



**OFFICE OF THE COMMONWEALTH'S ATTORNEY
for the
COUNTY OF ALBEMARLE**

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Board of Supervisors
County of Albemarle, Virginia
401 McIntire Rd
Charlottesville, VA 22902

Dear Chair McKeel and Albemarle Board of Supervisors,

The following letter is intended to provide the Board of Supervisors with additional information concerning the operation of the Albemarle County Commonwealth's Attorney's Office as it considers approving supplemental support to a full-time Assistant Commonwealth's Attorney position approved by the State Compensation Board in July. The County Executive's Office suggested that I submit this letter in lieu of an Executive Summary prepared by that office.

The Albemarle County Commonwealth's Attorney's Office (CAO) is dedicated to pursuing justice and protecting the rights and safety of our citizens and residents. As part of that mission, the CAO works to enhance public safety and welfare through the vigorous enforcement of criminal laws in a fair, ethical, and just manner. In order to accomplish this mission, the Commonwealth's Attorney and Assistant Commonwealth's Attorneys maintain a proactive role in the community by working with our law enforcement partners and community members to identify, divert, and prevent crime while prosecuting matters with integrity, judgment, and fairness.

I am cognizant of the tax burdens imposed upon Albemarle citizens. This office works with other entities to ensure collection of court and administrative costs. Some of these fees help

offset supplemental county support provided by Albemarle County taxpayers.¹ This office is grateful for the supplemental support provided by the citizens of Albemarle County and authorized by the Board of Supervisors, and is appreciative of the relationship it has with the Board and County Executive's office.

CAO Workload, Personnel, and County Support

The caseload of the CAO has increased steadily in recent years, as has the complexity of criminal threats to Albemarle residents. In addition to the Commonwealth's Attorney, the office currently employs six full-time Assistant Commonwealth's Attorneys (one position is vacant), a part-time Assistant Commonwealth's Attorney (approved in FY 2013 and supported entirely by the county), a paralegal, three legal assistants and one Office Associate. While I would *never* condition the prosecution of misdemeanor drunk driving or domestic violence cases upon an increase of county funds, county support helps ensure the recruitment and retention of the outstanding legal representation to which are citizens are entitled.

Significant Program Changes or Requirements

Child Protection

The CAO has attached greater priority to protecting children, strengthening efforts to identify and prosecute online predators, and prosecuting those who produce, distribute or possess sexually explicit images of minors. This will require additional training and public outreach. This office is aggressively prosecuting crimes against children and has placed additional emphasis upon child pornography offenses.

Sexual Assault Resource Team (SART)

In 2009, Commonwealth's Attorneys were provided statutory responsibility to coordinate a multi-disciplinary response to sexual violence in their communities. In consultation with the Sexual Assault Resource Agency (SARA) and others, the CAO is working to expeditiously reauthorize a Sexual Assault Resource Team (SART) to facilitate identification and

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	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18 YTD
Fines Collected	123,576	121,171	119,720	119,917	125,646	126,157	120,374	77,994
Expenditures								
Payment to State	-	61,228	57,995	59,106	59,250	61,999	64,379	59,764
Transfer to County for PT Attorney	-	-	60,000	60,000	60,000	60,000	60,000	-
Total	-	61,228	117,995	119,106	119,250	121,999	124,379	59,764
Annual Balance	123,576	59,943	1,725	911	6,396	4,158	(4,005)	18,230

Fund Balance	123,576	183,519	185,244	186,054	192,450	196,608	192,604	210,833
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prosecution of sexual crimes. CAO participation in the SART and formalization of protocols will require additional training of law enforcement personnel and enhanced cooperation and coordination with our partners throughout our community, including the University of Virginia. A Memorandum of Understanding incorporating UVA into this response was signed on October 13, 2016.

Elder Abuse and Exploitation

Albemarle County is among the best places in America to retire and should be among the safest. The Jefferson Area Coalition to End Elder Abuse and Exploitation was established on June 15, 2016. The establishment of this coalition has resulted in enhanced communication among interested parties, and enhanced prosecution of those who commit crimes against the elderly, including those who reside in assisted living facilities.

Crime Prevention and Community Outreach

The CAO is seeking to expand its effort to identify and prevent crime. The CAO intends to take a more proactive role in these efforts, including the Gang Reduction through Active Community Engagement (GRACE) initiative. GRACE is a comprehensive Gang Model endorsed by the Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Model's "key distinguishing feature is a thorough strategic planning process that empowers communities to assess their own gang problems and create a complement of anti-gang strategies and program activities."² The CAO has attached greater priority to efforts to reduce or prevent crime through community outreach, education, and engagement. Earlier this year, I joined the Executive Board of this organization.

Criminal Justice Reform

The CAO also strives to improve the quality of the criminal justice system by assessing and advocating legal reforms. These include expansion of the DNA Database, mental health, lethality assessment, crisis intervention, and the implementation of a mental health therapeutic docket that is likely to be authorized by the Virginia Supreme Court in the near future. This office has also sought enhanced criminal penalties for driving offenses.

Memorandum of Understanding

The CAO continues to explore a Memorandum of Understanding with the County of Albemarle that would protect the distinct constitutional autonomy of this office, ensure adequate resources and support, and provide greater flexibility to ensure that CAO employees are compensated in a manner commensurate with their responsibilities.

²https://www.albemarle.org/upload/images/forms_center/departments/Police/forms/GRACE_Executive_Summary_03.08.14.pdf

Supplemental Support

In January and February 18, 2016, I wrote the Board to highlight the workload and priorities of the Albemarle Commonwealth's Attorney's Office for the upcoming fiscal year. In these letters, I requested county support for two additional Assistant Commonwealth's Attorneys and one Legal Assistant.

I am fully cognizant of the tax burden carried by Albemarle citizens, and have sought alternative sources to help alleviate this burden. As a result, I have repeatedly requested additional support for full time assistant attorney positions from the State Compensation Board. In June of this year, the Board approved an additional full time Assistant Commonwealth's Attorney position for this office. These funds have been disbursed but not yet been expended. Given the cost of living in Albemarle County and to help attract and retain the legal representation our community deserves, I request that this attorney be provided the supplemental made available to all other attorneys in this office.

The estimated salary for this position would be around \$80,000-\$95,000.

- Salary - \$80,254-\$95,000
- Benefits - \$28,313

New Comp Board approved funding - \$54,956

Therefore, the County Supplement would be - \$53,605-\$68,605

Additional costs associated with parking, training, office supplies, computer, furniture, etc. are also requested. These expenses include: training \$1,300; books \$400, parking \$240, bar dues \$500, and other one-time expenses including a phone, computer, and printer.

Thank you for your consideration of this request.

Respectfully,



Robert N. Tracci