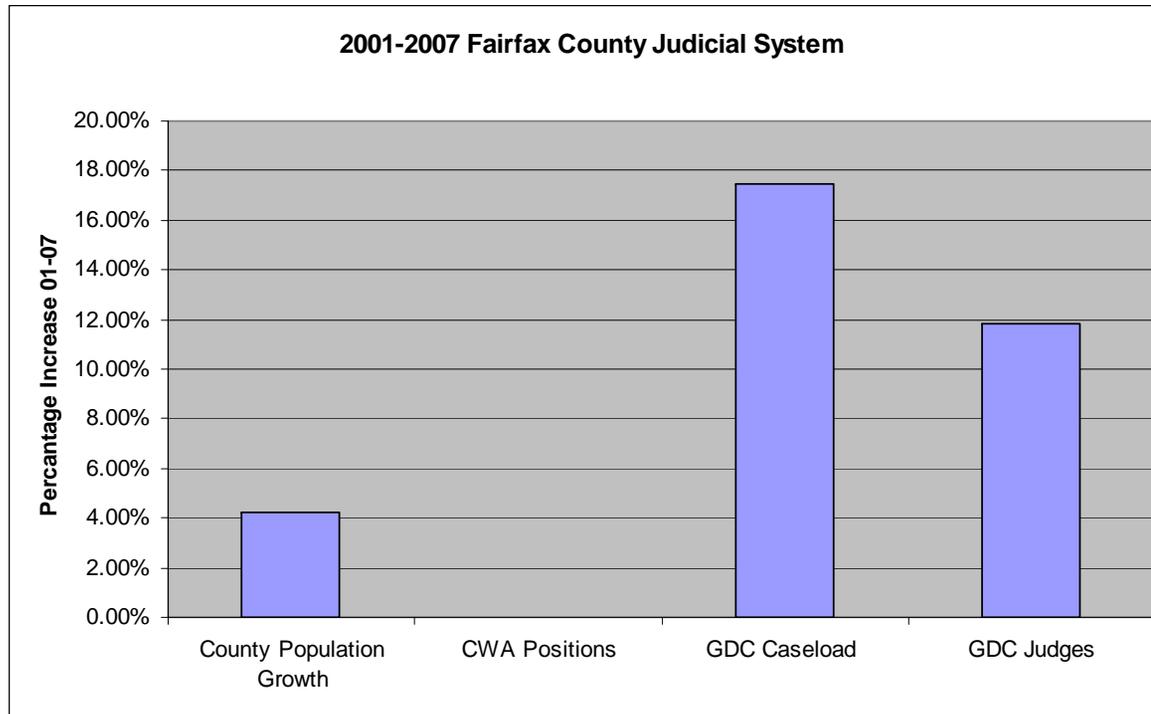
---

# Judicial Area Growth 2001-2007

- ◆ Who we serve: The population of Fairfax County has increased 4.2% since 2000 Census
- ◆ Since 2001:
  - Total number of General District Court cases increased 19.9%
  - GDC judges increased by 11.8%
- ◆ The total number of positions in this agency did not change during this period

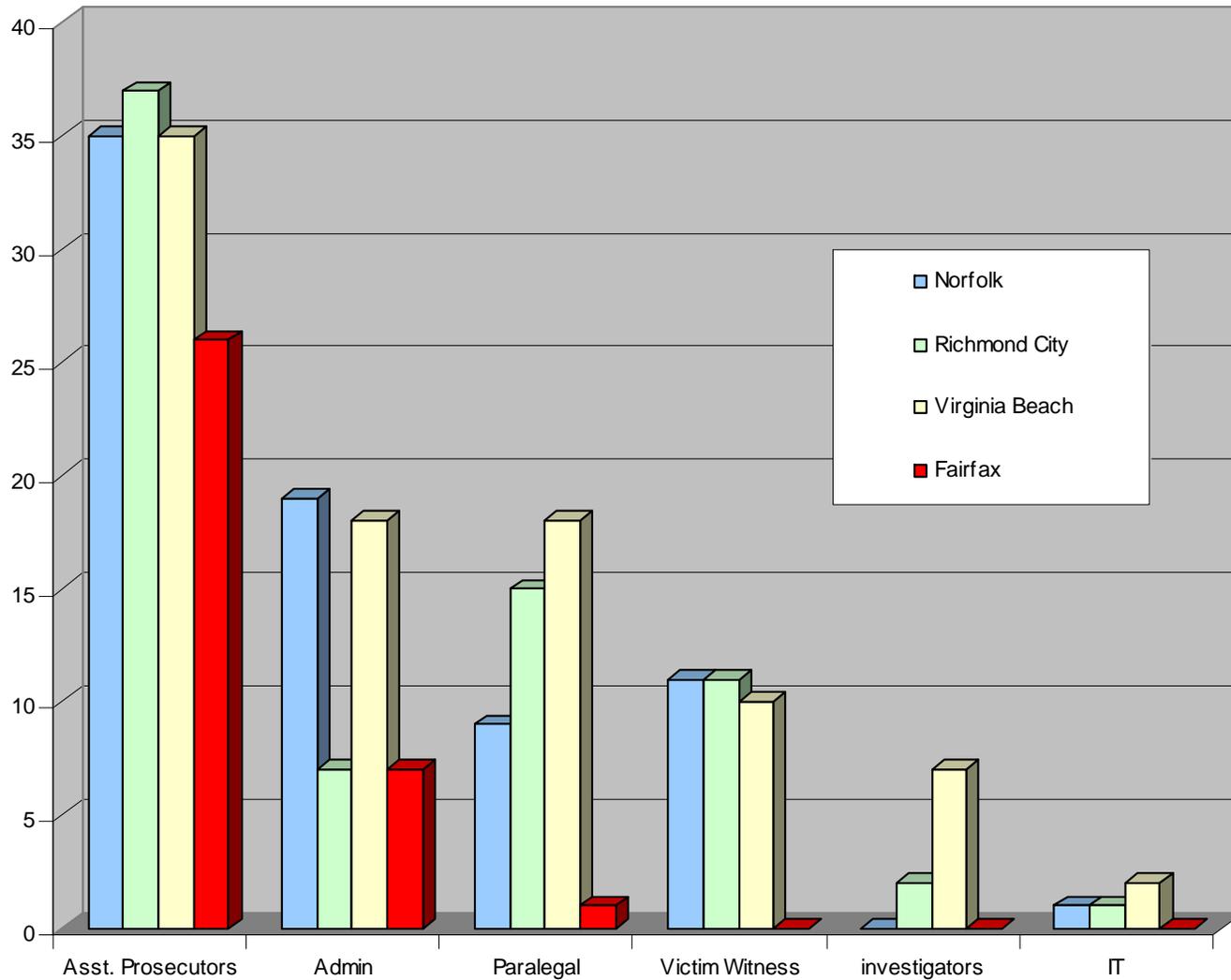
Numbers calculated from Virginia 2001 and 2007 State of the Judiciary Reports.

# Judicial Area Growth 2001-2007



- ◆ The population of Fairfax County has increased 4.2% since 2000 Census
- ◆ Total number of General District Court cases increased 19.9% from 2001-2007
- ◆ GDC judges increased by 11.8% during same period
- ◆ No change in number of Commonwealth's Attorney's Office positions

# Comparison of staffing in localities with similar felony caseloads



Staffing numbers as reported by individual jurisdictions. Caseload as calculated by the Virginia Compensation Board

# LOBS Summary Table:

## FY 2008 Adopted Budget Plan Data

S  
U  
M  
M  
A  
R  
Y

S

<i>Number</i>	<i>LOB Title</i>	<i>Net LOB Cost</i>	<i>LOB Number of Positions</i>	<i>LOB SYE</i>
82-01	Prosecution of Criminal Cases	\$831,202	37	36.5
<b>TOTAL</b>		<b>\$831,202</b>	<b>37</b>	<b>36.5</b>

# LOBS Highlights: Example

## **LOB 82-01: Prosecution of Criminal Cases**

- ◆ **What We Do:** Prosecution of criminal matters in the Fairfax County Circuit Court, General District Court, and Juvenile and Domestic Relations Court. Handle appellate matters in the Court of Appeals and Supreme Court of Virginia, serve in an advisory capacity to the local police departments, magistrates and citizens.
- ◆ **Who We Serve:** The Commonwealth's Attorney serves all Fairfax County citizens, businesses and visitors.
- ◆ **Why We Do It:** This LOB is state mandated by the Virginia Constitution, Article 7, Section 4 and by the Code of Virginia, Section 15.1-1627.
- ◆ **Benefits and Value of LOB:** Prosecution enforces the criminal laws of the Commonwealth and the County. Our office seeks justice for citizens who have been victims of crime. Effective prosecution reduces crime rates and allows citizens to feel safe in their community.

# Agency Reduction Priorities

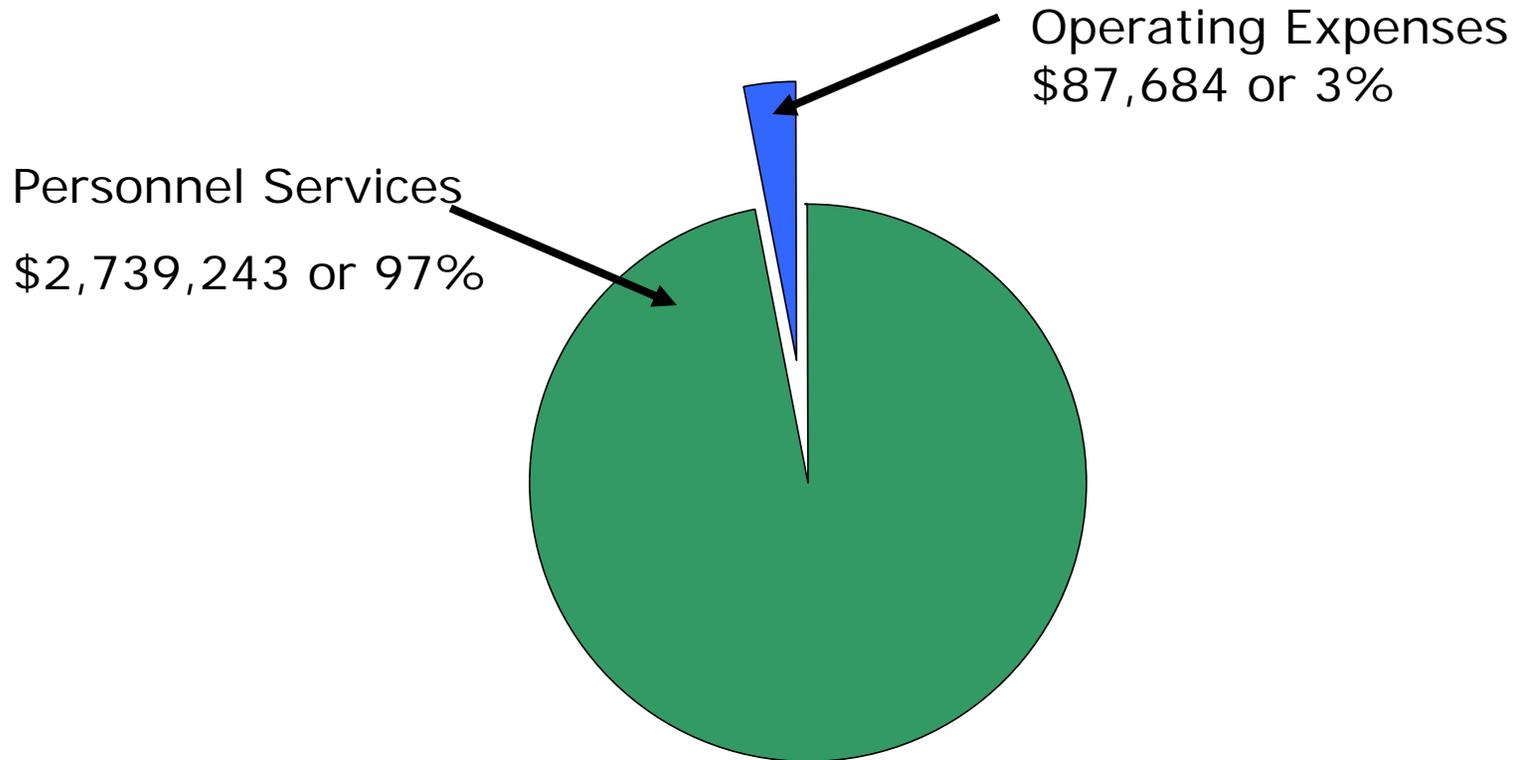


## Reduction Philosophy

- ◆ Va. Code §15.2-1627 states that the Commonwealth's Attorney shall have the duty of prosecuting all warrants, indictments, or informations charging a felony.
- ◆ Only potential area of reduction in our responsibilities would be prosecution of misdemeanors
  - Misdemeanors include offenses such as sexual battery, indecent exposure, domestic violence, driving while intoxicated, stalking
  - We choose to do misdemeanors, which represent a large quantity of the cases in Fairfax County.
  - The community has an interest in the effective prosecution of these matters --- to seek justice for the individual victim, and the general improvement of the standard of life in Fairfax County.
- ◆ Without a prosecutor in the courtroom for criminal or traffic misdemeanors, the outcome of the case could be altered.
  - The penalty for a misdemeanor is less severe, however the effect on the victim and the community is profound
  - The victim or police officer will be forced to go to trial alone against the defendant and their attorney, decreasing the chances that both sides of the case will be presented fairly to the Judge.

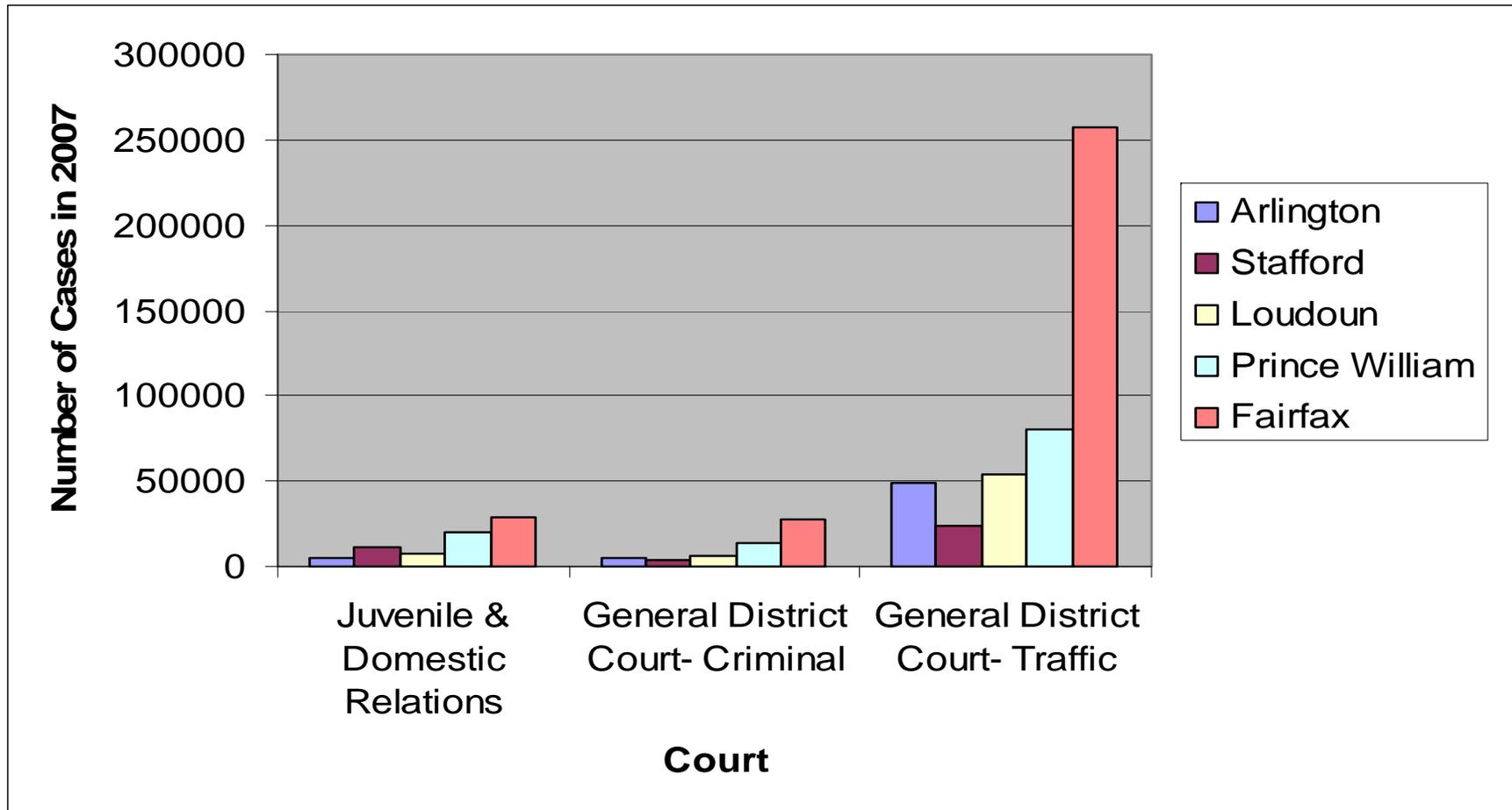
# FY 2009 Budgeted Expenditures

Total = \$2,826,927



Personnel Services budget is based on annual salaries of staff. Staff is not compensated for extra hours worked through overtime or comp time.

# What we do: General District Court and Juvenile & Domestic Relations Court



# Agency Reduction Priorities

## Reduction Summary

Priority Ranking	Reduction Description	Positions	Net Reduction
1	Hold 1 Administrative Asst. II position vacant	0	\$40,816
2	Hold 2 Asst. Commonwealth's Attorney II position vacant	0	\$164,360
3	Hold Network Analyst I vacant	0	\$64,819
4	Do not fill recently vacated ACAII	0	\$82,180
5	AAIII, Currently Filled	1	\$33,602
6	ACAII, Currently Filled	1	\$61,635
<b>TOTAL REDUCTION</b>		<b>2</b>	<b>\$447,412</b>

Note:

- ◆ For priority rankings 1-4, the agency is requesting to keep the vacant positions if forced to give up the funding temporarily.
- ◆ Priorities 5 and 6 are currently filled positions. If a reduction would result in a layoff of these employees, the agency would request to keep the positions but leave them unfilled temporarily.



# LOBS Reduction Impact

## Reduction 1: Hold Administrative Assistant (AA) II Position vacant

- ◆ **\$40,816, 0/0.0 SYEs**
- ◆ This position would research prior criminal records and request certified copies of previous convictions from Virginia and foreign jurisdictions which are necessary in prosecution, resulting in a significant time savings for attorneys and police officers. This position would also perform data entry and case management.
- ◆ The reduction of this position would inhibit our efforts to streamline procedures through one common point of contact.
- ◆ If reduced, administrative duties which would be performed by this position will continue to be absorbed by attorneys and other administrative support.



# LOBS Reduction Impact

## Reduction 2: Hold 2 Assistant Commonwealth's Attorney (ACA) II positions vacant

**\$164,360, 0/0.0 SYEs**

- ◆ Prosecutes criminal cases in Fairfax County Circuit, General District and Juvenile & Domestic Relations courts.
- ◆ Waiting to fill these two recently reclassified positions will conflict with our strategic plan for the future. Our plan is to have specialized attorney positions that focuses on domestic violence and sexual abuse of children. These types of criminal cases are sensitive matters and require a high level of out of court preparation with victims and their families. A specialized prosecutor in these two areas will lead to greater communication between the Police Departments and the Commonwealth Attorney's Office in preparation for the prosecution for these matters.

# LOB Reduction Impact



## Reduction 3: Hold Network Analyst I position vacant

- ◆ **\$64,819, 0/0.0 SYEs**
- ◆ This position would be solely responsible for the purchase, installation and maintenance of an up-to-date case management system, create and maintain a website, provide day-to-day computer support, and complete various other projects for this agency.
- ◆ VCAIS (Virginia Commonwealth's Attorney Case Information System), a case management system designed specifically for Commonwealth's Attorney's Offices, is necessary for the continued operation of this agency. VCAIS runs on Lotus Notes and is not supported by County DIT. Our current limited database is 14 years old and is also no longer supported by County DIT.
- ◆ This position and VCAIS would greatly reduce the time required to respond to judge and citizen inquiries from days to hours.



# LOBS Reduction Impact

## Reduction 4: Do not fill recently vacated

### ACA II position

- ◆ **\$82,180, 0/0.0 SYEs**
- ◆ Prosecutes criminal cases in Fairfax County Circuit, General District and Juvenile & Domestic Relations courts.
- ◆ A reduction in the number of prosecutors will burden remaining assistants with heavier felony caseload. The smaller attorney staff will potentially cover the same number of General District Court and Juvenile & Domestic Relations Courtrooms.
- ◆ This in turn will limit the amount of time available to prepare for felony jury trials during working hours and increase the amount of time spent preparing for court outside of normal working hours.
- ◆ Historically this has led to higher turnover. We want to continue attracting talented lawyers who become career prosecutors and not lose them due to an excessive workload.



# LOBS Reduction Impact

## Reduction 5: AAI II , Currently Filled Position

- ◆ **\$33,602, 1/1.0 SYEs**
- ◆ This position is one of only six administrative positions in the agency, as we are already agreeing to keep a 7<sup>th</sup> position vacant. Fairfax County's prosecutors already have a smaller support staff in comparison to jurisdictions with similar caseloads.
- ◆ Administrative staff accepts service on behalf of the attorneys and fields questions from the public, invaluable tasks which allow prosecutors to focus on prosecution.
- ◆ Duties performed by this position will need to be redistributed among remaining administrative staff.



# LOBS Reduction Impact

## Reduction 6: ACA II, Currently Filled Position

- ◆ **\$61,635, 1/1.0 SYEs**
- ◆ Prosecutes criminal cases in Fairfax County Circuit, General District and Juvenile & Domestic Relations courts.
- ◆ A reduction in the number of prosecutors will burden remaining assistants with heavier felony caseload. The smaller attorney staff will potentially cover the same number of General District Court and Juvenile & Domestic Relations Courtrooms. This in turn will limit the amount of time available to prepare for felony jury trials during working hours and increase the amount of time spent preparing for court outside of normal working hours.
- ◆ We want to continue attracting talented lawyers who become career prosecutors and not lose them due to an excessive workload.

---

# Summation

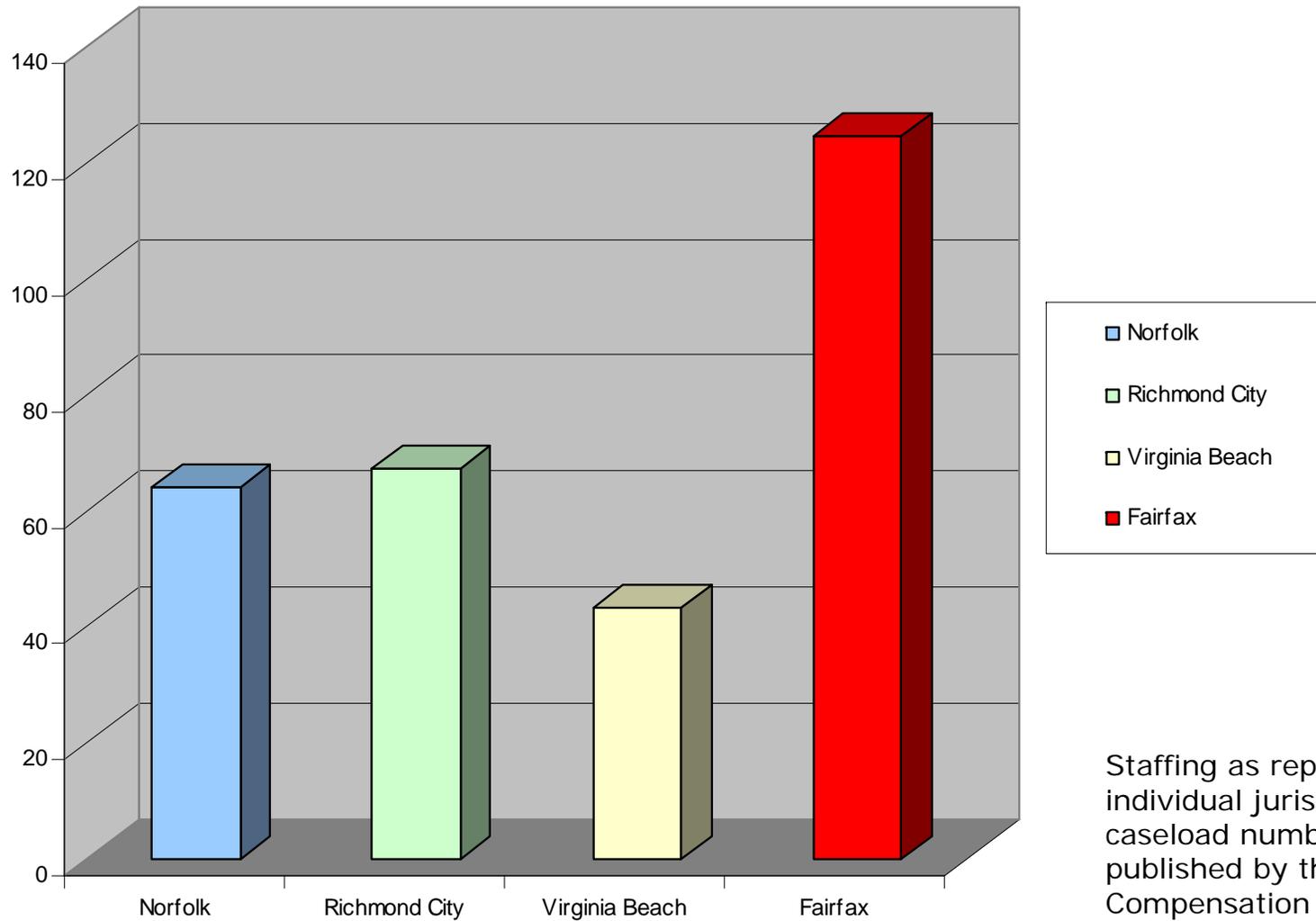
- ◆ 97% of agency budget is allocated to employee salaries
- ◆ This personnel devotes the maximum time, including personal time, to protecting the safety and quality of life of all Fairfax County residents, businesses and visitors.
- ◆ Reduction in agency budget would necessarily result in reduction in personnel
- ◆ Such a reduction would require a difficult decision as to what misdemeanor offenses to prosecute, as well as limit the time and resources spent on each individual case.
- ◆ While the agency does not wish to make this decision, it may be necessary to allow the agency to fulfill its Constitutional duties

---

# Appendices

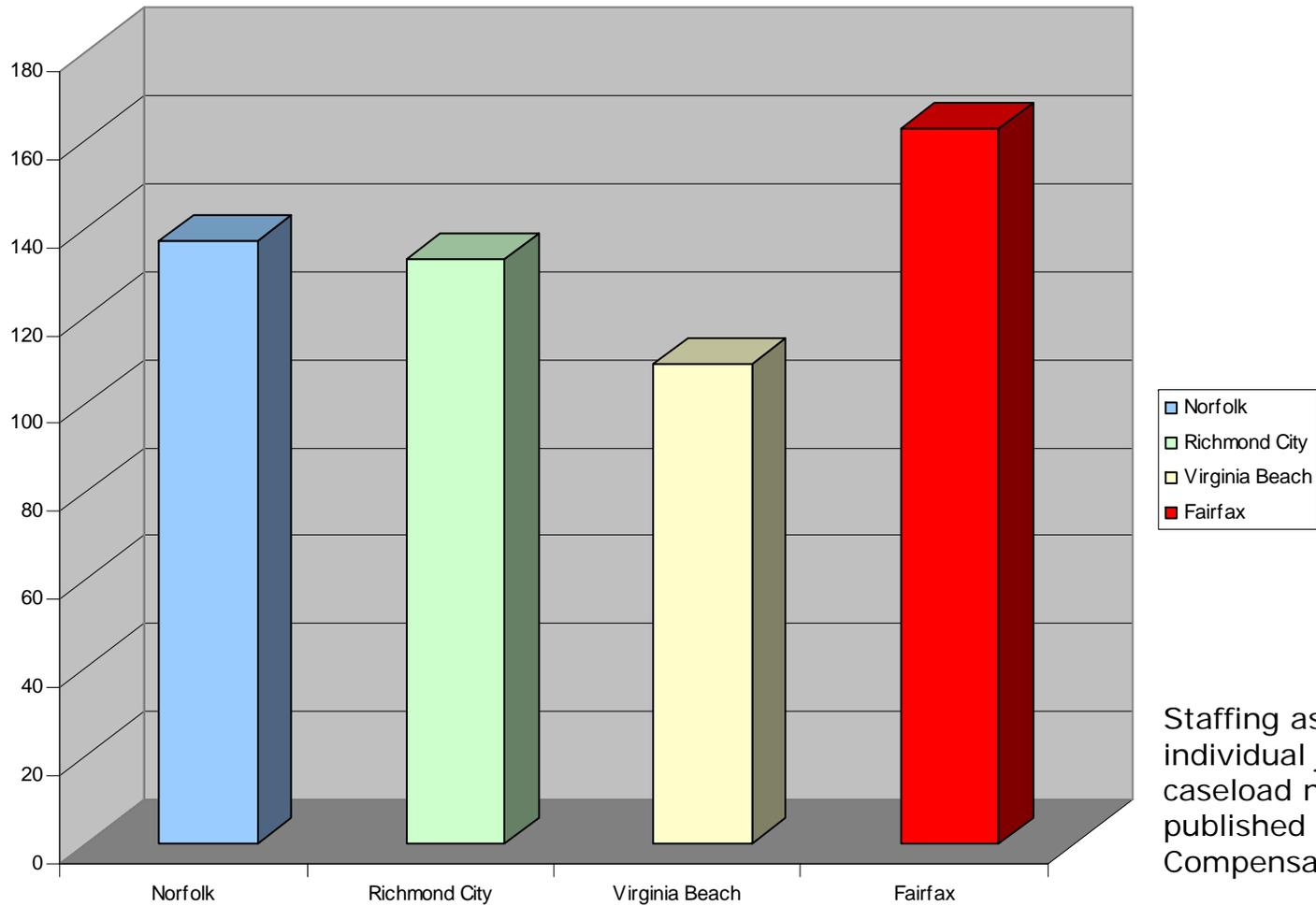
- ◆ A- Additional graphs
- ◆ B- Detailed explanation of agency responsibilities

## Ratio of Caseload to Employees



Staffing as reported by individual jurisdictions, caseload numbers as published by the Virginia Compensation Board.

## Ratio of Caseload to Assistant Prosecutors



Staffing as reported by individual jurisdictions, caseload numbers as published by the Virginia Compensation Board.

# What We Do: Circuit Court



- ◆ Prosecution of felony offenses is mandated by Va. Code 15.2-1627.
- ◆ According to annual Virginia State of the Judiciary Reports, from 2001 to 2007, an average of 7,968 cases criminal cases commenced each year in the Fairfax County Circuit Court.
- ◆ In addition to felony offenses in Circuit, we also handle appeals of cases from General District Court and Juvenile and Domestic Relations Court.
- ◆ Responsibilities:
  - Arraignments
  - Bond Motions
  - Motions (i.e. Suppression, Expert Assistance)
  - Jury Trial, Bench Trial or Plea
  - Sentencing dockets
  - Appeal briefs (Va. Sup. Ct. Rule 5A:13)
  - Mental Commitments (Va. Code 37.2-821)
  - Concealed Weapon Permits
  - Restricted Licenses
  - Expungements (Va. Code 19.2-392.2)
  - Violations of OSHA (Va. Code 40.1-49.6)

# What We Do: General District Court and Juvenile and Domestic Relations Court



- ◆ Prosecution of felony offenses in Juvenile and Domestic Relations Court and at the preliminary hearing stage in General District Court are mandated by Va. Code 15.2-1627.
- ◆ There are typically 10 courtrooms which are staffed with Assistant Commonwealth's Attorneys on a daily basis in these courts—2 for Juvenile and Domestic Relations Court, 2 for General District Court Criminal, and 6 for General District Court traffic.
- ◆ Responsibilities
  - Bond Motions
  - Suppression Motions and Miscellaneous Motions
  - Bench Trial or Plea
  - Probation Violation
  - Felony Preliminary Hearings

---

# What We Do: Law Enforcement



- ◆ Conduct trainings at local district stations and the Criminal Justice Academy on basic criminal procedure and specialized topics.
- ◆ Numerous law enforcement agencies consult with our office on a daily basis to determine the appropriate criminal charges to be filed, and confer on trial preparation.
- ◆ Agencies include: Virginia State Police, Fairfax County, Town of Herndon, Town of Vienna, City of Fairfax, Metropolitan Washington Airport Authority Police, Metro Transit Police, George Mason Police, Northern Virginia Community College Police, US Secret Service, US Postal Inspector Service, VA Dept. of Motor Vehicles

# What We Do: Specialized Assignments



- ◆ Sex Offenses Against Juveniles
- ◆ Sex Offender Registry
- ◆ Gang Crimes
- ◆ Asset Forfeitures
- ◆ Extraditions and detainers
- ◆ Expungements
- ◆ Special Prosecutor for neighboring jurisdictions (19.2-155)
- ◆ Securing subpoenas for Out of State Witnesses
- ◆ Citizen Office Calls
- ◆ Render Conflict of Interest Opinions