



National Prosecutors' Consortium

Survey Highlights

Virginia

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VIRGINIA REPORT

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BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey is designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey is delivered through an online, secure, cloud-based service using the Qualtrics survey platform. States will be offered this survey on a rolling basis.

As part of the data quality assurance process, we have identified a battery of 84 questions that provide the core information of the survey. To minimize the proportion of missing data, the weighted number of completed responses is compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - VIRGINIA

This report discusses preliminary results from the state of Virginia. Out of the 120 county and city prosecutors' offices that were contacted—which represent Virginia's 95 counties and 38 independent cities—at the time of this report (June 18, 2019), 63 offices (53%) had completed the survey.



TYPES OF CASES

Figure 1 depicts the percentage of prosecutors' offices handling specific types of cases. All offices reported handling felonies, misdemeanors, and juvenile cases. Forty-five of the 60 responding offices reported handling infraction cases. Approximately 92% of the responding offices (N = 55) reported handling civil matters. **Figure 2** highlights the percentage of prosecutors' offices involved in various types of civil matters. Of the 55 offices that reported involvement in civil matters, ten offices reported handling child protection and adult protection cases, and one office reported handling child support cases. Nuisance abatement cases were handled by 19 offices. Civil forfeitures were reported to be handled by 53 offices, and mental health commitments were handled by 14 offices. Finally, 50 offices reported handling FOIA or Public Information Requests.

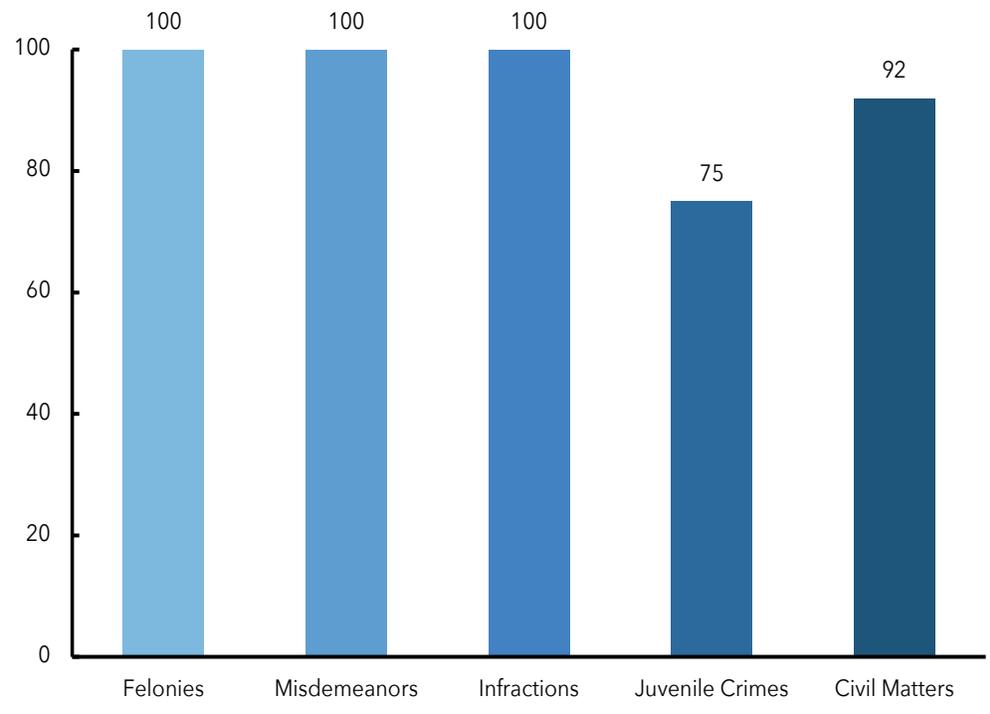


Figure 1. Percentage of Prosecutors' Offices with Jurisdiction over Cases by Type (N =60).

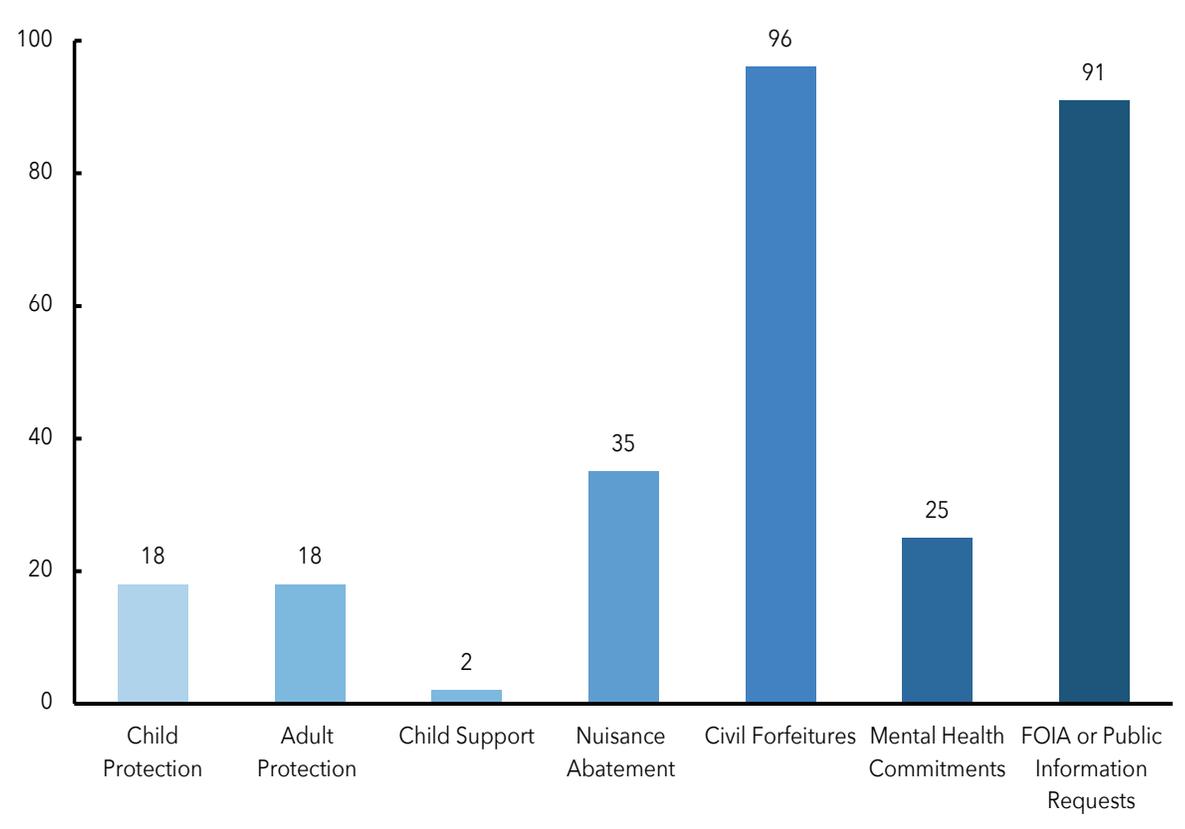


Figure 2. Percentage of Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 55).

CHIEF PROSECUTOR

Of the 58 offices that responded to the survey, all indicated that their Chief Prosecutor was elected. On average, the Chief Prosecutor had been in office for about 11 years. The tenure of the Chief Prosecutor ranged from 1 year to 51 years. As seen in **Figure 3**, 38% of prosecutors had been in office for 1-5 years, 22% 6-10 years, 17% between 11 and 15 years, 12% between 16 and 20 years, and 10% over 20 years.

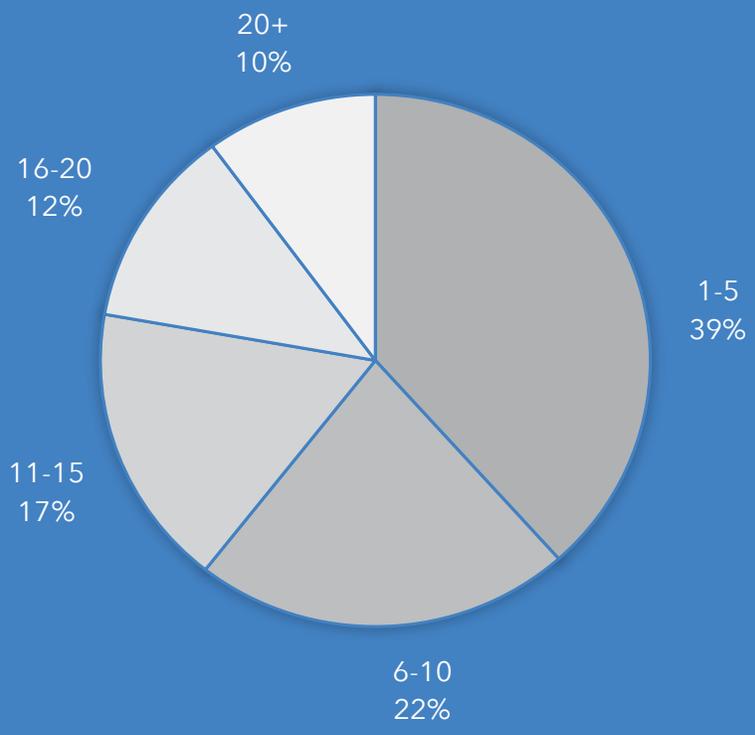


Figure 3. Chief Prosecutor Years in Office (N =58).

OFFICE BUDGET

The 2018 average budget for prosecutors' offices is approximately \$1,581,871, with a low value of \$79,000 and a high value of \$9,368,557. **Figure 4** depicts that 27% of the offices had a budget under \$500,000, 32% had budgets between \$500,000 and about \$1,000,000, 21% had budgets over \$1,000,000 but less than about \$2,000,000, 11% had budgets over \$2,000,000 but less than about \$5,000,000, and 9% had budgets over \$5,000,000.

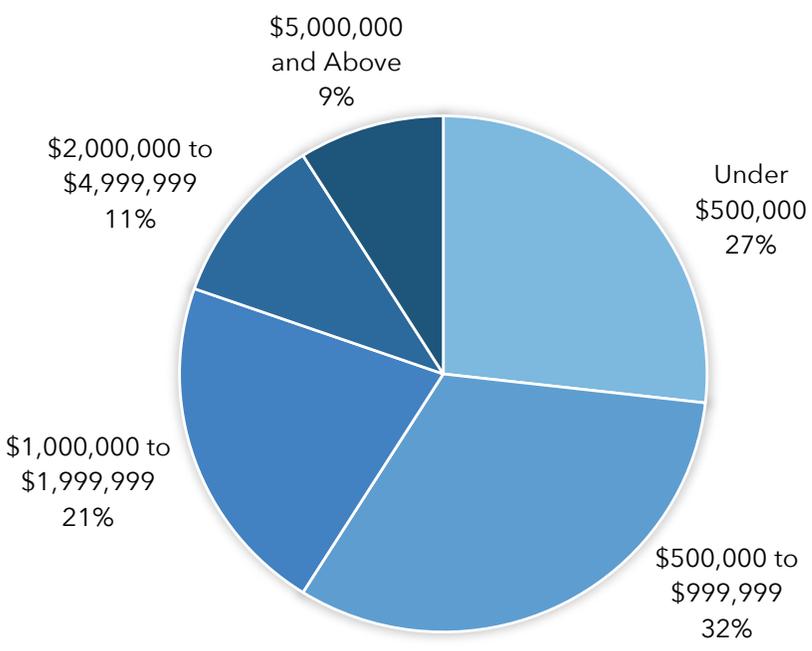


Figure 4. Ranges of 2018 Total Budgets (N = 56).

The average 2018 personnel budget for Virginia prosecutors' offices was \$1,489,078. Responses ranged from \$69,400 to over \$8.5 million. **Figure 5** presents the ranges of personnel budgets. Approximately 33% of the offices had a personnel budget under \$500,000, 35% had budgets between \$500,000 and about \$1,000,000, 12% had budgets over \$1,000,000 but less than about \$2,000,000, 12% had budgets over \$2,000,000 but less than about \$5,000,000, and 8% had budgets over \$5,000,000.

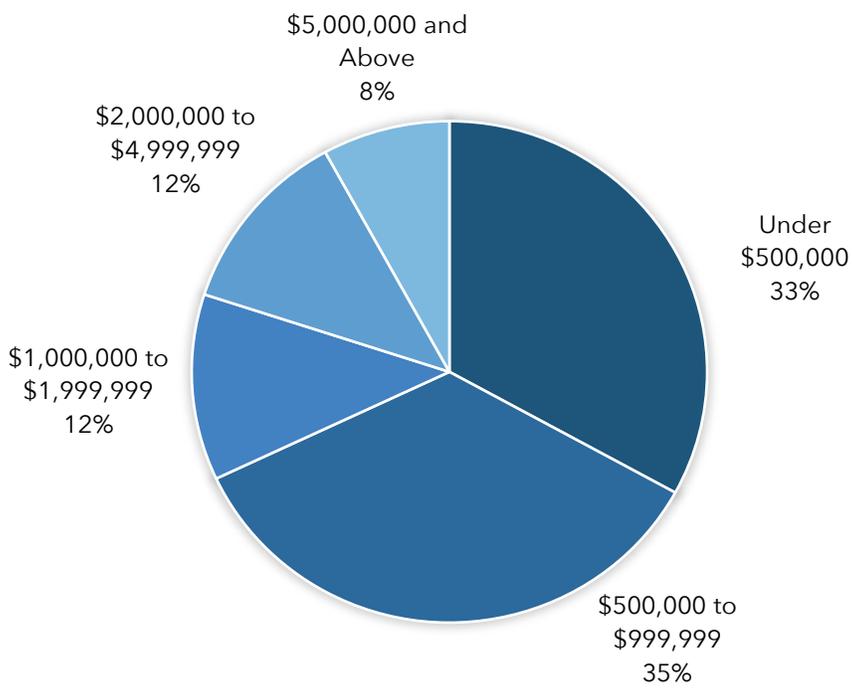


Figure 5. Ranges of 2018 Personnel Budgets (N = 49).

The average percentage of personnel to total budget by budget category is displayed in **Figure 6**. This graph provides a method to determine whether agencies with large budgets spend a disproportionate amount of their budget on personnel costs. It appears that agencies with budgets between \$1,000,000 and \$1,999,999 and under \$500,000 had the lowest ratio of personnel costs to total costs. Across agencies, the average percentage of personnel to total costs was 87.6 percent.

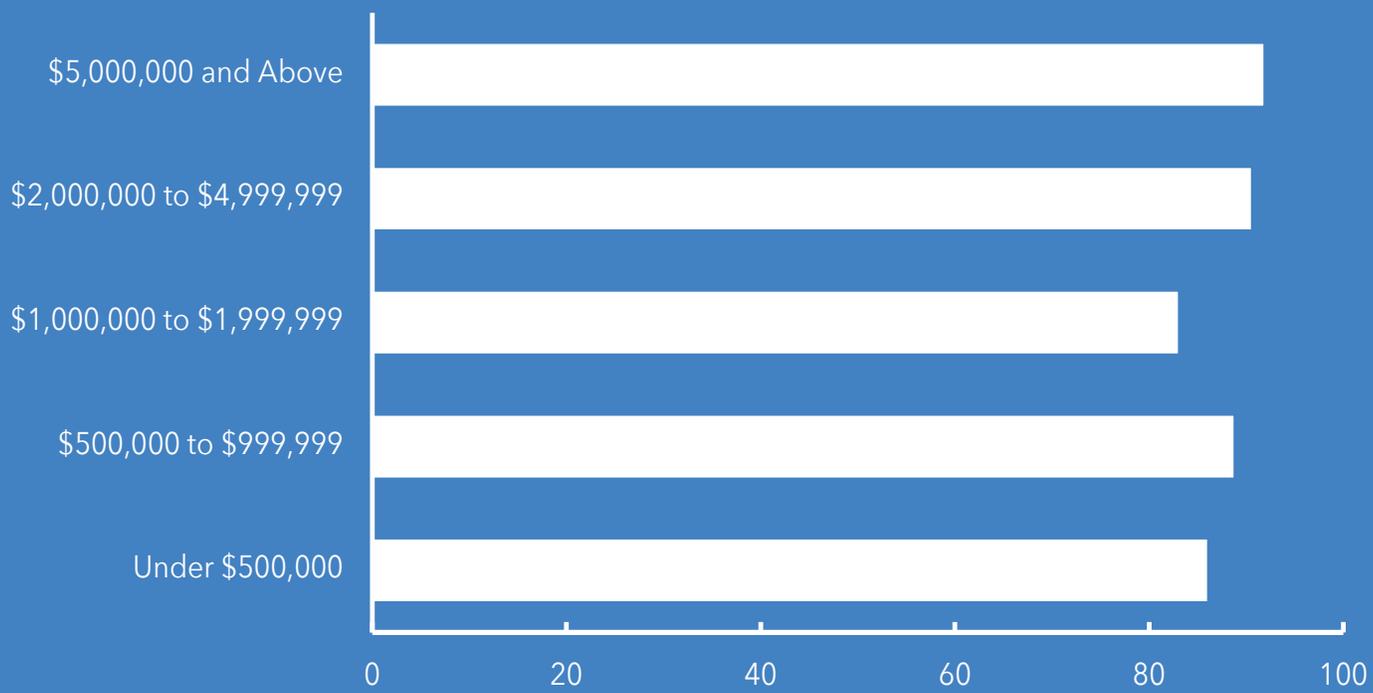


Figure 6. Average Percentage Personnel to Total Budget by Budget Category (N=56).

STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors in Virginia ranged from a minimum of \$42,778 to a maximum of \$82,000. The average of the 45 responding offices was \$57,166.

CASE PROCESSING

In 2018, the offices surveyed reviewed on average 975 felony cases, resulting in 856 cases charged, 633 cases with at least one conviction, and 77 cases diverted. Further, on average, the offices reported reviewing 2,168 misdemeanor cases, resulting in 2,017 cases charged, 1,688 cases with at least one conviction, and 299 cases diverted. Finally, on average, the offices also reviewed 544 juvenile cases, resulting in 490 cases being charged, 225 cases with at least one conviction, and 300 cases diverted.¹

¹ Three jurisdictions reported case numbers that were inconsistent with the caseloads of agencies serving a similarly-sized population with similar budgets and similar staffing numbers. These outliers were omitted from all averages and figures reliant on caseload information.

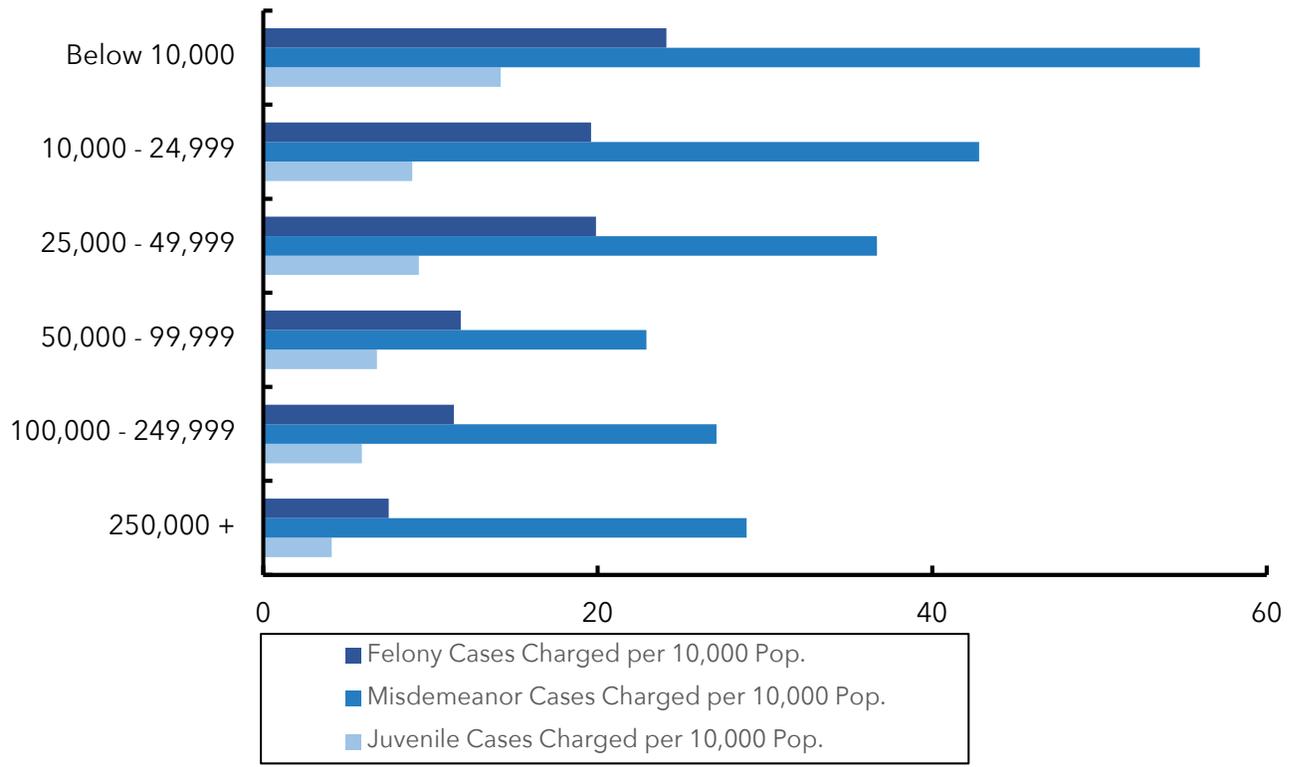


Figure 7. Cases Charged in 2018 per 10,000 Population by Population Category (N = 39).

Figure 7 further depicts the number of felonies, misdemeanors, and juvenile cases charged by county population category. As seen above, there is some variance in felony, misdemeanor, and juvenile cases charged per capita. Generally, the largest counties and/or cities prosecute felony, misdemeanor, and juvenile cases at a considerably lower rate than smaller counties and cities. The smallest counties and/or cities charge over twice as many misdemeanors as felonies.

Figure 8 presents the average number of reviewed cases in 2018 per full-time attorney for felonies, misdemeanors, and both felonies and misdemeanors combined. While these data are limited, the estimated workloads can provide a useful benchmark for agencies. Across reporting offices, there are an average of 160 charged felony cases per full-time attorney and 334 charged misdemeanor cases per full-time attorney. Overall, this resulted in an average of 500 charged misdemeanor and felony cases per full-time attorney.

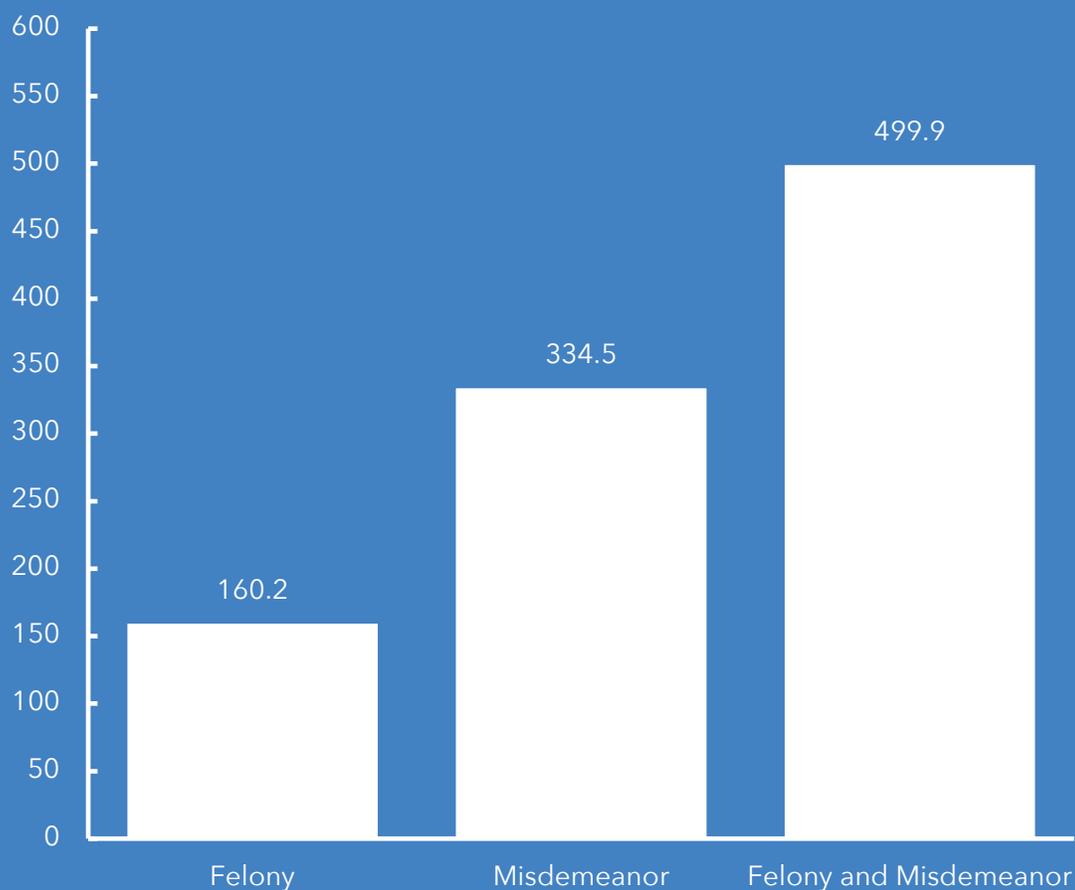


Figure 8. Average Number of Cases in 2018 per Full-Time Attorney by Type of Case (N = 35)

NUMBER OF EMPLOYEES



On average, prosecutors' offices in Virginia reported employing 8 full-time and 0.3 part-time attorneys. These offices also reported employing 8 full-time and 0.8 part-time non-attorneys.

Figure 9 presents the number of full-time employees per 10,000 population by population category. The offices covering the largest number of residents had the lowest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents. Offices covering less than 10,000 residents had the highest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents.

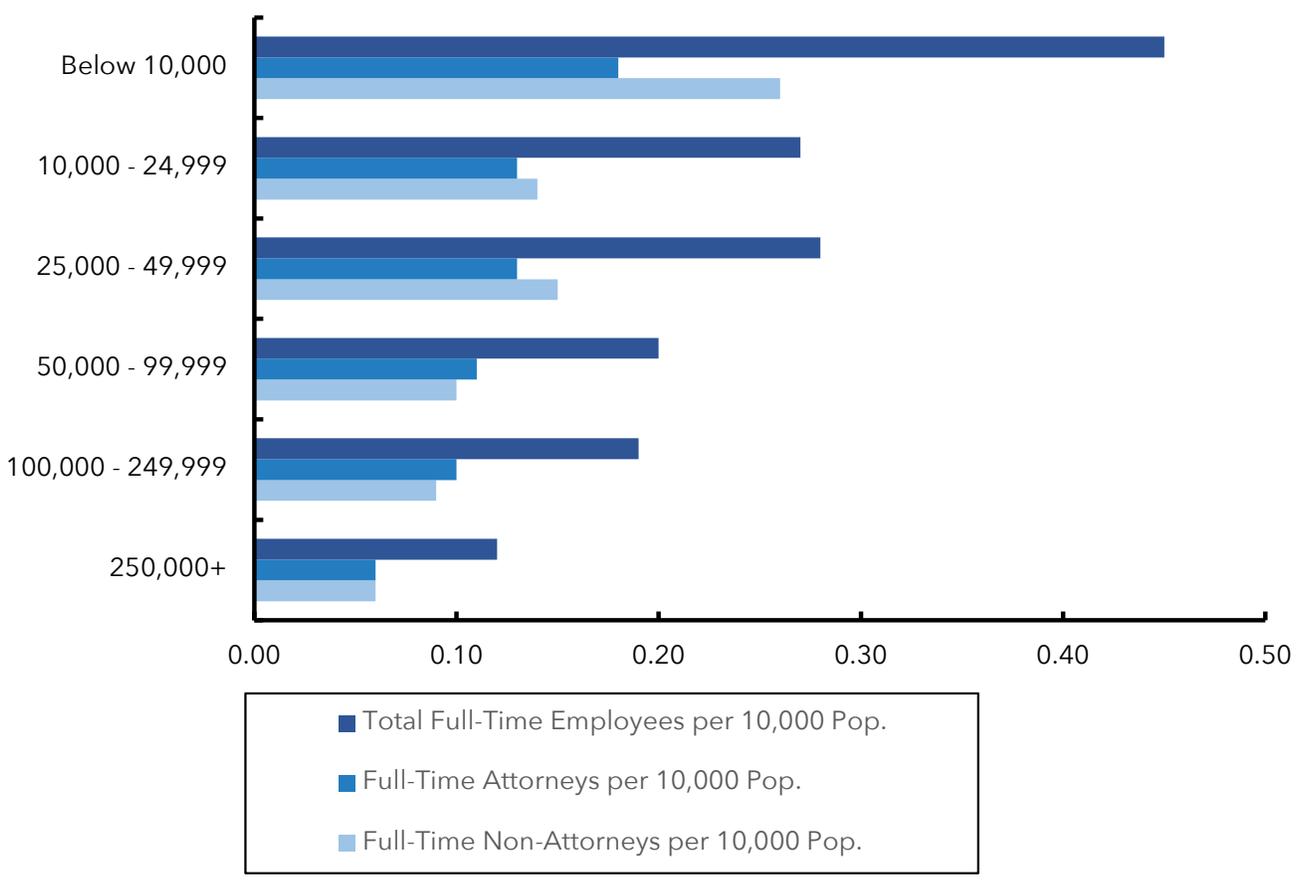


Figure 9. Number of Full-Time Employees per 10,000 Population by Population Category (N = 51).

A different strategy for examining staffing data is to consider the ratio of staff to a measure of workload. **Figure 10** presents the average number of full-time employees per 1,000 felony and misdemeanor cases charged. Offices covering 100,000 - 249,999 residents have the highest number of full-time attorneys, non-attorneys, and total employees per 1,000 cases charged. Offices with less than 49,999 residents have the lowest number of full-time attorneys, non-attorneys, and total employees per 1,000 cases charged.

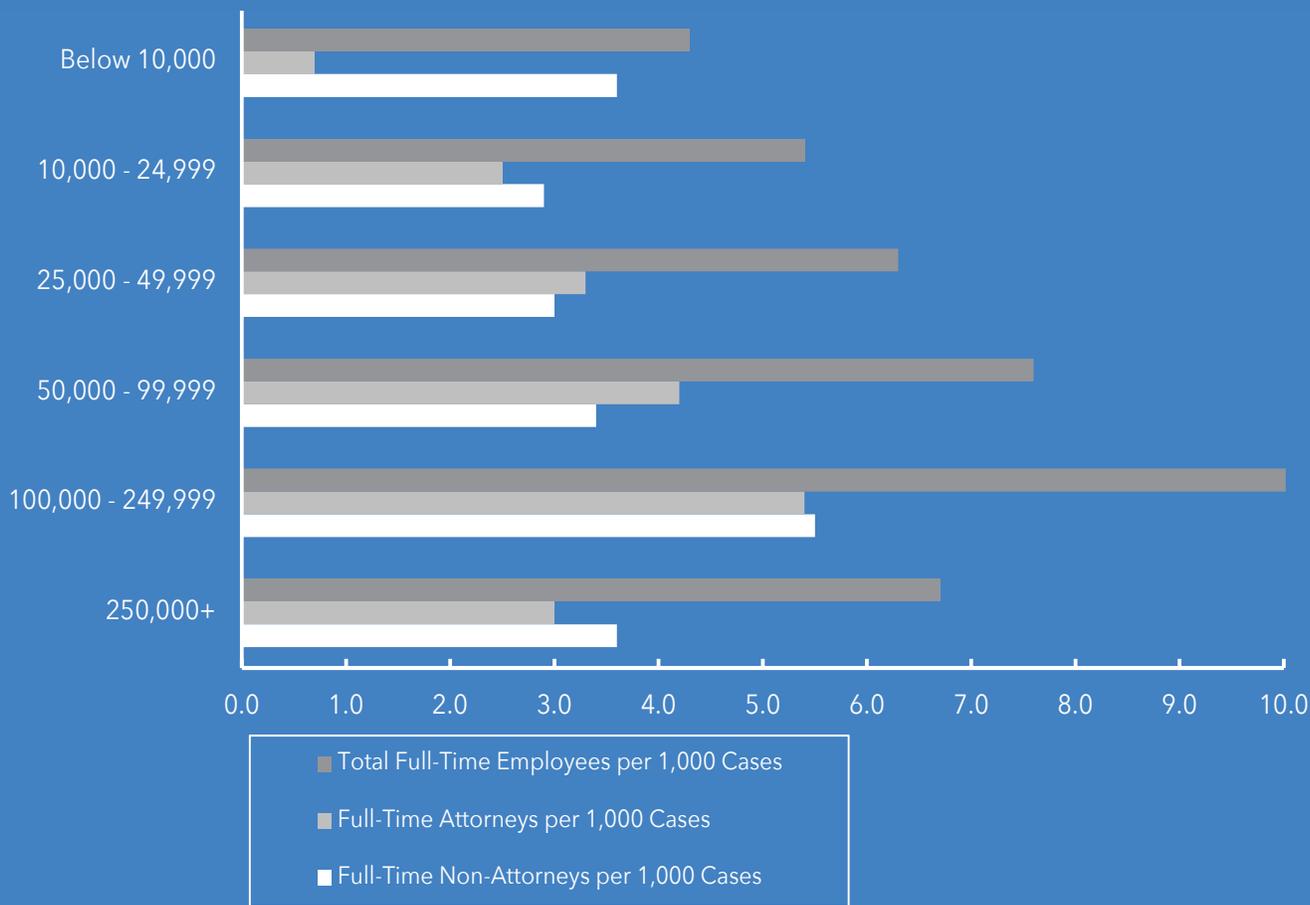


Figure 10. Average Number of Employees per 1,000 Felony and Misdemeanor Cases by Population Category (N = 29).



PROSECUTOR INITIATIVES

A total of 70% of offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. The majority of offices reported that individuals with offenses involving low-level felonies (71%), misdemeanors (63%), and non-violent felonies (58%) are eligible for participation in these programs. No offices allow offenders with violent felonies into these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 11** provides the frequency of counties and cities with each type of specialized court in 2018. While just over half of offices reported Drug courts (52%), fewer respondents reported offering Domestic Violence (16%) and Mental Health (16%) courts. Rarely did prosecutors' offices report offering Veterans' courts, Alcohol/DUI courts, and Re-entry courts. None of the participating offices reported specialized Human Trafficking, Homeless, or Community courts.

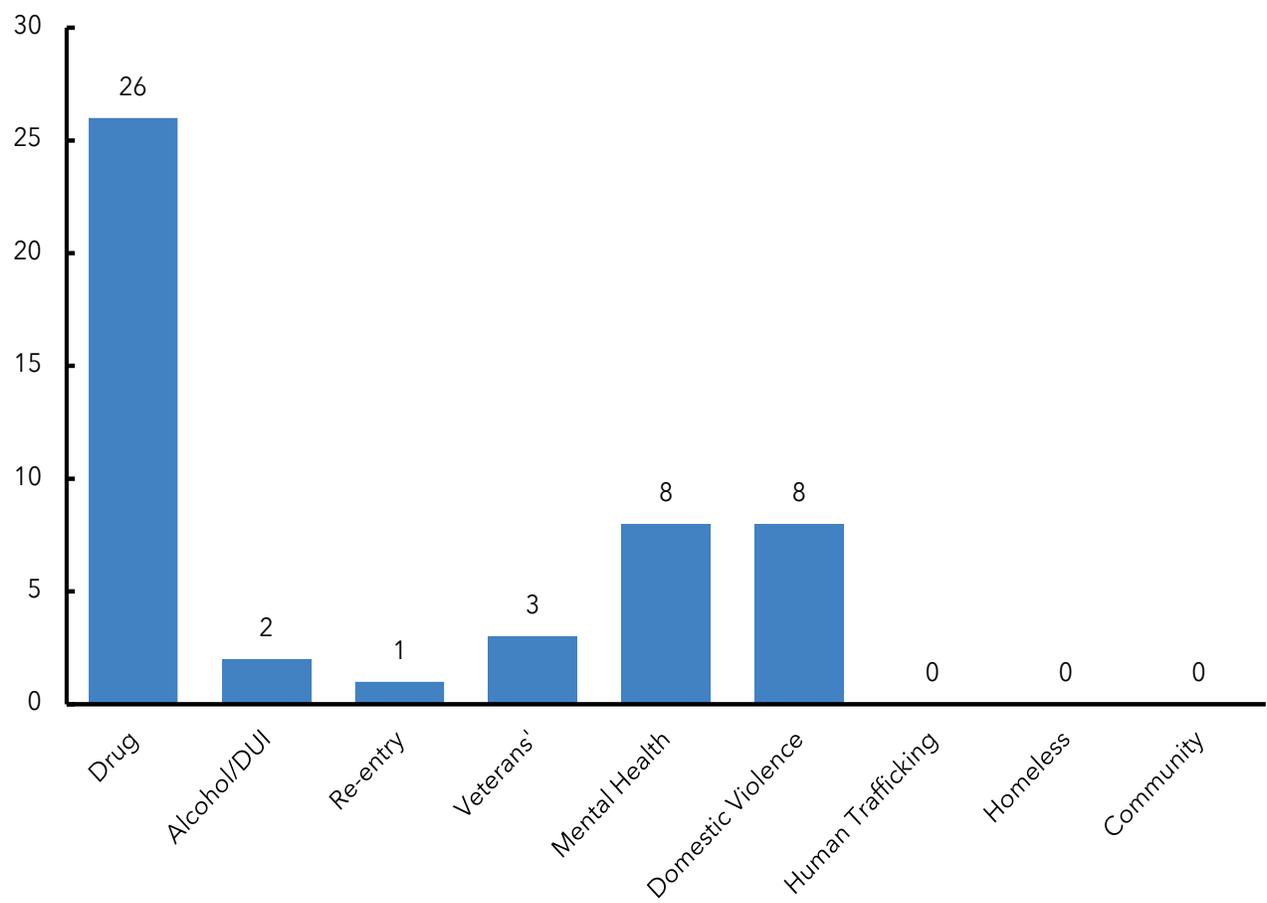


Figure 11. Number of Counties and Cities Reporting Specialized Courts by Type (N = 50).

Figure 12 shows the number of special court types compared to the population category of the offices. There is a very clear relationship between county and city size and special court availability in that larger counties and cities report having a larger number of special courts. Since the total caseload of larger offices is higher than that of smaller offices, larger offices are more likely to have enough cases to allow for specialized courts. The consequence of this relationship is that cases in larger offices may have more targeted sentencing options, such as court-ordered treatment. To achieve the same level of availability of specialized courts, smaller offices would need to consider cross-jurisdictional courts when possible.

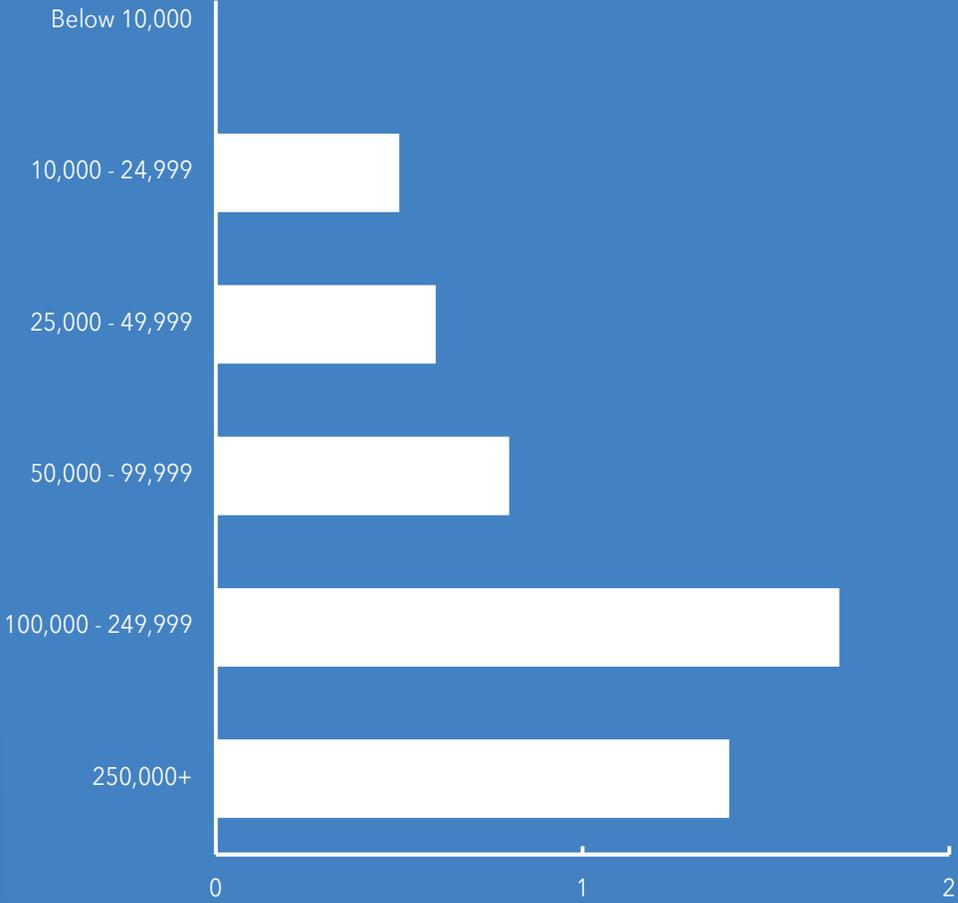


Figure 12. Average Number of Special Court Types by Population Category (N = 63).





ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each county and city offered alternatives to incarceration in 2018, as shown in **Figure 13**. Community service (82%) and drug treatment (80%) were the most common offerings. Anger management was offered in 78% of counties and cities. Less often were mental health (69%), training/education (47%), restorative justice (16%), and deflection (16%) programs offered as alternatives to incarceration.

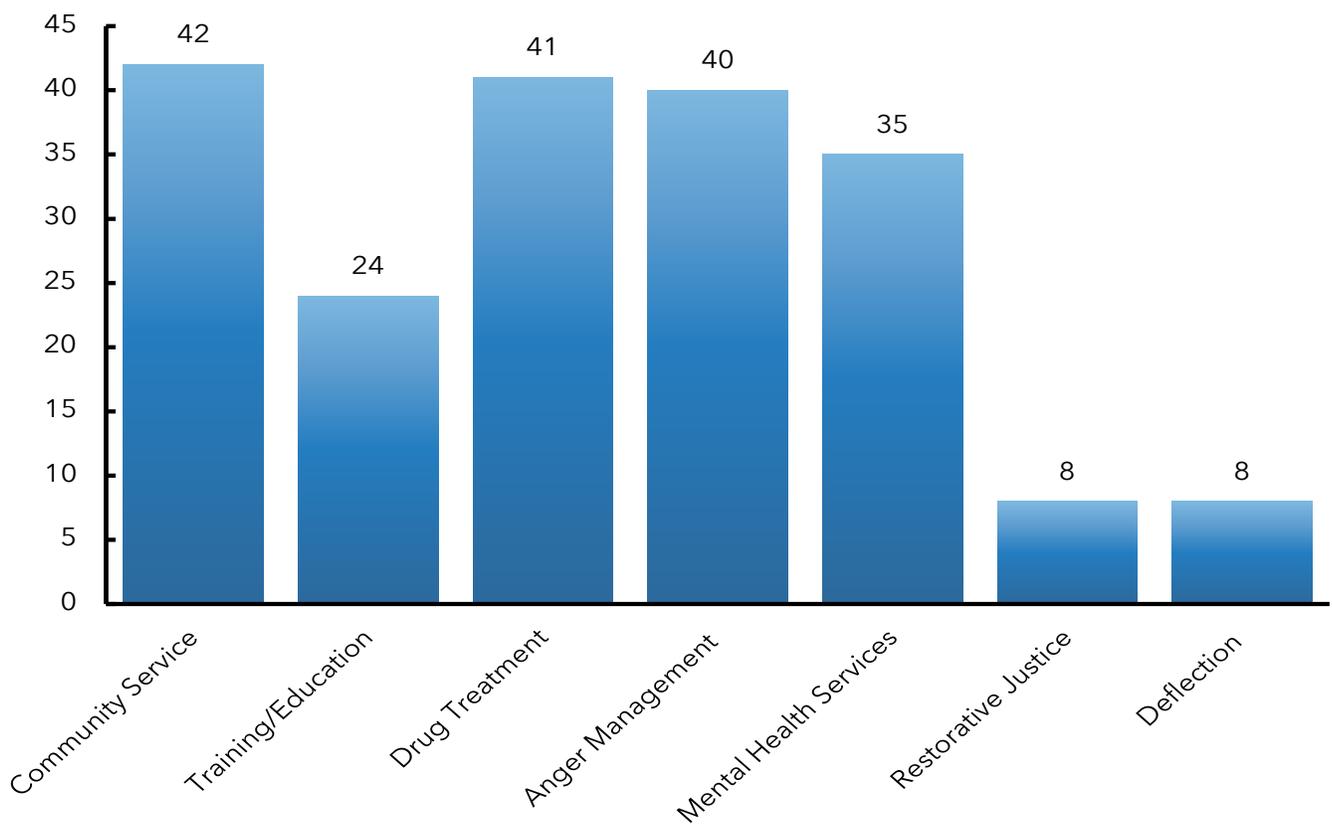


Figure 13. Number of Counties and Cities Reporting Alternatives to Incarceration by Type (N=51).

SPECIALIZED PROGRAMS

Figure 14 presents the number of prosecutors' offices that reported operating specialized programs. The most common type of program was Victim Assistance, which was reported by 92% of offices. Slightly less common were Witness Assistance programs (90%), Restitution programs (71%), and Victim Services without Arrest programs (65%). Rarely did prosecutors' offices report running Community Affairs Units (13%), Victim/Witness Relocation (12%), Community Prosecutors programs (12%), Conviction Review programs (6%), or Crime Strategies Units (4%).

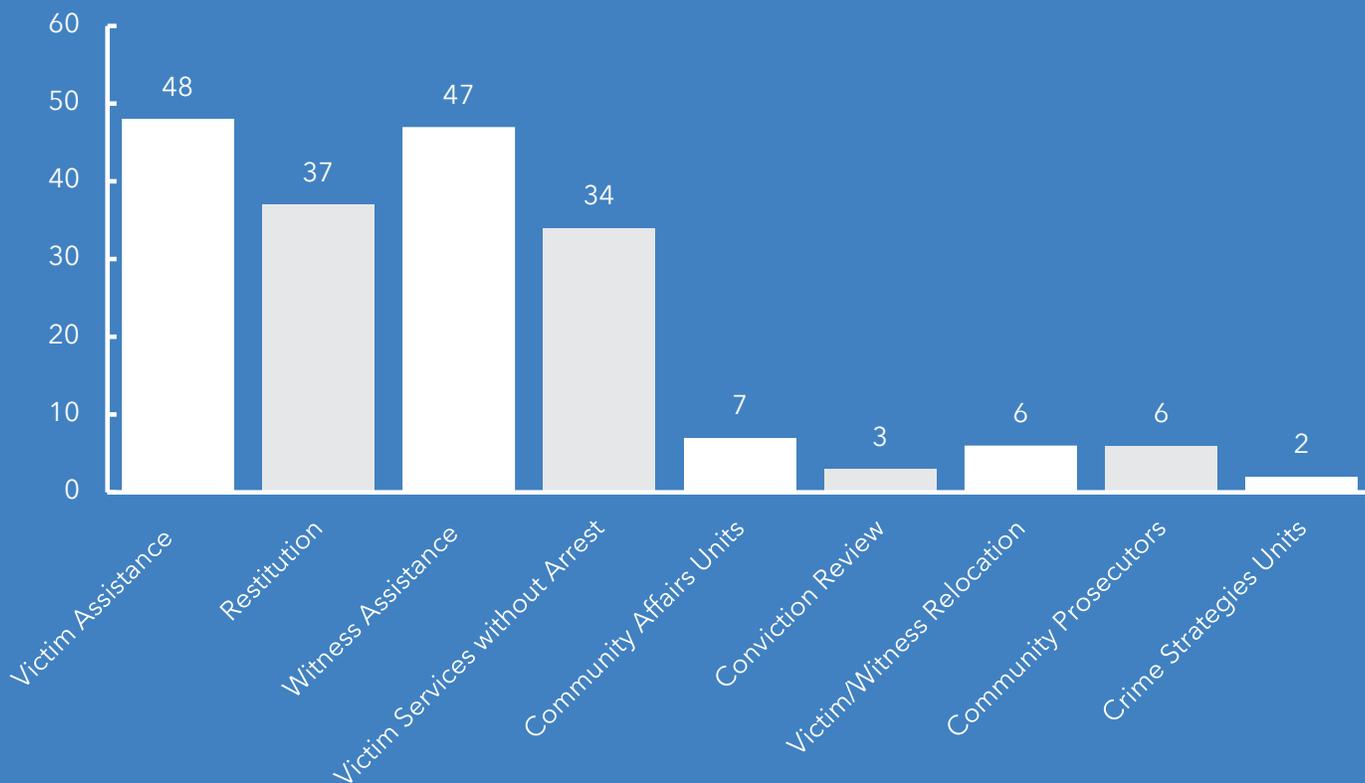
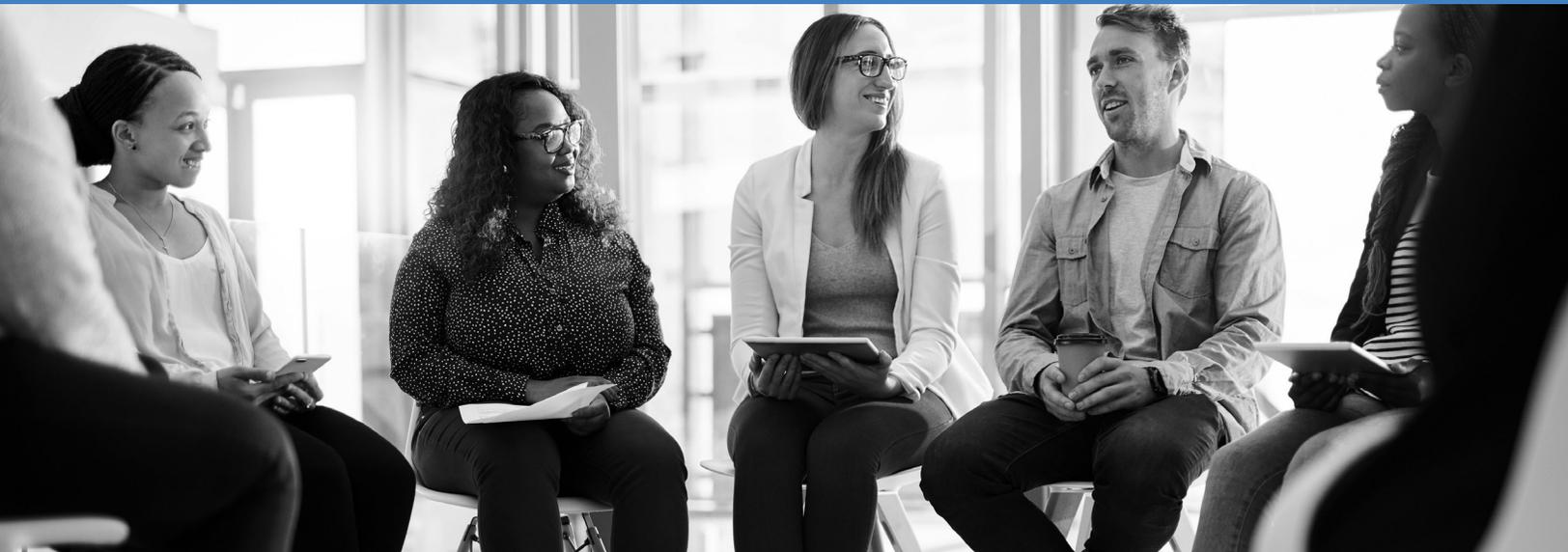


Figure 14. Counties and Cities Reporting Specialized Programs by Type (N = 52).



COMMUNITY PROGRAMS

Finally, we asked whether the prosecutors' offices either ran or participated in several different community programs. These results are presented in **Figure 15**. The majority of offices reported participating in Community Engagement programs (62%), Adult Education programs (60%), and Co-Located Child Abuse programs (60%). Slightly fewer offices reported participating in Youth Education programs (50%), Co-Located Domestic Violence programs (42%), and Violence Reduction programs (32%). Considerably fewer offices reported participating in Community Truancy programs (14%), Neighborhood Clean-up (12%), Re-entry (10%), Sports programs (4%), and Neighborhood Courts (2%). No offices reported participating in Children of Inmates programs.

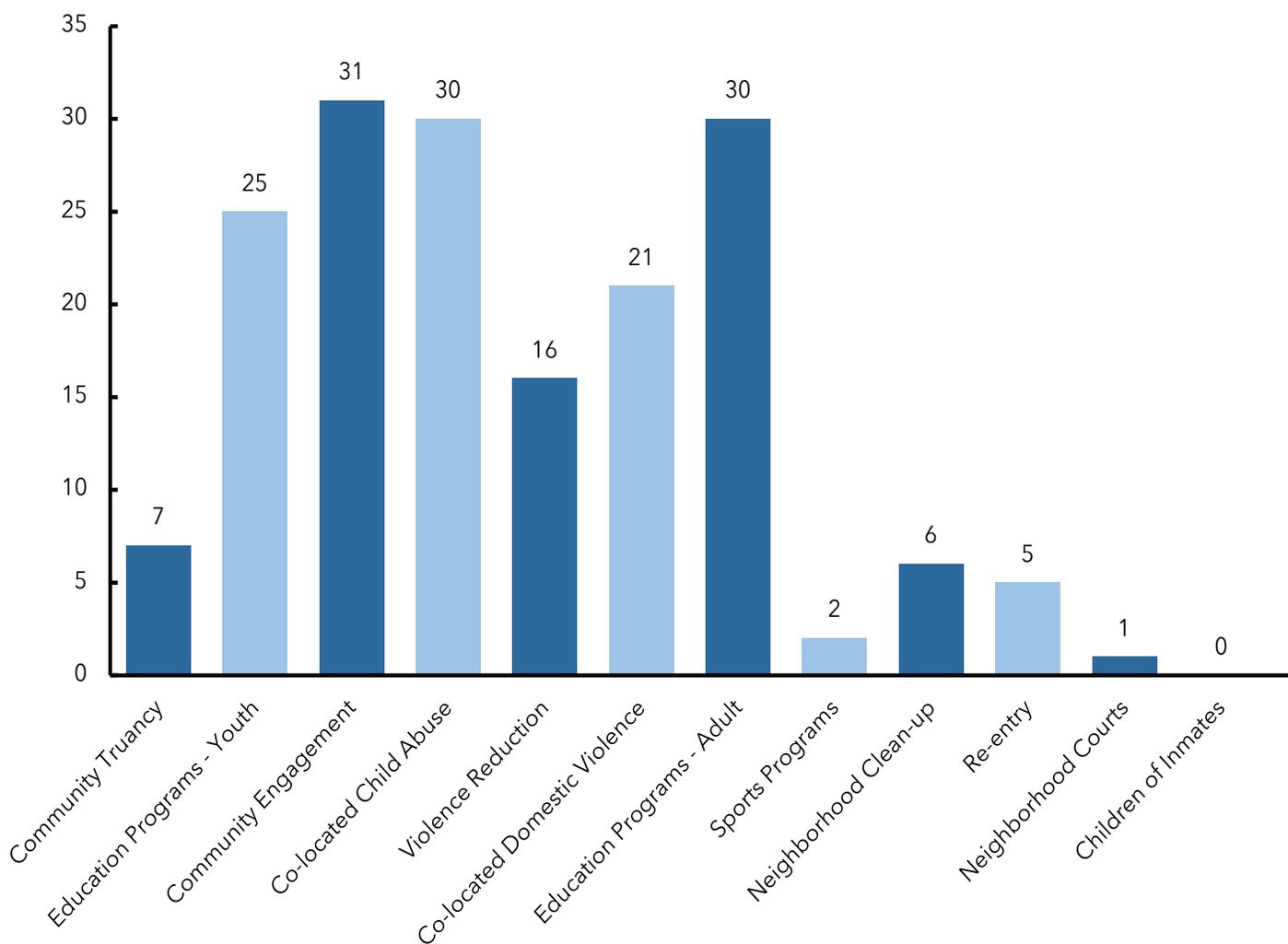


Figure 15. Participation in Community Programs by Type (N = 50).

TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. Twenty-three percent (23%) of the offices responded that they have a technology unit responsible for the computers, data, software, and hardware that function within their own office. Sixty-nine percent (69%) responded that they are using an electronic case management system, and 23% of the offices currently use electronic discovery. Over 83% reported using technology in the courtrooms, and 33% reported having staff to support them with use of this technology.

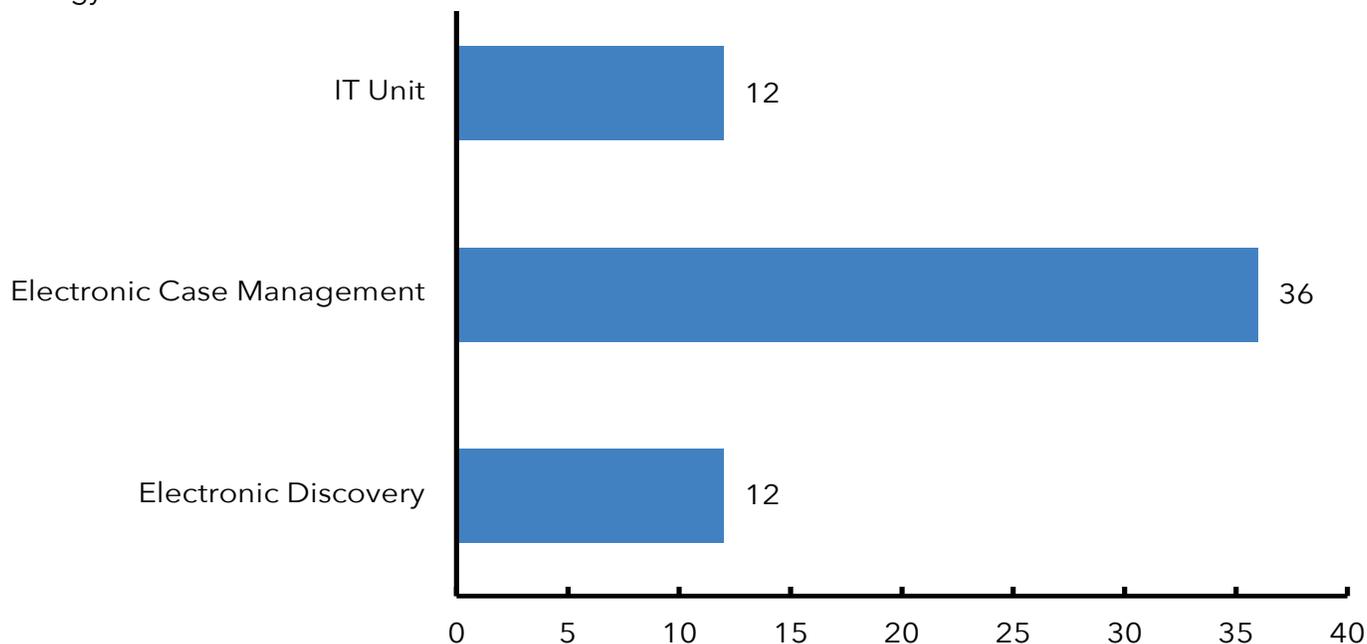


Figure 16. Technology Use within Prosecutors' Offices by Type (N = 52).



BODY-WORN CAMERAS

In addition, 83% of the respondents reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. **Figure 17** presents the method of delivery for BWC video. Of those receiving BWC video, 33% are using cloud-based interfaces, 33% are using DVDs, 19% are using both cloud and DVD interfaces, and 16% are using other means. Over 79% of respondents reported needing additional staff to view and manage the evidence collected by BWCs.

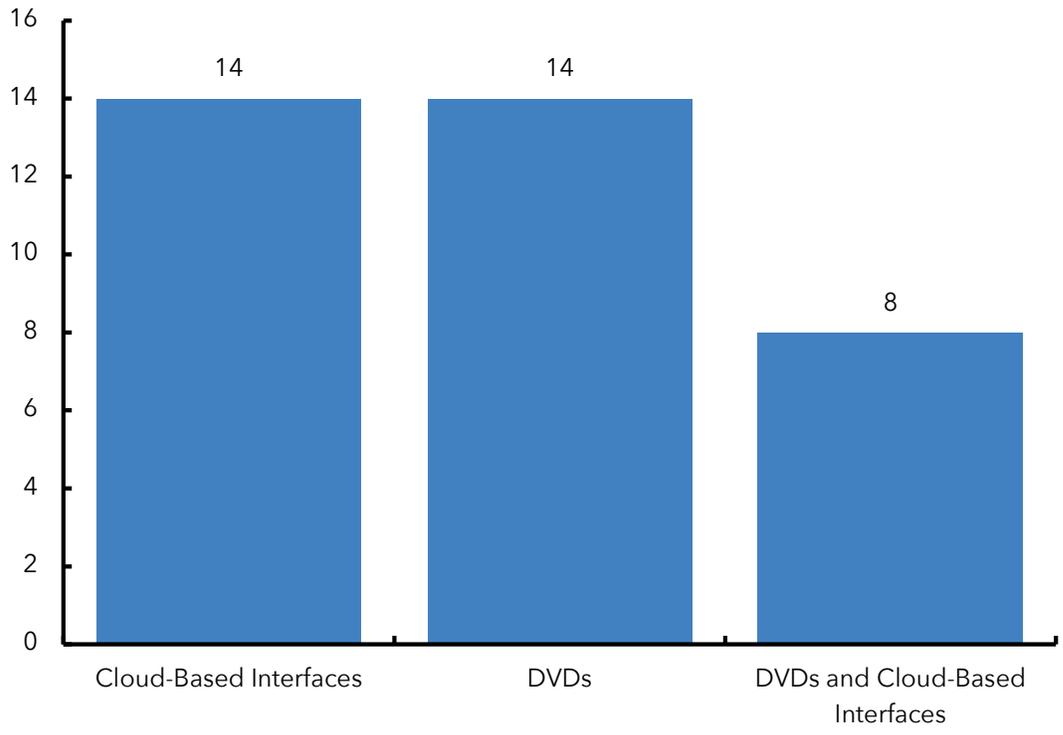


Figure 17. BWC Recordings Received by Prosecutors' Offices by Type (N = 43).

Figure 18 shows personnel needs for reviewing BWC Video. More than 50% of offices of all sizes reported requiring additional personnel to review BWC video. With the exception of the largest offices and offices covering 10,000 - 24,999 residents, more than 80 percent of respondents stated that they needed additional personnel for reviewing BWC footage.

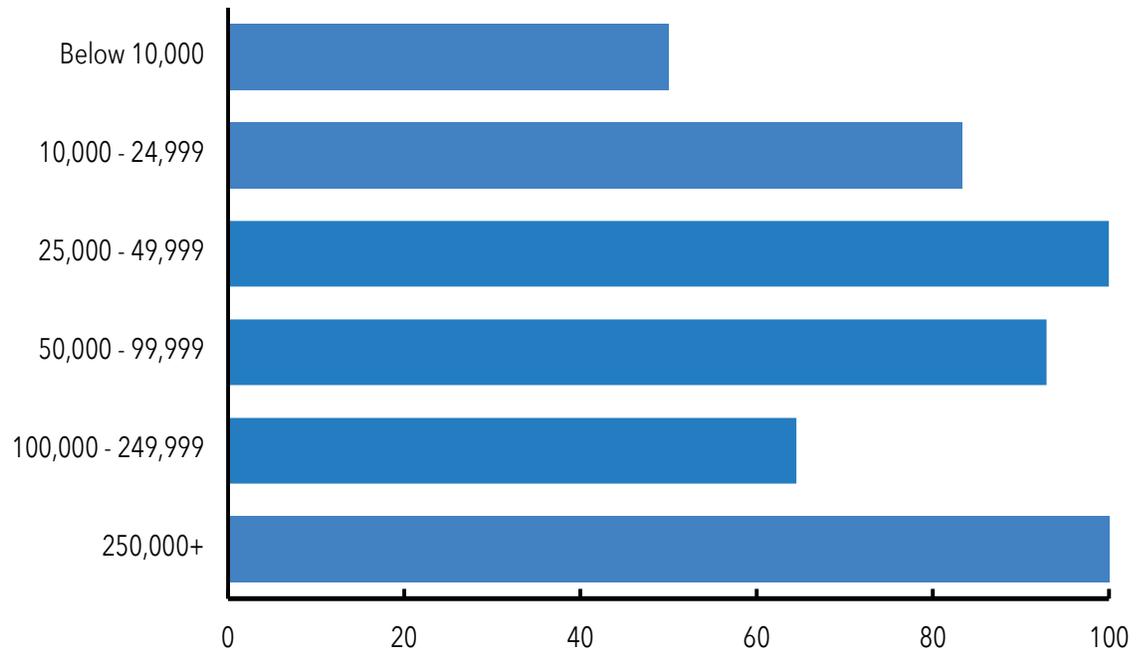


Figure 18. Percentage of Offices Requiring Additional Personnel for Reviewing BWC Video by Population Category (N = 43).

WEBSITES

Asked what they share with the public online, 39% of survey respondents reported having office websites and 35% update their websites routinely (monthly, quarterly, or annually).

RESEARCH

A minority of the responding offices reported engaging in research and analysis. Sixteen percent (16%) of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Fourteen percent (14%) of offices reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. Approximately 2% of offices provide an annual report to the public on the work of the office.

Fifty percent (50%) of responding offices have participated in major U.S. Department of Justice grant-based programs. Of the participating offices, 33% have participated in Project Safe Neighborhoods programs, 75% have participated in Violence Against Women Act programs, and 29% have participated in Federal Victims of Crimes Act programs.



STATE-SPECIFIC QUESTIONS

The State of Virginia also requested some specific information from each county. Specifically, prosecutors in Virginia were interested in the amount of funding received from state, local, grant, and other sources. Of the 34 offices that reported receiving state and local funding, the average dollar amount of the received funding was \$23,178,358 and \$17,100,000, respectively. Of the 19 offices receiving grant funding, offices received an average of \$4,139,375. Finally, two offices reported receiving funding from other sources, averaging \$2,000.

Asked for the number of felony citizen complaints they received, offices reported reviewing an average of 87 such complaints in 2018.

Prosecutors' offices were also interested in the use of grand juries by Virginia offices in 2018. Forty-two percent (42%) of offices reported using a multi-jurisdictional grand jury in 2018, and 10% reported using a special grand jury. Many offices reported using multi-jurisdictional grand juries for violent and drug crime cases. Of the offices using special grand juries, the majority reported using them for nuisance cases.



CONCLUSIONS

The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of Virginia prosecutors' offices. From the wide range of submissions from Virginia counties and cities thus far, there are a number of trends emerging.

From the survey, we can determine that most responding Virginia prosecutors' offices handle felonies, misdemeanors, and juvenile cases, and that the majority of responding offices also handle civil matters and infractions.

All of the responding prosecutors' offices have elected Chief Prosecutors serving an average of 11 years. Ninety-one percent (91%) of the offices have budgets under \$5 million, and 92% have personnel budgets under \$5 million. The number of full-time employees per 10,000 population appears slightly lower for the largest counties and cities compared to the smaller counties and cities, but larger counties and cities have more attorneys per 1,000 cases.

Across all population categories, there is some variance in the per capita rates of felony, juvenile, and misdemeanor cases charged. Generally, the largest offices prosecute felonies, misdemeanors, and juvenile cases at a lower rate than smaller offices. Smaller offices process more misdemeanor cases than felonies.

It is apparent that nearly all offices offer specialized or problem-solving courts, and that some specialized courts are significantly

more common than others. While a majority of offices reported offering Drug courts, no offices reported offering Human Trafficking, Homeless, or Community courts.

Most offices reported running a number of specialized programs. By far the most common specialized programs offered fell under the headings of Victim Assistance and Witness Assistance. On the other hand, only a few offices had Conviction Review programs or Crime Strategies Units.

The majority of respondents reported providing specific community programs to the areas they serve. The most common offerings were Community Engagement, Adult Education Programs, and Co-Located Child Abuse programs.

This survey has provided great insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. While this survey indicated that low population counties and cities have higher caseloads, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the Virginia offices that completed the statewide prosecutor survey have provided vital data that have increased the knowledge base on the functioning of Virginia prosecutors' offices as well as on the role of Virginia prosecutors.