



## Response to Questions on the 2016 LOBs

**Request By:** Supervisor Gross

**Relevant LOB(s):** NA

**Question:** Please provide a comparison of functions and funding sources between the Circuit Court and the General District Court.

**Response:**

### Circuit Court and Records

#### Budget and Staff Resources

Category	FY 2014 Actual	FY 2015 Adopted	FY 2015 Revised	FY 2016 Advertised	FY 2016 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$8,586,106	\$8,657,225	\$8,508,939	\$8,829,340	\$8,851,819
Operating Expenses	1,940,357	1,998,576	2,100,290	1,985,826	1,985,826
Capital Equipment	0	0	0	0	0
<b>Total Expenditures</b>	<b>\$10,526,463</b>	<b>\$10,655,801</b>	<b>\$10,609,229</b>	<b>\$10,815,166</b>	<b>\$10,837,645</b>
<b>Income:</b>					
Land Transfer Fees	\$23,663	\$27,650	\$23,663	\$23,663	\$23,663
Courthouse Maintenance Fees	32,475	34,664	32,475	32,475	32,475
Circuit Court Fines and Penalties	166,319	140,533	166,319	166,319	166,319
Copy Machine Revenue	77,189	71,436	71,436	71,436	71,436
County Clerk Fees	4,584,944	5,979,269	4,258,254	4,258,254	4,258,254
City of Fairfax Contract	184,861	184,861	205,017	196,170	196,170
Recovered Costs - Circuit Court	46	200	200	200	200
CPAN	326,806	327,300	331,840	333,500	333,500
State Shared Retirement - Circuit Court	172,722	176,465	176,465	176,465	176,465
<b>Total Income</b>	<b>\$5,569,025</b>	<b>\$6,942,378</b>	<b>\$5,265,669</b>	<b>\$5,258,482</b>	<b>\$5,258,482</b>
<b>NET COST TO THE COUNTY</b>	<b>\$4,957,438</b>	<b>\$3,713,423</b>	<b>\$5,343,560</b>	<b>\$5,556,684</b>	<b>\$5,579,163</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	139 / 139	139 / 139	139 / 139	139 / 139	139 / 139
Exempt	24 / 24	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

The Fairfax Circuit Court is a Virginia “court of record” and has jurisdiction over Fairfax’s Criminal and Civil cases, as well as appellate review over several lower courts and tribunals. Fifteen judges constitute a full complement of the Circuit bench, and the county Clerk’s Office supports these judges as they hear the over 25,000 new civil and criminal cases taken in each year. The Circuit Court also has original jurisdiction over other matters such as attachments, adoptions, divorce proceedings, disputes concerning wills, trusts and estates, election recounts, eminent domain and controversies involving personal and real property. FY 2016 funding of \$10,837,645 is provided by the County for 139 Regular Merit and 24 exempt positions. The 15 State positions



reflect the Judges and are funded by the Commonwealth of Virginia. The Circuit Court does not receive Grant funding.

As a court of record, the Circuit Court has jurisdiction over appeals from the General District Court (GDC). Because all appeals from these lower courts are heard *de novo*, the cases are tried from the beginning; a new hearing on the facts of the case. And, as opposed to lower courts, the parties in Circuit Court have a right to a jury trial. Citizens also can seek judicial review of administrative agency decisions in Circuit Court, and the Court hears appeals from the Board of Zoning Appeals, the Virginia Employment Commission and even the Department of Motor Vehicles (DMV). In criminal cases, the Circuit Court has original jurisdiction over the trial of all felonies (crimes that are punishable by more than one year in prison.) The Circuit Court also has jurisdiction over misdemeanor offenses (crimes carrying a penalty of 12 months or less) that are appealed from the GDC and real property. As the recorder of deeds and custodian of the public record, the Clerk of Circuit Court maintains the record of all transactions and transfers effecting real estate in Fairfax, like deeds, trusts, releases, easements, liens, and all judgments. Because Virginia offers “administrative probate” the Circuit Court Clerk’s Office also serves a quasi-judicial function, probating wills and administrating estates.

## General District Court

### Budget and Staff Resources<sup>1</sup>

Category	FY 2014 Actual	FY 2015 Adopted	FY 2015 Revised	FY 2016 Advertised	FY 2016 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$1,232,931	\$1,274,759	\$1,262,011	\$1,316,933	\$1,471,873
Operating Expenses	854,539	961,772	1,070,927	898,972	898,972
Capital Equipment	0	0	0	0	0
<b>Total Expenditures</b>	<b>\$2,087,470</b>	<b>\$2,236,531</b>	<b>\$2,332,938</b>	<b>\$2,215,905</b>	<b>\$2,370,845</b>
<b>Income:</b>					
Courthouse Maintenance Fees	\$407,791	\$419,439	\$407,791	\$407,791	\$407,791
General District Court Fines/Interest	127,574	96,000	127,574	127,574	127,574
General District Court Fines	7,875,886	8,307,930	7,088,297	7,088,297	7,088,297
Recovered Costs - General District Court	106,418	125,275	106,418	106,418	106,418
State Reimbursement - General District Court	98,173	85,265	85,265	85,265	85,265
<b>Total Income</b>	<b>\$8,615,842</b>	<b>\$9,033,909</b>	<b>\$7,815,345</b>	<b>\$7,815,345</b>	<b>\$7,815,345</b>
<b>NET COST TO THE COUNTY</b>	<b>(\$6,528,372)</b>	<b>(\$6,797,378)</b>	<b>(\$5,482,407)</b>	<b>(\$5,599,440)</b>	<b>(\$5,444,500)</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	21 / 21	21 / 21	21 / 21	21 / 21	23 / 23
State	94 / 91.1	94 / 91.1	94 / 91.1	94 / 91.1	94 / 91.1

<sup>1</sup> It should be noted that Personnel Services-related costs for state positions are funded by the State; however, the County does provide partial Operating Expenses and Capital Equipment support for these positions. In addition to what is reflected in this table, it should be noted that the General District Court has an additional 8/8.0 FTE Grant Positions and FY 16 funding of \$751,907 in Fund 50000, Federal-State Grants.



The General District Court (GDC) operates under the administrative guidance of the Office of the Executive Secretary of the Supreme Court of Virginia and the Committee on District Courts. It is responsible for the administration of justice for Traffic, Criminal and Small Claims cases, providing equal access for the fair and timely resolution of court cases. It advocates public safety through cost-saving community supervision programs in lieu of incarceration and manages county resources and assets. The state Clerk's Office provides extensive public service to citizens, provides judicial support, performs case management, and collects local revenue.

GDC operations include the County-supported Court Services Division (CSD) and the state Clerk's Office. FY 2016 funding of \$2,370,845 is provided by the County to support 23 regular merit positions in the CSD and operating expenditures for both the CSD and for the 91 State employees in the state Clerk's Office and Judges, whose salaries are funded by the Commonwealth of Virginia. In addition, an amount of \$751,907 supporting 8 Grant positions is funded by a Virginia Department of Criminal Justice Services award.

Very recently, the court received an additional federal grant which will support 1.5 Grant positions to support the Fairfax Veterans Treatment Docket. Federal funding is \$350,000 with a County cash match of \$116,667 for the three-year federal grant period. This will be reflected in future year budget documents.

The General District Court judicial and clerical staff comprise the Civil Division, Criminal Division, Traffic Division, and Administration who handle over 300,000 cases per year and operate 11-12 courtrooms daily. The GDC has exclusive authority to hear civil cases with claims of \$4,500 or less (Small Claims) and shares authority with the Circuit Court to hear cases with claims between \$4,500 and \$25,000. Examples of civil cases are landlord and tenant disputes, contract disputes and personal injury actions. Other Civil cases include protective orders, mental health admission, and emergency medical authorizations. The GDC hears criminal misdemeanors and holds preliminary hearings on felony charges. If certified as a felony, the case is forwarded to the Circuit Court, while misdemeanors are tried at the General District Court level. Traffic cases range from traffic infractions, contested parking matters, and toll violations to Hit and Run, Driving on Suspended license and Driving While Intoxicated charges. All General District appeals are elevated to the Circuit Court.

The state Clerk's Office provide extensive public service to an estimated 250,000 citizens and operate over 20 public service counters in three locations, Fairfax, Herndon, and Vienna. A primary function of the state Clerk's Office is to collect revenue for the County, including for the Sheriff, Police, and Law Library. They also collect revenue for toll entities such as Washington Metropolitan Airport Transit Authority and Hot Lanes operator Transurban. A total of \$11 million is collected in revenue including approximately \$8 million for Fairfax County General Fund receipts.



The CSD collects and provides information on incarcerated defendants to assist judges and magistrates with release decisions, evaluates inmates for Pre-trial supervision or detention, and provides record checks to Police, Judges, Magistrates, Probation Officers, and other County agencies and courts. The CSD provides intensive pre-trial supervision for GDC, Juvenile and Domestic Relations District Court, and Circuit Court. Post-trial supervision (probation) is also a key component of community supervision and operates alcohol diversion and driving on suspended license programs, and manages restitution and court cost collection and monitoring. Community supervision allows inmates to be supervised outside of the Adult Detention Center, creating an estimated cost-savings of \$6 million in FY 2015 as fewer inmates were housed in the Adult Detention Center. The CSD also manages appointment of legal counsel to indigent defendants and assigns foreign language interpreters to non-English speaking court participants, as well as a volunteer program that engages citizens.