



## Commonwealth's Attorney

The Commonwealth's Attorney is a locally elected constitutional officer whose duties are mandated by the Code of Virginia. The primary function of the Office of the Commonwealth's Attorney is to investigate and prosecute felony, misdemeanor, traffic, and juvenile criminal cases in concert with local and federal law enforcement agencies as well as complaints from private citizens. Prosecutors are available 24 hours per day to handle law enforcement emergencies and consultations, and such other situations that require immediate attention. The Office also provides domestic violence prosecution and multi-agency collaboration through the Sexual Assault Response Team (SART), SART Steering Committee, Domestic Assault Response Team (DART), and the DART Steering Committee.

A unique aspect of the Office is its proximity to Washington, D.C. and Dulles International Airport. As such, coordination with federal law enforcement agencies and the U.S. Attorney's Office is essential. To this end, attorneys are, at times, cross designated as Special Assistant U.S. Attorneys and are able to prosecute cases in federal courts. Additionally, Assistant U.S. Attorneys have, at times, been appointed as volunteer Assistant Commonwealth's Attorneys for Loudoun County. The use of a multi-jurisdictional grand jury is another tool often used cooperatively with neighboring jurisdictions. The Office is required to provide Special Prosecutor services to other Commonwealth's Attorneys in cases where there is a conflict for that office.

The Office of the Commonwealth's Attorney also oversees the Loudoun County Victim and Witness Assistance Program. The Program serves as an interface between the judicial system and crime victims and witnesses to help ensure victim and witness cooperation in prosecution, to increase witness safety, and to reduce the level of trauma often associated with criminal cases. The Office and its Victim and Witness Assistance Program work collaboratively with other agencies to provide referrals for services and cooperation amongst community programs.

There are over 300 statutory mandates, duties and responsibilities of the Commonwealth's Attorney as prescribed in the Code of Virginia.

## Commonwealth's Attorney's Programs

### Office of the Commonwealth's Attorney

Represent the interests of the Commonwealth of Virginia in a statutorily defined scope of duties.

### Victim and Witness Assistance Program

Assist victims and witnesses of crime as they navigate the court system; seek to enhance witness safety and attempts to reduce the level of trauma often associated with criminal cases; advise victims of rights as outlined in the Code of Virginia. Engages with the community to provide information and services to prevent and reduce victimization; and, enhances the safety of the community through preventative and protective presentations.

**Commonwealth's Attorney****Budget Analysis****Department Financial and FTE Summary<sup>1,2</sup>**

	FY 2019 Actual	FY 2020 Actual	FY 2021 Adopted	FY 2022 Proposed	FY 2023 Projected
<b>Expenditures</b>					
Personnel	\$3,944,855	\$4,150,574	\$4,764,270	\$6,568,259	\$6,765,307
Operating and Maintenance	127,434	152,745	159,426	299,073	302,064
<b>Total – Expenditures</b>	<b>\$4,072,289</b>	<b>\$4,303,318</b>	<b>\$4,923,696</b>	<b>\$6,867,332</b>	<b>\$7,067,371</b>
<b>Revenues</b>					
Charges for Services	\$10,295	\$8,215	\$10,000	\$110,000	\$110,000
Intergovernmental – Commonwealth	939,403	1,037,978	965,589	965,589	965,589
<b>Total – Revenues</b>	<b>\$949,698</b>	<b>\$1,046,193</b>	<b>\$975,589</b>	<b>\$1,075,589</b>	<b>\$1,075,589</b>
<b>Local Tax Funding</b>	<b>\$3,122,591</b>	<b>\$3,257,125</b>	<b>\$3,948,107</b>	<b>\$5,791,743</b>	<b>\$5,991,782</b>
<b>FTE</b>	<b>36.00</b>	<b>36.00</b>	<b>39.00</b>	<b>56.00</b>	<b>56.00</b>

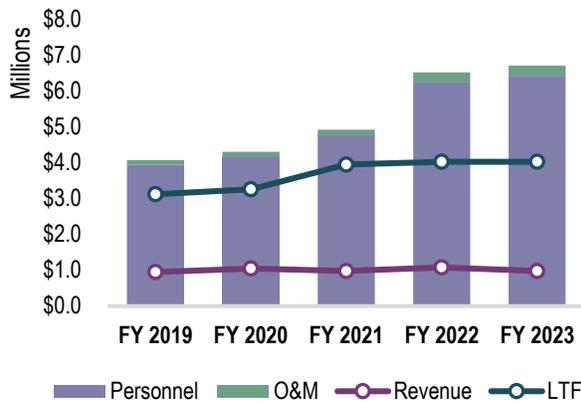
<sup>1</sup> Sums may not equal due to rounding.

<sup>2</sup> The Office of the Commonwealth's Attorney has additional positions (5.00 FTE) included in the FY 2022 Proposed Budget within Board of Supervisors' Priorities included in the Board of Supervisors' narrative in the General Government section. This includes resources for Body Worn Camera Expansion (3.00 FTE) Adult Drug Court Expansion (2.00 FTE).



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### Revenue and Expenditure History



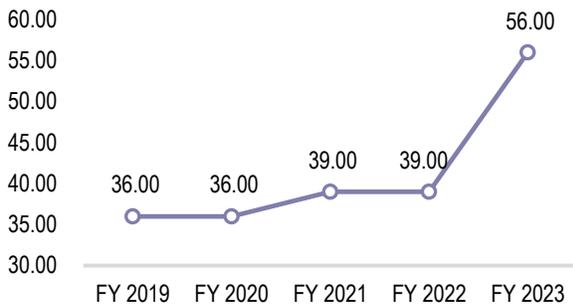
#### Revenue/Local Tax Funding

As shown, the Office of the Commonwealth's Attorney is primarily funded by local tax funding (over 83 percent). Program-generated revenue consists of attorney fees, reimbursements from the Virginia Compensation Board, and a \$45,000 State grant.

#### Expenditure

The majority of the Office's expenditure budget is dedicated to personnel costs (96 percent). Major drivers of personnel increases are additional staffing as outlined in the Staffing/FTE History section, market and merit increases in each fiscal year, adjustments in FY 2020 and 2021 to reflect a new classification and compensation system approved by the Board in November 2019, and a 3.5 percent merit increase for FY 2021.

### Staffing/FTE History



FY 2018: 1.00 FTE legal services assistant, 1.00 FTE victim witness case manager, 1.00 FTE domestic violence staff attorney

FY 2021: 1.00 FTE Deputy Commonwealth's Attorney, 2.00 FTE senior assistant attorneys

The majority of the Commonwealth's Attorney's Office expenditure budget is dedicated to personnel. The Office continues to support the departments of Community Corrections and Mental Health, Substance Abuse, and Developmental Services in the implementation of the Adult Drug Court and Mental Health (MH) Docket. Both specialty dockets began in FY 2019, with the MH Docket established at a service level of up to ten participants and the Adult Drug Court established at a service level of up to 25 participants. The FY 2020 Adopted Budget expanded the MH Docket to serve up to 25 participants. During FY 2021, the Office sought and was successfully awarded multiple grants including \$340,000 from the U.S. Department of Justice for innovative prosecution solutions for combating violent crime which provides support to the Sexual Abuse Response Team and Victim Witness related activities, and \$16,000 to fund overtime hours incurred due to the COVID-19 pandemic.

The FY 2021 Adopted Budget for the Office of the Commonwealth's Attorney included a total of three positions (3.00 FTE). Due to the unclear economic picture resulting from the COVID-19 pandemic, when the Board of Supervisors adopted the FY 2021 Budget, most new expenditures, including new positions, were frozen until revenues were determined available to support those expenditures. One Deputy Commonwealth Attorney (1.00 FTE) was approved to address a need indicated by the Office for support to specialty dockets at the previously indicated services levels. The Commonwealth's Attorney's goal is to establish programs and opportunities that are solution-based and reduce recidivism as opposed to more traditional punitive programs. Some of the programs include increases in victim-centric services, pre-charge/pre-plea diversion programs, specialty courts (Veteran's Docket), and post-conviction community programs.



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The redirection of resources has increased costs for pre-trial services, but long term these increased costs will be offset by savings from incarceration and the increase in community service benefits. These programs will encourage court-involved persons into rehabilitative and treatment programs and acts of community services in order to hold an offender accountable as well as reintegrate them into the community and help them to become contributors to a safe and successful community. Then, in order to ensure attorney caseloads remain at a level that allows for thorough case preparation while also addressing the victims' and community's needs, the FY 2021 Adopted Budget also included two senior assistant attorneys (2.00 FTE). Once filled, these two additional attorneys will also support the Office's commitment to better understanding the root causes of offenses, appreciating and supporting the delicate needs of the victims, and securing the resources necessary to achieve compliance and prevent recidivism. The Board unfroze these positions with the initial release of frozen expenditures and positions on December 15, 2020.

Leading into FY 2022, the Commonwealth's Attorney continues to analyze workloads and the needs of a growing community. Base budget operating and maintenance adjustments included in the FY 2022 Proposed Budget were developed to align operating support with the needs of staff. Operating support was identified in the areas of documentation costs and supplies (filing, forms, an increasing number of transcript requests and out-of-state certified copies, and costs to adhere to updated Discovery rules), dues and association fees, annual code book updates, employee training, and scanning/digitization (file retention) capabilities. In terms of revenues, effective December 31, 2020, the Treasurer ceased collection of court fines on behalf of the Commonwealth's Attorney. The Commonwealth's Attorney's Office has contracted with a private provider to collect these fees. The anticipated revenues (\$100,000) and the cost of the private provider are included in the FY 2022 Proposed Budget. The FY 2022 Proposed Budget, for the Office includes positions with a focus on the thematic area of public and life safety. Additionally, resources to expand the Body-Worn Camera Program and the Adult Drug Court are included as a Board Priority in the FY 2022 Proposed Budget with resources for the Commonwealth's Attorney's Office.

### Public and Life Safety

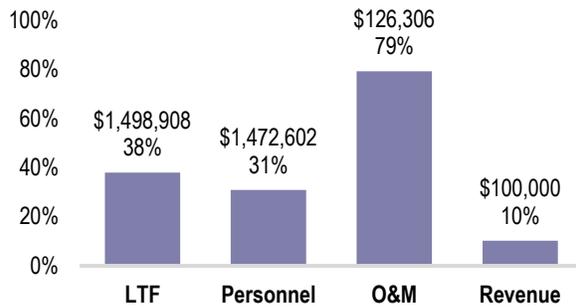
In support of the Special Victims Unit, the team that addresses violent prosecutions, e.g., sexual assaults, child abuse, and domestic violence cases involving family and domestic partners, the Office is requesting nine positions (9.00 FTE): two Assistant Commonwealth's Attorneys, one investigator, two victim witness case managers, one team lead for Victim and Witness Services, two paralegals, and one legal service assistant. These positions will build out the Special Victims Unit into a team equipped to serve the increased community need related to domestic assault and battery incidents as well as focus on trauma-informed case preparation. The Office observed that current caseloads reduce time that should be dedicated to victims and witnesses to assure they receive adequate services and the court system addresses their needs. In addition to in-court responsibilities, the Office's attorneys are available to law enforcement agency partners 24/7 to provide legal advice, training, and case preparation on demand. The SVU team consults with law enforcement and victims daily. The requested investigator will provide the Office with the means to follow up with victims, witnesses, and evidence for the successful prosecution of violent crimes. Meanwhile, in recognition of a need to balance workload distribution, the Office has included requests for support staff (paralegals and legal assistant) to establish an effective ratio of attorneys to staff. In FY 2021, resources were allocated to the SVU team via grant funds for one prosecutor position (through September 30, 2022), and via two temporary support paralegals (currently funded through June 30, 2021) to expeditiously serve as well as develop data to support this need. Leased office space also is included in this request.

The Commonwealth's Attorney's FY 2022 Proposed Budget also includes three positions (3.00 FTE) to support Conviction Integrity and Post-Conviction: a Deputy Commonwealth's Attorney, an Assistant Commonwealth's Attorney and a paralegal. The members of this unit respond to appellate issues filed with the Virginia Court of Appeals and the Virginia Supreme Court. They must review past convictions where evidence supports allegations of investigatory and prosecutorial wrong-doing (post-trial) and requests from the Probation and Parole department (a state agency within the Department of Corrections) for termination of supervised probation.



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### Percent Change from Adopted FY 2021 to Proposed FY 2022



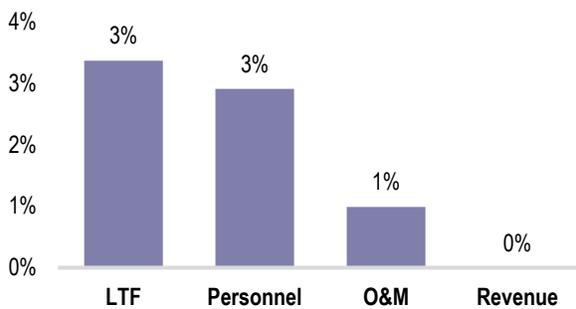
#### Reasons for Change:

**Personnel:** ↑ 17.00 FTE<sup>1</sup>, general pay changes ||

**O&M:** ↑ base budget adjustments ||

**Revenue:** ↑ collection fees transferred from the Treasurer's Office

### Percent Change from Proposed FY 2022 to Projected FY 2023



#### Reasons for Change:

**Personnel:** ↑ 3 percent general pay changes ||

**O&M:** ↑ 1 percent || **Revenue:** ↔

<sup>1</sup> The Office of the Commonwealth's Attorney has additional positions (5.00 FTE) included in the FY 2022 Proposed Budget within Board of Supervisors' Priorities included in the Board of Supervisors' narrative in the General Government section. This includes resources for Body Worn Camera Expansion (3.00 FTE) Adult Drug Court Expansion (2.00 FTE).



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### FY 2022 Proposed Resource Requests<sup>1</sup>

Priority 1: Special Victims Unit (SVU) Team										
Personnel:	O&M:	Capital:	Reallocation:	Revenue:	LTF:	FTE:				
\$861,169	\$138,470	\$248,000	\$0	\$0	\$1,247,639	9.00				
Details			Overview							
<b>Service Level:</b>	Enhanced Service Level Request		<ul style="list-style-type: none"> <li>The SVU team addresses violent prosecutions and cases involving family and domestic partners.</li> <li>Due to the increased community need related to domestic Assault &amp; Battery incidents and the focus on trauma-informed case preparation, resources were allocated to the SVU team via grant funds and short-term support positions.</li> <li>Current caseloads prevent staff from dedicating the time necessary to victims and witnesses to assure that they have adequate services, and their needs are addressed through the court system.</li> <li>Support staff such as paralegals and legal assistants are included to attain the ratio of 1 support staff per 3 attorneys.</li> </ul>							
<b>Mandates:</b>	Not mandated, but necessary for compliance with federal, state, or local laws									
<b>PM Highlight:</b>	None									
<b>Program:</b>	Victim Witness Assistance									
<b>Positions:</b>	1 Director, 2 Assistant Commonwealth Attorneys, 2 Victim Case Managers, 2 Paralegals, 2 Legal Assistants									
<b>Theme:</b>	Public and Life Safety									
<b>One-time Costs:</b>	\$308,885									
<b>Recurring Costs:</b>	\$938,754									
Priority 2: Conviction Integrity and Post-Conviction Unit										
Personnel:	O&M:	Capital:					Reallocation:	Revenue:	LTF:	FTE:
\$331,386	\$30,666	\$0	\$0	\$0	\$362,052	3.00				
Details			Overview							
<b>Service Level:</b>	Enhanced Service Level Request		<ul style="list-style-type: none"> <li>This unit is responsible for handling appeals (responding to the appellate issues filed with the Virginia Court of Appeals, and Virginia Supreme Court).</li> <li>These positions will review past convictions where evidence supports allegations of investigatory and prosecutorial wrongdoing (post-trial).</li> <li>This unit will be responsible for responding to requests from the state Probation and Parole Department of the Department of Corrections for termination of supervised probation.</li> </ul>							
<b>Mandates:</b>	Not mandated									
<b>PM Highlight:</b>	None									
<b>Program:</b>	Office of the Commonwealth's Attorney									
<b>Positions:</b>	1 Deputy Assistance Commonwealth's Attorney, 1 Assistant Commonwealth's Attorney, 1 Paralegal									
<b>Theme:</b>	Public and Life Safety									
<b>One-time Costs:</b>	\$20,325									
<b>Recurring Costs:</b>	\$341,727									
Department Total										
Personnel:	O&M:	Capital:	Reallocation:	Revenue:	LTF:	FTE:				
\$1,192,555	\$169,136	\$248,000	\$0	\$0	\$1,609,691	12.00				

<sup>1</sup> The requests presented display total cost, including the acquisition of technology and office furniture (as applicable). Funds for these items are shown in the Non-Departmental section, page 6-2.