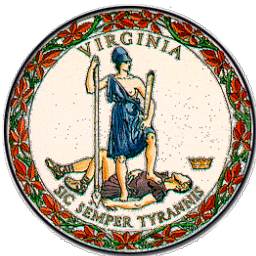


# Office of the Commonwealth's Attorney

## Connection to the Countywide Strategic Plan



The Fairfax County Board of Supervisors adopted the first-ever Countywide Strategic Plan on October 5, 2021. The Countywide Strategic Plan serves as a road map to help guide future work, focusing on the 10 Community Outcome Areas that represent the issues of greatest importance to the community, and uses our One Fairfax equity policy to invest in people and places that have limited access to opportunity. On February 20, 2024, the second Annual Report on the work of the strategic plan was released to the public. The report contains point-in-time progress highlights for each of the community outcome areas, plus three data dashboards and data stories that are being replicated across all of the outcome areas, and a number of additional initiatives to embed the elements of the plan within department-level work. The report also includes a Year Three Implementation Model, which will engage hundreds of County subject-matter experts to identify and champion the specific strategies that will move forward to implementation under the guidance of the Board of Supervisors. For more information on the Countywide Strategic Plan, please visit [www.fairfaxcounty.gov/strategicplan](http://www.fairfaxcounty.gov/strategicplan). The Office of the Commonwealth's Attorney primarily supports the following Community Outcome Area:



Community Outcome Area	Vision Statement
<b>Safety and Security</b>	<i>All people feel safe at home, school, work and in the community.</i>

## Focus

The Commonwealth's Attorney is a constitutional officer of the Commonwealth of Virginia (Commonwealth) elected by the voters of Fairfax County and City of Fairfax. As such, the Commonwealth's Attorney is not an officer or employee of the County.

The Office of the Commonwealth's Attorney (OCA) oversees the prosecution of crimes committed under the Code of Virginia occurring within Fairfax County. The OCA is committed to maintaining Fairfax's status as the safest community of its size in the nation while reforming Fairfax County's justice system to mitigate mass incarceration and address racial and socioeconomic disparities. The office prosecutes all misdemeanor and felony criminal matters, as well as delinquency matters. As a result, the office practices in Fairfax County General District Court, Circuit Court, and Juvenile and Domestic Relations District Court. The OCA serves the entirety of Fairfax County, including the City of Fairfax, the Town of Herndon, and the Town of Vienna, for a total of approximately 1.2 million residents which constitutes the Commonwealth's largest jurisdiction. The OCA's caseload is among the highest per prosecutor in the Commonwealth.

State law specifically mandates certain duties for the Commonwealth's Attorney, including advising the Grand Jury relative to their duties, representing the Electoral Board in certain election matters, and advising any officers or employees of Fairfax County or the City of Fairfax on matters involving conflict of interest. The OCA works collaboratively with numerous law enforcement units (i.e., State Police, Fairfax County Police, City of Fairfax Police, the Town of Herndon Police, and Town of Vienna Police and game wardens) during investigations and in response to questions concerning criminal law.

Employees in the OCA are in County positions and participate in County pay and benefit plans. The Commonwealth's Attorney is not an employee of the County, but does participate in County benefit plans, and receives a County supplement to the state-determined base salary. This supplement is regularly reviewed and approved by the Board of Supervisors. The Commonwealth of Virginia Compensation Board reimburses the County for a portion of expenses in the OCA. The mission of the Compensation Board is to determine a reasonable budget allocation on the part of the Commonwealth toward the total cost of office operations as it pertains to felony casework for Constitutional Officers, and to assist those officers and their staff, through automation, training, and other means, to improve efficiencies and to enhance the level of services provided to the residents of Virginia. That said, the Compensation Board has historically underfunded Fairfax County in two specific ways. First, the formula the Compensation Board utilizes to determine funding for Commonwealth's Attorneys across the state has historically only funded felony convictions. The formula is therefore structured to incentivize criminal convictions and incarceration, which renders it an obstacle to the OCA's efforts to prioritize diversion and reform the criminal justice system. Additionally, the formula is structurally biased toward smaller and less diverse jurisdictions. To address this chronic funding challenge, the OCA worked with County leadership to pass a funding study through the General Assembly that will reassess the Compensation Board's formula. The Compensation Board is in the process of finalizing this review. Adjusting the formula to be more precise and equitable also remains a top legislative priority for both the County and the OCA.

Beyond the chronic funding challenge presented by the Compensation Board's formula, recent developments have also contributed to an increased workload for the OCA. In 2019, the Board of Supervisors approved a Body-Worn Camera (BWC) program, necessitating additional attorneys and administrative staff to ensure the OCA is complying with requirements to review BWC footage. As a result, an additional 23/23.0 Full-Time Equivalent (FTE) positions have been provided to support the OCA for the BWC program.

In addition to positions added to address the workload related to the BWC program, the County took action to mitigate the effects of the Compensation Board's inadequate funding formula. Specifically, the County recognized the need for additional staff to appropriately handle misdemeanor cases that the state does not fund. Additional positions were included as part of the FY 2022 Adopted Budget Plan to provide needed staffing support. The County will continue to work with OCA to determine appropriate staffing levels based on workload needs, vacancy rates and available funding as needs are identified and funding permits.

## Budget and Staff Resources

Category	FY 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$6,862,473	\$8,659,819	\$8,056,819	\$8,803,095	\$8,803,095
Operating Expenses	1,610,121	350,065	1,572,492	332,565	332,565
<b>Total Expenditures</b>	<b>\$8,472,594</b>	<b>\$9,009,884</b>	<b>\$9,629,311</b>	<b>\$9,135,660</b>	<b>\$9,135,660</b>
<b>Income:<sup>1</sup></b>					
Commonwealth's Attorney Fees	\$15,188	\$13,318	\$15,188	\$15,188	\$15,188
City of Fairfax Contract	244,811	241,104	241,104	300,437	300,437
State Shared Retirement - Commonwealth's Attorney	47,992	41,731	41,731	41,731	41,731
State Shared Commonwealth's Attorney Expenses	2,552,695	2,600,000	2,600,000	2,600,000	2,687,427
State Reimbursement Commonwealth's Attorney Witness	0	16,400	16,400	16,400	16,400
<b>Total Income</b>	<b>\$2,860,686</b>	<b>\$2,912,553</b>	<b>\$2,914,423</b>	<b>\$2,973,756</b>	<b>\$3,061,183</b>
<b>NET COST TO THE COUNTY</b>	<b>\$5,611,908</b>	<b>\$6,097,331</b>	<b>\$6,714,888</b>	<b>\$6,161,904</b>	<b>\$6,074,477</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	78 / 78	78 / 78	78 / 78	76 / 76	76 / 76
Exempt	2 / 2	2 / 2	2 / 2	2 / 2	2 / 2

<sup>1</sup> State shared income includes reimbursement for fringe benefits; however, the expenses associated with fringe benefits are reflected in Agency 89, Employee Benefits, and are not included in the expenditure amounts above.

## FY 2025 Funding Adjustments

The following funding adjustments from the FY 2024 Adopted Budget Plan are necessary to support the FY 2025 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 7, 2024.

### Employee Compensation \$356,040

An increase of \$356,040 in Personnel Services includes \$173,197 for a 2.00 percent market rate adjustment (MRA) for all employees and \$138,243 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2024. The remaining increase of \$44,600 is included for employee pay increases for specific job classes identified in the County's benchmark class survey of comparator jurisdictions.

### Reductions (\$230,264)

A decrease of \$230,264 and 2/2.0 FTE positions reflect reductions utilized to balance the FY 2025 budget. The following table provides details on the specific reductions:

Title	Impact	Positions	FTE	Reduction
Eliminate 2/2.0 FTE Vacant Assistant Commonwealth	This reduction eliminates 2/2.0 FTE Assistant Commonwealth Attorney II positions that have been vacant for two years. Given the length of time these positions have been vacant and the OCA's ability to absorb the associated workload across the remaining	2	2.0	\$212,764

# Office of the Commonwealth's Attorney

Title	Impact	Positions	FTE	Reduction
Attorney II Positions	staff, it is not expected that this reduction will adversely impact office operations. Even with this reduction, there are still 6/6.0 FTE vacant Assistant Commonwealth Attorney II positions available to fill in order to address workload requirements.			
Reduce Operating Budget due to Efficiencies and Cost Savings	As a result of the COVID-19 pandemic and the County's shift to a hybrid in-office and telework policy, the Office of the Commonwealth's Attorney has realized efficiencies and cost savings in general operating expenditures such as office supplies and equipment maintenance.	0	0.0	\$17,500

## Changes to FY 2024 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2024 Revised Budget Plan since passage of the FY 2024 Adopted Budget Plan. Included are all adjustments made as part of the FY 2023 Carryover Review, FY 2024 Third Quarter Review, and all other approved changes through April 30, 2024.

**Carryover Adjustments** **\$619,427**  
 As part of the FY 2023 Carryover Review, the Board of Supervisors approved funding of \$619,427 in Operating Expenses due to encumbered carryover.

## Position Detail

The FY 2025 Adopted Budget Plan includes the following positions:

OFFICE OF THE COMMONWEALTH'S ATTORNEY – 78 Positions			
1	Commonwealth's Attorney (Elected) E	1	Administrative Aide E
1	Chief Deputy Commonwealth's Attorney	2	Management Analysts III
4	Deputy Commonwealth's Attorneys	1	Business Analyst II
7	Sr. Asst. Commonwealth's Attorneys	1	Management Analyst II
1	Management Analyst IV	1	Public Safety Information Officer IV
9	Asst. Commonwealth's Attorneys III	1	Information Technology Technician II
24	Asst. Commonwealth's Attorneys II [-2]	9	Administrative Assistants IV
12	Paralegals	3	Administrative Assistants III
	<b>Denotes Abolished Position(s) due to Budget Reductions</b>		
E	<b>Denotes Exempt Position(s)</b>		

**Performance  
Measurement  
Results by  
Community  
Outcome Area**

No Performance Indicators are available for this agency.