

COMMONWEALTH'S ATTORNEY

DESCRIPTION

The Commonwealth's Attorney is an elected Constitutional Officer responsible for prosecuting criminal offenses that occur in Henrico County. Trials and hearings are held in the Circuit, General District, and Juvenile and Domestic Relations Courts. Additionally, the Commonwealth's Attorney's Office provides legal advice and training to the Division of Police, State Police, Richmond Airport Police, as well as other law enforcement agencies.

OBJECTIVES

- To enforce criminal laws in Henrico County.
- To operate the Victim/Witness program.
- To cooperate on behalf of Henrico County in the operation of two investigative multi-jurisdictional grand juries.
- To promote a better understanding of the criminal justice system among citizens.
- To proactively investigate and prosecute drug dealers with increased concentration/focus on the opioid epidemic and human trafficking.
- To prosecute criminal cases.
- To work with other criminal justice agencies to strengthen juvenile prosecutions and crime prevention.
- To make the public aware of Virginia Exile laws and enforce them appropriately.
- To train local law enforcement agencies in criminal law and criminal procedures.

FISCAL YEAR 2021 SUMMARY

Annual Fiscal Plan

Description	FY19	FY20	FY21	Change
	Actual	Original	Approved	20 to 21
Personnel	\$ 4,978,937	\$ 5,246,639	\$ 5,463,612	4.1%
Operation	216,274	173,707	170,387	(1.9%)
Capital	280	6,680	0	(100.0%)
Total	<u>\$ 5,195,491</u>	<u>\$ 5,427,026</u>	<u>\$ 5,633,999</u>	<u>3.8%</u>
Personnel Complement	51	53	56 *	3

*Includes three Assistant Attorney positions added in the December 2019 Budget Amendment. The Commonwealth's Attorney's office maintains the budget for fifty-seven positions including 23 complement I, 32 complement II, 1 complement III, and 1 complement IV positions. The complement III position is excluded from the Personnel Complement listed above. Positions for Victim/Witness and Special Drug Prosecutor are included in narratives elsewhere in this budget.

PERFORMANCE MEASURES

	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>	<u>Change 20 to 21</u>
Workload Measures				
Circuit Court Defendants	1,390	1,500	1,450	(50)
Show Cause Hearings	944	950	975	25
Misdemeanor Appeals	680	900	700	(200)
General District Court Criminal Cases	46,175	46,500	46,500	0
General District Court Traffic Cases	77,022	80,000	78,000	(2,000)
Juvenile Court Misdemeanors	1,771	1,750	1,500	(250)
Juvenile Court Felonies	569	650	600	(50)
Effectiveness Measure				
Circuit Court Indictments	2,315	2,600	2,400	(200)

BUDGET HIGHLIGHTS

The Commonwealth's Attorney's Office budget for FY2020-21 totals \$5,633,999, representing an overall increase of \$206,973 or 3.8 percent when compared to the FY2019-20 budget. The personnel component increased 4.1 percent and reflects the projected impact of the pandemic related hiring freeze offset by rising healthcare costs, and three attorney positions added by budget amendment in December 2019 addressing the increased workload for the office. The operating and capital components decreased by a combined total of \$10,000 to help cope with projected pandemic related revenue shortfall.

This table presents a historical depiction of budgeted State funding for the Commonwealth's Attorney's Office:

Fiscal Year	State Funding	County Funding	% State
2011-12	1,560,000	3,071,213	34%
2012-13	1,560,000	2,790,490	36%
2013-14	1,907,000	2,591,214	42%
2014-15	1,877,000	2,573,112	42%
2015-16	1,877,000	2,602,046	42%
2016-17	2,025,000	2,554,003	44%
2017-18	2,075,000	2,743,141	43%
2018-19	2,150,000	2,862,655	43%
2019-20	2,175,000	3,227,026	40%
2020-21	2,100,000	3,533,999	37%

DEPARTMENTAL HIGHLIGHTS

In FY2020-21, the Commonwealth's Attorney's Office will continue to prosecute traffic and criminal cases in all the Henrico County Courts. Aggressive prosecution of those who commit violent crimes will remain the number one priority. The Office will continue to work closely with the Police Division to reduce crime, proactively as well as reactively, by ensuring that those who commit crimes are held accountable. The Commonwealth's Attorney's Office will continue pursuing narcotic traffickers using two multi-jurisdictional grand juries.

Additionally, the Commonwealth's Attorney's Office will continue providing legal training to the Police Division in its basic academies and through regular in-service training. The Office will continue to devise alternative resolutions to ensure second chances and rehabilitation. Special efforts will also continue to reduce domestic violence, human

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trafficking, and opioid overdoses. Enforcing Virginia's Exile laws will continue in FY2020-21 to reduce violent gun crimes.

The Compensation Board of the Commonwealth of Virginia provides funding for Constitutional Offices including Commonwealth Attorneys. The funded staffing for Henrico County's office is 39 positions including 20 attorneys. The FY2020-21 budget includes 56 positions, which is 17 more than are funded by the Compensation Board, and it should be noted that 14 of these positions are attorneys. County funded staff increased by five positions since FY2018-19 including four attorneys and one paralegal. There is also one federally funded attorney position that is not included in the numbers cited above. The Victim Witness and Special Drug Prosecutor functions, including position counts, are discussed in separate narratives within this document.

In 2019, the General Assembly amended the State budget to include a provision mandating localities maintain one Assistant Commonwealth's Attorney for every 75 body-worn-cameras used by law enforcement. The provision states, "(h)owever, with the consent of the Commonwealth's Attorney, a locality may provide their Commonwealth's Attorney's office with additional funding, using a different formula than stated above, as needed to accommodate the additional workload resulting from the requirement to review, redact and present footage from body worn cameras." While the office was instrumental in providing data to the General Assembly that led to the recommended staffing ratio, the proposed staffing of the Commonwealth's Attorney's Office is sufficient for reviewing all camera footage.

The office is also presently implementing the comprehensive and labor-intensive Circuit Court Discovery Rule changes required by the Virginia Supreme Court to go into effect on July 1, 2020. However, the Department is implementing the new rules immediately in order to work with the Circuit Court judges and Clerk's Office for a smoother transition. The efforts are also being used as an informal pilot project for other prosecution offices across the Commonwealth to use as a guide and model.

Additionally, with the support of the County administration, the office is working with the Sheriff's Office to address the jail overpopulation issue by working to find alternative treatment and other diversion opportunities. Lastly, the Office will ensure it provides the necessary resources to the Commonwealth's Attorney's office to support public safety needs.