

# Commonwealth's Attorneys Budget Issues

Neil S. Vener, President  
Virginia Association of Commonwealth's Attorneys  
Commonwealth's Attorney for Campbell County

Senate Finance General Government Subcommittee  
January 26, 2010

Madame Chairman:

Like the other Constitutional Officers, I thank you for the opportunity to appear before the subcommittee to address the impact of budget cuts on Virginia's Commonwealth's Attorneys.

Unlike your review of budget decisions for many Executive branch agencies – the 120 Commonwealth's Attorneys do not offer you locality-specific and particularized budget-cutting strategies to detail how they can cut costs and accomplish savings.

You make appropriations in a single-item lump sum to the Compensation Board for later distribution among Commonwealth's Attorneys offices following an established formula. Your options are limited to simply making an across the board percentage cut in funding to make savings happen.

Commonwealth's Attorneys share a basic similarity regardless of size. Our budgets from state general funds are almost exclusively personnel –prosecutors, paralegals, victim-witness assistants, administrative staff. When our funding is cut, we truly have nothing to cut but people. While Commonwealth's Attorneys used to receive state funds to support office expenses and training, these were essentially eliminated in the budget cuts of 2003. At that time localities were forced to pickup funding for those line items. There simply is no fat to cut.

The enormity of the budget cuts proposed, approximately 10% this current fiscal year and 20% for FY11 and even larger cuts for Sheriffs and law enforcement are beyond the ability of almost of our individual localities to absorb as they have done in the past. That means an immediate and direct loss in services in support of the safety of the citizens throughout the Commonwealth because neither prosecutors nor police officers will be there to do the job of enforcing the criminal laws. While there will be fewer prosecutors, fewer deputies and fewer police officers on the job there will not be fewer criminals on the streets. This budget does not reduce the number of criminals at all.

That means an immediate and direct reduction in the numbers of crimes that we can prosecute because we cannot staff the courts. First to go will be local ordinances, including quality of life offenses, misdemeanors, DUI, domestic violence and even lesser felonies.

That also means an immediate and direct loss of fines and fees often collected for the Commonwealth in these cases – ironically reducing state and local revenues even further. Many fewer criminals will be convicted, because of the absence of a prosecutor in court, and these same criminals, if not convicted will also not have to pay back the fees paid to their court appointed lawyer as part of their court costs.

It is entirely possible that the Commonwealth will spend more than it saves if prosecutors are unable to appear in misdemeanor cases. Prosecutors are the guardians of the taxpayer's money in determining if a case should carry a jail sentence, which if it does, entitles an indigent defendant to a taxpayer-funded attorney. If we are not in court to triage the cases and reduce the insignificant ones, the courts will be appointing lawyers in far more cases than they do now, those dollars will add up quickly

Reduced and inadequate staffing also means those remaining prosecutors will be rushed, overworked and under prepared for the cases we simply must prosecute. Based on current Compensation Board standards, Commonwealth's Attorneys are currently understaffed by 115 attorneys and 105 support staff. The cuts that are proposed will double or triple or even quadruple these figures as a result of layoffs.

One cut in the previous Governors budget is particularly foolish. You helped us create a Career Prosecutor program in 1997 so we could retain some of Virginia's best prosecutors. The program gives Commonwealth's Attorneys funding to retain the best and the brightest lawyers who choose to make prosecution a career, and who qualified through hard work and extra training. The program enabled us to pay those attorneys a more competitive salary to try and keep them from leaving for better paid jobs in the private sector. Eliminating career prosecutor funding will cost Virginians the loss of the most

competent, most experienced, and best trained prosecutors.

I have attached a list of the effects of this budget on Commonwealth's Attorneys from throughout the state.

Let me tell you how some of your local CA's will handle the proposed cuts from Gov. Kaine's budget:

Virginia's Commonwealth's Attorneys are willing to help cut overall costs in the criminal justice system – for example, not seeking jail in the least serious misdemeanor cases to avoid costly trials and reducing the need appointment of defense counsel, and reducing the time and caseloads of courts and law enforcement.

The draconian cuts proposed to the public safety side of the criminal justice system have not been met by corresponding reductions for expenses of court appointed defense counsel and the Judiciary. This budget does not cut even one dime from the budget of the Judiciary and from the funds available to pay for lawyers for the criminal defendants, even though our staffs will be decimated and unable to appear in court to protect the rights of the victims of crime. Too many victims will be standing alone against a defendant and his taxpayer-funded court-appointed lawyer as a result of this budget.

Virginia's Commonwealth's Attorneys recognize the cuts have to be made, but the priorities in this budget are dangerously askew.

Public safety is the core function of government at all levels and this budget needs to be reordered to make the safety of the citizens the first and foremost budget priority. Make no mistake about it, this budget with its wholesale slashing of deputies, police and prosecutors will make the Commonwealth of Virginia a less safe place to live.

The Commonwealth cannot risk or afford the dangerous erosion of public safety this budget will cause.

# Addendum

## Effects of Proposed budget Cuts on Individual Commonwealth's Attorneys Offices

### Amherst County

*Here is my current situation: Due to the 15% cut in October, I have lost a Legal Assistant position that I am unable to fill. My 3 full time prosecutors, and I, are answering phones, performing data entry, pulling dockets, typing, etc and are taking turns performing the Legal Assistant's duties. My staff also currently cleans our own office space. My Deputy Commonwealth's Attorney purchased a cordless phone set for the office at his own expense so that we can have cordless handsets to carry around to answer phones wherever we may be in the office. Additionally, we are currently working without any office budget to speak of.*

*My County recently asked me to submit a budget with a 15% reduction in county funding. They have not indicated what they are going to do specifically yet.*

*If the proposed budget goes through it appears to be another 17% cut to my office. I will lose one and half attorneys(which amounts to two of them, because my two newest attorneys have young children to support so they will be forced into the private sector).*

*Or, if we decide to suck it up across the board, then we will have to take extensive furloughs and we, like Kim's office, are on call 24 hours a day, seven days a week for law enforcement assistance. I don't know how that will be effected. That will leave me with one office administrator and one deputy commonwealth's attorney if we cut positions to make up the budget cuts. We also have one victim-witness director who is paid by grant money.*

*Bottom line: my office personnel will be cut in half. We will have to quit prosecuting all misdemeanor offenses and all traffic offenses. My deputy and I are teaching at the Trial Ad course for new prosecutors, we will have to quit teaching that course and quit all training activities that we participant in currently (e.g. teaching at the criminal justice academy), I will no longer be able to lecture at the public schools or colleges in the area as I have been doing and my deputy c.a. will no longer be able to do the various domestic violence presentations/training that he has been doing all around the state.*

*We will also not be able to provide the same amount of victim services. We have one victim-witness director/advocate. We currently assist her (when she has more than one court) with victims needing help or she is out due to training or vacation. We will not have any man power to assist victims if she is not available ( today for example, Ms. Wiley went to Appomattox to assist their victim witness person with the families of the mass murders that occurred there yesterday). Currently one of the attorneys will go to court and assist the victims while another attorney is prosecuting the cases. We also will no longer be able to act as special prosecutors for other jurisdictions when they*

*need our assistance. We also have recently created a child abuse review team consisting of law enforcement, child protective services workers, FNEs, victim-witness and others, this team would have to be dissolved.*

*If the county cuts us an additional 15%, then I don't know how we will continue. Heaven help us if we have a capital murder.*

## **Madison County**

*Neil, we are cut to the bone and our county cannot afford to make up the difference. I have 1 ACA who is paid a stipend by the county and is primarily funded as a domestic violence prosecutor. He will have to leave if the county cuts his supplement because he receives no benefits. I have an administrative assistant who has been with me 11 years and I plan on making up out of my pocket any cuts she receives. Our part time clerical worker will have to be laid off.*

## **City of Chesapeake**

*According to the City Manager and the Interim Budget Director for the City of Chesapeake, the City Council has instructed them to not supplant the budgets of the constitutional officers. In fact, in December, the City Council "deappropriated" \$147,922 from my budget.*

*I will have to keep two attorney positions (one vacated last week), two secretary positions and one paralegal position vacant. The only reason that I did not have to lay off employees in September was because two secretaries resigned in September and I had savings as a result of three employees taking leave without pay (maternity leave).*

*The City is looking to reduce my city funds by 10%. That 10% plus the state's reduction will force me to stop prosecuting DUIs, misdemeanor animal abuse cases, and domestic violence cases. I will have to eliminate my Community Prosecution Program. I have told my attorneys that they will no longer be able to teach at the Police Academy if I lose any more attorneys. All of the other areas that others have mentioned may also be eliminated. I will not be able to accept as many requests to be special prosecutor in other jurisdictions. If we cannot assist our colleagues, then the Circuit Courts will have to appoint an attorney from the private bar. I believe that a private attorney appointed receives payment by the hour and not the mere mileage we receive.*

*The Clerks' duties are going to increase if I stop prosecuting these misdemeanors because I issue the subpoenas now. If I don't prosecute the cases, then the Clerks will have to issue all of those subpoenas and they have been hit hard with the cuts, too.*

## **Washington County**

*Another budget reduction would result in the layoff of at least one attorney in my office. My County simply cannot absorb the difference with local funding. My office would have to re-prioritize and possibly cut some services to the Courts. I hope that the*

*Legislators don't forget that the complainants and victims in misdemeanor cases feel just as aggrieved and want to be heard as much as those who are victims of felony offenses. Everyone is entitled to equal justice in our criminal justice system. We cannot provide equal justice on the cheap. Enough is enough!*

## **Amelia County**

*My office consists of two, myself and one administrative assistant. We are understaffed, and have been for several years, according to the number of felony cases we have here in Amelia. Right now I am doing misdemeanor cases but would have to stop that completely just to keep up with the paperwork involved in the felonies if my administrative assistant gets cut. Just like you have heard from other offices similar to mine, we would be devastated by the cuts. Lee R. Harrison, Commonwealth's Attorney for Amelia County*

## **City of Radford**

*I have 2 full-time ACA and one fulltime secretary/clerk/receptionist. We are not supplemented by City.*

*The 599 cut from 2008 was 4.17% and my locality passed it on thru to each department. We decided to simply reduce pay and hours at the administrative assistant position rather than cut attorney salaries. The next 9% cut was treated the same way: clerical position has been slashed from 37,000 to 25,000. City agreed to fund ½ of the \$14,000 cut this last round. This was the first time ever the City shared any funds with Constitutional Officers to help offset a budget shortfall.*

*The Commonwealth's Attorney's Office operates below adequate funding levels after budget cuts in 2008 and 2009. These continued funding shortages could potentially compromise public safety. Future budget cuts will require drastic personnel restructuring. Unfortunately the next step and most practical solution appears to be changing the secretary position to part-time or eliminate it entirely from our office. Attorneys will then be required to answer all phones and perform their own clerical tasks such as open mail, pull files, make copies, etc.*

## **City of Buena Vista**

*Buena Vista is a 1 attorney full time office with 1 comp board secretary whose salary keeps getting cut and 1 victim-witness director paid by grant. Locality funds are vanishing every year. Due to the cuts I plan to have the secretary work a lot fewer hours and I will do more typing and subpoena requests, etc. myself. We now clean our office ourselves, have stopped buying criminal law materials for the library, have no money for an old, broken computer and I have chosen in recent years to attend one day CLEs to keep my license instead of Spring Institute or Summer conference in order to allocate what would otherwise be the travel budget to more pressing needs like maintaining a phone line. It's a disadvantage and disappointment not getting to spend any time with the more experienced CAs who have been so helpful to me in the past.*

## **Richmond County**

*Richmond County is a 1 attorney office with 1 Administrative Assistant paid for by the Commonwealth. The County also supplies 1 full time clerical assistant. The Budget as proposed by the Governor, would devastate this office which is already understaffed unless the County provided a full supplement which, at this time seems highly doubtful. Like the other offices that have already responded we would have to VERY SERIOUSLY consider doing no misdemeanor work which, as pointed out by others, would mean that the discovery for such cases would be left to law enforcement including jail and penitentiary personnel.*

## **Shenandoah County**

*I would lose 1 of 3 ACAs and would have to stop prosecuting misdemeanors and traffic. Prep time and discovery requirements in GDC has increased to the point that would require such action. Like other CAs my remaining staff will be looking to the private sector.*

## **King George County**

*I would lose one staff and one prosecutor (of three total) making it difficult or impossible to handle all cases in all three courts. I would be forced to seriously consider limiting misdemeanor prosecutions to those that affect the community as a whole, by their nature, such as DUI and crimes of violence.*

## **City Of Staunton**

*I currently have 3 full-time assistants. I'd have to terminate one and reduce services by not prosecuting misdemeanors and traffic offenses. Morale will be horrible, and I might lose another assistant and a secretary to the private sector, which pays considerably more. We are considering a 4-day work week. (You get what you pay for).*

## **Buchanan County**

*My locality has already put my office through a 5% cut of locality money on top of the state's cuts for 2009. There is no option of the locality covering areas that the state refuses to cover. I have eliminated all books and subscriptions. I have cut one of my paralegals down to no more than 100 hours a month (just enough for her to maintain the county's health coverage), and my circuit court paralegal down to no more than 30 hours in a week. All other support staff have had to add to their work load to carry on. Since elected 2 years ago we have drastically increased the number of felonies being prosecuted, doubling some prior quarters. If faced with further cuts, I would have to consider elimination of prosecution of misdemeanors except DUIs.*

## **Wythe County**

*In Wythe County, I currently have 1 deputy, 3 assistants, and 4 secretaries. The County has covered my budget shortfall for the current year, but they have made no promises about the upcoming fiscal year. If I add the cut from last year to the expected cuts for this year, I would lose an assistant and two secretaries. We would be forced to cut the prosecution of misdemeanor offenses in the General District and Juvenile Courts, including traffic, DUI, and domestic assault cases.*

## **City Of Lynchburg**

*As a result of the FY 10 budget cuts, we are already feeling a huge impact. In Lynchburg, we filed our projected FY 11 budget with the City last week. Between the FY 10 cuts and the 10% reduction in costs mandated by the City, we were forced to present a budget which vacated two attorney positions. In an office of 11 attorneys, this is 18% of our courtroom presence. As a result, we will be forced to eliminate the prosecution of most misdemeanors. (Although we are neither mandated by law nor funded to prosecute misdemeanors, many of us have a daily presence in the district courts.) This will mean that there will be no prosecuting attorney in most cases involving domestic assault, assault & battery, stalking, brandishing or concealed firearms, petit larceny, misdemeanor drug offenses and DUI. Our absence will result undoubtedly in a lower rate of conviction since lay witnesses will not know what evidence is essential and how to get that evidence admitted. And a lower conviction rate will have an adverse effect on the amount of fines and costs collected by the Commonwealth and the locality and will increase the amount of court-appointed attorneys' fees paid by the Commonwealth..*

*As stated above, our Lynchburg budget considered only last year's state budget cuts. Since there was no accurate way to quantify the Commonwealth's FY 11 allocation to the Compensation Board, this Lynchburg budget was based on level state funding from FY 10 to FY 11. Obviously if there are significant cuts in the Commonwealth's FY 11 allocation for prosecutors, further cuts in personnel will be necessary. Since over 95% of our budget is in personnel costs, there is nothing else to cut.*

*With these further cuts in personnel will come corresponding cuts in services. Because attorneys are required by the Virginia State Bar's Rules of Professional Conduct to be prepared in all cases, we may have to plea-bargain many of our non-violent felonies in order to concentrate on the violent ones. In addition, with the potential cut in funding for career prosecutors, we stand the very real prospect of losing are experienced prosecutors and replacing them with less experienced, and less effective, attorneys.*

*However, we also can offer some contributions towards cushioning the financial blows to come. One way that we have been doing this is by adopting a policy waiving the possibility of jail time for those misdemeanors that historically judges do not impose jail. Constitutionally, if there is no possibility of jail, then defendants are not entitled to court-appointed counsel at state expense. For instance, several jurisdictions routinely*

*waive the possibility of jail for first offense possession of marijuana. Historically defendants either have received a deferred disposition or merely a fine. These also are some jurisdictions that have the default position that waives the possibility of jail for reckless driving unless the Commonwealth specifically asks for it.*

*Another cost reduction measure that some prosecutors have adopted is to very early in the process identify those felony charges that can be adequately addressed as misdemeanors in the district courts. This saves us valuable time both in trial and in trial preparation. This also preserves court time, avoids unnecessarily inconveniencing witness and saves law enforcement agencies from having to pay overtime to testifying officers. For example, some offices routinely impose a \$500.00 threshold on grand larceny, treat all failure to returned leased property as misdemeanors and require personal injuries before prosecuting a “hit-and-run” as a felony.*

### **Arlington County**

*If the County does not pick it up we will probably lose two atty. positions. (I have already lost two in the past two years.) No traffic prosecutions, no “quality of life” prosecutions (eg county code violations) many more pleas with suspended time for felonies and many misdemeanors will get light treatment.*

### **York County**

*Depending on the reaction from my locality, I estimate that I would need to lay off one prosecutor and one support staff - or furlough everyone. In either event, I would have to stop prosecuting misdemeanors (DUIs, concealed weapons, drug possession, etc.), and would not have the resources to provide many of the services we now provide (e.g., review of concealed handgun permits, revocation proceedings on other than extremely major violations, etc.).*

### **Floyd County**

*Our office is very small—I am the only attorney, with one full time secretary and another part-time secretary. There are no vacancies and thus no vacancy savings. Our budget (\$219,980) is primarily based on what the Compensation Board provides as our county does not supplement any salaries or positions. When the cuts in reimbursement hit last year (cuts totally approximately \$10,000), we were forced to cut from our already extremely lean budget. The only way my office is functioning this year is through our asset forfeiture funds—asset forfeiture funds are covering all office expenses except salaries at this point. The cuts currently proposed (approximately 20K additionally) will force me to lay off my secretaries which would mean that there would be no one to answer calls or man the office when I am in Court or in meetings. I would have to limit my prosecutions to felonies, DUIs, and domestic violence cases.*

### **City of Richmond**

*The proposed cut would be roughly 460k. It would result in layoffs of lawyers and staff. There is no way I could make up the reduction through furloughs. Also the effect will be compounded because the city will feel compelled to further reduce its support of us by*

*the same amount under the theory of less revenue (reimbursement). We will be crippled.*

### **Culpeper County**

*In a nutshell, the budget cuts proposed can only be described as catastrophic for my office. I have always prided myself on crafting a lean budget—so there is no fat whatsoever to cut. I have three secretaries and five prosecutors. One position is a v-stop prosecutor. One secretary has already been made part time. My executive secretary recently retired under pressure from the county as part of its budget cutting process. I would lose at least one if not two prosecutors should the budget cuts go through as proposed. This is partially because the county has been funding one position entirely and I imagine they will stop subsidizing my office. I will have to stop prosecuting misdemeanors in order to focus on felonies. I have Coffeewood Prison in my jurisdiction as well as a Culpeper Juvenile Correctional Facility. I will probably take the position that should the state want matters prosecuted in those facilities they will need to look elsewhere than my office. There is no question that public safety will be compromised in Culpeper County should the cuts go through as proposed.*

### **Powhatan County**

*Honestly, I'm not sure what we would do. I have a part-time assistant, who is made full-time through the graces of our County. I also have a part-time assistant on grant. I would, no doubt, have to furlough people. We already are understaffed. Any cuts would be devastating.*

### **Gloucester County**

*In Gloucester there is no fat left. We are down to bone and muscle. I have 3 assistants and 2 of them are fresh out of law school. One of them would have to be laid off. That means I am already sending the greenest of prosecutors to court in serious felony cases such as child rapes and vehicular homicides and I am only able to do that because of vacancy saving when my most experienced deputy quit to go to the private sector where he could bust \$50,000 a year in salary. We definitely would not be prosecuting any juvenile court misdemeanors and would have to cut somewhere else as well. We probably would drop all misdemeanor assault, drug and weapon cases and would have to take a hard look at DUI's. We might have to drop them all or perhaps just do the ones with elevated bac, accident resulting in injury or refusal.*

### **City of Hampton**

*According to the stats from the Comp Board, my budget would be cut just over 22%. That would mean a reduction of 3 of my 14 assistants, and the end of all misdemeanor prosecution – DUI's, drugs, weapons, larcenies, etc.*

### **City of Charlottesville**

*To avoid any layoffs we are leaving vacant for the foreseeable future*

*1 X Asst. Comm. Atty. (or 14.3% of our attorney capacity)*

*1 X Paralegal (33% of our administrative capacity).*

*While current staff can manage the burden of additional work temporarily, they cannot do so indefinitely. Good people who have options will take them, even though they may prefer to work in a Commonwealth's Attorney's office. If net decreases in compensation are received by staff as a result of cutbacks in their health and retirement benefits, I would be concerned that a tipping point will be reached in which the most talented staff actively seek other employment, especially in small and mid-sized jurisdictions that provide modest salary supplements, if any are provided at all.*

### **Dinwiddie County**

*I serve Dinwiddie County. Depending on how my locality responds, I will most likely have to lay off one attorney and stop prosecuting cases in traffic, general district, and juvenile and domestic relations courts.*

### **Rockingham County**

*I would lose three (3) attorneys and one (1) paralegal. I will not be able to staff all of the courts.*

### **Williamsburg/ James City County**

*We would be forced to lay off one full time prosecutor, and would also be forced to reallocate our Domestic Violence Fund Grant from our part time prosecutor to a support staff position in order to avoid laying off our J&DR secretary. In an office of six attorneys, losing two would necessitate a reduction in services provided. I would anticipate that we would no longer be involved in misdemeanor cases in General District Court or Juvenile and Domestic Relations Court. We would also be forced to reduce our participation in the training of officers from both the County as well as the City due to an inability to cover three Courts and office responsibilities with only four prosecutors. Additionally, if the career prosecutor program is eliminated, the prosecutor that would most likely be laid off is one of our most experienced and talented attorneys. Thus the remaining four prosecutors would be less experienced and less talented, but be called upon to handle more work. With fewer experienced prosecutors, I anticipate that the administration of justice would unquestionably be negatively effected.*

### **Fairfax County**

*I will have to lay off 5 or more likely 6 assistants. We will have to get out of misdemeanors for the most part. Dwi's, stalking, etc. It will be bad for the public. We are already understaffed and running as fast as we can to stay where we are.*

### **City of Alexandria**

*If the proposed cuts for FY2011 are implemented, we would probably be forced to eliminate at least three assistant commonwealth's attorney positions. As a result, we would cease prosecution of all misdemeanor offenses, including domestic assault cases, DUI, and other serious misdemeanors. These cuts would also probably require alteration of office*

*policy regarding disposition of other property crime felony offenses, in that more cases would probably be reduced to misdemeanor offenses and disposed of by plea agreement rather than through trial.*

*I am sure this has probably already been included in your analysis of budget cut impact, but if not, it appears that one consistent theme from the responses you have received so far is the discontinuance of misdemeanor prosecution by many Commonwealth's Attorneys. Aside from the obvious public safety risks which this raises, I would also suggest that there is a serious revenue impact both for the state and localities. If conviction rates for these offenses sharply decline (which they surely will without the appearance of prosecutors) revenue from fines and costs will drop as well. Whether the offense is charged under state code or local ordinance, somebody is going to take a hit. By way of example, if our General District Court presently remits over a million dollars a year to state and City coffers, and conviction rates drop by 40%, a funding cut of 300,000 to my office would kill misdemeanor prosecution and portend a revenue loss of over 400,000. I was never a math star, but cutting 300K in spending in order to lose 400K in revenue doesn't seem to make a ton of sense.*

### **Prince Edward County**

*Depending upon what my county is willing to absorb, I may lose one of my three full time assistants or have to furlough everyone for a portion of the year. In any event, we would no longer be able to prosecute some misdemeanor cases and no traffic cases at all. I also anticipate we would no longer review concealed weapon permit applications and would have to really prioritize the felony prosecutions. Gov. Kaines's proposed FY11 budget is catastrophic and would cost me at least one assistant and one support person plus furloughs for remaining people, if they did not leave for the private sector.*

### **Prince George County**

*Depending upon what my county is willing to absorb, I may lose one of my two full time assistants or have to furlough everyone for a portion of the year. In any event, we would no longer be able to prosecute some misdemeanor cases (juvenile court cases) and no traffic cases at all. We would no longer review concealed weapon permit applications.*

### **Halifax County**

*Same goes for here, depending on what our county could assist with, I am faced with the loss of perhaps two attorney positions (1/3 of my attorney staff). We would have to cut out the prosecutions of misdemeanors and traffic cases and simply focus on the felonies.*

*As you know, my office is the "home base" for the regional drug prosecutor's office, which serves 6 jurisdictions. If the cuts remain, we might not be in a position to host that office, which could result in the shutting down of the multijurisdictional grand jury.*

*My office also has participated in the anti-gang curriculum taught to every 6<sup>th</sup> grader in the county. It is a program of the Attorney General's Office, "your friends, your*

choices.” There is no way that we could participate in that program or others like it either.

The likelihood of my availability or others in my office to assist in training opportunities for prosecutors by teaching and lecturing is slim to none if the attorney cuts take place.

I don't see the furlough process as being an option as I don't see how it can be done without violating FLSA. Each attorney in this office often is called by law enforcement seeking various forms of advice—which would violate FLSA if answered while on furlough. I suppose I could notify law enforcement to only call specific people, but that would be difficult to enforce.

## **City Of Danville**

Not funding the career prosecutor program would cripple my office. I have two attorneys I would lose if their salary had to be cut 19% and revert back to Attorney 1 position. One of those has been prosecuting over 18 years. These are the very prosecutors that have decided to forgo money in the private sector to make a career prosecuting for the Commonwealth and I think repaying that sacrifice by reducing their salary is .....well I can't use that word in an email.

I have two current positions I have not filled and will not be able to fill in future....if additional cuts come on top of what we already have not only will I have to keep those positions open, but I will probably have to let someone go.

Let me emphasize that we must have safe funding for career prosecutors at all cost.

## **County of Bedford**

I would lose at least one legal assistant and one prosecutor.

## **Fauquier County**

My locality is currently considering a proposal which, if adopted, would eliminate one assistant position in my office and would eliminate my Victim/Witness program. Depending on the extent of the state cuts, the axe might bite deeper.

If the proposal is adopted we will basically be getting out of the lower court business except for prosecuting felonies and cases involving domestic violence.

One ramification of this will be that the responsibility of responding to discovery requests in those misdemeanor cases will, by Rule, fall to the LEO involved in each case. I would assume that satisfying the Melendez-Diaz statutes would likewise become the responsibility of the LEO. My assistants spend quite a bit of time responding to lower court discovery and making sure that the Melendez-Diaz notices are filed in a timely manner, and I hate to think what kind of burden that will be on law enforcement.

I have warned my locality of the effects of the proposed cuts, but I'm not sure they realize just how far reaching those effects might be.

## **Spottsylvania County**

*I would have to lay off at least 1 prosecutor & likely cease prosecuting misdemeanor merchant crimes, such as shoplifting, etc.*

## **Cumberland County**

*I am a part-time Commonwealth's Attorney, have one part-time secretary (three days) and no assistant. My job is part-time only because the state allows me to have a private law practice; however, I daily perform all of the duties of a full-time Commonwealth's Attorney. I have no one to replace me when I take a vacation or attend a conference, so my cell phone is "glued" to my hand. I requested full-time status last year, but the General Assembly did not approve it. I have again requested full-time conversion.*

*I handle all traffic, misdemeanor and felony cases in the Circuit, General District and J&DR courts along with all the other multifarious duties of the Commonwealth, i.e. reviewing concealed weapons permits, working with and advising deputies, meeting with victims, research, handling appeals, etc. etc. etc. In addition to all of the above, I have a capital murder case set for trial in May.*

*With the proposed cuts, I have no assistant to lay off or furlough and already operate the office on a bare bones budget. I shudder at the thought of the impact of the contemplated budget reductions on all offices, when violent crime is surging in what used to be "sleepy" Southside Virginia. As far as I know, in addition to the capital murder case here (2 victims), there are also capital murder cases pending in Prince Edward (4 victims), Appomattox (8 victims), Charlotte County and possibly Lunenburg. At what point is our ability to prosecute crippled by budget cuts? At what point is public safety jeopardized? Rhetorical, yes, but the reality is that these proposed budget cuts could have devastating results on many offices, not just from the standpoint of staffing and finding paper for the copy machine, but also in terms of our morale. The burden will fall on the localities, many of which are already struggling.*

## **Smyth County**

*I have 4 ACA positions. One resigned 12/31/09 to take a job as an ACA in a county she viewed as "more financially secure." I will leave the position unfilled to help weather the cuts. I am preparing a letter to our GDC Judges to let them know we will be cutting some services immediately. Her other duties are being spread among the remaining 4 of us.*

*Worst case scenario (Kaine proposal) we will lose another assistant. GDC misdemeanor prosecution will be eliminated, except DUI, that I have promised not to abandon.*

*I currently take our large drug cases to federal court as a SAUSA because we can get better results than we get from state court. There are lots of benefits to having that federal connection. That would likely end.*

*For training and office expenses, we are completely at the mercy of our county, which as my former ACA pointed out, is far from financially secure. We can barely afford travel to Spring Institute.*

## **Loudon County**

*The Kaine mid-year cuts resulted in hiring freezes. One victim-witness position was offered up as a mid-year reduction to compensate for this and has been eliminated.*

*The County currently is considering eliminating one attorney position and will decide this March.*

*The effect of this has been increased case volume of the remaining victim witness case managers and elimination of their involvement on certain case types. The loss of the attorney position will cause us to consider not covering the Town misdemeanor and traffic dockets. Currently we are only supplemented by the County and not the Towns, so they would be the first to go (Leesburg, Purcellville, Middleburg).*

## **Shenandoah County**

*I would lose 1 of 3 ACAs and would have to stop prosecuting misdemeanors and traffic. Prep time and discovery requirements in GDC has increased to the point that would require such action. Like other CAs my remaining staff will be looking to the private sector.*

## **City of Martinsville**

*At this point, all of my staff and I have taken furlough days. We took 2 furlough days during November 2009 and during the holiday season, I closed the office for 2 weeks from December 22, 2009 – January 4, 2010. Of course, there were a few times that I or one of my assistants or administrative assistant had to come to the office to handle a situation. Fortunately for me, one of my attorneys resigned effective January 8, 2010. He left because he needs to earn more money. I will not be able to fill that position. My office was already understaffed by one attorney position. Now we are 2 positions below the staffing standards. We are also having to demand that defense attorneys bring paper and/or CD/DVD for discovery purposes. My office receives a very, very small stipend from the City. Of course, those funds may be in jeopardy as well.*

*At the rate our budgets are being cut, I am afraid that the quality of prosecution in Virginia is going to decline drastically. I expect an increase in crime to parallel the budget cuts.*

## **Portsmouth**

*My office staff has been reduced from 24 to 17 attorneys and 10 to 8 secretaries. My city is unable to fund any shortfall.*

*I am being forced to consider a reduction in some of the cases we currently prosecute.*

## **Alleghany County**

*As a result of the existing cuts we have eliminated all money for travel, books and equipment. Our county has made up enough to spare salaries, but has made it clear that they can no longer help.*

*The suggested budget would eliminate one of two full time assistants and an administrative slot. This would mean no prosecution of misdemeanors or traffic cases. We also would not have someone available for district court bond hearings in felony arrests.*

*In order to continue filing drug certificates and other case processing I would have to close the office to the public one or two days a week. Our call volume has noticeably increased since the clerk's offices have cut staff. Since I have no victim-witness position, there will be no one for the public to contact. As others have noted, we will have to eliminate all public outreach programs, officer training and special prosecutions.*

*Since our county has never supplemented salaries, the career prosecutor program is the only thing we have to compensate experience. This means not only working with less people, but also losing the experienced ones who could carry a heavier load.*

*As I told my Board of Supervisors the last time I went to beg for money, there is a reason we have Constitutional Officers. It is a recognition of what the core functions of government are.*

## **Lee County**

*As I see it, there would be both direct and indirect consequences if the proposed 2011/2012 budget cuts are implemented. Although both types of consequences are unwelcome, I believe in a rural, small county like Lee County, the indirect consequences might serve to decimate the Commonwealth's Attorney's office.*

*The direct consequences would be (1) elimination of one assistant prosecutor position, (2) the possible elimination of one legal secretary position, and/or (3) a massive across-the-board pay cut to those employees whose positions are not eliminated. When you are starting out on the low end of the pay scale to begin with, taking a hit to that salary in the form of a budget cut is a devastating prospect.*

*As others have stated, I fear that with the elimination of positions, the services my office provides would have to re-evaluated. The citizens of my county expect a prosecutor to assist on most all misdemeanor cases, especially those involving drunk driving and domestic assault. Realistically, it would be hard to maintain the same level of service after positions are eliminated.*

*There is zero chance that my county board would supplement any amount cut out of my budget. The board declined to provide supplemental assistance to county offices this most recent go around. I do not see them offering to assist with the massive cut that is proposed.*

*The indirect consequences would be much worse. In a rural county, like Lee County, it is hard enough to find attorneys willing to come in as an assistant prosecutor at the*

*current pay rate. With these budget cuts, I would not be surprised to see my assistant prosecutors leave for the private sector. Although my assistants love the prosecution side of criminal law, there is a breaking point.*

*It is hard to imagine many staying around as a prosecutor to make around \$40,000 no matter how much they love it when they can easily double that salary by signing up on the court appointed list. The state is making it less and less attractive to serve one's county as a prosecutor. That is not a good thing for the long term health of the state.*

*Again, in a rural area like Lee County, it would be hard to lose those positions, but would be doubly hard to refill those positions once an attorney left for the private sector.*

*One might be able to snag a few attorneys fresh out of law school to fill the positions for those salaries. It will only be a matter of time before they realize there is no future in it and they will not stay around long. It creates a revolving door (if you can get them through the door to begin with). There is no long-term stability in a career as a prosecutor.*

*The well-being of our state is at risk. The citizens of our counties expect much more.*

## **King and Queen County**

*The King and Queen office consists of me and my secretary whose salary has also been cut by the comp board but luckily supplemented by the county so far. I do not know what they will be able to do this year. My paltry supplies budget has already been cut so far by the last round of cuts that I will be paying the registration fees for Spring Institute and Summer Annual Meeting out of my own pocket(have always paid for travel, room, etc), along with dues, etc. Looks like I will also be paying for stamps, pens, etc near the end of the year unless I can cut back on postage and supplies. I will continue to participate in all cases except traffic tickets. What I do past there will depend on the county. If my secretary's salary is cut further I will probably have to look for a replacement as her home situation would make it impossible for her to keep the job at reduced hours and pay.*

## **City of Newport News**

*During the last round of budget cuts, we had enough vacancy savings to keep us from having to terminate any personnel. However, just last week, our office had to submit a response to the Acting City Manager's proposed City budget cut of 5% personnel costs and 2% operating costs for FY 2011. Our office currently prosecutes all felonies and numerous misdemeanors including, but not limited to, cases involving domestic violence, drugs, sexual assault, DUI's, offenses that occur on or near school property and all misdemeanor appeals. In that memorandum, we advised that such a cut would require our office to eliminate three attorney positions. Such a reduction would force us to cease prosecution of all such misdemeanors. It would also negatively impact the prosecution of labor intensive cases, like murder and felony child sexual assault. (As*

*an aside, our jurisdiction had 24 murders and approximately 40 child sexual assaults last year.)*

*On top of these City cuts, the proposed State budget cuts for our jurisdiction would be another 19.32%. Obviously such a cut would necessitate further cuts to attorney, support staff and Victim Services Unit personnel even if furloughs were utilized. I am sure our office's involvement in training, lecturing, participating in inter-agency task forces, and assisting with special prosecutions would also be negatively impacted.*

### **Augusta County**

*If proposed budget cuts are implemented, it appears that we are going to lose 1 attorney, 2 Para Legal assistants and 1 part time secretary, totaling to loss of 4 positions. We are functioning at a level, where we are already under paid, understaffed and over worked. If we have to lose these positions, we will have to stop prosecuting misdemeanors and traffic offenses in General District Court. We may have to stop prosecuting misdemeanors in Juvenile and Domestic Relations court also.*

### **City of Fredericksburg**

*The attorney position that was vacated in November will go unfilled for the foreseeable future. This will place our need, according to current staffing standards, to three additional attorneys. While we are committed to serving our city and would never consider abandoning the prosecution of all misdemeanors, clearly the quality of our work will be greatly diminished. The time and skill that we have devoted to aggressively prosecuting city tax scofflaws for the Commissioner of Revenue and Treasurer of our city will likely have to yield to the basic public safety cases that confront us, and those constitutional officers will be required once again to rely on their less effective administrative attempts at getting the funds due them.*

*Our city is in no position to provide additional supplements to our budget, and this condition predates the current budget cuts.*

*But the foregoing are the short-tem consequences of the proposed cuts. The long-term ramifications might be more detrimental to Commonwealth's Attorneys as a whole. The reductions in VRS and life insurance contributions mean that those who are able stay with Commonwealth's Attorney's offices after the proposed cuts are effectively taking a substantial reduction of income because they will either have to pay the difference in the coverage themselves or forego coverage altogether. Most people who accept jobs as prosecutors know that the job will not make them rich. But the flip side has always been that there is stability and a solid benefits package to rely on. Once that disappears, what is left to recommend a life of public service? The moral high ground, while very satisfying, will not pay college tuition.*

## **Stafford County**

*You have asked us to assess the impact on the Stafford County Commonwealth's Attorney's Office of the proposed state budget cuts for FY 2010 and FY 2011-2012*

*The 14% cut for FY 2010 would result in a budget reduction of approximately \$145,000.00.*

*The 23% cut for FY 2011 and 2012 would result in a budget reduction of approximately \$247,000.00.*

*Considering the reductions we have already suffered, there are no appreciable reductions that we can make in office expenses. Consequently, the cuts would have to be met by reduction in staff.*

*For FY 2010 we would have to dismiss two (2) assistant Commonwealth Attorneys.*

*For FY 2011 and 2012 we would have to dismiss three (3) assistant Commonwealth Attorneys and one (1) support staff.*

*To give you an idea as to what these layoffs would mean, let me start by saying that we **would no longer be able to protect our citizens in the way we do so now.***

**Misdemeanor Prosecutions** - *First, we would no longer be able to prosecute misdemeanors in our District Courts. No more prosecutions for DWIs, assaults, larcenies, bad checks, indecent exposures, traffic offenses, or any other misdemeanor crimes. As you are aware, once the drunks, thieves, and criminals learn that Stafford County no longer has prosecutors trying these cases in court they will quickly learn that they will likely to be acquitted once they are caught and will then exponentially increase their criminal activity knowing that the cost of crime for them has been greatly reduced. We all know that strict DWI enforcement and prosecution reduces traffic fatalities. I can tell you with certainty that if we are no longer able to staff the District Court for DWI prosecutions that we will have more drunks on the road and a corresponding increase in DWI-Manslaughter prosecutions. It will be little satisfaction to the surviving family members, but Manslaughter is a felony offense, so we **will** have the staff to prosecute these crimes once the drunk that we did not stop from driving in 2010 kills a father of three in 2011.*

**Felony Case Preparation** - *Second, our office has a reputation for thorough case preparation. This will change. At present we put the same work into the quality-of-life non-violent felony prosecutions that we do in the violent felonies. These are the cases of Credit Card Fraud, Grand Larceny, Embezzlement, Construction Fraud and the like. It includes the professional thieves who prey on our businesses with their sophisticated schemes. With these staff reductions we will not be able to prepare and present these cases as effectively as we do so now. Once again, the criminals will quickly react to these changes.*

**Appeals** - *Third, we will no longer be able to prepare a Brief-In-Opposition for cases appealed to the Court of Appeals. At present, when one of our attorneys prosecutes a case that is appealed, that prosecutor prepares a brief for the Court of Appeals opposing the Petition for Appeal. In 85% of the cases, that brief is enough for the Court of Appeals to deny the Petition and dismiss the appeal. This success rate occurs because no one is better equipped to respond to the defendant's Petition for Appeal than the prosecutor who tried the case. This will change. Commonwealth's Attorneys are not required by law or Rule of Court to file a Brief-In-Opposition and with the proposed budget reductions we will no longer have the staff to do so. This means that more Petitions will be granted. As you are aware, once the Petition is granted the Attorney General is responsible for taking over the appeal. At that point an attorney who has no prior contact with the case will be responsible for opposing the Appeal. The likely result will be an increased number of convictions reversed by the Court of Appeals.*

*These are but some of the consequences of the proposed budget cuts.*

*As you can see, these cuts will deliver a devastating blow to the fundamental mission of Government, protecting its citizens. The societal cost, measured in both economic and quality-of-life terms will be enormous and if this happens it will be because there is a basic misconception of the role of the prosecutor in preserving public safety.*

*We are an integral part of the Law Enforcement and Public Safety network in the Commonwealth and there should be no mistake about the consequences to the citizens that will result from the proposed budget reductions.*

### **Northumberland County**

*In addition to me, I have one assistant CA, one legal assistant paid by the state, one legal assistant paid by the county and a part time victim/witness advocate paid by a grant. The proposed cuts would cost me my assistant CA who is primarily responsible for the traffic dockets including DUIs, and the J&DR dockets including domestic assaults. I would also lose one of my legal assistants. There is exactly no chance that my county can make up any of the lost funds. They have a 1.5 million deficit for the schools alone, and this budget impacts every county office, not just mine. My budget other than salaries (office supplies, books, dues, copier, etc) is less than \$7500 so there is nowhere to cut. I already pay for my own conferences, CLE and travel so that the little bit of budget we have for those items can go for my assistant. In addition, we run the multi-jurisdictional grand jury for the five Northern Neck counties. I serve as special prosecutor and one of my legal assistants serves as clerk for the grand jury. I teach legal updates for the criminal justice academy for Northern Neck law enforcement. All of these activities as well as misdemeanor prosecutions would be curtailed or eliminated. Thank you for your efforts to bring our concerns to the legislature in an organized way.*

## **Warren County**

*This office has 3 comp board funded ACAs and 3 comp board funded staff. We also have a part time ACA funded by a domestic violence grant which may not be extended past this calendar year and a locally funded staff position.*

*Fortunately, we have not laid anyone off yet as a result of the recent cuts, but our office operating budget has been cut considerably and we are running our office on fumes.*

*If Governor Kaine's budget cuts go through as proposed, and the locality does not pick up the difference, we will have to cut one ACA position and one staff position.*

*The practical effect, as noted by almost every other CA, is that we would likely no longer be involved in misdemeanor and traffic prosecutions in the district courts. Our felony caseload continues to grow (by 10% last year alone) and we will have to concentrate our efforts to perform our statutorily mandated functions.*

*As others have also pointed out, these cuts will have a detrimental effect on the criminal justice system in our community as more strain is placed on the district court judges and clerks as well as law enforcement. The only people who will come out ahead is the criminal defense bar who will be able to litigate cases against LEOs and civilians who are not well versed in hearsay, Melendez-Diaz, judicial notice, etc.*

## **Southampton**

*I do not know yet what will happen in Southampton. From my discussions with the County, it seems very unlikely that the County will pick up any of the shortfall. They will if they can. These proposed reductions come at an especially bad time because of the announced closure of the International Paper Mill, one of the most important sources of jobs and revenue in Southampton/Franklin as well as neighboring Isle of Wight County. If the reductions are as we anticipate, I will have to forfeit the unstaffed paralegal position and likely the most recently filled attorney position. That will result in a one-fourth reduction in the attorney positions. We will try to do more with less, as will the rest of our group, but realistically we will have to cut some services.*

## **Carroll County**

*I have 3 assistant prosecutors and 2 administrative assistants. I doubt my locality can make up the difference, so I would have to lay off 2 positions. I would also have to reduce services by not prosecuting misdemeanors except DUI cases. It would be a disaster.*

## **Fluvanna County**

*In Fluvanna we are and have been operating on a bare bones budget for years. As have all of the rest of the CAs. I have one assistant prosecutor, one administrative assistant and a victim witness coordinator. As personnel costs make up 97% of my current budget, ANY cut below where we are that is not fully absorbed by the County (highly unlikely) will mean a cut to this small, overworked, underpaid staff. The result would be a shuffling of everything we do. Every service we provide would be severely*

*compromised from answering phones to every aspect of dealing with victims, witnesses, law enforcement, the schools and the public. Currently one or both prosecutor is in Court four or five days per week and the numbers continue to rise. Any cut to staff will result in prioritizing cases and not being involved in many misdemeanor or any traffic cases. Our participation in multidisciplinary task forces involving child abuse, gangs, sexual assault and anything else that requires attendance of one of the prosecutors or staff will be jeopardized.*

### **Pittsylvania County**

*We have not yet decided specifics. We have held open one paralegal position for well over a year, giving us a minor cushion. Absent a local bail-out (and the County budget is extremely challenged), we, too, face the loss of at least one attorney position. We have attorneys "on call" at all times and regularly assist and advise officers and magistrates at night and on weekends. It appears unlikely we could furlough or limit service hours for attorneys so position cuts may be our only realistic recourse. Even the loss of one attorney position would raise the real prospect of strictly limiting prosecution to the requirements of the code (since the early 1990's we have prosecuted all misdemeanors and local ordinance violations defended by counsel, and others as requested by complainants). We have historically donated several "lawyer days" to officer training at the regional academy, the National Advocacy Center, and locally. That would no longer be possible. We would necessarily limit our availability to serve as special prosecutor in neighboring jurisdictions (during the last calendar year we served without additional compensation over 40 attorney days in that capacity). Harder to measure would be the impact on morale and lawyer retention. Every lawyer in the office can make more money in private practice. I estimate some are already effectively "donating" at least half of their earning potential to the cause of public safety.*

### **Henry County**

*If cuts along the lines proposed by Governor Kaine are implemented, I will either have to lay off an attorney (leaving me with three assistants since the administrative cuts last fall required me to lay off a prosecutor) and at least one clerical worker (reducing my clerical staff to three plus a position I share with my Victim-Witness program) and give the remaining staff several furlough days or basically go to a four day work week with a staff demoralized by a pay cut of more than twenty per cent. In either case, I echo what everyone else is saying about sharply reducing prosecution of misdemeanors in the General District and Juvenile and Domestic Relations Court cases. In the Circuit Court, we will try to handle routine cases by very generous plea agreements to enable us to focus our scarce resources on the most serious felonies.*

*I would also point out that having to lay off clerical personnel probably means that we will no longer be able to identify potential recidivist charges in the district courts, file the necessary paperwork if they need to be amended and obtain the copies of prior convictions necessary to prove a second or subsequent offense. For example, unless the police provide the authenticated copy of a prior conviction(s), all DUI's, petit larcenies and domestic assaults will be treated as first offenses.*

*Finally, I note that we do not work in a vacuum. A criminal prosecution is a joint effort by the prosecutor and the police. Excellent work by one can often make up for imperfect work of the other. When the work of both is hurried and incomplete because they have more than they can handle, the ultimate damage is increased exponentially.*

## **Orange County**

*I have had a hard time actually conceptualizing what impact these budget cuts would do to our very small office. We are already understaffed, and we have 1 attorney position and one part time legal assistant position that is county paid. The county subsidizes the other attorney position and our administrative assistant position. I think that we will lose at least one attorney and the admin assistant. If this occurs, we will be unable to prosecute misdemeanors/traffic in the district courts. This is particularly troubling since we all know that defendants will still have tax payer paid court appointed or public defenders. I can just picture abused spouses having their every word of court testimony objected to be defense counsel. This is so unfair to the law-abiding members of the public who are not only victimized by defendants, and who will be paying for the defendant's attorney while not having the assistance of a prosecutor! This will also impact the ability of law enforcement to effectively enforce traffic laws – and with the cuts law enforcement are facing, how will officers manage the overtime for court appearances?*

*I think that these cuts will impact every aspect of “customer service” and the general administration of justice. They will limit our ability to meet with individuals who are witnesses or victims. We have a substantial number of individuals who stop by to ask questions, or call to get information – our availability to handle that type of citizen interaction will disappear. I cannot imagine how far behind we will fall on research, briefs in opposition to petitions for appeal, and answers to discovery, and everything else that has a deadline. Every difficulty that the Commonwealth has in covering courts will inure to the benefit of defendants. Talk about a catch and release program!*

## **Middlesex County**

*The following puts in perspective how the budget cuts can affect offices comprising of one commonwealth's attorney and one staff person, when the office is full time. The only state assistance I receive is salaries, for myself and my legal assistant. Either her pay is cut, or both our salaries receive cuts. She is experienced and has a four year degree in paralegal studies. She certainly earns her \$31,396 a year. We both usually continue to work after hours and I, like many C.A.'s, frequently take work home. We were untouched in the last cuts because of drug asset funds, but do not expect to have much left in those funds.*

*Cutting her pay by the proposed amount of \$13,604 leaves her with \$17,788. She will not stay. It is a certainty that I will not have a full time secretary for that amount. I doubt that I can find a part time secretary. These cuts are likely to translate into no staff for this commonwealth's attorney. I had 256 criminal cases in Circuit Court last year, and who knows how many misdemeanors in lower court. We are presenting 57 indictments on this months term day alone. No staff means I will be doing little but*

*answering phones and appearing in court totally unprepared. I can not foresee how, without staff, I will be able to subpoena witnesses, prepare continuance orders, prepare Notices to allow drug or breath certificates to be introduced, prepare indictments, answer discovery, prepare jury instructions, send documents to mental evaluators, etc. Besides that documentary work, I am supposed to talk to witnesses, review case reports, meet with officers, and prepare for the trials. Cases will not be able to be attended to. The citizens here will not understand, how, after my having gone full time, I will have to suspend prosecuting misdemeanors. The sheriff's office cannot request the subpoenas or do the notices for admission of analysis, as his secretary's position was eliminated due to budget cuts. The clerk's and judges informed me, even before the clerk's were cut, that the clerks will not issue the Commonwealth's subpoenas. Currently, I do not have a victim witness person. There is no one left to assist. This is going to mean plea bargains for all.*

### **City of Salem**

*It is unclear for me as well since my city is kind of waiting on state's move. I have two full time assistants and one part time. Been told from city that no personnel will be lost, but obviously how much can the city cover. I have a Legal Assistant position that I have not filled, which I am hoping will save the part time guy who has served for 29 years. We all take turns answering the phones, we do most of our own word processing such as indictments, plea agreements and correspondence. The city cleans my office space as part of the courthouse function. We had an addition and major renovation performed with a police department expansion prior to my term in 2004 that provided all new furniture and workspaces, so facility is in good shape. We have planned and spread out our computer purchases to keep current and spread out that cost. Our city is asking for a 5% cut but more seems to be coming. Again, still waiting on the state for constitutional officers budgets.*

*My goal is not to cut services and prosecutions at the general district court level, but that may happen. What happens to those shoplifting and domestic violence cases where a court appointed attorney is speaking up against store employees and victims. And to make matters worse, some court appointed defense attorneys are aiming for those fee cap waivers, and are filing every bogus motion they can, just to run up the tab. My city supplements the pay of my assistant and staff, and I am concerned that if my budget from Richmond gets slashed that they may cut the supplement or a position. I do not want to cut misdemeanor offenses and traffic. I think if we give up prosecuting traffic/dui, stealing and domestic violence, we lose control of our criminal justice system. If only defense attorneys are speaking, then the people and victims do not get heard and do not get justice. I think this becomes an issue of losing control over the criminal justice system.*

### **Roanoke County**

*It is not clear to me how my county intends to respond, so my situation is not yet clear. If the county does not make up the cuts, I will definitely lose personnel. We have cut all extras to the bone. If I lose one attorney and one support staff, we will not be able to cover the courts, much less prepare for court. One of my concerns is how do I keep up*

*victim services required by statute? I do not want to come out of the district courts on misdemeanors, but that may be my only option. The district court judges are not going to be happy handling matters without a prosecutor and the results will not be at all favorable for the commonwealth. In better times when I had additions to personnel, I was able to give the judges more prosecutor time to ease the dockets. Without staff, I will have to take all of that back and more. We have a tough enough time dealing with victims and witnesses now. How will it be when we tell them we cannot handle their case because we don't have the staff. I think I'll have cards printed up with all the local legislators phone numbers and refer complaints to them.*

### **Pulaski County**

*The proposed budget cuts will probably result in the loss of two attorney positions and a vacant secretarial position that will not be filled. Like many others, the first service to go will be the prosecution of misdemeanors in General District and J&D Court. While my county has been very generous in the past in making up the budget cuts, I am not optimistic that they will do the same this year. Good luck in Richmond and if there is anything I can do, please let me know.*

### **City of Winchester**

*I would lose 2 out of 7 ACA positions, and 1 and ½ out of 7 staff positions.*

### **Essex County**

*As one of the several jurisdictions which has only the elected Commonwealth's Attorney and only one position funded by the Compensation Board, there is no wiggle room to reduce the budget. My staff has to support my appearances in the Circuit, General District and Juvenile Courts as well as the occasional appeal before the Court of Appeals.*

*By reducing my staff, I would have to spend more clerical time preparing for Circuit Court cases. Discovery requested by defense attorneys and subpoenas at the District Court level would be cut. This would likely mean that fewer defendants would be found guilty.*

### **City of Bristol**

*If proposed budget cuts are implemented, this office would stand to lose 1 ACA. We are currently operating with 2 less ACA's that the staffing standards recommend. This office is already functioning at a level, where we are already underpaid, understaffed and over worked. If we have to lose another ACA, we would have to stop prosecuting misdemeanors and traffic offenses (other than DUIs) in General District Court.*

*We may have to stop prosecuting misdemeanors in Juvenile and Domestic Relations court as well. My city is not in the financial position to make up any of the cuts and have made that perfectly clear. They, as well, are having to deal with cuts in their 599 funding and other state cuts. There really would be no options. My ACAs have*

*families to support, bills to pay and financial obligations that aren't getting any smaller. I don't know how I can ask them to work for less money.*

### **Campbell County**

*If the proposed budget is enacted, I would be forced to eliminate at least one and possibly 2 attorney positions. That staff reduction would force me to stop all misdemeanor prosecutions except DUI and domestic violence. The reduced staff would also impact the level of services we are able to provide in felony cases.*

### **Lunenburg County**

*We are in the same position as Middlesex County*

*I have left an Asst Atty position vacant for three years now to absorb the past cuts. If I can still use that, my additional cuts will applied there again. If not, I'm just like Michael.*

*I've been doing this job for 29 years this October. Am I, and others who have committed their careers as prosecutors, expected to cut my salary and lose my secretary?*

### **City of Virginia Beach**

*The budget cuts for 2011-2012 in the Kaine proposal (\$777,000) would mean cutting approx. 3 attorneys, and 4.7 paralegals/support staff. That would mean no prosecutors for the 2,500 Domestic Violence cases we have per year, nor victim-witness support for those victims, and some other associated cases. We would not assist in violation of protective order matters either. In addition would have to substantially curtail our efforts in asset forfeiture, as I would move that full time forfeiture attorney to prosecution of felonies and misdemeanor appeals (which number over 2,000 per year in Virginia Beach) That would hurt the Virginia Beach Police Department, which relies on the 75% of the funds forfeited for equipment purchases.*

*The city, like all localities, has budget shortfalls for all the reasons the state does. The city already provides 60% of my budget. On June 30, 4 non-attorney positions are being eliminated from my office as a result of necessary city cuts. That makes a total of 5 in 12 months. More are predicted by the city, so I doubt they are going to cover cuts of the magnitude of those Gov. Kaine has proposed, or anything close to that, if at all.*

*The proposed 2010 mid year cut would eliminate 1 attorney and a staff person..*

### **Franklin County**

*Franklin County is allotted 5 assistants, two of these positions have been left open to meet the cuts to date.*

*The 2010-11 cut will mean the loss of 1 assistant and one administrative assistant. In the 2011-12 cut we will lose a second legal assistant and probably a second assistant Commonwealth's Attorney. That will mean there will be one assistant Commonwealth's Attorney left That is 1/3 of the authorized attorneys. Since 3 days a week we have 3*

*courts in session, we will not be able to do any misdemeanors or traffic or participate in our Juvenile Drug court. The case load will be 450 felony indictments per attorney. We lost victim services in a 2004 county cut. The county is cutting its 5% share of retirement funding and as I understand it the state is withdrawing their 5% also.*

*County expected to decrease health insurance contribution.  
Take home pay for those that are left is going down*

## **Appomattox County**

*This week brought home the frightening reality of what the State's budget cuts could mean for the people of Appomattox County. There were only my Deputy and I to cover multiple dockets in three Courts, IN ADDITION TO OUR OFFICE'S NECESSARY RESPONSE TO THE RECENT MULTIPLE HOMICIDES as one Assistant is currently out on maternity leave and the other is brand new and in training. In Appomattox, at times, we have more than one Court being held simultaneously. This may not seem important to the State, but it is for rural jurisdictions with little or no state operating budget because state budgeted monies equal nothing more than salaries for us. And now with the aforesaid recent multiple homicides committed in the County, the work load in my Office is about to increase exponentially (and for quite some time).*

*Bottom Line: former Governor Kaine's proposed budget cuts translate to prosecutor position cuts. I have two Comp Board funded full-time prosecutor positions plus my elected position. One of those positions might very well have to be cut. I have one DCJS grant funded part-time prosecutor position. As we all know, grant-funded positions are not guaranteed and, at best, are very restricted in their uses. And I have two Comp Board funded full-time administrative positions, one, of which, is vacant. That will most likely have to be cut as well.*

*In addition, still more difficult decisions as to what services will have to be cut will have to be made. Unfortunately for the citizens of Appomattox County and the Courts, it may very well mean the assistance of the prosecutor. The closing of my Office to the general public on certain days of the week; and not prosecuting traffic/misdemeanor cases are very real possibilities as time will most certainly have to be made to prepare to prosecute the felony charges that we are required by Code to handle. Something will have to be traded off.*

*I understand that our legislators and the Governor have to look at the "big picture" when deciding how to allocate the budget with such limited funds. However, the reality of it is that little else matters if people are not kept safe (as evidenced by the recent events of this past week) and this is where we, the law enforcement community, come in to provide that critical need.*