

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

October 24, 2000
Amended January 16, 2005
Amended May 10, 2006
Amended June 25, 2014

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

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

STAFFING METHODOLOGY

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

2. The data elements are as follows:

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

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

Current F.T.E. Attorney Staffing is adjusted to reflect the actual salary amounts reduced as a result of FY03 budget reductions, based upon the most recent Compensation Board salary average of an attorney position.

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

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

4. The formula is as follows:

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

5. Definitions

Felony defendants

- Staffing standards are based, in part, on the average number of felony defendants for the three most recent calendar years, as reported by the Supreme Court of Virginia.
- Felony defendants include:
 - A person charged and convicted of a felony;
 - A person charged with a felony but convicted of a misdemeanor;
 - A person charged with a felony who was later acquitted;
 - A person charged with a felony that was later nolle prossed; and
 - A person whose felony charge was initiated in general district court.
- In cases involving multiple felonies, a person is counted as a felony defendant each day that new felony charges are filed.

Sentencing events

- Staffing standards also are based, in part, on the average number of felony sentencing events for the three most recent fiscal years, as reported by the Virginia Criminal Sentencing Commission.
- The data reflect the number of sentencing guidelines forms submitted by the Circuit Court Clerk to the Sentencing Commission for felony offenses.
- For the purposes of sentencing guidelines, a single sentencing event would include all offenses for which the defendant is sentenced on the same day and at the same time.
- The Sentencing Commission implemented probation violation sentencing guidelines in FY05. These are not included in the data for staffing standards.

6. Amendments: The January 16, 2005 amendments recommended by the Virginia Association of Commonwealth's Attorneys (VACA) and approved by the Compensation Board changed "... most recent calendar years..." of sentencing events to "... most recent fiscal years..." and considers the effect of FY04 budget reductions on salaries by reducing the current F.T.E. attorney positions by the FY06 un-restored salary reduction in each office based upon the average salary, as of July 1, 2005, of a Compensation Board funded assistant attorney position. The May 10, 2006 amendment added the definitions of "felony defendant" and "sentencing event". The June 25, 2014 amendment removed a line item of example of types of defendants included in the data for Felony Defendants from the Supreme Court reports, as the example was not valid.

Commonwealth's Attorneys FY15 Staffing Standards - Assistant Attorneys - After Position Reallocation

RANK	FIPS	LOCALITY	# Pos FY14	CY11-13 AVG					RATING	ADD'L POS DUE	Remaining Whole Pos Due, FY15	Remaining Add'l Pos Due, After Alloc	% of Need After Alloc	FY15 ASST ATTY REQUESTED	UNFUNDED ATTY POSITIONS
				Calculated Reduction FTE	FY14 ASST ATTY POS	Tot Attys Pos FY15	FEL DEF & AVG FY11-13 SENT EVENTS	FTE							
1	750	Radford	3.00	-1.09	1.91	1.91	278	SMALL	2.07	2	2.07	108.51%		1.0	
2	169	Scott	2.50	-0.56	1.94	1.94	325	MID	1.88	2	1.88	97.22%	2	0.0	
3	069	Frederick	5.00	-0.50	4.50	4.50	747	MID	4.30	4	4.30	95.57%	3	0.0	
4	191	Washington	4.00	-0.76	3.24	3.24	536	MID	3.07	3	3.07	94.65%	6	0.0	
5	079	Greene	1.00	-0.08	0.92	0.92	124	SMALL	0.85	1	0.85	92.10%		0.0	
6	033	Caroline	1.00	-0.08	0.92	1.92	256	SMALL	2.73	2	1.73	90.38%	3	0.0	
7	071	Giles	3.00	-0.99	2.01	2.01	318	MID	1.74	2	1.74	86.77%		1.0	
8	167	Russell	3.50	-0.34	3.16	3.16	496	MID	2.67	3	2.67	84.50%	1	0.0	
9	057	Essex	1.00	-0.23	0.77	0.77	99	SMALL	0.65	1	0.65	84.01%	1	0.0	
10	135	Nottoway	2.00	-0.28	1.72	1.72	219	SMALL	1.41	1	1.41	82.42%		0.0	
11	119	Middlesex	1.00	-0.18	0.82	0.82	102	SMALL	0.63	1	0.63	77.20%	1	0.0	
12	145	Powhatan	1.50	-0.23	1.27	1.27	158	SMALL	0.98	1	0.98	77.13%	2	0.0	
13	139	Page	2.50	-0.24	2.26	2.26	279	SMALL	1.73	2	1.73	76.37%	1	0.0	
14	029	Buckingham	1.50	-0.09	1.41	1.41	172	SMALL	1.05	1	1.05	74.23%		0.0	
15	111	Lunenburg	2.00	-0.93	1.07	1.07	130	SMALL	0.79	1	0.79	73.25%	1	1.0	
16	530	Buena Vista	1.00	-0.16	0.84	0.84	100	SMALL	0.59	1	0.59	70.61%		0.0	
17	520	Bristol	4.00	-0.42	3.58	3.58	516	MID	2.49	2	2.49	69.62%	2	0.0	
18	051	Dickenson	1.50	-0.74	0.76	1.76	209	SMALL	2.22	1	1.22	69.17%	3	0.5	
19	141	Patrick	2.00	-0.12	1.88	1.88	221	SMALL	1.27	1	1.27	67.37%	1	0.0	
20	003	Albemarle	5.00	-1.68	3.32	3.32	461	MID	2.10	2	2.10	63.34%	1	0.0	
21	117	Mecklenburg	5.00	-0.58	4.42	4.42	597	MID	2.60	3	2.60	58.77%	1	1.0	
22	109	Louisa	3.00	-0.77	2.23	2.23	247	SMALL	1.29	1	1.29	57.91%	1	0.0	
23	089	Henry	6.00	-1.27	4.73	4.73	615	MID	2.50	3	2.50	52.83%	1	1.0	
24	790	Staunton	4.00	-1.11	2.89	2.89	374	MID	1.51	2	1.51	52.20%	1	1.0	
25	187	Warren	4.00	-0.72	3.28	3.28	420	MID	1.66	2	1.66	50.57%	1	0.0	
26	630	Fredericksburg	7.00	-1.07	5.93	5.93	755	MID	2.95	3	2.95	49.80%	2	1.0	
27	137	Orange	2.00	-0.22	1.78	1.78	186	SMALL	0.88	1	0.88	49.64%	1	0.0	
28	077	Grayson/Galax	3.00	-0.67	2.33	2.33	242	SMALL	1.12	1	1.12	48.14%		0.0	
29	185	Tazewell	8.00	-0.89	7.11	7.11	1,038	LARGE	3.26	3	3.26	45.88%	1	0.0	
30	193	Westmoreland	2.00	0.00	2.00	2.00	203	SMALL	0.90	1	0.90	45.24%	1	0.0	
31	163	Rockbridge/Lexington	3.00	-0.50	2.50	2.50	254	SMALL	1.13	1	1.13	45.21%	3	0.0	
32	177	Spotsylvania	9.00	-1.14	7.86	7.86	940	MID	3.20	3	3.20	40.72%	1	1.0	
33	031	Campbell	5.00	-0.73	4.27	4.27	510	MID	1.73	2	1.73	40.49%	3	0.0	
34	063	Floyd	1.00	0.00	1.00	2.00	195	SMALL	1.79	1	0.79	39.52%	1	0.0	
35	121	Montgomery	7.00	-0.88	6.12	6.12	726	MID	2.42	2	2.42	39.52%	1	0.0	
36	059	Fairfax/Fairfax City	26.00	-1.98	24.02	24.02	4,162	SUPER	9.27	9	9.27	38.61%	10	2.0	
37	107	Loudoun	8.00	-0.79	7.21	7.21	849	MID	2.78	3	2.78	38.58%	8	0.0	
38	173	Smyth	5.00	-1.45	3.55	3.55	417	MID	1.36	1	1.36	38.49%	1	1.0	
39	099	King George	2.50	-0.46	2.04	2.04	198	SMALL	0.78	1	0.78	38.29%	1	0.5	
40	037	Charlotte	1.00	-0.09	0.91	0.91	87	SMALL	0.34	0	0.34	37.15%		0.0	
41	161	Roanoke County	7.00	-0.68	6.32	6.32	728	MID	2.24	2	2.24	35.50%	1	0.0	
42	197	Wythe	5.00	-0.46	4.54	4.54	519	MID	1.57	2	1.57	34.65%	1	0.0	
43	097	King and Queen	1.00	-0.45	0.55	0.55	52	SMALL	0.19	0	0.19	33.97%		0.0	
44	053	Dinwiddie	3.50	-0.66	2.84	2.84	266	SMALL	0.95	1	0.95	33.47%	1	0.5	
45	149	Prince George	3.50	-0.38	3.12	3.12	291	SMALL	1.04	1	1.04	33.22%	1	0.0	
46	035	Carroll/Galax	4.00	-0.46	3.54	3.54	396	MID	1.12	1	1.12	31.59%	1	0.0	

Commonwealth's Attorneys FY15 Staffing Standards - Assistant Attorneys - After Position Reallocation

RANK	FIPS	LOCALITY	# Pos FY14	CY11-13 AVG						ADD'L POS DUE	Remaining Pos Due, FY15	Remaining Add'l Pos Due, After Alloc	% of Need After Alloc	FY15 ASST ATTY REQUESTED	UNFUNDED ATTY POSITIONS
				Calculated Reduction FTE	FY14 ASST ATTY POS	Tot Attys Pos FY15	FEL DEF & SENT EVENTS	RATING							
47	775	Salem	3.50	-0.69	2.81	2.81	312	MID	0.86	1	0.86	30.65%	1	0.0	
48	041	Chesterfield	21.00	-2.41	18.59	18.59	2,415	LARGE	5.56	6	5.56	29.92%	2	0.0	
49	105	Lee	4.00	-1.04	2.96	2.96	269	SMALL	0.88	1	0.88	29.70%	1	1.0	
50	061	Fauquier	5.00	-0.55	4.45	4.45	489	MID	1.30	1	1.30	29.19%	2	0.0	
51	085	Hanover	9.00	-1.39	7.61	7.61	833	MID	2.20	2	2.20	28.86%	2	1.0	
52	171	Shenandoah	4.00	-0.68	3.32	3.32	363	MID	0.96	1	0.96	28.77%	1	0.0	
53	550	Chesapeake	22.00	-2.58	19.42	19.42	2,459	LARGE	5.17	5	5.17	26.62%	5	0.0	
54	131	Northampton	2.00	-0.74	1.26	1.26	111	SMALL	0.33	0	0.33	25.92%		0.0	
55	101	King William	1.00	-0.15	0.85	0.85	74	SMALL	0.22	0	0.22	25.48%	1	0.0	
56	195	Wise/Norton	8.00	-0.56	7.44	7.44	791	MID	1.87	2	1.87	25.17%	2	0.0	
57	800	Suffolk	10.00	-1.36	8.64	8.64	920	MID	2.17	2	2.17	25.15%	3	0.0	
58	179	Stafford	12.00	-0.87	11.13	11.13	1,370	LARGE	2.57	3	2.57	23.04%	1	0.0	
59	570	Colonial Heights	5.00	-0.95	4.05	4.05	419	MID	0.88	1	0.88	21.67%	1	0.0	
60	175	Southampton/Franklin	4.00	-0.72	3.28	3.28	337	MID	0.68	1	0.68	20.67%		0.0	
61	810	Virginia Beach	29.00	-2.97	26.03	26.03	3,912	SUPER	5.27	5	5.27	20.24%	3	0.0	
62	159	Richmond County	1.00	-0.12	0.88	0.88	74	SMALL	0.17	0	0.17	19.84%	1	0.0	
63	095	James City/Williamsburg	5.00	-0.18	4.82	4.82	491	MID	0.96	1	0.96	19.80%	1	0.0	
64	001	Accomack	3.50	-0.73	2.77	2.77	231	SMALL	0.52	1	0.52	18.94%		0.0	
65	155	Pulaski	7.00	-0.83	6.17	6.17	622	MID	1.15	1	1.15	18.62%		0.0	
66	009	Amherst	4.00	-0.63	3.37	3.37	340	MID	0.62	1	0.62	18.41%		0.0	
67	113	Madison	1.00	-0.14	0.86	0.86	71	SMALL	0.15	0	0.15	17.84%	1	0.0	
68	770	Roanoke City	13.00	-0.96	12.04	12.04	1,409	LARGE	2.05	2	2.05	17.02%	2	1.0	
69	540	Charlottesville	6.00	-1.01	4.99	4.99	495	MID	0.83	1	0.83	16.63%	1	0.0	
70	590	Danville	10.00	-0.89	9.11	9.11	1,031	LARGE	1.20	1	1.20	13.22%		0.0	
71	005	Alleghany/Covington	3.50	-0.18	3.32	3.32	319	MID	0.43	0	0.43	12.88%		0.0	
72	840	Winchester	8.00	-0.88	7.12	7.12	681	MID	0.89	1	0.89	12.55%	1	1.0	
73	025	Brunswick	3.00	-0.46	2.54	2.54	199	SMALL	0.30	0	0.30	11.85%	1	0.0	
74	165	Rockingham/Harrisonburg	10.00	-0.95	9.05	9.05	1,007	LARGE	1.02	1	1.02	11.25%	3	0.0	
75	067	Franklin	6.00	-0.91	5.09	5.09	480	MID	0.55	1	0.55	10.90%		1.0	
76	015	Augusta	6.00	-0.30	5.70	5.70	530	MID	0.54	1	0.54	9.49%	1	0.0	
77	670	Hopewell	4.00	-0.40	3.60	3.60	275	SMALL	0.33	0	0.33	9.10%		0.0	
78	083	Halifax	5.00	-0.52	4.48	4.48	412	MID	0.37	0	0.37	8.20%	1	0.0	
79	199	York/Poquoson	5.00	-0.75	4.25	4.25	391	MID	0.35	0	0.35	8.15%	1	0.0	
80	183	Sussex	2.00	-0.21	1.79	1.79	135	SMALL	0.14	0	0.14	7.58%		0.0	
81	143	Pittsylvania	6.00	-0.84	5.16	5.16	470	MID	0.37	0	0.37	7.15%	1	0.0	
82	027	Buchanan	4.50	-0.26	4.24	4.24	385	MID	0.29	0	0.29	6.92%	1	0.0	
83	087	Henrico	24.00	-2.32	21.68	21.68	2,308	LARGE	1.40	1	1.40	6.48%	4	0.0	
84	047	Culpeper	4.00	-0.59	3.41	3.41	307	MID	0.19	0	0.19	5.67%	1	0.0	
85	680	Lynchburg	11.00	-0.99	10.01	10.01	1,054	LARGE	0.53	1	0.53	5.30%	2	1.0	
86	760	Richmond City	32.00	-4.80	27.20	27.20	3,555	SUPER	1.24	1	1.24	4.57%	2	0.0	
87	007	Amelia	1.00	-0.24	0.76	1.76	129	SMALL	1.08	0	0.08	4.35%	1	0.0	
88	073	Gloucester	4.00	-0.56	3.44	3.44	251	SMALL	0.14	0	0.14	4.02%	1	0.0	
89	023	Botetourt	4.00	-0.43	3.57	3.57	315	MID	0.13	0	0.13	3.56%		0.0	
90	153	Prince William/Man/Pk	22.00	-2.27	19.73	19.73	2,036	LARGE	0.63	1	0.63	3.17%	2	2.0	
91	049	Cumberland	1.00	-0.07	0.93	0.93	67	SMALL	0.02	0	0.02	2.37%	1	0.0	
92	127	New Kent	2.00	-0.15	1.85	1.85	129	SMALL	0.00	0	0.00	0.11%		0.0	

Commonwealth's Attorneys FY15 Staffing Standards - Assistant Attorneys - After Position Reallocation

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							SENT EVENTS	RATING							
93	690	Martinsville	5.00	-1.19	3.81	3.81	323	MID	-0.01	0	(0.01)	-0.34%	2	1.0	
94	081	Greensville/Emporia	4.50	-0.36	4.14	4.14	286	SMALL	-0.05	0	(0.05)	-1.32%	1	0.5	
95	700	Newport News	22.00	-2.53	19.47	19.47	1,865	LARGE	-0.83	0	(0.83)	-4.25%	4	0.0	
96	820	Waynesboro	5.00	-1.16	3.84	3.84	257	SMALL	-0.17	0	(0.17)	-4.48%	1	1.0	
97	730	Petersburg	8.00	-0.90	7.10	7.10	575	MID	-0.34	0	(0.34)	-4.72%	1	1.0	
98	043	Clarke	1.50	-0.23	1.27	1.27	84	SMALL	-0.06	0	(0.06)	-4.97%	1	0.0	
99	065	Fluvanna	2.00	0.00	2.00	2.00	131	SMALL	-0.13	0	(0.13)	-6.43%	1	0.0	
100	115	Mathews	1.00	-0.17	0.83	0.83	53	SMALL	-0.07	0	(0.07)	-7.90%	1	0.0	
101	147	Prince Edward	4.50	-0.43	4.07	4.07	318	MID	-0.32	0	(0.32)	-7.95%	1	0.5	
102	650	Hampton	13.00	-1.49	11.51	11.51	1,055	LARGE	-0.95	0	(0.95)	-8.27%	4	1.0	
103	013	Arlington/Falls Church	13.00	-1.87	11.13	11.13	864	MID	-0.97	0	(0.97)	-8.68%	1	0.0	
104	021	Bland*	1.00	-0.10	0.90	0.90	57	SMALL	-0.08	0	(0.08)	-9.12%		0.0	
105	740	Portsmouth	23.00	-2.17	20.83	16.83	1,434	LARGE	-6.49	(2)	(2.49)	-14.77%		0.0	
106	019	Bedford/Bedford City	6.00	-0.40	5.60	5.60	415	MID	-0.72	0	(0.72)	-12.82%		0.0	
107	157	Rappahannock	1.00	-0.13	0.87	0.87	53	SMALL	-0.11	0	(0.11)	-13.18%	1	0.0	
108	510	Alexandria	11.00	-1.28	9.72	8.72	643	MID	-2.16	(1)	(1.16)	-13.26%		0.0	
109	133	Northumberland	2.00	-0.20	1.80	1.80	104	SMALL	-0.31	0	(0.31)	-17.47%		0.0	
110	075	Goochland	2.00	-0.16	1.84	1.84	103	SMALL	-0.38	0	(0.38)	-20.40%		0.0	
111	710	Norfolk	35.00	-3.33	31.67	31.67	3,117	SUPER	-6.73	(6)	(6.73)	-21.26%		1.0	
112	093	Isle of Wight	4.00	-0.47	3.53	3.53	193	SMALL	-0.77	0	(0.77)	-21.91%		1.0	
113	125	Nelson	2.00	-0.18	1.82	1.82	98	SMALL	-0.42	0	(0.42)	-22.85%	1	0.0	
114	103	Lancaster	2.00	-0.46	1.54	1.54	82	SMALL	-0.36	0	(0.36)	-23.50%		0.0	
115	181	Surry*	1.00	-0.08	0.92	0.92	40	SMALL	-0.34	0	(0.34)	-37.18%	1	0.0	
116	011	Appomattox	3.00	-0.59	2.41	2.41	102	SMALL	-0.96	0	(0.96)	-39.73%	1	0.0	
117	036	Charles City	1.00	-0.10	0.90	0.90	35	SMALL	-0.40	0	(0.40)	-44.19%		0.0	
118	017	Bath*	1.00	-0.09	0.91	0.91	32	SMALL	-0.46	0	(0.46)	-50.52%		0.0	
119	091	Highland*	1.00	-0.30	0.70	0.70	11	SMALL	-0.54	0	(0.54)	-77.02%		0.0	
120	045	Craig*	1.00	-0.09	0.91	0.91	5	SMALL	-0.84	0	(0.84)	-91.65%		0.0	
TOTALS			718	(91)	627	626.21	68,620		109	122	110		147	28	