

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 FY16 Staffing Standards - Assistant Attorneys - After Position Reallocation**

RANK	FIPS	LOCALITY	# Pos FY15	Calculated Reduction FTE	Tot Attys Pos FY16	CY13-14 AVG FEL DEF & AVG FY13-14		ADD'L POS DUE	WHOLE	Remaining	Remaining	% of Need After Alloc	FY16 ASST	UNFUNDED
						SENT EVENTS	RATING		ADD'L POS DUE FY16	Whole Pos Due, FY17	Add'l Pos Due, After Alloc		ATTY REQUESTED	ATTY POSITIONS
1	135	Nottoway	2.00	-0.28	1.72	241	SMALL	1.72	2	2	1.72	100.47%		0.0
2	033	Caroline	2.00	-0.08	1.92	266	SMALL	1.89	2	2	1.89	98.32%		0.0
3	750	Radford	3.00	-1.09	1.91	256	SMALL	1.75	2	2	1.75	92.03%		1.0
4	167	Russell	3.50	-0.34	3.16	508	MID	2.81	3	3	2.81	88.97%	1	0.0
5	191	Washington	4.00	-0.76	3.24	518	MID	2.85	3	3	2.85	87.87%	3	0.0
6	051	Dickenson	2.50	-0.74	1.76	229	SMALL	1.51	2	2	1.51	85.63%		0.5
7	029	Buckingham	1.50	-0.09	1.41	182	SMALL	1.19	1	1	1.19	84.36%	1	0.0
8	071	Giles	3.00	-0.99	2.01	311	MID	1.66	2	2	1.66	82.67%	2	1.0
9	141	Patrick	2.00	-0.12	1.88	237	SMALL	1.51	2	2	1.51	80.01%	1	0.0
10	137	Orange	2.00	-0.22	1.78	224	SMALL	1.42	1	1	1.42	79.89%	1	0.0
11	111	Lunenburg	2.00	-0.93	1.07	133	SMALL	0.83	1	1	0.83	77.24%	1	1.0
12	530	Buena Vista	1.00	-0.16	0.84	102	SMALL	0.62	1	1	0.62	74.02%		0.0
13	117	Mecklenburg	5.00	-0.58	4.42	619	MID	2.86	3	3	2.86	64.71%		1.0
14	003	Albemarle	5.00	-1.68	3.32	454	MID	2.02	2	2	2.02	60.74%	2	0.0
15	089	Henry	6.00	-1.27	4.73	641	MID	2.81	3	3	2.81	59.29%	1	1.0
16	187	Warren	4.00	-0.72	3.28	443	MID	1.93	2	2	1.93	58.68%	2	0.0
17	119	Middlesex	1.00	-0.18	0.82	91	SMALL	0.48	0	0	0.48	58.67%	1	0.0
18	069	Frederick	5.00	-0.50	5.50	738	MID	4.18	4	3	3.18	57.91%	3	0.0
19	139	Page	2.50	-0.24	2.26	248	SMALL	1.28	1	1	1.28	56.77%	1	0.0
20	790	Staunton	4.00	-1.11	2.89	380	MID	1.58	2	2	1.58	54.65%	1	1.0
21	630	Fredericksburg	7.00	-1.07	5.93	760	MID	3.02	3	3	3.02	50.93%	2	1.0
22	067	Franklin	6.00	-0.91	5.09	650	MID	2.56	3	3	2.56	50.28%	2	1.0
23	107	Loudoun	8.00	-0.79	7.21	913	MID	3.53	4	4	3.53	48.97%	8	0.0
24	185	Tazewell	8.00	-0.89	7.11	1,057	LARGE	3.46	3	3	3.46	48.60%	1	0.0
25	109	Louisa	3.00	-0.77	2.23	231	SMALL	1.06	1	1	1.06	47.66%	1	0.0
26	163	Rockbridge/Lexington	3.00	-0.50	2.50	258	SMALL	1.18	1	1	1.18	47.30%	3	0.0
27	037	Charlotte	1.00	-0.09	0.91	94	SMALL	0.43	0	0	0.43	47.09%		0.0
28	121	Montgomery	7.00	-0.88	6.12	760	MID	2.82	3	3	2.82	45.99%	1	0.0
29	161	Roanoke County	7.00	-0.68	6.32	781	MID	2.86	3	3	2.86	45.23%	1	0.0
30	173	Smyth	5.00	-1.45	3.55	431	MID	1.53	2	2	1.53	43.14%		1.0
31	031	Campbell	5.00	-0.73	4.27	519	MID	1.84	2	2	1.84	42.96%	3	0.0
32	077	Grayson/Galax	3.00	-0.67	2.33	233	SMALL	0.99	1	1	0.99	42.64%		0.0
33	061	Fauquier	5.00	-0.55	4.45	532	MID	1.81	2	2	1.81	40.56%	2	0.0
34	041	Chesterfield	21.00	-2.41	18.59	2,579	LARGE	7.20	7	7	7.20	38.72%	2	0.0
35	063	Floyd	2.00	0.00	2.00	194	SMALL	0.77	1	1	0.77	38.57%	1	0.0
36	035	Carroll/Galax	4.00	-0.46	3.54	416	MID	1.35	1	1	1.35	38.24%	2	0.0
37	171	Shenandoah	4.00	-0.68	3.32	388	MID	1.25	1	1	1.25	37.63%	1	0.0

**Commonwealth's Attorneys FY16 Staffing Standards - Assistant Attorneys - After Position Reallocation**

RANK	FIPS	LOCALITY	# Pos FY15	Calculated Reduction FTE	Tot Attys Pos FY16	CY13-14 AVG FEL DEF & AVG FY13-14		RATING	ADD'L POS DUE	WHOLE	Remaining	Remaining	% of Need After Alloc	FY16 ASST	UNFUNDED
						SENT EVENTS	ADD'L POS DUE FY16			Whole Pos Due, FY17	Add'l Pos Due, After Alloc	ATTY REQUESTED		ATTY POSITIONS	
38	177	Spotsylvania	9.00	-1.14	7.86	918	MID	2.94	3	3	2.94	37.47%	1	1.0	
39	097	King and Queen	1.00	-0.45	0.55	53	SMALL	0.21	0	0	0.21	37.40%		0.0	
40	169	Scott	2.50	-0.56	2.94	340	MID	2.06	2	1	1.06	36.21%	2	0.0	
42	085	Hanover	9.00	-1.39	7.61	873	MID	2.66	3	3	2.66	35.00%		1.0	
43	197	Wythe	5.00	-0.46	4.54	516	MID	1.54	2	2	1.54	33.87%		0.0	
44	101	King William	1.00	-0.15	0.85	79	SMALL	0.28	0	0	0.28	33.36%		0.0	
45	053	Dinwiddie	3.50	-0.66	2.84	263	SMALL	0.92	1	1	0.92	32.29%	2	0.5	
46	775	Salem	3.50	-0.69	2.81	314	MID	0.89	1	1	0.89	31.63%	1	0.0	
47	047	Culpeper	4.00	-0.59	3.41	380	MID	1.06	1	1	1.06	31.06%	1	0.0	
48	149	Prince George	3.50	-0.38	3.12	285	SMALL	0.96	1	1	0.96	30.78%	1	0.0	
49	099	King George	2.50	-0.46	2.04	186	SMALL	0.61	1	1	0.61	29.90%	1	0.5	
50	005	Alleghany/Covington	3.50	-0.18	3.32	299	SMALL	0.95	1	1	0.95	28.61%		0.0	
41	059	Fairfax/Fairfax City	26.00	-1.98	24.02	3,846	SUPER	6.74	7	7	6.74	28.06%	10	2.0	
51	800	Suffolk	10.00	-1.36	8.64	936	MID	2.36	2	2	2.36	27.33%	3	0.0	
52	810	Virginia Beach	29.00	-2.97	26.03	4,138	SUPER	7.07	7	7	7.07	27.18%	5	0.0	
53	770	Roanoke City	13.00	-0.96	12.04	1,520	LARGE	3.16	3	3	3.16	26.20%	2	1.0	
54	195	Wise/Norton	8.00	-0.56	7.44	794	MID	1.90	2	2	1.90	25.54%	2	0.0	
55	027	Buchanan	4.50	-0.26	4.24	448	MID	1.03	1	1	1.03	24.21%	1	0.0	
56	179	Stafford	12.00	-0.87	11.13	1,374	LARGE	2.60	3	3	2.60	23.37%	1	0.0	
57	550	Chesapeake	22.00	-2.58	19.42	2,377	LARGE	4.35	4	4	4.35	22.38%	5	0.0	
58	155	Pulaski	7.00	-0.83	6.17	634	MID	1.30	1	1	1.30	21.04%		0.0	
59	105	Lee	4.00	-1.04	2.96	304	MID	0.61	1	1	0.61	20.71%	1	1.0	
60	073	Gloucester	4.00	-0.56	3.44	290	SMALL	0.70	1	1	0.70	20.34%	1	0.0	
61	193	Westmoreland	2.00	0.00	2.00	168	SMALL	0.40	0	0	0.40	19.76%	1	0.0	
62	095	James City/Williamsburg	5.00	-0.18	4.82	489	MID	0.93	1	1	0.93	19.23%	1	0.0	
63	049	Cumberland	1.00	-0.07	0.93	77	SMALL	0.17	0	0	0.17	18.75%	1	0.0	
64	570	Colonial Heights	5.00	-0.95	4.05	405	MID	0.72	1	1	0.72	17.70%	1	0.0	
65	001	Accomack	3.50	-0.73	2.77	228	SMALL	0.48	0	0	0.48	17.39%		0.0	
66	165	Rockingham/Harrisonburg	10.00	-0.95	9.05	1,059	LARGE	1.54	2	2	1.54	17.07%	3	0.0	
67	009	Amherst	4.00	-0.63	3.37	334	MID	0.55	1	1	0.55	16.32%		0.0	
68	159	Richmond County	1.00	-0.12	0.88	71	SMALL	0.13	0	0	0.13	14.96%	1	0.0	
69	175	Southampton/Franklin	4.00	-0.72	3.28	320	MID	0.48	0	0	0.48	14.70%		0.0	
70	083	Halifax	5.00	-0.52	4.48	429	MID	0.57	1	1	0.57	12.76%	1	0.0	
71	840	Winchester	8.00	-0.88	7.12	680	MID	0.88	1	1	0.88	12.39%	1	1.0	
72	113	Madison	1.00	-0.14	0.86	67	SMALL	0.10	0	0	0.10	11.76%	1	0.0	
73	015	Augusta	6.00	-0.30	5.70	540	MID	0.65	1	1	0.65	11.48%	1	0.0	
74	590	Danville	10.00	-0.89	9.11	1,005	LARGE	0.94	1	1	0.94	10.29%		0.0	

**Commonwealth's Attorneys FY16 Staffing Standards - Assistant Attorneys - After Position Reallocation**

RANK	FIPS	LOCALITY	# Pos FY15	Calculated Reduction FTE	Tot Attys Pos FY16	CY13-14 AVG FEL DEF & AVG FY13-14 SENT EVENTS		RATING	ADD'L POS DUE	WHOLE	Remaining	Remaining	% of Need After Alloc	FY16 ASST	UNFUNDED
						ADD'L POS DUE FY16	Whole Pos Due, FY17			Add'l Pos Due, After Alloc	ATTY REQUESTED	ATTY POSITIONS			
75	145	Powhatan	1.50	-0.23	2.27	173	SMALL	1.20	1	0	0.20	9.01%	2	0.0	
76	153	Prince William/Man/Man Pk	22.00	-2.27	19.73	2,145	LARGE	1.72	2	2	1.72	8.70%	2	2.0	
77	670	Hopewell	4.00	-0.40	3.60	274	SMALL	0.31	0	0	0.31	8.57%		0.0	
78	520	Bristol	4.00	-0.42	3.58	324	MID	0.24	0	0	0.24	6.58%	2	0.0	
79	131	Northampton	2.00	-0.74	1.26	93	SMALL	0.07	0	0	0.07	5.56%		0.0	
80	820	Waynesboro	5.00	-1.16	3.84	281	SMALL	0.17	0	0	0.17	4.31%	1	1.0	
81	023	Botetourt	4.00	-0.43	3.57	317	MID	0.15	0	0	0.15	4.22%	1	0.0	
82	199	York/Poquoson	5.00	-0.75	4.25	372	MID	0.13	0	0	0.13	2.98%	1	0.0	
83	143	Pittsylvania	6.00	-0.84	5.16	448	MID	0.11	0	0	0.11	2.13%	1	0.0	
84	760	Richmond City	32.00	-4.80	27.20	3,466	SUPER	0.53	1	1	0.53	1.96%	2	0.0	
85	127	New Kent	2.00	-0.15	1.85	131	SMALL	0.03	0	0	0.03	1.40%		0.0	
86	087	Henrico	24.00	-2.32	21.68	2,195	LARGE	0.27	0	0	0.27	1.24%	4	0.0	
87	147	Prince Edward	4.50	-0.43	4.07	350	MID	0.05	0	0	0.05	1.11%	1	0.5	
88	680	Lynchburg	11.00	-0.99	10.01	1,005	LARGE	0.04	0	0	0.04	0.44%	2	1.0	
89	025	Brunswick	3.00	-0.46	2.54	177	SMALL	-0.01	0	0	(0.01)	-0.35%	1	0.0	
90	540	Charlottesville	6.00	-1.01	4.99	420	MID	-0.05	0	0	(0.05)	-0.96%	1	0.0	
91	740	Portsmouth	19.00	-2.17	14.83	1,447	LARGE	-2.36	(2)	0	(0.36)	-2.42%	1	0.0	
92	057	Essex	1.00	-0.23	1.77	120	SMALL	0.94	1	0	(0.06)	-3.21%	1	0.0	
93	690	Martinsville	5.00	-1.19	3.81	310	MID	-0.16	0	0	(0.16)	-4.24%	2	1.0	
94	079	Greene	1.00	-0.08	1.92	128	SMALL	0.90	1	0	(0.10)	-5.12%	1	0.0	
95	007	Amelia	2.00	-0.24	1.76	117	SMALL	-0.09	0	0	(0.09)	-5.12%		0.0	
96	650	Hampton	13.00	-1.49	11.51	1,075	LARGE	-0.76	0	0	(0.76)	-6.59%	4	1.0	
97	700	Newport News	22.00	-2.53	19.47	1,808	LARGE	-1.40	(1)	(1)	(1.40)	-7.17%	6	0.0	
98	013	Arlington/Falls Church	13.00	-1.87	11.13	870	MID	-0.89	0	0	(0.89)	-8.04%	1	0.0	
99	157	Rappahannock	1.00	-0.13	0.87	56	SMALL	-0.07	0	0	(0.07)	-8.24%	1	0.0	
100	019	Bedford/Bedford City	6.00	-0.40	5.60	431	MID	-0.52	0	0	(0.52)	-9.32%		0.0	
101	081	Greensville/Emporia	4.50	-0.36	4.14	261	SMALL	-0.41	0	0	(0.41)	-9.83%	1	0.5	
102	710	Norfolk	35.00	-3.33	28.67	3,160	SUPER	-6.39	(6)	(3)	(3.39)	-11.82%	3	0.0	
103	183	Sussex	2.00	-0.21	1.79	110	SMALL	-0.21	0	0	(0.21)	-11.86%		0.0	
104	730	Petersburg	8.00	-0.90	7.10	526	MID	-0.92	0	0	(0.92)	-12.95%	1	1.0	
105	133	Northumberland	2.00	-0.20	1.80	109	SMALL	-0.24	0	0	(0.24)	-13.50%		0.0	
106	043	Clarke	1.50	-0.23	1.27	77	SMALL	-0.17	0	0	(0.17)	-13.61%	1	0.0	
107	065	Fluvanna	2.00	0.00	2.00	116	SMALL	-0.34	0	0	(0.34)	-16.90%		0.0	
108	510	Alexandria	10.00	-1.28	8.72	603	MID	-1.63	(1)	(1)	(1.63)	-18.66%		0.0	
109	021	Bland*	1.00	-0.10	0.90	51	SMALL	-0.17	0	0	(0.17)	-18.69%		0.0	
110	125	Nelson	2.00	-0.18	1.82	103	SMALL	-0.35	0	0	(0.35)	-19.19%	1	0.0	
111	103	Lancaster	2.00	-0.46	1.54	86	SMALL	-0.30	0	0	(0.30)	-19.78%	1	0.0	
112	093	Isle of Wight	4.00	-0.47	3.53	196	SMALL	-0.73	0	0	(0.73)	-20.56%		1.0	
113	115	Mathews	1.00	-0.17	0.83	46	SMALL	-0.17	0	0	(0.17)	-21.14%	1	0.0	
114	075	Goochland	2.00	-0.16	1.84	100	SMALL	-0.42	0	0	(0.42)	-22.73%		0.0	
115	011	Appomattox	3.00	-0.59	2.41	108	SMALL	-0.87	0	0	(0.87)	-35.97%	1	0.0	

**Commonwealth's Attorneys FY16 Staffing Standards - Assistant Attorneys - After Position Reallocation**

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						ADD'L POS DUE FY16	Whole Pos Due, FY17			Add'l Pos Due, After Alloc	ATTY REQUESTED	ATTY POSITIONS			
116	181	Surry*	1.00	-0.08	0.92	37	SMALL	-0.38	0	0	(0.38)	-41.85%		0.0	
117	017	Bath*	1.00	-0.09	0.91	32	SMALL	-0.46	0	0	(0.46)	-50.00%		0.0	
118	036	Charles City	1.00	-0.10	0.90	30	SMALL	-0.47	0	0	(0.47)	-52.69%		0.0	
119	091	Highland*	1.00	-0.30	0.70	11	SMALL	-0.55	0	0	(0.55)	-78.37%		0.0	
120	045	Craig*	1.00	-0.09	0.91	8	SMALL	-0.80	0	0	(0.80)	-87.99%		0.0	
TOTALS			717	(91)	626.21	68,956		115	130	130	115		151	27	