

COMMONWEALTH'S ATTORNEY

Special Drug Prosecutor

Description

The General Assembly of Virginia passed legislation in 1983 under Section 19.2-215.3 establishing the Special Drug Prosecutor Program and creating multi-jurisdiction grand juries (MJGJs). A MJGJ, in contrast to a regular grand jury, is an investigative body with the statutory authority to issue statewide subpoenas for documents and other evidence, and to call for sworn testimony of persons with information related to specific criminal offenses. Henrico's Drug Prosecutor program was implemented in May of 1984. The goal is to investigate criminal violations of Virginia drug laws as well as other illegal activities, including homicide, abduction, perjury, embezzlement, computer crimes, Medicaid fraud, and trademark infringement.

- Administer use of the grand jury by prosecutors from each of the member jurisdictions Commonwealth's Attorney's Offices.

Budget Highlights

The use of the Special Drug Prosecutor Program provides a vital function for the County of Henrico. The Program's approved budget for FY2016-17 is \$198,223, which includes General Fund support of \$66,225. The General Fund support reflects an increase of \$4,363 compared to the approved FY2015-16 budget, which represents the entirety of the program's budgetary increase.

Objectives

- Investigate and prosecute those involved in the illegal use or distribution of drugs, and drug paraphernalia.
- Provide assistance in any other provision of law when such condition is discovered in the course of an investigation, which a multi-jurisdiction drug prosecutor is otherwise authorized to undertake and to investigate any condition, which involves or tends to promote any attempt, solicitation or conspiracy to violate laws.

The increase to the program's budget is completely due to an increase in personnel costs to reflect the 2.372 percent salary increase, the full-year cost of the 2.0 percent raise from FY2015-16 as well as rising health care costs. The increase in the personnel component was mitigated by a decrease in the budgeted amount for VRS due to a reduction in the contribution rate.

The State Compensation Board and the County both contribute to the salaries and associated personnel costs for the two positions funded through the

Annual Fiscal Plan

| <u>Description</u> | <u>FY15 Actual</u> | <u>FY16 Original</u> | <u>FY17 Approved</u> | <u>Change 16 to 17</u> |
|----------------------|------------------------|--------------------------|--------------------------|----------------------------|
| Personnel | \$ 182,148 | \$ 188,402 | \$ 192,765 | 2.3% |
| Operation | 5,680 | 5,458 | 5,458 | 0.0% |
| Capital | 0 | 0 | 0 | 0.0% |
| Total | \$ 187,828 | \$ 193,860 | \$ 198,223 | 2.3% |
| Personnel Complement | N/A | N/A | N/A | N/A |

Special Drug Prosecutor (cont'd)

| Performance Measures | | | | |
|-----------------------------|-------------|-------------|-------------|----------------------------|
| | FY15 | FY16 | FY17 | Change 16 to 17 |
| Workload Measures | | | | |
| Total Subpoenaes | 1,829 | 2,375 | 1,900 | (475) |
| Total Indictments | 1,102 | 925 | 1,150 | 225 |
| Total Defendants | 349 | 350 | 400 | 50 |

program. The operating component remained flat compared to the FY2015-16 approved budget.

The Special Drug Prosecutor's responsibilities include working with a multi-jurisdictional investigative grand jury comprised of the Counties of Henrico, Hanover and Chesterfield, and the City of Richmond. The Special Drug Prosecutor coordinates witnesses and subpoenas for tangible evidence ordered by the grand jury and handles a full caseload of criminal matters. The multi-jurisdictional grand jury plays an essential role in the investigation of drug and homicide cases in the Richmond metropolitan area.

The table to the right presents a historical depiction of the State and County funding split for the Special Drug Prosecutor program.

| Fiscal Year | State Funding | Approved County Funding | % County |
|-------------|---------------|-------------------------|----------|
| 2007-08 | 121,594 | 32,539 | 21% |
| 2008-09 | 130,357 | 32,773 | 20% |
| 2009-10 | 124,305 | 44,730 | 26% |
| 2010-11 | 124,305 | 52,855 | 30% |
| 2011-12 | 119,400 | 69,563 | 37% |
| 2012-13 | 119,400 | 66,715 | 36% |
| 2013-14 | 121,533 | 66,715 | 35% |
| 2014-15 | 129,773 | 61,185 | 32% |
| 2015-16 | 131,998 | 61,862 | 31% |
| 2016-17 | 131,998 | 66,225 | 33% |