

# Commonwealth of Virginia

## COUNTY OF FAIRFAX

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**STEVE DESCANO**  
COMMONWEALTH'S ATTORNEY

### COMMONWEALTH'S ATTORNEY PROCEDURE MEMORANDUM

Date: 2/24/2020

Policy Title: Office Duty Attorney Assignment

Summary: Attorneys in the Commonwealth's Attorney's Office will serve daylong assignments to provide necessary services to law enforcement and the general public.

Authorizing Signature:



### OFFICE DUTY ATTORNEY ASSIGNMENT

Office duty is an essential part of the functions of the Commonwealth's Attorney's Office. Attorneys serving on office duty ("Duty Attorneys") dedicate valuable time to addressing any quickly developing needs, questions, and concerns that may arise for police officers, detectives, other members of the criminal justice system, and the general public. To better serve our partners in law enforcement and the criminal justice system and the general public, office duty will be structured as follows:

1. There will be one (1) Duty Attorney per day. The Duty Attorney will not be assigned a courtroom docket. However, the Duty Attorney should be dressed to appear in court if the need arises pursuant to an Office Duty matter.
2. Attorneys will be assigned office duty on a rotating basis.
3. Office duty hours will be between 0900 and 1700. The Duty Attorney is responsible for fully addressing all matters that come to the Duty Attorney regardless of whether the matters can be fully addressed during that day's duty hours. The Duty Attorney will not pass matters on to another day's Duty Attorney.
4. Front desk personnel will forward calls that need the Duty Attorney's attention to the Duty Attorney's phone. The Duty Attorney is expected to return all calls/voicemails they receive, even if they are unable to return them during normal office duty hours.
5. The Duty Attorney's first responsibility of the day will be to note their name and office number on the signage at the office's entrances/exits.
6. If a law enforcement professional, any of our partners in the criminal justice system, or a member of the general public approach an attorney who is not the Duty Attorney with a matter that has not already been assigned to that attorney, the attorney will kindly refer the third party to the Duty Attorney.
7. The Duty Attorney will redirect to a Deputy anyone seeking authorization of serious charges. For purposes of this policy, "serious charges" include homicide or sexual assault charges, matters involving vulnerable populations, and matters

- that are of public interest. Redirection will take the form of the Duty Attorney calling a Deputy's office, receiving permission to bring the third-party to the Deputy's office, and escorting the third party to the Deputy's office. If no Deputy is available, the Duty Attorney will leave a message for the relevant Deputy with the third-party's contact information and inform the third-party that they will be contacted by a Deputy to discuss the matter.
8. If the Duty Attorney is approached about direct indicting a matter that had previously been nolle prossed or dismissed, the Duty Attorney will direct the third party to the CA who had nolle prossed or dismissed the case. If that CA cannot be determined or is no longer with the Office, the Duty Attorney shall redirect the third party to a Deputy. Redirection will take the form of the Duty Attorney calling the attorney's/Deputy's office, receiving permission to bring the third-party to their office, and escorting the third party to that office. If the attorney/Deputy is not available, the Duty Attorney will leave a message for the attorney/Deputy with the third-party's contact information and inform the third-party that they will be contacted by the attorney/Deputy to discuss the matter.
  9. The Duty Attorney is expected to solve matters themselves wherever possible, i.e., in accordance with their knowledge and experience and the limits set forth in this policy.
    - a) The Duty Attorney may seek guidance where necessary, but they should not seek to or presume to pass off a third party to the attorney from whom they are seeking guidance.
    - b) If the matter is one falling under the Special Assignment list, the Duty Attorney will redirect the third party to the attorney assigned that secondary duty. Redirection will take the form of the Duty Attorney calling the attorney's office, receiving permission to bring the third-party to the attorney's office, and escorting the third party to the attorney's office. If the attorney is not available, the Duty Attorney will leave a message for the attorney with the third-party's contact information and inform the third-party that they will be contacted by the attorney to discuss the matter.
  10. The Duty Attorney will place any documents/DVDs/etc. that are not related to a case or investigation and are provided by a member of the general public into the filing cabinet designated for Office Duty filing.

For further clarity on this or other new and developing office procedures, please speak to a member of this office's senior leadership team.