

# Office of the Commonwealth's Attorney

## Commonwealth's Attorney

AGENCY DASHBOARD			
Key Data	FY 2015	FY 2016	FY 2017
1. County population	1,120,875	1,125,373	1,138,652
2. Caseload/Concealed Weapons Permits	Circuit: 11,357	Circuit: 12,246	Circuit: 11,613
3. Caseload	GDC: 257,890 JDRC: 3,505	GDC: 276,897 JDRC: 5,426	GDC: 239,954 JDRC: 4,927
4. Witness Travel <sup>1</sup>	Actual: \$25,997	Actual: \$23,811	Actual: \$28,985
5. Attorney Training – Specialized Assignments <sup>2</sup>	Total: 5,594	Total: 28,663	Total: 28, 126

Note: Caseload data is collected on a calendar year basis from January through December. For example, the data shown under “FY 2016” is for January 2016 through December 2016.

<sup>1</sup> Witness Travel, formerly known as Out of State Travel, was renamed in FY 2019.

<sup>2</sup> The FY 2016 increase in Attorney Training-Specialized Assignments is primarily due to the utilization of Incentive Reinvestment Initiative funds to support additional training required for specific attorney assignments.

## 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.

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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.

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



***Maintaining Safe and Caring Communities***

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## Budget and Staff Resources

Category	FY 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised	FY 2019 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$3,433,416	\$3,802,685	\$3,662,685	\$3,963,293	\$3,963,293
Operating Expenses	212,519	120,634	281,054	120,634	120,634
<b>Total Expenditures</b>	<b>\$3,645,935</b>	<b>\$3,923,319</b>	<b>\$3,943,739</b>	<b>\$4,083,927</b>	<b>\$4,083,927</b>
<b>Income:</b>					
Commonwealth's Attorney Fees	\$29,038	\$29,761	\$29,761	\$29,761	\$29,761
City of Fairfax Contract	85,925	87,644	83,007	91,693	91,693
State Shared Retirement - Commonwealth's Atty	36,828	32,309	32,309	32,309	32,309
State Shared Commonwealth's Atty Expenses	1,909,797	1,774,655	1,774,655	1,774,655	1,774,655
State Reimbursement Commonwealth's Atty Witness	16,094	16,400	16,400	16,400	16,400
<b>Total Income</b>	<b>\$2,077,682</b>	<b>\$1,940,769</b>	<b>\$1,936,132</b>	<b>\$1,944,818</b>	<b>\$1,944,818</b>
<b>NET COST TO THE COUNTY</b>	<b>\$1,568,253</b>	<b>\$1,982,550</b>	<b>\$2,007,607</b>	<b>\$2,139,109</b>	<b>\$2,139,109</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	40 / 40	40 / 40	40 / 40	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	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					
<b>TOTAL POSITIONS</b>					
<b>41 Positions / 41.0 FTE</b>					
<b>E Denotes Exempt Position</b>					

## FY 2019 Funding Adjustments

The following funding adjustments from the FY 2018 Adopted Budget Plan are necessary to support the FY 2019 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 May 1, 2018.

- ◆ **Employee Compensation** **\$160,608**  
An increase of \$160,608 in Personnel Services includes \$85,561 for a 2.25 percent market rate adjustment (MRA) for all employees and \$75,047 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2018.

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## **Changes to FY 2018 Adopted Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2018 Revised Budget Plan since passage of the FY 2018 Adopted Budget Plan. Included are all adjustments made as part of the FY 2017 Carryover Review, FY 2018 Third Quarter Review, and all other approved changes through April 30, 2018.*

- ◆ **Carryover Adjustments** **\$20,420**  
As part of the *FY 2017 Carryover Review*, the Board of Supervisors approved funding of \$20,420 which reflects encumbered funding of \$2,097 for office supplies and unencumbered funding of \$18,323 that was approved as part of the Incentive Reinvestment Initiative, and allowed agencies to identify savings and efficiencies in FY 2017 and retain a portion to reinvest in employee training and other employee development and succession planning opportunities.

## **Key Performance Measures**

No Performance Indicators are available for this agency.