

**REPORT OF THE  
VIRGINIA STATE CRIME COMMISSION**

**Interim Report:  
Study on Commonwealth's Attorneys**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 43**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2005**



## COMMONWEALTH of VIRGINIA

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January 11, 2005

TO: The Honorable Mark Warner, Governor of Virginia

And

Members of the Virginia General Assembly

The 2004 General Assembly, through House Joint Resolution 225, requested the Virginia State Crime Commission study Commonwealth's Attorneys.

Enclosed for your review and consideration is the interim report which has been prepared in response to this request. The Commission received assistance from all affected agencies and gratefully acknowledges their input into this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Albo", written over a horizontal line.

David B. Albo  
Chairman

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## **MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION**

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## **I. Authority**

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The *Code of Virginia*, § 30-156, authorizes the Virginia State Crime Commission (Crime Commission) to study, report and make recommendations “on all areas of public safety and protection.” Additionally, the Crime Commission is to study “compensation of persons in law enforcement and related fields” and to study “trial and punishment of criminal offenders.” Section 30-158(3) empowers the Crime Commission to “conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30-156. . . and formulate its recommendations to the Governor and the General Assembly.”

Using the statutory authority granted by the General Assembly to the Crime Commission, pursuant to House Joint Resolution 225 (2004),<sup>1</sup> staff conducted the first year of a two year study to examine the provision of prosecutorial services by Commonwealth’s Attorneys in Virginia.

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## **II. Executive Summary**

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During the 2004 Session of the Virginia General Assembly, Delegate Robert F. McDonnell introduced House Joint Resolution 225 (HJR 225), which directed the Crime Commission to study the operations of all Commonwealth’s Attorneys offices. Specifically, the two year study was to:

- Examine the quality of prosecutorial representation;
- Assess the efficiency by which prosecutorial services are provided;
- Determine the impact of existing workloads;
- Identify any disparity in workload per attorney;
- Examine training and technical support services provided;
- Review opportunities for continuing legal education;
- Assess the ability to hire and retain qualified prosecutors;
- Determine reasonable caseload per attorney;
- Determine the appropriate role of localities in providing support for Commonwealth’s Attorneys;
- Identify disparity among offices in the ability to provide quality prosecutorial representation to each locality; and,
- Examine considerations that would, if implemented, reduce pre-trial delay and thus minimize the costs of pretrial incarceration.

The Crime Commission must report its written findings and recommendations to the Governor and the 2006 Session of the General Assembly. As this is the interim report, no recommendations have been made at this time.

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<sup>1</sup> H. J. R. 225 (Va. 2004). See attachment I.

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### III. Methodology

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During the first year of this two-year study, Crime Commission staff utilized several research methodologies to learn about the various prosecutorial models across the 50 states.<sup>2</sup> Staff conducted structured telephone interviews with staff from statewide prosecutor organizations and with statewide prosecutor organization coordinators. Through these interviews, staff collected information that led to an analysis of the variations in technical support, training, continuing education, information sharing (including the provision of brief-banks and case management systems), and legislative activities conducted by these statewide prosecutor organizations.

Beyond these structured telephone interviews, staff also conducted a 50-state analysis of enabling statutes and regulatory codes, analyzed previous prosecutorial studies, and reviewed national literature regarding state prosecutor staffing standards.

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### IV. Background

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Since 1851, Commonwealth's Attorneys have been locally elected county or city officers, commonly referred to as "constitutional officers" as specified by Article VII, Section 4 of the Virginia Constitution.<sup>3</sup> Until 1934, Commonwealth's Attorneys were paid under a "fee" system. At that time, the Commonwealth began to compensate half of the Commonwealth's Attorney's salaries out the general appropriation act - the other half was paid by each respective locality.

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<sup>2</sup> The Crime Commission contacted numerous statewide prosecutor organizations – in most instances, staff conducted telephone interviews with administrative officials. The following organizations were contacted: Alabama, Alabama District Attorneys Association; Alaska, Alaska State Prosecutors Association; Arizona, Arizona Prosecuting Attorneys Advisory Council; Arkansas, Arkansas Office of the Prosecutor Coordinator; California, California District Attorneys Association; Colorado, Colorado District Attorneys Council; Connecticut, Executive Assistant State's Attorney; Delaware, Deputy Attorney General; Florida, Executive Director Florida Prosecuting Attorneys Assoc., Inc.; Georgia, Prosecuting Attorneys' Council of Georgia; Hawaii, Department of the Prosecuting Attorney; Idaho, Idaho Prosecuting Attorneys Association, Inc.; Illinois, Illinois States Attorney; Indiana, Indiana Prosecuting Attorneys Council; Iowa, Iowa County Attorneys; Kansas, Kansas County and District Attorneys Association; Kentucky, Prosecutors Advisory Council; Louisiana, Louisiana District Attorneys Association; Maryland, Maryland State's Attorneys' Association; Massachusetts, Massachusetts District Attorneys Association; Michigan, Michigan Prosecuting Attorneys Coordinating Council; Minnesota, Minnesota County Attorneys Association; Mississippi, Mississippi Prosecutors Association; Missouri, Missouri Office of Prosecution Services; Nevada, Advisory Council for Prosecuting Attorneys; New Hampshire, Merrimac County Prosecutors Office; New Jersey, New Jersey Division of Criminal Justice (part of the Attorney General's Office); New Mexico, Administrative office of the District Attorneys; New York, New York State District Attorney's Association; North Carolina, North Carolina Conference of District Attorneys; Ohio, Ohio Prosecuting Attorneys Association; Oklahoma, Oklahoma District Attorneys Council; Oregon, Oregon District Attorneys Association; Pennsylvania, Pennsylvania District Attorneys Association; South Carolina, Commission of Prosecution Coordination; Tennessee, Tennessee District Attorneys General Conference; Texas, Texas District and County Attorneys Association; Utah, Utah Prosecution Council; Vermont, Vermont Department of State's Attorneys and Sheriffs; Virginia, Virginia Commonwealth's Attorneys' Services Council; West Virginia, West Virginia Prosecuting Attorneys Institute; Wisconsin, Wisconsin State Prosecutor's Office.

<sup>3</sup> V.A. CONST. art.VII, § 4. "There shall be elected by the qualified voters of each county . . . *an attorney for the Commonwealth* . . . The duties and compensation of such officers shall be prescribed by general law or special act." *Id.* (emphasis supplied)

As the funding for Commonwealth's Attorneys changed, so did the way in which funds were distributed. In 1934, the Compensation Board was created and tasked with determining the salaries of Commonwealth's Attorneys, as well as those of county/city Commissioners of Revenue and Treasurers.<sup>4</sup> Currently, the Compensation Board is responsible for distributing the State's appropriations to Commonwealth's Attorneys, Sheriffs, Commissioners of Revenue, Treasurers and Clerks of Court. The amount budgeted to the compensation board for Fiscal Year (FY) 2005 for distribution - including administrative costs - was \$519,748,414.<sup>5</sup> The cost for the Compensation Board to administer these state funds to the constitutional officers in FY 2004 (the most recent year for which information was available) was \$1,768,440.

In 1988, the Joint Legislative Audit and Review Commission (JLARC) conducted a comprehensive study on Commonwealth's Attorneys.<sup>6</sup> In the course of its study, JLARC determined that of the 121 Commonwealth's Attorneys representing various localities in the State of Virginia, 49 (40%) served on a full-time basis and 72 (60%) served on a part-time basis.<sup>7</sup> These part-time Commonwealth's Attorneys were permitted to maintain private practices in addition to their elected positions. In some cases, Commonwealth's Attorneys also served as the local city or county attorney.

In 1993, the General Assembly approved legislation that required all jurisdictions with a population of 17,000 or more to have a full-time Commonwealth's Attorney.<sup>8</sup> Commonwealth's Attorneys serving at that time were grandfathered under statute.<sup>9</sup> As of November 2004, only 13 of 120 (11%) Commonwealth's Attorneys serve on a part-time basis.<sup>10</sup> For FY 2005, the Compensation Board has approved and currently funds 529 Full Time Equivalent (FTE) attorney positions, including both elected and non-elected assistant attorney positions.<sup>11</sup>

Currently, the number of attorney positions approved by the Compensation Board breakdown as follows:

- 1 to 1.5 attorneys, 41 offices (34%);
- 2 to 5 attorneys, 58 offices (48%);
- 6 to 13 attorneys, 13 offices (11%); and,
- 15 to 29 attorneys, 8 offices (7%).

More than one third of the Commonwealth's Attorneys offices have fewer than 1.5 State-approved attorney positions. Richmond City, with 29 funded FTE attorney positions, is the

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<sup>4</sup> VA. CODE ANN. § 15.2-1636.5. According to statute, the Compensation Board consists of the Auditor of Public Accounts and State Tax Commissioner, as ex officio members, and one member appointed by the Governor who serves as the Chairman.

<sup>5</sup> All facts and figures relating to the Compensation Board were gathered through meetings with Compensation Board Staff and through information posted on the Compensation Board web site. Budgetary information is posted under "Constitutional Officers Budgets and Salaries" available at <<http://www.scb.state.va.us/>>.

<sup>6</sup> *Technical Report of the Joint Legislative Audit and Review Commission on Statewide Staffing Standards for the Funding of Commonwealth's Attorneys*, H. D. No. 70 (1990).

<sup>7</sup> *Id.*

<sup>8</sup> VA. CODE ANN. § 15.2-1627.1

<sup>9</sup> *Id.*

<sup>10</sup> See *supra* note 5 and accompanying text.

<sup>11</sup> *Id.*

largest state supported legal staff.<sup>12</sup>

The Compensation Board determines appropriate State-determined staffing standards for Commonwealth's Attorney offices. The standards are based on the three-year average of the number of felony defendants, the three-year average of the number of sentencing events, and a weighted workload factor which considers office size and economies of scale.<sup>13</sup> The current staffing standards formula does *not* consider the prosecution of misdemeanors or local ordinances even though in 2003, for example, there were over 350,000 misdemeanor criminal cases filed in Virginia's court system (in both Circuit and General District courts).<sup>14</sup> With respect to support staff, current staffing standards call for one paralegal for every four attorneys and one clerical position for every two attorneys.

Using the Compensation Board's staffing standards, 62% of Commonwealth's Attorney offices will be understaffed for their attorney positions during FY 2005. This means that a total of 317 positions will not be funded by the Compensation Board in FY 2005 in Commonwealth's Attorney offices. This number includes 175 attorneys, 74 secretaries and 68 paralegals. Again, as Table 1 indicates, based on the current staffing standards, seven offices are understaffed by at least six attorney positions.

**Table 1: Staffing Levels**

<b>Office</b>	<b>Attorneys Needed under Staffing Standards</b>	<b>Compensation Board Authorized Positions</b>	<b>Unfunded Attorney Positions</b>
Henrico	30	17	13 (43%)
Norfolk	38	27	11 (29%)
Chesapeake	23	13	10 (43%)
Portsmouth	22	13	9 (41%)
Newport News	24	18	6 (25%)
Prince William	24	18	6 (25%)
Stafford	12	6	6 (50%)

Source: Virginia State Compensation Board (Fall 2004)

### **Attorney Workload and Legal Ethics**

Recently, the Standing Committee on Legal Ethics of the Virginia State Bar addressed understaffing of Commonwealth's Attorneys offices in the context of a non-binding Legal Ethics

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<sup>12</sup> Id. All of the following information on staffing standards and current staffing status was obtained from information posted on the internet by the Compensation Board and through discussions with Compensation Board Staff. See supra note 5 and accompanying text.

<sup>13</sup> See Attachment VIII.

<sup>14</sup> STATE OF THE JUDICIARY REPORT, Va. Sup. Ct. (2003).



Opinion (LEO).<sup>15</sup> Issued in August of 2004, this LEO advised that a Commonwealth's Attorney who operates with a caseload so overly large it prevents diligent and competent representation violates the Rules of Professional Conduct.<sup>16</sup> The LEO also counseled that an elected Commonwealth's Attorney would violate Rule 5.1, which requires lawyers in a managerial position to ensure that Rules of Professional Conduct are followed, by assigning an impermissibly large caseload to an Assistant Commonwealth's Attorney.<sup>17</sup>

### **Commonwealth's Attorneys' Services Council**

The Commonwealth's Attorney's Services Council was created in 1978 to provide professional training for prosecutors in Virginia. The Council consists of the four elected officers of the Commonwealth's Attorney Association, the past president of Council, and one elected Commonwealth's Attorney from each of the congressional delegations. According to statute, a Commonwealth's Attorney may only serve in an elected association office once during his tenure in office.

Section 2.2-2618 of the *Code of Virginia* specifies the duties of the Council. The Council is tasked with coordinating training and continuing education; updating prosecutors on changes to the law affecting their duties; contracting or entering into agreements with state or federal agencies and educational institutions; obtaining statistical reports from Commonwealth's Attorneys related to performance, function, and workload; receiving and establishing an equitable distribution plan for allocation of public and private funds; and, maintaining close contact with the Attorney General and all Commonwealth's Attorneys regarding research, education, and minimum standards.

For its day-to-day operations, the Commonwealth's Attorney's Services Council hires an Administrator, with the concurrence of the Governor. Although the Secretary of Administration oversees the allocation of the state funding for local Commonwealth's Attorney offices, Council funding is overseen by the Secretary of Public Safety. The Crime Commission's research of other Prosecutor Coordinator organizations across the 50 states revealed that Virginia appears to be unique in that it has a state prosecutor training entity in a separate administrative secretariat from the state secretariat responsible for funding local prosecutor offices.

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<sup>15</sup> See *Are Commonwealth's Attorneys held to the same ethical requirements as other attorneys?* Legal Ethics Opinion 1798 (2004). The LEO reads, in pertinent part, "...whether a particular attorney's caseload is in fact of such a detrimental size is so context-specific as to be a determination proper only for a fact-finder and is, therefore, outside the purview of this Committee. Nonetheless, if a Commonwealth's Attorney has in fact assigned such an impermissibly large caseload to an Assistant Commonwealth's Attorney, the facts that the client is the amorphous Commonwealth and that the Commonwealth's Attorney has himself a large caseload provide no safe harbor from the requirements of Rule 5.1." Id. See Attachment II.

<sup>16</sup> See generally Rules 1.1 & 1.2, Rules of the Virginia Supreme Court (2004). Rule 1.1 provides that "A lawyer shall provide competent representation to a client." Id. Rule 1.1 goes on to define "competent representation" as "requir[ing] the legal knowledge, skill, thoroughness and preparation necessary for the representation." Id.

<sup>17</sup> See generally Rule 5.1(b), Rules of the Virginia Supreme Court (2004). Under Rule 5.1(b), "a lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct." Id.

## V. Financial Overview

As detailed above, all State funds appropriated for Commonwealth's Attorneys are distributed through the Compensation Board. However, these are not the only funds received by Commonwealth's Attorneys offices – most local offices are supplemented, at least in part, by their respective localities. Although most localities do supplement the State funds for personnel costs, the distribution formula used by the Compensation Board does not consider *any* local supplements. From FY 1999 to FY 2005, the General Assembly has appropriated to local Commonwealth's Attorney offices (through the Compensation Board) the following amounts:

- \$39,478,891 (FY 1999);
- \$47,377,776 (FY 2001);
- \$43,248,433 (FY 2003); and,
- \$45,114,580 (FY 2005).

During this period of time (FY 1999 to FY 2005), the General Assembly's appropriation for Commonwealth's Attorney's grew by 14%.

### **Commonwealth's Attorney Funding vs. Law Enforcement and other Judicial Entities**<sup>18</sup>

From FY 1999 to FY 2005, general fund appropriations to some law enforcement and judicial entities increased at a faster rate than those for Commonwealth's Attorney offices. Table 2 demonstrates the rate at which appropriations for various law enforcement and judicial entities grew during this same time period.<sup>19</sup>

<b>Table 2: Levels of General Fund Appropriations</b>	
<b>Agency/Entity</b>	<b>Increase (FY99 – FY05)</b>
Circuit Courts	14%
Combined District Courts	38%
Commonwealth's Attorney Offices	14%
Commonwealth's Attorneys Services Council	24%
Court of Appeals	27%
Criminal Fund	39%
Department of Corrections	27%
Department of Juvenile Justice	3%
General District Courts	36%
Indigent Defense Commission (Admin.)	69%
J & DR Courts	67%

<sup>18</sup> See Attachment IV.

<sup>19</sup> See Attachment VII.

Public Defender Offices	100%
Sheriffs' Departments	20%
State Police	24%
Supreme Court	56%

Source: Crime Commission Analysis of Appropriations Acts FY 99 to FY 05.

### **State Funding for Prosecution and Indigent Defense Services**

FY 2005 state appropriations for Indigent Defense Services in the Commonwealth, when considering funding for both personnel and administrative costs, are almost double those for prosecution services. Of the total amount appropriated for Commonwealth's Attorneys offices in FY 2005, approximately 1% was ear-marked for the Commonwealth's Attorneys Services Council to provide training and assistance.

<b>Agency/Entity</b>	<b>FY 2005 Budget Allocation</b>
Commonwealth's Attorneys	\$45,114,580
Commonwealth's Attorneys Services Council	\$631,939
Compensation Board (Admin.)	\$30,419
	<b>\$45,776,938 (Total for Prosecution)</b>
Estimated Court Appointed Counsel Fees	\$53,002,451
Public Defenders	\$29,703,094
Indigent Defense Commission (Admin.)	\$1,660,074
	<b>\$84,365,619 (Total for Indigent Defense)</b>

Source: Crime Commission Analysis<sup>20</sup> of Appropriations Acts FY 99 to FY 05, Virginia State Compensation Board (Fall 2004), Virginia Indigent Defense Commission (Fall 2004).

### **Local Supplements**

Although the Compensation Board does not consider local supplements in its distribution formula for State funds, it does track the amount of local supplements by requesting local Commonwealth's Attorneys to voluntarily disclose what additional funds they receive. Most of these local funds are for personnel costs. As shown below, since FY 2000, local supplements have comprised an increasing percentage of the total funding for personnel in Commonwealth's Attorney Offices.<sup>21</sup>

<sup>20</sup> See Attachment V.

<sup>21</sup> See Attachment VI.

<b>Table 4: State and Local Funding Totals</b>					
<b>FY 2000</b>			<b>FY 2005</b>		
<b>Compensation Board</b>	<b>Local Supplements</b>	<b>TOTAL</b>	<b>Compensation Board</b>	<b>Local Supplements</b>	<b>TOTAL</b>
<b>\$34,222,487</b>	<b>\$4,855,206</b>	<b>\$39,121,734</b>	<b>\$39,615,617</b>	<b>\$10,802,287</b>	<b>\$50,417,904</b>

Source: Virginia State Compensation Board (Fall 2004)

In FY 2000, the percentage of total funding received from the state was 88% and the percentage of total funding received through local supplements was 12%. In contrast, in FY 2005, Commonwealth's Attorneys' offices received 79% of their total funding from the state and 21% from local supplements.

Analysis of the Compensation Board data by Crime Commission staff disclosed that some Commonwealth's Attorneys offices receive a substantial portion of their personnel funding from their respective local governments. For example:

- Prince George 84% (\$ 844,600);
- Tazewell 52% (\$ 374,440);
- Prince William 47% (\$ 911,460);
- Arlington 46% (\$ 725,308);
- Loudon 38% (\$ 286,607);
- Powhatan 38% (\$ 84,109);
- Virginia Beach 36% (\$ 910,983); and,
- Stafford 36% (\$ 254,093).

Although several cities and counties heavily supplement their respective Commonwealth's Attorneys offices, 48 (40%) of Commonwealth's Attorneys offices receive no local supplements whatsoever. Examples of offices serving larger populations that receive no local supplements at all include:

- Rockingham (pop. 67,725);
- Pittsylvania (pop. 61,745);
- Washington (pop. 51,103);
- Wise (pop. 40,123);
- Accomack (pop. 38,305); and,
- Isle of Wight (pop. 29,728).

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## **VI. 50 State Survey**

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Representatives of statewide prosecutor organizations were surveyed by phone to determine the extent to which they provide for technical support, training/continuing education, information sharing (brief-bank/case management systems) and legislative support for their respective state prosecutors. In addition, other State entities were consulted to supplement or to

verify information provided by these prosecutor coordinators. These initiatives included state websites, written reports, statutes, and administrative codes. It should be noted that the quality of information gathered in the 50 State Survey was impacted by varied cooperation from state to state and varied availability of information concerning each prosecution coordinator organization.

### **State Prosecution Systems across the 50 States**

In general, there are two basic models for prosecution in other states: a centralized model and a decentralized model. In the centralized model, prosecutors report directly to the state attorney general or chief prosecutor. Under the decentralized model, prosecutors are elected either as a local officer or sometimes (as in Virginia) as a Constitutional officer.

There are five states that adhere to the centralized model. In four of these states (Alaska, Delaware, New Jersey, and Rhode Island), the state's Attorney General is appointed or elected and that individual is responsible for oversight of prosecutions in all state offices. The fifth state, Connecticut, has a Chief State's Attorney who is elected and oversees all state prosecutor offices. Under a centralized model, the Attorney General's office or Chief State Prosecutor is responsible for: training prosecutors and staff; determination of budgeting/funding; technical assistance; obtaining and disbursing grant funding; and, developing operating standards.

The overwhelming majority of the states, including Virginia, utilize a decentralized model where prosecutors are elected as either a local officer or as a constitutional officer. There are 11 states that have over 80 of these elected prosecutors, including: Texas (155), Virginia (120), Missouri (115), Kansas (105), Illinois (102), Iowa (99), Nebraska (93), Indiana (90), Ohio (88), Minnesota (87), and Michigan (83). Under a decentralized model, independent organizations or state agencies provide services ranging from training alone, to the full panoply of services as described above. These services include: training prosecutors and staff; determination of budgeting/funding; technical assistance; obtaining and disbursing grant funding; and, developing operating standards. Only two states, New Hampshire and North Dakota, have no organization to address training for prosecutors statewide.

Budgets and staff for statewide organizations ranged from one FTE and a budget of \$126,000 for the Nevada Advisory Council for Prosecuting Attorneys up to 42 FTEs and a budget of \$3,850,000 for the Prosecuting Attorneys' Council of Georgia.

### **Other State Prosecutor Coordinator Organizations**

Of the other Statewide Prosecutor Coordinator organizations, 28 statewide organizations have duties beyond just training prosecutors. These additional duties include: provision of technical assistance to prosecutors; preparation and submission of budgets for prosecutor's offices; and, lobbying or pursuing legislative initiatives on behalf of prosecutors with the state legislature.

Research revealed four states that appear to have the strongest technical and financial support services for state prosecutors.

### **Example #1: Georgia**

The Prosecuting Attorneys' Council of Georgia is a state agency under the judicial branch of government. The Georgia Council supports prosecutors in the state by providing training, providing legal research assistance, providing trial assistance upon request, disseminating opinions of Georgia Appellate Courts, establishing salary schedules for all state paid personnel employed by the district attorneys, establishing travel budgets for each judicial circuit and pay travel expenses, acting as fiscal officer for the prosecuting attorneys, and preparing and submitting budget estimates of state appropriations necessary for the maintenance and operations of district attorneys and solicitors-general.

### **Example #2: South Carolina**

The Commission of Prosecution Coordination in South Carolina supports state prosecutors (who are called "Solicitors") by coordinating all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices; submitting the budgets of the Solicitors and their affiliate services to the General Assembly; developing legal education programs and training programs for Solicitors and their affiliate services; providing legal updates on matters of law affecting the prosecution of cases in South Carolina; organizing and providing seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases; and, acting as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services.<sup>22</sup>

The Commission of Prosecution Coordination in South Carolina consists of the following: Chairmen of the House and Senate Judiciary Committees (term elected), Chief of Law Enforcement Division (term appointed); Director of Public Safety (term appointed); Director of a Judicial Pretrial Intervention program (Gubernatorial two-year term); A Judicial Circuit Victim-Witness Assistance Advocate (Gubernatorial two-year term); and, five Judicial Circuit Solicitors (Gubernatorial four-year term).

### **Example #3: Oklahoma**

The Oklahoma District Attorneys Council is part of the executive branch of state government that supports prosecutors in the following areas: centralizing payroll, personnel, and insurance efforts; centralizing technological efforts (currently implementing a case management system); providing legal research services for district attorney offices; providing a "Traffic Resource Person" who advises district attorneys and provides training; coordinating continuing legal education for attorneys within the district attorneys system, as well as training for district attorney investigators, victim witness coordinators and other support staff; and, serving as a liaison to district attorney offices with multi-jurisdictional task forces.

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<sup>22</sup> See Attachment III.

#### **Example #4: Texas**

The Texas District and County Attorneys Association is a non-profit organization that serves Texas prosecutors and state attorneys by: producing comprehensive continuing legal education courses for prosecutors, investigators, and key personnel; providing technical assistance to the prosecution community and related criminal justice agencies; and, serving as a liaison between prosecutors and other organizations in the day to day administration of criminal justice.

#### **Staffing Standards**

In 2002, the American Prosecutors Research Institute, along with the Bureau of Justice Assistance, published the results of a national workload assessment project. This study found that formulating uniform staffing standards is not possible because of factors that create substantial variation across the country; however, the project *did* recommend the adoption of a workload standard that analyzed case weights (based on complexity) to determine the number of hours needed for a given case combined with the number of cases per year to determine the number of FTEs required in a given office.

Based on structured telephone surveys conducted by Crime Commission staff, there appears to be no common manner in which states determine workload and staffing standards for prosecutor offices. Some states use methods similar to Virginia, based on the number of felony defendants and/or sentencing events, while others use other measures based on crime rate per capita or population. For example, New Mexico uses a performance based system while Tennessee uses a population based system that requires one prosecutor for every 20,000 people.

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### **VII. Year-Two Study Activities**

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The first year of the Commonwealth's Attorney's study concentrated primarily on gathering background information and collecting data to analyze during year two of the Study. As detailed above, this background research included gathering information from across the 50 states dealing with the provision of prosecutorial services. Also, background research was conducted on the evolution of Commonwealth's Attorneys in Virginia. Using this information and research as a platform, the focus of the year two portion of the study will be on the *quality* of prosecutorial services provided by Commonwealth's Attorneys in Virginia. During year-two, Crime Commission staff will:

- Determine the need for additional resources in local offices;
- Determine the appropriateness of the current administrative structure;
- Determine the appropriateness of current staffing standards;
- Survey all Commonwealth's Attorneys and judges to examine workload, resource and case management issues;
- Verify local financial supplement data provided to the Compensation Board with local governments;

- Analyze Supreme Court Case Management Information and Pre-Sentencing Information (PSI) database to examine disparity in attorney workload; and,
- Examine the feasibility of expanding the responsibilities of the Commonwealth's Attorneys Services Council.

The second year of this study will conclude with a final report and presentation to the full Crime Commission. This final report and presentation will include staff recommendations. The final report may also include proposed legislation to implement those recommendations.



# **Attachment I**

## **Study Resolution HJR 225 (2004)**

# 2004 SESSION

ENROLLED

## HOUSE JOINT RESOLUTION NO. 225

*Directing the Virginia State Crime Commission to conduct a statewide study of the operations of the offices of Commonwealth's Attorneys. Report.*

Agreed to by the House of Delegates, February 17, 2004

Agreed to by the Senate, March 9, 2004

WHEREAS, Commonwealth's Attorneys are an integral part of Virginia's criminal justice system and as such they have a critical role in enhancing public safety in the Commonwealth; and

WHEREAS, the ability of Commonwealth's Attorneys to seek justice is dependent upon their ability to recruit, hire, train and retain sufficient qualified and experienced assistants to carry out the many responsibilities assigned to that office; and

WHEREAS, while the Commonwealth has made it a matter of public policy to establish full-time career prosecutors in the vast majority of jurisdictions, the Commonwealth has never conducted an in-depth examination of the staffing, training and support needs of Virginia's full-time prosecutors; and

WHEREAS, there currently exists a great disparity in the amount of local support provided by localities to the various Commonwealth's Attorneys Offices resulting in a disparity in the number and types of cases individual offices are able to prosecute; and

WHEREAS, there is an increased public demand that Commonwealth's Attorneys appear and prosecute serious misdemeanor cases such as driving under the influence and domestic violence; and

WHEREAS, Commonwealth's Attorney offices statewide are currently understaffed by 147 assistant attorney positions and 124 legal support positions based on the Compensation Board approved staffing standards; and

WHEREAS, criminal prosecution has become an increasingly complex and specialized profession as a result forensic advances, such as DNA and legal requirements occasioned by the increase of appellate decisions from the Court of Appeals and Supreme Court; and

WHEREAS, the consequence of prosecutors who are not well trained and current on legal and evidentiary changes is acquittal of guilty defendants or reversal and retrial of convictions at great public cost; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to conduct a statewide study of the operations of the offices of the Commonwealth's Attorneys. The Commission shall study the quality of prosecutorial representation and the efficiency by which prosecutorial services are provided. The study of quality of prosecutorial representation shall examine the impact, if any, of the existing workloads in the Commonwealth's Attorneys' offices, any disparity in workload per attorney, training and technical support for attorneys for the Commonwealth versus judicial and criminal justice system agencies, opportunities for continuing legal education specifically geared towards career prosecutors, and the Commonwealth's Attorneys' ability to hire and retain qualified prosecutors in their offices. Consideration of efficiency of service shall include a determination of a reasonable case load per attorney, the appropriate role of localities in providing support for Commonwealth's Attorneys, disparities among offices in their ability to provide quality prosecutorial representation to each locality, and considerations that would, if implemented, reduce pre-trial delay and thus minimize the costs of pre-trial incarceration.

The Virginia State Crime Commission shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the directives of this resolution no later than the first day of the 2006 Regular Session of the General Assembly. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

ENROLLED

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## **Attachment II**

### **Legal Ethics Opinion 1798 (2004)**

## LEGAL ETHICS OPINION 1798

### ARE COMMONWEALTH'S ATTORNEYS HELD TO THE SAME ETHICAL REQUIREMENTS AS OTHER ATTORNEYS?

You have presented two hypotheticals involving the Commonwealth's Attorneys Office of Metro County, which has seven assistants. Based on staffing standards developed by the state agency that funds the Commonwealth's Attorney's Office, the office should have at least 3 additional prosecutors to handle the felony caseload of that jurisdiction. As a result, Assistant Commonwealth's Attorney Smith is assigned far more cases than the state standards suggest he should be handling. Due to recent reductions in staff, Smith is also required to take over the caseload of another prosecutor that left the office and the position cannot be filled. Because of his heavy caseload, Smith does not have adequate time to prepare the cases he takes to trial. Smith tells his boss, the Commonwealth's Attorney, that his caseload is too high and that he does not have the time needed to properly prepare his cases for trial. The Commonwealth's Attorney responds that he knows the office is understaffed, but given the current lack of funding, there is nothing he can do about it. Despite his acknowledgement that the Commonwealth's Attorney has the authority to decline cases for prosecution, and is not mandated by statute to prosecute misdemeanor cases, Smith's boss tells him it would not be wise politically to say no to any victim regardless of the caseload.

#### Hypothetical 1

Assistant Commonwealth's Attorney Smith is assigned to prosecute Defendant Jones for rape. As a direct result of his high caseload, Smith does not have time to start preparing the Jones case for trial until two weeks prior to the trial date. When he reviews the file, he learns that the only evidence against Jones is DNA that was discovered on the victim. By statute, the Commonwealth is required to give the defense attorney 21 days notice of its intent to present DNA evidence.<sup>11</sup> This notice had not been provided. The trial judge refuses to grant a continuance, and the case is dismissed.

#### Hypothetical 2

Assistant Commonwealth's Attorney Smith is also assigned to handle the General District Court misdemeanor docket. Although the Commonwealth's Attorney is not required by statute to appear and prosecute misdemeanor cases, Smith's boss wants a prosecutor present for all cases in which the defendant is represented by an attorney. The General District Court docket contains approximately one hundred misdemeanor cases each day. Smith is not provided with any police reports prior to trial for purposes of preparation, nor is he able to review the court papers to verify that lab reports or breath test certificates have been properly filed. In most cases, his first knowledge of the facts comes a few moments prior to the case being called for trial. In a prosecution for misdemeanor possession of marijuana, Smith has the officer describe the arrest. As Smith listens to the facts, he realizes that a necessary witness was not subpoenaed by the officer. In addition, when he attempts to admit the lab analysis to prove the item seized was

marijuana, he learns that it has not been filed with the court seven days prior to trial as required by statute. As a result of the missing witness and the inadmissibility of the lab analysis, the case is dismissed.

You have asked the Committee to opine, under the facts of the inquiry, the following questions:

1) Has Assistant Commonwealth's Attorney Smith violated Rule 1.1's duty of competence and Rule 1.3's duty of diligence in the above hypothetical scenarios when his failure to do that which is required is directly attributable to the exceptionally high caseload he is required to carry?

2) Has the Commonwealth's Attorney violated his supervisory duties under Rule 5.1 by assigning Smith more cases than he can reasonably be expected to prosecute in a competent and diligent manner?

Fundamental to your first question is whether Commonwealth's Attorneys are held to the same ethical requirements as other attorneys. Specifically, can the handling of a busy caseload ever trigger a violation of Rules 1.1 and 1.3 by a Commonwealth's Attorney?

Rule 1.1 requires an attorney to provide competent representation for his client; the rule defines "competent" as including "the legal knowledge, skill thoroughness and preparation reasonably necessary for the representation." Further pertinent clarification is found in Comment 5 to Rule 1.1; "adequate preparation" is presented as an aspect of the duty of competence.

Rule 1.3 requires an attorney to perform his legal services with diligence and promptness. Comment 1 to that rule notes that a lawyer should control his work load, "so that each matter can be handled adequately." Also, Comment 2 to that rule explains that the duty of diligence includes *timely* performance of the legal work. As expressed in that comment, a "client's interests often can be adversely affected by the passage of time or the change of conditions."

The language of Rules 1.1 and 1.3 includes no exceptions; there is no language creating a different standard for prosecutors. The "Scope" section for the Rules of Professional Conduct states that the rules "apply to all lawyers, whether practicing in the private or public sector." While that section does reference that Commonwealth Attorneys may have additional authority under state and/or constitutional law, nothing in the Scope section creates a lower standard for ethical compliance with the rules for prosecutors. The general duties of competence and diligence apply equally to all attorneys licensed to practice in Virginia, including Commonwealth's Attorneys.<sup>[2]</sup>

The Committee recognizes that Commonwealth's Attorneys have a somewhat different attorney/client relationship than that of attorneys in the private sector. The client for Commonwealth's Attorneys is the Commonwealth of Virginia. That client must receive the same protection under the ethics rules as any client obtaining legal services.

Any attorney serving as a Commonwealth's Attorney, in fulfilling his duties of competence and diligence, must be mindful of a pertinent directive from Rule 1.16.

Paragraph (a)

of Rule 1.16 dictates that a lawyer not accept or continue a particular representation if it means violating another ethical rule. As explained in Comment [1] to the rule:

A lawyer should not accept or continue representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion.

This Committee finds persuasive the analysis and conclusions drawn by the Arizona Bar regarding a prosecutor's obligations, in its Ethics Opinion 86-4:

Ethical Rule 1.16 makes clear that a lawyer with a maximum caseload must decline new cases or terminate representation where the representation will result in violation of the Rules of Professional Conduct or other law. Consequently, where the demands of an extreme caseload make an attorney unable to devote sufficient attention to a particular case, acceptance of that case will cause a violation of Ethical Rules 1.1 on competent representation, 1.3 on attorney diligence and 1.16 for failing to decline or terminate representation where the representation will violate these rules.

Thus, a lawyer who accepts more cases than he can competently prosecute will be committing an ethical violation.

This Committee agrees and opines that a Commonwealth's Attorney who operates with a caseload so overly large as to preclude competent, diligent representation in each case is in violation of the ethics rules.<sup>131</sup>

Your inquiry presents very specific details regarding Attorney Smith's cases and asks whether those details constitute a violation of Rules 1.1 and 1.3. Whether a particular matter has been handled with competence and diligence is very fact-specific, involving many factors such as the complexity of the matter as well as the knowledge, skill and preparation needed for the matter. Such a context-specific determination is for a fact-finder and goes beyond the purview of this Committee. Accordingly, the Committee declines to opine as to whether the two instances provided violate the rules. Nonetheless, the Committee notes that if an attorney fails to take critical steps or makes a critical mistake in a client's case where such omission or error rises to the level of a Rule 1.1 and/or 1.3 violation, the fact that the attorney represents the Commonwealth and has a large caseload does not provide a safe harbor.

Your second question regards the supervision of Attorney Smith. If Attorney Smith has violated Rule 1.1 and/or Rule 1.3, is there any ethical issue faced by the lead Commonwealth's Attorney who supervises him?

Rule 5.1 (a) requires that a lawyer in a managerial position make reasonable efforts to ensure that the firm has measures in place so that lawyers in the office conform to the Rules of Professional Conduct. Also, paragraph (b) of Rule 5.1 states that where one attorney has direct supervision over another lawyer, the supervisor should make reasonable efforts to ensure the other lawyer complies with the Rules of Professional Conduct. The rule continues in paragraph (c) to hold responsible a supervising attorney for the ethical violations of an attorney he supervises if the supervisor orders or knowingly ratifies the conduct involved. In elaborating upon those duties, Comment [2] to the rule presents a list of procedures a supervising attorney should have in place; one example is a procedure to “identify dates by which actions must be taken in pending matters.”

Those provisions do place responsibility on the shoulders of a Commonwealth’s Attorney for having in place policies and procedures to establish an office that practices within the parameters of the Rules of Professional Conduct and that the Commonwealth’s Attorney properly supervise the Assistant Commonwealth’s Attorneys reporting to him to assure ethical compliance. Attorney Smith in struggling with his caseload and missing important deadlines was under the supervision of the Commonwealth’s Attorney. That lead attorney in deciding the case load to be borne by Attorney Smith is in a position to render impossible Attorney Smith’s ability to work competently and diligently. Where a supervising attorney assigns a caseload so large as to preclude any hope of the supervised attorney’s ethically representing the client (or clients), that supervisor would be in violation of Rule 5.1.

As in question one above, whether a particular attorney’s caseload is in fact of such a detrimental size is so context-specific as to be a determination proper only for a fact-finder and is, therefore, outside the purview of this Committee. Nonetheless, if a Commonwealth’s Attorney has in fact assigned such an impermissibly large caseload to an Assistant Commonwealth’s Attorney, the facts that the client is the amorphous Commonwealth and that the Commonwealth’s Attorney has himself a large caseload provide no safe harbor from the requirements of Rule 5.1.

This opinion is advisory only, based only on the facts you presented and not binding on any court or tribunal.

Committee Opinion  
June 30, 2004  
As Revised  
August 3, 2004

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<sup>11</sup> Virginia Code §19.2-270.5.

<sup>[2]</sup> Although this opinion addresses workloads for prosecutors, excessive caseloads for public defenders and court-appointed counsel raise the same ethical problems if each client's case cannot be attended to with reasonable diligence and competence.

<sup>[3]</sup> In addition, Comment 1 to Rule 3.8 provides:

A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice *and that guilt is decided on the basis of sufficient evidence.* (emphasis added).

Rule 3.8 (a) prohibits a prosecutor from initiating or maintaining a charge once the prosecutor *knows* that the charge is not supportable by probable cause. The term "knows" as used in this rule denotes *actual* knowledge on the part of the prosecutor. While the cited rule may not be violated under the circumstances presented in your hypothetical, the inability of the prosecutor, due to his or her crushing caseload, to prepare his or her case and evaluate the strength of the Commonwealth's case frustrates these principles.



# **Attachment III**

## **Commission on Prosecution Coordination, South Carolina Statutes**

Code of Laws of South Carolina 1976 Annotated [Currentness](#)

Title 1. Administration of the Government

■ [Chapter 7.](#) Attorney General and Solicitors

■ [Article 7.](#) Commission on Prosecution Coordination

◆ **§ 1-7-920. Commission membership.**

The commission is composed of the following persons for terms as indicated:

- (1) the Chairmen of the Senate and House Judiciary Committees for the terms for which they are elected or their legislative designees;
- (2) the Chief of the South Carolina Law Enforcement Division for the term for which he is appointed;
- (3) the Director of the Department of Public Safety shall serve during the term for which he is appointed;
- (4) a director of a Judicial Circuit Pretrial Intervention Program appointed by the Governor for a term of two years;
- (5) a Judicial Circuit Victim-Witness Assistance Advocate appointed by the Governor for a term of two years;
- (6) five judicial circuit solicitors appointed by the Governor for a term of four years. However, upon initial appointment, the Governor shall select one for a two-year term, two for a three-year term, and two for a four-year term. If a solicitor appointed to the commission is not re-elected, a vacancy occurs and it must be filled pursuant to the provisions of [Section 1-7-930](#).

HISTORY: 1990 Act No. 485, § 1; [1996 Act No. 337, § 1](#).

LIBRARY REFERENCES

Westlaw Key Number Search: 360k45.

[States](#) ¶45.

[C.J.S. States §§ 79, 82, 136](#).

RESEARCH REFERENCE

Encyclopedias

[S.C. Jur. Attorney General § 6](#), Relationship to Solicitors.

S.C. Jur. Attorney General III Ref., Divisional References.

Code 1976 § 1-7-920, SC ST § 1-7-920

Code of Laws of South Carolina 1976 Annotated [Currentness](#)

Title 1. Administration of the Government

■ [Chapter 7.](#) Attorney General and Solicitors

■ [Article 7.](#) Commission on Prosecution Coordination

◆ **§ 1-7-940. Duties.**

(A) The commission has the following duties:

- (1) coordinate all administrative functions of the offices of the solicitors and any affiliate services operating in conjunction with the solicitors' offices;
- (2) submit the budgets of the solicitors and their affiliate services to the General Assembly;

(3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State;

(4) provide blank indictments for the circuit solicitors.

(B) Nothing in this section may be construed to displace or otherwise affect the functions and responsibilities of the State Victim/Witness Assistance Program as established in [Section 16-3-1410](#).

HISTORY: 1990 Act No. 485, § 1; [1992 Act No. 347, § 2](#).

#### LIBRARY REFERENCES

Westlaw Key Number Search: 360k73.


[States](#)  [73](#).


[C.J.S. States §§ 130 to 136, 140](#).


Code 1976 § 1-7-940, SC ST § 1-7-940

Code of Laws of South Carolina 1976 Annotated [Currentness](#)

Title 1. Administration of the Government

 [Chapter 7](#). Attorney General and Solicitors

 [Article 7](#). Commission on Prosecution Coordination

 **§ 1-7-950. Election of chairman and officers.**

The chairman of the commission must be elected by a majority vote of the membership of the commission for a two-year term. A majority of the entire membership constitutes a quorum. Other officers as needed by the commission must be elected in the same manner.

HISTORY: 1990 Act No. 485, § 1.

#### LIBRARY REFERENCES

Westlaw Key Number Searches: 360k46; 360k51.


[States](#)  [46, 51](#).


[C.J.S. States §§ 61, 80, 84, 87, 92, 102](#).

Code 1976 § 1-7-950, SC ST § 1-7-950

Code of Laws of South Carolina 1976 Annotated [Currentness](#)

Title 1. Administration of the Government

 [Chapter 7](#). Attorney General and Solicitors

 [Article 7](#). Commission on Prosecution Coordination

 **§ 1-7-960. Executive director; staff.**

The commission has the authority to appoint an executive director who shall serve at the pleasure of the commission. He is responsible for the day-to-day operation of the commission and the coordination of the work with other state agencies. The commission has the authority to hire additional staff as provided for in the annual appropriations act in order to perform the duties of the commission.

HISTORY: 1990 Act No. 485, § 1.

#### LIBRARY REFERENCES

Westlaw Key Number Search: 360k53.

[States](#)  53.

[C.J.S. States §§ 81](#) to [83](#), [86](#), [93](#) to [98](#), [101](#), [136](#).

Code 1976 § 1-7-960, SC ST § 1-7-960

## **Attachment IV**

# **FY99 / FY05 Law Enforcement and Judicial Entities Comparison**

## FY99 /FY05 Law Enforcement /Judicial Entities Comparison

Agency/Entity	FY99 Budget Allocation	FY05 Budget Allocation	% increase from FY99 to FY 05
Public Defender Commission/Indigent Defense Commission	\$ 15,638,528	\$ 31,363,168	101%
J & DR Courts	\$ 37,728,092	\$ 63,114,443	67%
Supreme Court	\$ 11,465,076	\$ 17,850,457	56%
Combined District Courts	\$ 12,837,800	\$ 17,716,538	38%
General District Courts	\$ 56,146,728	\$ 76,245,091	36%
Department of Corrections	\$ 612,869,733	\$ 781,398,804	27%
Court of Appeals	\$ 4,624,983	\$ 5,864,977	27%
State Police	\$ 137,409,193	\$ 170,587,323	24%
Commonwealth's Attorneys Services Council	\$ 509,457	\$ 631,939	24%
Sheriffs	\$ 270,908,574	\$ 325,503,606	20%
Circuit Courts	\$ 60,419,258	\$ 69,106,566	14%
Commonwealth's Attorneys	\$ 39,478,891	\$ 45,114,580	14%
Department of Juvenile Justice	\$ 183,157,143	\$ 187,759,903	3%

**Source: Budget Bills as enacted by the General Assembly , HB 30 (1998) and HB 5001 (2004)**

## **Attachment V**

# **Comparison: FY05 Prosecution vs. Indigent Defense**

**Comparison: FY05 Prosecution vs. Indigent Defense**

<b>Agency/Entity</b>	<b>FY05 Budget Allocation</b>	<b>TOTAL</b>
<b>Commonwealth's Attorneys</b>	\$ 45,114,580	
<b>Commonwealth's Attorneys Services Council</b>	\$ 631,939	
		\$ 45,746,519
<b>Criminal Fund</b>	\$ 71,624,934	
<b>Public Defenders</b>	\$ 29,703,094	
<b>Indigent Defense Commission (Administrative)</b>	\$ 1,660,074	
		\$ 102,988,102
<b>Source: Budget Bill as enacted by the General Assembly, HB 5001 (2004); Indigent Defense Commission FY05 Budget</b>		



# **Attachment VI**

## **Commonwealth's Attorneys Base Budget vs. Local Supplements**

## FY 2000 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2000 = \$ 34,222,487</b>	<b>Total For FY 2000 = \$4,855,206</b>	<b>Total Combined for FY 2000 = \$39,121,734</b>	<b>Local Support % of Total = 12%</b>	<b>Comp Board % of Total = 88%</b>
ACCOMACK	\$ 171,324	\$ -	\$ 171,324	0%	100%
ALBEMARLE	\$ 324,737	\$ 26,834	\$ 351,571	8%	92%
ALEXANDRIA	\$ 610,448	\$ 162,016	\$ 772,464	21%	79%
ALEXANDRIA DRUG PROS	\$ 83,313	\$ 9,755	\$ 93,068	10%	90%
ALLEGHANY	\$ 134,309	\$ -	\$ 134,309	0%	100%
AMELIA	\$ 115,641	\$ -	\$ 115,641	0%	100%
AMHERST	\$ 147,947	\$ 10,000	\$ 157,947	6%	94%
APPOMATTOX	\$ 114,402	\$ -	\$ 114,402	0%	100%
ARLINGTON	\$ 827,061	\$ 474,692	\$ 1,301,753	36%	64%
AUGUSTA	\$ 211,655	\$ -	\$ 211,655	0%	100%
BATH	\$ 50,278	\$ -	\$ 50,278	0%	100%
BEDFORD	\$ 275,509	\$ -	\$ 275,509	0%	100%
BLAND	\$ 50,278	\$ -	\$ 50,278	0%	100%
BOTETOURT	\$ 177,742	\$ -	\$ 177,742	0%	100%
BRISTOL	\$ 145,413	\$ 1,708	\$ 147,121	1%	99%
BRUNSWICK	\$ 125,868	\$ -	\$ 125,868	0%	100%
BUCHANAN	\$ 190,351	\$ -	\$ 190,351	0%	100%
BUCKINGHAM	\$ 88,689	\$ -	\$ 88,689	0%	100%
BUENA VISTA	\$ 50,763	\$ -	\$ 50,763	0%	100%
CAMPBELL	\$ 282,966	\$ 2,400	\$ 285,366	1%	99%
CAROLINE	\$ 65,089	\$ 1,938	\$ 67,027	3%	97%
CARROLL	\$ 160,231	\$ -	\$ 160,231	0%	100%
CHARLES CITY	\$ 60,924	\$ -	\$ 60,924	0%	100%
CHARLOTTE	\$ 61,086	\$ -	\$ 105,127	0%	58%
CHARLOTTESVILLE	\$ 329,017	\$ 6,488	\$ 335,505	2%	98%
CHESAPEAKE	\$ 697,292	\$ 152,880	\$ 850,172	18%	82%
CHESTERFIELD	\$ 1,057,914	\$ 257,964	\$ 1,315,878	20%	80%
CHESTERFLD DRUG PROS	\$ 71,375	\$ 3,021	\$ 74,396	4%	96%
CLARKE	\$ 135,106	\$ -	\$ 135,106	0%	100%
CLIFTON FORGE	\$ 52,934	\$ -	\$ 52,934	0%	100%
COLONIAL HEIGHTS	\$ 178,565	\$ 11,178	\$ 189,743	6%	94%
CRAIG	\$ 51,532	\$ -	\$ 51,532	0%	100%
CULPEPER	\$ 200,850	\$ 32,078	\$ 232,928	14%	86%
CUMBERLAND	\$ 54,174	\$ -	\$ 54,174	0%	100%
DANVILLE	\$ 380,442	\$ 11,800	\$ 392,242	3%	97%
DICKENSON COUNTY	\$ 130,693	\$ -	\$ 130,693	0%	100%
DINWIDDIE	\$ 90,074	\$ -	\$ 90,074	0%	100%
ESSEX	\$ 113,802	\$ 113,802	\$ 227,604	50%	50%
FAIRFAX	\$ 1,042,080	\$ 291,917	\$ 1,333,997	22%	78%
FAUQUIER COUNTY	\$ 239,288	\$ 41,412	\$ 280,700	15%	85%
FLOYD	\$ 112,643	\$ -	\$ 112,643	0%	100%
FLUVANNA	\$ 116,936	\$ -	\$ 116,936	0%	100%

## FY 2000 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2000 = \$ 34,222,487</b>	<b>Total For FY 2000 = \$4,855,206</b>	<b>Total Combined for FY 2000 = \$39,121,734</b>	<b>Local Support % of Total = 12%</b>	<b>Comp Board % of Total = 88%</b>
FRANKLIN	\$ 226,722	\$ -	\$ 226,722	0%	100%
FREDERICK	\$ 216,401	\$ -	\$ 216,401	0%	100%
FREDERICKSBURG	\$ 267,886	\$ 51,835	\$ 319,721	16%	84%
GILES	\$ 107,562	\$ -	\$ 107,562	0%	100%
GLOUCESTER	\$ 217,600	\$ -	\$ 217,600	0%	100%
GOOCHLAND	\$ 145,941	\$ 16,849	\$ 162,790	10%	90%
GRAYSON	\$ 134,051	\$ -	\$ 134,051	0%	100%
GREENE	\$ 56,210	\$ -	\$ 56,210	0%	100%
GREENSVILLE	\$ 212,836	\$ -	\$ 212,836	0%	100%
HALIFAX	\$ 227,182	\$ -	\$ 227,182	0%	100%
HALIFAX CO DRUG PROS	\$ 75,329	\$ -	\$ 75,329	0%	100%
HAMPTN CTY DRUG PROS	\$ 115,495	\$ 19,100	\$ 134,595	14%	86%
HAMPTON	\$ 800,877	\$ 67,300	\$ 868,177	8%	92%
HANOVER	\$ 329,441	\$ 84,248	\$ 413,689	20%	80%
HENRICO	\$ 1,076,833	\$ 386,639	\$ 1,463,472	26%	74%
HENRICO CO DRUG PROS	\$ 82,705	\$ 1,590	\$ 84,295	2%	98%
HENRY	\$ 239,355	\$ 6,321	\$ 245,676	3%	97%
HIGHLAND	\$ 50,518	\$ -	\$ 50,518	0%	100%
HOPEWELL	\$ 247,091	\$ -	\$ 247,091	0%	100%
ISLE OF WIGHT	\$ 148,423	\$ -	\$ 148,423	0%	100%
JAMES CITY	\$ 310,282	\$ 40,018	\$ 350,300	11%	89%
KING & QUEEN	\$ 106,246	\$ -	\$ 106,246	0%	100%
KING GEORGE	\$ 116,936	\$ -	\$ 116,936	0%	100%
KING WILLIAM	\$ 54,687	\$ -	\$ 54,687	0%	100%
LANCASTER	\$ 64,405	\$ -	\$ 64,405	0%	100%
LEE	\$ 146,596	\$ -	\$ 146,596	0%	100%
LOUDOUN	\$ 443,894	\$ 56,427	\$ 500,321	11%	89%
LOUISA	\$ 173,385	\$ 25,000	\$ 198,385	13%	87%
LUNENBURG	\$ 112,083	\$ -	\$ 112,083	0%	100%
LYNCHBURG	\$ 530,835	\$ 20,221	\$ 551,056	4%	96%
MADISON	\$ 112,643	\$ -	\$ 112,643	0%	100%
MARTINSVILLE	\$ 177,242	\$ 21,372	\$ 198,614	11%	89%
MATHEWS	\$ 112,083	\$ -	\$ 112,083	0%	100%
MECKLENBURG	\$ 194,946	\$ 1,494	\$ 196,440	1%	99%
MIDDLESEX	\$ 51,014	\$ -	\$ 51,014	0%	100%
MONTGOMERY	\$ 287,038	\$ -	\$ 287,038	0%	100%
NELSON	\$ 114,402	\$ -	\$ 114,402	0%	100%
NEW KENT	\$ 114,402	\$ -	\$ 114,402	0%	100%
NEWPORT NEWS	\$ 1,058,750	\$ 93,958	\$ 1,152,708	8%	92%
NORFOLK	\$ 1,666,382	\$ 397,380	\$ 2,063,762	19%	81%
NORTHAMPTON	\$ 116,281	\$ -	\$ 116,281	0%	100%
NORTHUMBERLAND	\$ 108,970	\$ -	\$ 108,970	0%	100%

## FY 2000 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2000 = \$ 34,222,487</b>	<b>Total For FY 2000 = \$4,855,206</b>	<b>Total Combined for FY 2000 = \$39,121,734</b>	<b>Local Support % of Total = 12%</b>	<b>Comp Board % of Total = 88%</b>
NOTTOWAY	\$ 108,021	\$ -	\$ 108,021	0%	100%
ORANGE	\$ 154,963	\$ -	\$ 154,963	0%	100%
PAGE	\$ 138,032	\$ -	\$ 138,032	0%	100%
PATRICK	\$ 79,364	\$ -	\$ 79,364	0%	100%
PETERSBURG	\$ 506,119	\$ 9,000	\$ 515,119	2%	98%
PITTSYLVANIA	\$ 276,298	\$ -	\$ 276,298	0%	100%
PORTSMOUTH	\$ 814,748	\$ 80,027	\$ 894,775	9%	91%
PORTSMTH CTY DRUG PR	\$ 72,983	\$ 1,128	\$ 74,111	2%	98%
POWHATAN	\$ 114,402	\$ 677	\$ 115,079	1%	99%
PRINCE EDWARD	\$ 162,208	\$ 7,000	\$ 169,208	4%	96%
PRINCE GEORGE	\$ 144,813	\$ -	\$ 144,813	0%	100%
PRINCE WILLIAM	\$ 958,781	\$ 472,828	\$ 1,431,609	33%	67%
PULASKI	\$ 240,682	\$ 10,430	\$ 251,112	4%	96%
RADFORD	\$ 113,802	\$ -	\$ 113,802	0%	100%
RAPPAHANNOCK	\$ 113,216	\$ -	\$ 113,216	0%	100%
RICHMOND	\$ 117,606	\$ 117,606	\$ 235,212	50%	50%
RICHMOND CITY	\$ 2,041,771	\$ 176,987	\$ 2,218,758	8%	92%
ROANKE CTY DRUG PROS	\$ 67,668	\$ 180	\$ 67,848	0%	100%
ROANOKE	\$ 337,350	\$ 54,321	\$ 391,671	14%	86%
ROANOKE CITY	\$ 696,700	\$ 112,286	\$ 808,986	14%	86%
ROCKBRIDGE	\$ 141,914	\$ -	\$ 141,914	0%	100%
ROCKINGHAM	\$ 355,519	\$ -	\$ 355,519	0%	100%
RUSSELL	\$ 146,360	\$ -	\$ 146,360	0%	100%
SALEM	\$ 173,879	\$ -	\$ 173,879	0%	100%
SCOTT	\$ 134,786	\$ -	\$ 134,786	0%	100%
SHENANDOAH	\$ 182,458	\$ -	\$ 182,458	0%	100%
SMYTH	\$ 186,250	\$ -	\$ 186,250	0%	100%
SOUTHAMPTON	\$ 168,764	\$ -	\$ 168,764	0%	100%
SPOTSYLVANIA	\$ 279,707	\$ 62,740	\$ 342,447	18%	82%
STAFFORD	\$ 327,370	\$ 124,218	\$ 451,588	28%	72%
STAUNTON	\$ 193,651	\$ -	\$ 193,651	0%	100%
SUFFOLK	\$ 467,259	\$ 83,471	\$ 550,730	15%	85%
SURRY	\$ 52,641	\$ -	\$ 52,641	0%	100%
SUSSEX	\$ 112,083	\$ 498	\$ 112,581	0%	100%
TAZEWELL	\$ 224,077	\$ -	\$ 224,077	0%	100%
VIRGINIA BEACH	\$ 1,445,909	\$ 548,163	\$ 1,994,072	27%	73%
WARREN	\$ 209,555	\$ 34,901	\$ 244,456	14%	86%
WASHINGTON	\$ 240,899	\$ -	\$ 240,899	0%	100%
WAYNESBORO	\$ 175,882	\$ 13,465	\$ 189,347	7%	93%
WESTMORELAND	\$ 128,244	\$ -	\$ 128,244	0%	100%
WINCHESTER	\$ 237,558	\$ 15,972	\$ 253,530	6%	94%
WISE	\$ 271,277	\$ -	\$ 271,277	0%	100%

## FY 2000 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2000 = \$ 34,222,487</b>	<b>Total For FY 2000 = \$4,855,206</b>	<b>Total Combined for FY 2000 = \$39,121,734</b>	<b>Local Support % of Total = 12%</b>	<b>Comp Board % of Total = 88%</b>
WYTHE	\$ 89,598	\$ -	\$ 89,598	0%	100%
YORK	\$ 284,619	\$ 27,673	\$ 312,292	9%	91%
GRAND TOTALS					
	<b>\$ 34,222,487</b>	<b>\$ 4,855,206</b>	<b>\$ 39,121,734</b>	<b>12%</b>	<b>88%</b>

Source: Population ( 2000 Census Data); Comp Board Funding and Local Supplements (Compensation Board, Local Supplement amount submitted to Comp Board by Each Locality) \*Note Discrepancy in Charlotte between FY2000 State Allocation and Total Funding

## FY 2005 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2005 = \$39,615,617</b>	<b>Total For FY 2005 = \$10,802,287</b>	<b>Total Combined for FY 2005 = \$50,417,904</b>	<b>Local Support % of Total = 21%</b>	<b>Comp Board % of Total = 79%</b>
ACCOMACK	\$ 200,674	\$ -	\$ 200,674	0%	100%
ALBEMARLE	\$ 363,384	\$ 89,441	\$ 452,825	20%	80%
ALEXANDRIA	\$ 674,509	\$ 362,937	\$ 1,037,446	35%	65%
ALEXANDRIA DRUG PROS	\$ 102,286	\$ 24,004	\$ 126,290	19%	81%
ALLEGHANY	\$ 208,394	\$ -	\$ 208,394	0%	100%
AMELIA	\$ 123,066	\$ 6,532	\$ 129,598	5%	95%
AMHERST	\$ 202,811	\$ 7,622	\$ 210,433	4%	96%
APPOMATTOX	\$ 127,520	\$ -	\$ 127,520	0%	100%
ARLINGTON	\$ 852,480	\$ 725,308	\$ 1,577,788	46%	54%
AUGUSTA	\$ 268,457	\$ 9,859	\$ 278,316	4%	96%
BATH	\$ 53,227	\$ 8,537	\$ 61,764	14%	86%
BEDFORD	\$ 301,017	\$ 39,212	\$ 340,229	12%	88%
BLAND	\$ 64,573	\$ -	\$ 64,573	0%	100%
BOTETOURT	\$ 221,090	\$ 6,069	\$ 227,159	3%	97%
BRISTOL	\$ 260,552	\$ -	\$ 260,552	0%	100%
BRUNSWICK	\$ 168,408	\$ -	\$ 168,408	0%	100%
BUCHANAN	\$ 221,728	\$ 5,000	\$ 226,728	2%	98%
BUCKINGHAM	\$ 99,772	\$ -	\$ 99,772	0%	100%
BUENA VISTA	\$ 120,343	\$ 2,232	\$ 122,575	2%	98%
CAMPBELL	\$ 321,621	\$ 37,700	\$ 359,321	10%	90%
CAROLINE	\$ 68,654	\$ 6,463	\$ 75,117	9%	91%
CARROLL	\$ 251,992	\$ -	\$ 251,992	0%	100%
CHARLES CITY	\$ 65,070	\$ 5,899	\$ 70,969	8%	92%
CHARLOTTE	\$ 114,748	\$ -	\$ 114,748	0%	100%
CHARLOTTESVILLE	\$ 377,525	\$ 55,526	\$ 433,051	13%	87%
CHESAPEAKE	\$ 850,778	\$ 366,198	\$ 1,216,976	30%	70%
CHESTERFIELD	\$ 1,086,378	\$ 449,305	\$ 1,535,683	29%	71%
CHESTERFLD DRUG PROS	\$ 75,168	\$ 21,699	\$ 96,867	22%	78%
CLARKE	\$ 142,818	\$ 6,794	\$ 149,612	5%	95%
COLONIAL HEIGHTS	\$ 250,896	\$ 20,668	\$ 271,564	8%	92%
CRAIG	\$ 54,112	\$ -	\$ 54,112	0%	100%
CULPEPER	\$ 252,060	\$ 74,530	\$ 326,590	23%	77%
CUMBERLAND	\$ 53,946	\$ -	\$ 53,946	0%	100%
DANVILLE	\$ 456,161	\$ 28,134	\$ 484,295	6%	94%
DICKENSON COUNTY	\$ 144,158	\$ 10,893	\$ 155,051	7%	93%
DINWIDDIE	\$ 101,615	\$ 2,411	\$ 104,026	2%	98%
ESSEX	\$ 122,198	\$ -	\$ 122,198	0%	100%
FAIRFAX	\$ 1,226,599	\$ 531,123	\$ 1,757,722	30%	70%
FAUQUIER COUNTY	\$ 282,372	\$ 104,837	\$ 387,209	27%	73%
FLOYD	\$ 126,379	\$ -	\$ 126,379	0%	100%
FLUVANNA	\$ 131,199	\$ -	\$ 131,199	0%	100%

## FY 2005 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2005 = \$39,615,617</b>	<b>Total For FY 2005 = \$10,802,287</b>	<b>Total Combined for FY 2005 = \$50,417,904</b>	<b>Local Support % of Total = 21%</b>	<b>Comp Board % of Total = 79%</b>
FRANKLIN	\$ 337,604	\$ -	\$ 337,604	0%	100%
FREDERICK	\$ 257,634	\$ 144,971	\$ 402,605	36%	64%
FREDERICKSBURG	\$ 294,755	\$ 108,266	\$ 403,021	27%	73%
GILES	\$ 119,982	\$ 5,152	\$ 125,134	4%	96%
GLOUCESTER	\$ 247,420	\$ 17,453	\$ 264,873	7%	93%
GOOCHLAND	\$ 199,833	\$ 59,345	\$ 259,178	23%	77%
GRAYSON	\$ 166,604	\$ -	\$ 166,604	0%	100%
GREENE	\$ 65,770	\$ -	\$ 65,770	0%	100%
GREENSVILLE	\$ 317,759	\$ -	\$ 317,759	0%	100%
HALIFAX	\$ 246,650	\$ 20,344	\$ 266,994	8%	92%
HALIFAX CO DRUG PROS	\$ 79,495	\$ -	\$ 79,495	0%	100%
HAMPTN CTY DRUG PROS	\$ 127,346	\$ 11,540	\$ 138,886	8%	92%
HAMPTON	\$ 886,313	\$ 78,280	\$ 964,593	8%	92%
HANOVER	\$ 413,034	\$ 182,466	\$ 595,500	31%	69%
HENRICO	\$ 1,138,112	\$ 604,482	\$ 1,742,594	35%	65%
HENRICO CO DRUG PROS	\$ 95,765	\$ 10,856	\$ 106,621	10%	90%
HENRY	\$ 315,248	\$ 27,017	\$ 342,265	8%	92%
HIGHLAND	\$ 53,141	\$ -	\$ 53,141	0%	100%
HOPEWELL	\$ 307,610	\$ -	\$ 307,610	0%	100%
ISLE OF WIGHT	\$ 214,494	\$ -	\$ 214,494	0%	100%
JAMES CITY	\$ 348,905	\$ 49,743	\$ 398,648	12%	88%
KING & QUEEN	\$ 111,520	\$ 15,048	\$ 126,568	12%	88%
KING GEORGE	\$ 149,977	\$ -	\$ 149,977	0%	100%
KING WILLIAM	\$ 59,351	\$ -	\$ 59,351	0%	100%
LANCASTER	\$ 134,310	\$ -	\$ 134,310	0%	100%
LEE	\$ 174,349	\$ -	\$ 174,349	0%	100%
LOUDOUN	\$ 476,389	\$ 286,607	\$ 762,996	38%	62%
LOUISA	\$ 216,374	\$ -	\$ 216,374	0%	100%
LUNENBURG	\$ 126,458	\$ 1,223	\$ 127,681	1%	99%
LYNCHBURG	\$ 573,654	\$ 61,046	\$ 634,700	10%	90%
MADISON	\$ 127,687	\$ -	\$ 127,687	0%	100%
MARTINSVILLE	\$ 239,303	\$ 5,250	\$ 244,553	2%	98%
MATHEWS	\$ 125,462	\$ 2,891	\$ 128,353	2%	98%
MECKLENBURG	\$ 229,912	\$ 9,600	\$ 239,512	4%	96%
MIDDLESEX	\$ 59,079	\$ -	\$ 59,079	0%	100%
MONTGOMERY	\$ 362,334	\$ 44,132	\$ 406,466	11%	89%
NELSON	\$ 124,041	\$ 4,217	\$ 128,258	3%	97%
NEW KENT	\$ 133,872	\$ 5,233	\$ 139,105	4%	96%
NEWPORT NEWS	\$ 1,090,702	\$ 207,808	\$ 1,298,510	16%	84%
NORFOLK	\$ 1,796,223	\$ 886,368	\$ 2,682,591	33%	67%
NORTHAMPTON	\$ 127,806	\$ -	\$ 127,806	0%	100%
NORTHUMBERLAND	\$ 119,766	\$ -	\$ 119,766	0%	100%

## FY 2005 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2005 = \$39,615,617</b>	<b>Total For FY 2005 = \$10,802,287</b>	<b>Total Combined for FY 2005 = \$50,417,904</b>	<b>Local Support % of Total = 21%</b>	<b>Comp Board % of Total = 79%</b>
NOTTOWAY	\$ 118,608	\$ -	\$ 118,608	0%	100%
ORANGE	\$ 182,118	\$ 14,564	\$ 196,682	7%	93%
PAGE	\$ 148,691	\$ 800	\$ 149,491	1%	99%
PATRICK	\$ 178,931	\$ -	\$ 178,931	0%	100%
PETERSBURG	\$ 539,226	\$ 10,000	\$ 549,226	2%	98%
PITTSYLVANIA	\$ 290,711	\$ -	\$ 290,711	0%	100%
PORTSMOUTH	\$ 863,583	\$ 209,705	\$ 1,073,288	20%	80%
PORTSMTH CTY DRUG PR	\$ 73,338	\$ 3,438	\$ 76,776	4%	96%
POWHATAN	\$ 138,370	\$ 84,109	\$ 222,479	38%	62%
PRINCE EDWARD	\$ 189,172	\$ 23,970	\$ 213,142	11%	89%
PRINCE GEORGE	\$ 158,130	\$ 844,600	\$ 1,002,730	84%	16%
PRINCE WILLIAM	\$ 1,022,603	\$ 911,460	\$ 1,934,063	47%	53%
PULASKI	\$ 308,372	\$ 4,746	\$ 313,118	2%	98%
RADFORD	\$ 176,381	\$ -	\$ 176,381	0%	100%
RAPPAHANNOCK	\$ 123,203	\$ 6,613	\$ 129,816	5%	95%
RICHMOND	\$ 128,783	\$ -	\$ 128,783	0%	100%
RICHMOND CITY	\$ 2,098,066	\$ 326,121	\$ 2,424,187	13%	87%
ROANKE CTY DRUG PROS	\$ 75,972	\$ -	\$ 75,972	0%	100%
ROANOKE	\$ 360,669	\$ 93,896	\$ 454,565	21%	79%
ROANOKE CITY	\$ 718,747	\$ 172,819	\$ 891,566	19%	81%
ROCKBRIDGE	\$ 243,927	\$ -	\$ 243,927	0%	100%
ROCKINGHAM	\$ 397,633	\$ -	\$ 397,633	0%	100%
RUSSELL	\$ 146,779	\$ 18,622	\$ 165,401	11%	89%
SALEM	\$ 174,020	\$ -	\$ 174,020	0%	100%
SCOTT	\$ 148,895	\$ -	\$ 148,895	0%	100%
SHENANDOAH	\$ 238,460	\$ 14,000	\$ 252,460	6%	94%
SMYTH	\$ 228,706	\$ 15,487	\$ 244,193	6%	94%
SOUTHAMPTON	\$ 244,731	\$ -	\$ 244,731	0%	100%
SPOTSYLVANIA	\$ 360,345	\$ 185,663	\$ 546,008	34%	66%
STAFFORD	\$ 454,825	\$ 254,093	\$ 708,918	36%	64%
STAUNTON	\$ 225,506	\$ -	\$ 225,506	0%	100%
SUFFOLK	\$ 566,052	\$ 193,155	\$ 759,207	25%	75%
SURRY	\$ 56,292	\$ -	\$ 56,292	0%	100%
SUSSEX	\$ 192,240	\$ 33,776	\$ 226,016	15%	85%
TAZEWELL	\$ 350,283	\$ 374,440	\$ 724,723	52%	48%
VIRGINIA BEACH	\$ 1,608,043	\$ 910,983	\$ 2,519,026	36%	64%
WARREN	\$ 237,708	\$ 40,080	\$ 277,788	14%	86%
WASHINGTON	\$ 266,085	\$ -	\$ 266,085	0%	100%
WAYNESBORO	\$ 234,933	\$ 26,492	\$ 261,425	10%	90%
WESTMORELAND	\$ 171,481	\$ -	\$ 171,481	0%	100%
WINCHESTER	\$ 323,413	\$ 51,017	\$ 374,430	14%	86%
WISE	\$ 307,516	\$ -	\$ 307,516	0%	100%



## FY 2005 Comp Board Base Salary and Local Supplement

LOCALITY	COMP BOARD	LOCAL SUPP.	TOTAL	Local Sup % of Total	Comp Board % of Total
	<b>Total for FY 2005 = \$39,615,617</b>	<b>Total For FY 2005 = \$10,802,287</b>	<b>Total Combined for FY 2005 = \$50,417,904</b>	<b>Local Support % of Total = 21%</b>	<b>Comp Board % of Total = 79%</b>
WYTHE	\$ 189,316	\$ -	\$ 189,316	0%	100%
YORK	\$ 371,973	\$ 119,367	\$ 491,340	24%	76%
<b>GRAND TOTALS</b>					
	<b>\$ 39,615,617</b>	<b>\$ 10,802,287</b>	<b>\$ 50,417,904</b>	<b>21%</b>	<b>79%</b>

## **Attachment VII**

### **Comparison: FY99 / FY 05 Base Budgets for Commonwealth's Attorneys vs. Sheriffs and Jailers**

### Comparison: FY99 / FY05 Base Budgets for Commonwealth's Attorneys and Sheriffs

Cities and Counties FY99 Base Budget for Commonwealth's Attorneys	FY99 Total Base Budget for Commonwealth's Attorneys = 38,990,884	Cities and Counties FY05 Base Budget for Commonwealth's Attorneys	FY05 Total Restored Budget for Commonwealth's Attorneys = 44,617,957	% increase from FY99 to FY05	Cities and Counties FY99 Base Budget for Sheriffs and Regional Jailers	FY99 Total Base Budget for Sheriff's and Jailers = \$246,915,761	Cities and Counties FY05 Base Budget for Sheriffs and Regional Jailers	FY05 Total Base Budget for Sheriff's and Jailers = \$324,400,551	% increase from FY99 to FY05
Accomack	193,615	Accomack	219,310	13%	Accomack	1,504,024	Accomack	2,153,495	43%
Albemarle	371,960	Albemarle	410,431	10%	Albemarle	451,769	Albemarle	595,806	32%
Alleghany/Covington	156,040	Alleghany/Covington	234,245	50%	Alleghany/Covington	971,431	Alleghany/Covington	1,785,855	84%
Amelia	140,868	Amelia	138,999	-1%	Amelia	463,280	Amelia	612,784	32%
Amherst	169,224	Amherst	229,069	35%	Amherst	1,565,094	Amherst	1,969,216	26%
Appomattox	129,288	Appomattox	144,030	11%	Appomattox	816,957	Appomattox	1,104,283	35%
Arlington/Falls Church	879,579	Arlington/Falls Church	957,906	9%	Arlington	5,569,429	Arlington	6,704,708	20%
Augusta	250,708	Augusta	303,214	21%	Augusta	2,926,826	Augusta	3,977,741	36%
Bath	55,415	Bath	58,569	6%	Bath	476,046	Bath	435,635	-8%
Bedford/Bedford City	318,204	Bedford/Bedford City	358,147	13%	Bedford/Bedford City	1,630,974	Bedford/Bedford City	2,107,530	29%
Bland	56,538	Bland	72,933	29%	Bland	504,326	Bland	432,749	-14%
Botetourt	204,637	Botetourt	249,714	22%	Botetourt	1,400,027	Botetourt	1,972,466	41%
Brunswick	157,617	Brunswick	198,377	26%	Brunswick	882,140	Brunswick	1,220,529	38%
Buchanan	240,652	Buchanan	266,404	11%	Buchanan	1,433,347	Buchanan	1,605,388	12%
Buckingham	100,977	Buckingham	112,689	12%	Buckingham	535,561	Buckingham	704,897	32%
Campbell	299,694	Campbell	363,261	21%	Campbell	1,527,848	Campbell	1,923,867	26%
Caroline	72,143	Caroline	77,543	7%	Caroline	863,250	Caroline	952,256	10%
Carroll/Galax	211,195	Carroll/Galax	300,331	42%	Carroll/Galax	1,282,868	Carroll/Galax	1,164,486	-9%
Charles City	67,451	Charles City	73,495	9%	Charles City	370,745	Charles City	451,540	22%
Charlotte	71,608	Charlotte	132,533	85%	Charlotte	786,096	Charlotte	961,392	22%
Chesterfield	1,122,795	Chesterfield	1,244,630	11%	Chesterfield	3,621,099	Chesterfield	4,630,796	28%
Chesterfield Drug Pros	98,844	Chesterfield Drug Pros	98,769	0%	XX	XX	XX	XX	#####
Clarke	147,972	Clarke	161,309	9%	Clarke	571,668	Clarke	642,675	12%

### Comparison: FY99 / FY05 Base Budgets for Commonwealth's Attorneys and Sheriffs

<b>Cities and Counties FY99 Base Budget for Commonwealth's Attorneys</b>	<b>FY99 Total Base Budget for Commonwealth's Attorneys = 38,990,884</b>	<b>Cities and Counties FY05 Base Budget for Commonwealth's Attorneys</b>	<b>FY05 Total Restored Budget for Commonwealth's Attorneys = 44,617,957</b>	<b>% increase from FY99 to FY05</b>	<b>Cities and Counties FY99 Base Budget for Sheriffs and Regional Jailers</b>	<b>FY99 Total Base Budget for Sheriff's and Jailers = \$246,915,761</b>	<b>Cities and Counties FY05 Base Budget for Sheriffs and Regional Jailers</b>	<b>FY05 Total Base Budget for Sheriff's and Jailers = \$324,400,551</b>	<b>% increase from FY99 to FY05</b>
Craig	57,741	Craig	59,814	4%	Craig	374,136	Craig	411,911	10%
Culpeper	226,488	Culpeper	284,751	26%	Culpeper	1,814,792	Culpeper	2,172,002	20%
Cumberland	60,780	Cumberland	60,930	0%	Cumberland	395,724	Cumberland	462,719	17%
Dickenson	145,814	Dickenson	162,822	12%	Dickenson	1,037,805	Dickenson	1,177,187	13%
Dinwiddie	101,834	Dinwiddie	112,322	10%	Dinwiddie	1,360,490	Dinwiddie	1,608,322	18%
Essex	129,375	Essex	138,019	7%	Essex	455,639	Essex	538,322	18%
Fairfax/Fairfax City	1,411,385	Fairfax/Fairfax City	1,301,964	-8%	Fairfax/Fairfax City	9,660,139	Fairfax/Fairfax City	12,771,830	32%
Fauquier	292,143	Fauquier	318,931	9%	Fauquier	2,271,393	Fauquier	2,941,385	29%
Floyd	149,857	Floyd	160,464	7%	Floyd	644,167	Floyd	628,546	-2%
Fluvanna	149,423	Fluvanna	162,102	8%	Fluvanna	566,240	Fluvanna	786,748	39%
Franklin	255,803	Franklin	381,313	49%	Franklin	2,096,315	Franklin	2,592,290	24%
Frederick	238,343	Frederick	290,990	22%	Frederick	1,633,528	Frederick	1,996,861	22%
Giles	126,606	Giles	132,025	4%	Giles	1,014,339	Giles	836,152	-18%
Gloucester	240,483	Gloucester	279,453	16%	Gloucester	1,499,294	Gloucester	1,945,741	30%
Goochland	170,363	Goochland	225,705	32%	Goochland	702,565	Goochland	750,564	7%
Grayson/Galax	149,553	Grayson/Galax	188,174	26%	Grayson/Galax	884,081	Grayson/Galax	864,052	-2%
Greene	64,092	Greene	72,979	14%	Greene	491,593	Greene	687,699	40%
Greensville/Emporia	249,001	Greensville/Emporia	323,336	30%	Greensville	850,066	Greensville	629,527	-26%
Halifax	257,162	Halifax	276,339	7%	Halifax	1,107,711	Halifax	1,378,769	24%
Halifax Drug Pros	103,571	Halifax Drug Pros	97,991	-5%	XX	XX	XX	XX	#####
Hanover	365,271	Hanover	466,509	28%	Hanover	2,310,755	Hanover	2,812,698	22%
Henrico	1,193,033	Henrico	1,285,463	8%	Henrico	8,446,520	Henrico	9,993,214	18%
Henry	263,339	Henry	356,063	35%	Henry	2,806,391	Henry	3,526,474	26%

### Comparison: FY99 / FY05 Base Budgets for Commonwealth's Attorneys and Sheriffs

Cities and Counties FY99 Base Budget for Commonwealth's Attorneys	FY99 Total Base Budget for Commonwealth's Attorneys = 38,990,884	Cities and Counties FY05 Base Budget for Commonwealth's Attorneys	FY05 Total Restored Budget for Commonwealth's Attorneys = 44,617,957	% increase from FY99 to FY05	Cities and Counties FY99 Base Budget for Sheriffs and Regional Jailers	FY99 Total Base Budget for Sheriff's and Jailers = \$246,915,761	Cities and Counties FY05 Base Budget for Sheriffs and Regional Jailers	FY05 Total Base Budget for Sheriff's and Jailers = \$324,400,551	% increase from FY99 to FY05
Henrico Drug Pros	106,516	Henrico Drug Pros	108,128	2%	XX	XX	XX	XX	#####
Highland	56,113	Highland	58,475	4%	Highland	331,126	Highland	405,608	22%
Isle of Wight	186,167	Isle of Wight	242,668	30%	Isle of Wight	855,283	Isle of Wight	998,845	17%
James City/Williamsburg	355,803	James City/Williamsburg	399,306	12%	James City/Williamsburg	463,760	James City/Williamsburg	597,109	29%
King and Queen	118,151	King and Queen	124,944	6%	King and Queen	317,409	King and Queen	381,399	20%
King George	154,878	King George	169,394	9%	King George	638,467	King George	791,947	24%
King William	60,825	King William	65,605	8%	King William	485,743	King William	569,968	17%
Lancaster	77,761	Lancaster	152,674	96%	Lancaster	803,431	Lancaster	1,032,557	29%
Lee	167,877	Lee	194,678	16%	Lee	1,284,298	Lee	1,521,585	18%
Loudoun	497,652	Loudoun	538,067	8%	Loudoun	4,865,449	Loudoun	6,883,552	41%
Louisa	196,622	Louisa	244,388	24%	Louisa	719,039	Louisa	998,353	39%
Lunenburg	130,670	Lunenburg	141,680	8%	Lunenburg	517,897	Lunenburg	631,625	22%
Madison	123,239	Madison	142,418	16%	Madison	521,338	Madison	583,191	12%
Mathews	134,493	Mathews	141,705	5%	Mathews	428,499	Mathews	498,474	16%
Mecklenburg	233,686	Mecklenburg	259,679	11%	Mecklenburg	1,970,093	Mecklenburg	2,461,927	25%
Middlesex	56,377	Middlesex	65,009	15%	Middlesex	438,636	Middlesex	550,280	25%
Montgomery	325,562	Montgomery	409,245	26%	Montgomery	2,833,603	Montgomery	3,512,218	24%
Nelson	130,653	Nelson	140,101	7%	Nelson	620,964	Nelson	693,872	12%
New Kent	131,527	New Kent	147,978	13%	New Kent	541,384	New Kent	713,307	32%
Northampton	135,059	Northampton	143,190	6%	Northampton	995,215	Northampton	1,260,538	27%
Northumberland	123,392	Northumberland	132,386	7%	Northumberland	779,470	Northumberland	648,886	-17%
Nottoway	121,042	Nottoway	131,106	8%	Nottoway	562,636	Nottoway	687,071	22%
Orange	175,930	Orange	195,872	11%	Orange	855,160	Orange	1,075,322	26%

### Comparison: FY99 / FY05 Base Budgets for Commonwealth's Attorneys and Sheriffs

Cities and Counties FY99 Base Budget for Commonwealth's Attorneys	FY99 Total Base Budget for Commonwealth's Attorneys = 38,990,884	Cities and Counties FY05 Base Budget for Commonwealth's Attorneys	FY05 Total Restored Budget for Commonwealth's Attorneys = 44,617,957	% increase from FY99 to FY05	Cities and Counties FY99 Base Budget for Sheriffs and Regional Jailers	FY99 Total Base Budget for Sheriff's and Jailers = \$246,915,761	Cities and Counties FY05 Base Budget for Sheriffs and Regional Jailers	FY05 Total Base Budget for Sheriff's and Jailers = \$324,400,551	% increase from FY99 to FY05
Page	168,565	Page	180,613	7%	Page	1,137,299	Page	1,464,958	29%
Patrick	90,753	Patrick	202,097	123%	Patrick	873,754	Patrick	1,137,081	30%
Pittsylvania	308,931	Pittsylvania	334,817	8%	Pittsylvania	2,800,736	Pittsylvania	3,622,228	29%
Powhatan	143,096	Powhatan	155,482	9%	Powhatan	716,784	Powhatan	947,200	32%
Prince Edward	182,774	Prince Edward	213,664	17%	Prince Edward	634,535	Prince Edward	848,672	34%
Prince George	165,030	Prince George	178,603	8%	Prince George	292,822	Prince George	411,002	40%
Prince William/Man/Man F	1,144,784	Prince William/Man/Man F	1,154,999	1%	Prince William/Man/Man	1,401,993	Prince William/Man/Man Pk	1,591,979	14%
Pulaski	267,762	Pulaski	348,297	30%	Pulaski	1,970,578	Pulaski	1,611,633	-18%
Rappahannock	128,436	Rappahannock	135,569	6%	Rappahannock	543,700	Rappahannock	649,909	20%
Richmond	136,386	Richmond	145,456	7%	Richmond	441,903	Richmond	531,444	20%
Roanoke	371,064	Roanoke	407,365	10%	Roanoke	2,470,376	Roanoke	2,974,842	20%
Rockbridge/Lexington	174,633	Rockbridge/Lexington	273,289	56%	Rockbridge/Lexington	794,448	Rockbridge/Lexington	957,241	20%
Rockingham/Harrisonburg	397,932	Rockingham/Harrisonburg	449,115	13%	Rockingham/Harrisonburg	3,739,608	Rockingham/Harrisonburg	5,131,310	37%
Russell	166,120	Russell	176,600	6%	Russell	1,301,674	Russell	1,620,999	25%
Scott	154,981	Scott	168,172	9%	Scott	1,144,882	Scott	1,403,962	23%
Shenandoah	192,590	Shenandoah	257,664	34%	Shenandoah	1,622,581	Shenandoah	2,035,577	25%
Smyth	207,147	Smyth	251,661	21%	Smyth	1,410,262	Smyth	1,696,356	20%
Southampton/Franklin	196,989	Southampton/Franklin	274,189	39%	Southampton/Franklin	1,981,885	Southampton/Franklin	2,420,973	22%
Spotsylvania	322,399	Spotsylvania	406,999	26%	Spotsylvania	1,869,548	Spotsylvania	2,599,283	39%
Stafford	372,914	Stafford	513,711	38%	Stafford	2,348,504	Stafford	2,990,025	27%
Surry	57,753	Surry	63,068	9%	Surry	366,341	Surry	406,031	11%
Sussex	126,396	Sussex	202,751	60%	Sussex	993,169	Sussex	1,168,901	18%
Tazewell	298,538	Tazewell	387,247	30%	Tazewell	1,799,753	Tazewell	2,604,629	45%

### Comparison: FY99 / FY05 Base Budgets for Commonwealth's Attorneys and Sheriffs

Cities and Counties FY99 Base Budget for Commonwealth's Attorneys	FY99 Total Base Budget for Commonwealth's Attorneys = 38,990,884	Cities and Counties FY05 Base Budget for Commonwealth's Attorneys	FY05 Total Restored Budget for Commonwealth's Attorneys = 44,617,957	% increase from FY99 to FY05	Cities and Counties FY99 Base Budget for Sheriffs and Regional Jailers	FY99 Total Base Budget for Sheriff's and Jailers = \$246,915,761	Cities and Counties FY05 Base Budget for Sheriffs and Regional Jailers	FY05 Total Base Budget for Sheriff's and Jailers = \$324,400,551	% increase from FY99 to FY05
Warren	235,351	Warren	268,484	14%	Warren	1,698,227	Warren	2,055,210	21%
Washington	273,769	Washington	301,423	10%	Washington	1,658,384	Washington	2,480,376	50%
Westmoreland	160,225	Westmoreland	196,331	23%	Westmoreland	808,858	Westmoreland	884,352	9%
Wise/Norton	305,298	Wise/Norton	344,532	13%	Wise	1,870,547	Wise	2,492,184	33%
Wythe	115,124	Wythe	223,512	94%	Wythe	1,438,387	Wythe	1,194,060	-17%
York/Poquoson	308,449	York/Poquoson	420,132	36%	York/Poquoson	1,792,150	York/Poquoson	2,174,998	21%
Alexandria	755,063	Alexandria	755,199	0%	Alexandria	3,761,969	Alexandria	4,245,705	13%
Alexandria Drug Pros	112,486	Alexandria Drug Pros	125,185	11%	XX	XX	XX	XX	#####
Bristol	167,833	Bristol	297,847	77%	Bristol	1,410,253	Bristol	1,582,889	12%
Buena Vista	56,723	Buena Vista	135,924	140%	Buena Vista	116,623	Buena Vista	138,096	18%
Charlottesville	352,835	Charlottesville	412,462	17%	Charlottesville	300,445	Charlottesville	357,835	19%
Chesapeake	801,897	Chesapeake	960,928	20%	Chesapeake	6,199,131	Chesapeake	7,559,586	22%
Clifton Forge	59,708	XX	XX	#####	Clifton Forge	218,335	XX	XX	#####
Colonial Heights	198,247	Colonial Heights	283,431	43%	Colonial Heights	238,906	Colonial Heights	266,876	12%
Danville	426,884	Danville	515,220	21%	Danville	1,700,428	Danville	2,495,753	47%
XX	XX	XX	XX	#####	Emporia	92,268	Emporia	121,892	32%
XX	XX	XX	XX	#####	Falls Church	127,737	Falls Church	123,760	-3%
Fredericksburg	308,454	Fredericksburg	332,917	8%	Fredericksburg	217,979	Fredericksburg	350,348	61%
Hampton	891,681	Hampton	947,060	6%	Hampton	4,811,481	Hampton	5,629,350	17%
Hampton Drug Pros	144,750	Hampton Drug Pros	150,925	4%	XX	XX	XX	XX	#####
Hopewell	257,437	Hopewell	346,079	34%	Hopewell	289,428	Hopewell	285,685	-1%
Lynchburg	601,801	Lynchburg	656,880	9%	Lynchburg	683,405	Lynchburg	1,010,541	48%
Martinsville	196,643	Martinsville	273,826	39%	Martinsville	1,050,142	Martinsville	1,623,266	55%

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Newport News	1,134,532	Newport News	1,239,299	9%	Newport News	4,406,026	Newport News	5,447,111	24%
Norfolk	1,839,445	Norfolk	2,012,575	9%	Norfolk	11,289,741	Norfolk	13,346,444	18%
XX	XX	XX	XX	#####	Norton	89,302	Norton	124,486	39%
Petersburg	569,742	Petersburg	609,039	7%	Petersburg	2,376,257	Petersburg	2,845,726	20%
Portsmouth	911,755	Portsmouth	975,390	7%	Portsmouth	4,723,425	Portsmouth	5,202,149	10%
Portsmouth Drug Pros	98,275	Portsmouth Drug Pros	94,073	-4%	XX	XX	XX	XX	XX
Radford	129,570	Radford	199,217	54%	Radford	492,359	Radford	246,376	-50%
Richmond	2,157,271	Richmond	2,303,402	7%	Richmond	11,795,979	Richmond	13,695,993	16%
Roanoke	827,076	Roanoke	839,621	2%	Roanoke	5,573,923	Roanoke	6,564,152	18%
Roanoke Drug Pros	88,149	Roanoke Drug Pros	90,789	3%	XX	XX	XX	XX	XX
Salem	195,999	Salem	202,249	3%	Salem	363,426	Salem	334,369	-8%
Staunton	221,677	Staunton	255,007	15%	Staunton	206,898	Staunton	242,852	17%
Suffolk	522,538	Suffolk	640,923	23%	Suffolk	554,094	Suffolk	653,296	18%
Virginia Beach	1,604,409	Virginia Beach	1,802,958	12%	Virginia Beach	7,999,790	Virginia Beach	10,695,917	34%
Waynesboro	200,416	Waynesboro	265,350	32%	Waynesboro	208,413	Waynesboro	233,519	12%
Winchester	264,918	Winchester	365,285	38%	Winchester	185,816	Winchester	272,441	47%
XX	XX	XX	XX	#####	Albe/Charlottsvl Reg JI	2,230,703	Albe/Charlottsvl Reg JI	3,794,870	70%
XX	XX	XX	XX	#####	Fred/Clrk/Winch Reg JI	2,315,386	Fred/Clrk/Winch Reg JI	3,307,854	43%
XX	XX	XX	XX	#####	Middle Peninsula Reg	679,176	Middle Peninsula Reg	1,577,365	132%
XX	XX	XX	XX	#####	Central VA Reg Jail	1,346,523	Central VA Reg Jail	1,586,517	18%
XX	XX	XX	XX	#####	Piedmont Reg Jail	1,470,823	Piedmont Reg Jail	2,008,305	37%
XX	XX	XX	XX	#####	Pr Wm/Man Reg Jail	4,866,648	Pr Wm/Man Reg Jail	6,064,843	25%
XX	XX	XX	XX	#####	Northern Neck Reg JI	1,018,935	Northern Neck Reg JI	1,241,144	22%



### Comparison: FY99 / FY05 Base Budgets for Commonwealth's Attorneys and Sheriffs

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XX	XX	XX	XX	#####	Rockbridge Area Reg	1,034,130	Rockbridge Area Reg	1,233,697	19%
XX	XX	XX	XX	#####	Rappahannock Sec Ctr	2,345,400	Rappahannock Sec Ctr	5,190,685	121%
XX	XX	XX	XX	#####	Western Tidewater Reg	3,545,455	Western Tidewater Reg	4,264,848	20%
XX	XX	XX	XX	#####	Pamunkey Reg Jail	2,827,828	Pamunkey Reg Jail	3,164,660	12%
XX	XX	XX	XX	#####	Riverside Reg Jail	6,501,483	Riverside Reg Jail	7,643,133	18%
					VA Peninsula Reg JI	2,713,128	VA Peninsula Reg JI	3,491,686	29%
					Hampton Rds Reg JI	6,205,094	Hampton Rds Reg JI	8,718,397	41%
							New River Regional Jail	3,924,588	
							Blue Ridge Regional Jail	7,757,839	
							Peumansend Creek Reg JI	3,179,083	
							Southside Regional Jail	1,326,465	
<b>TOTAL</b>	<b>38,990,884</b>		<b>44,617,957</b>	<b>14%</b>		<b>246,915,762</b>		<b>324,400,551</b>	<b>31%</b>

# **Attachment VIII**

## **Compensation Board Staffing Standards**

COMPENSATION BOARD CRITERIA FOR ALLOCATING  
NEW ASSISTANT COMMONWEALTH'S ATTORNEY POSITIONS  
IN COMMONWEALTH'S ATTORNEYS' OFFICES

October 24, 2000

These staffing standards, recommended by the Virginia Association of Commonwealth's Attorneys and approved by the Compensation Board, may not reflect all duties performed by the Commonwealth Attorney. Positions needed for each office are based only upon the duties and workload measures identified specifically in the Staffing Standards. Many Commonwealth's Attorneys perform additional duties at their discretion or provide other services not required by state law. The number of Compensation Board funded positions due in a specific Commonwealth's Attorney's office are based upon duties required by law to be performed by the Commonwealth Attorney, or duties which nearly all Commonwealth's Attorneys perform.

1. The position (or positions) must be requested by the Commonwealth's Attorney as part of the Compensation Board annual budget request process.
2. The basis of the request must be only the statutorily prescribed duty of the prosecution of felonies.
3. Funds and positions must be appropriated by the General Assembly.
4. The Compensation Board will use the staffing methodology and weighted three-year average workload criteria developed by the Virginia Association of Commonwealth's Attorneys (VACA), to determine the appropriate level of Compensation Board assistant Commonwealth's Attorney support for each office requesting additional positions.
5. The Compensation Board shall determine the number of additional positions to be allocated to any one office based upon criteria 1-4, inclusive, and additional positions shall be allocated in the order of percentage of need, where the offices with the highest percentage of need will receive positions first. The percentage of need is determined by calculating the percentage that the number of additional positions needed is of the total number of current positions.

## STAFFING METHODOLOGY

1. The formula calculates the sum of a three-year average of felony defendants plus a three-year average of sentencing events, resulting in an average total workload figure. The workload figure is divided by a specified factor that has been devised to take into account economies of scale in larger offices, with the result being the total number of attorney positions due in the office.

2. The data elements are as follows:

3-Year Average Defendants Data is the average of the number of felony defendants in the Circuit Court for each locality for the three most recent calendar years, as reported by the Supreme Court.

3-Year Average Sentencing Events is the average of the number of felony sentencing events in the Circuit Court for each locality for the three most recent calendar years as reported by the Virginia Sentencing Commission.

3. Offices are grouped based on the size of the office (determined by the average total workload figure), and assigned an escalating workload factor assuming economies of scale. Compensation Board funded assistant Commonwealth's Attorneys who are part-time (i.e., eligible to engage in private law practice) are to be considered as 0.5 of a F.T.E. position for staffing standards purposes, instead of as 1 F.T.E. position.

Office Size	Range of Workload Totals (avg defendants + avg sentencing events) per Office Size	Factor
SUPER	3,000+	125
LARGE	1,000-2,999	100
MID	300-999	85
SMALL	0-299	70

4. The formula is as follows:

$$\# \text{ of Attorneys} = \frac{\text{Workload Total (3yr avg felony defendants + 3yr avg sentencing events)}}{\text{Factor}}$$



