



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

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Albemarle County Board of Supervisors
401 McIntire Road, 4th Floor
Charlottesville, VA 22902

RE: FY 2017 Overview and Funding Request

Dear Chair Palmer and Board of Supervisors Members,

The following letter highlights priorities and budgetary needs of the Albemarle County Office of Commonwealth's Attorney for Fiscal Year 2017. Should you have any questions, please do not hesitate to contact me.

I look forward to working with the Board and County Executive to serve the interests of Albemarle citizens.

Sincerely,

A handwritten signature in cursive script that reads "Robert N. Tracci".

Robert N. Tracci
Commonwealth's Attorney
County of Albemarle

CC: Thomas C. Foley, County Executive
William M. Letteri, Deputy County Executive

Albemarle County Commonwealth's Attorney

Description and Mission

The Albemarle County Commonwealth's Attorney is a Virginia constitutional officer elected to a four-year term by the voters of Albemarle County. Headed by the Commonwealth's Attorney, the Albemarle County Commonwealth's Attorney's Office (CAO) must seek justice for *all* Albemarle citizens. The CAO has an obligation to maintain public safety and uphold the public trust by prosecuting violations of Virginia law and applicable ordinances with integrity, judgment, and fairness.

Priorities

- Preserve public safety and promote confidence in the fair and impartial prosecution of all cases;
- Attach greater priority to protecting children, victims of domestic violence, sexual assault, and elderly abuse and exploitation;
- Expand proactive community outreach to better detect, identify, and prevent crime;
- Support expansion of the DNA Database and adoption of Best Practices; and
- Support our law enforcement partners.

Background and Responsibilities

Jurisdiction

In addition to prosecuting all felony cases, the CAO prosecutes misdemeanor offenses, drunk driving cases, drug cases, domestic violence cases, traffic offenses, crimes against children, crimes committed by children, and crimes that occur in schools and universities within Albemarle County. The CAO represents the Commonwealth in all criminal matters and in a number of civil matters such as restoration of firearms rights and driving privileges, petitions for expungements, and asset forfeitures. The CAO represents the Commonwealth before the Albemarle Circuit Court, and before the General District and Juvenile and Domestic Relations Courts. Of crucial importance, the CAO works closely with the Victim Witness Coordinator to ensure that crime victims are treated with dignity and respect and are fully aware of their rights as victims under Virginia Code § 19.2-11.01.

Law Enforcement Training and Community Engagement

The CAO works with our law enforcement partners in legal training and provides 24-hour assistance to our law enforcement partners at the Albemarle County Police Department, University of Virginia Police, and Virginia State Police for offenses that occur in Albemarle County. The office advises School Resource Officers (SROs) on a daily basis, provides truancy support for elementary and early middle school principals, and advises on all serious investigations from the initial stages. The CAO helps promote best practices, identifies and approves candidates for non-violent offenders for Drug Court, provides community outreach and education that enhances confidence in the fair and impartial prosecution of criminal cases, and works to identify and prevent crime.

CAO personnel provide outreach and educational forums at schools to students, faculty, and parents on a variety of safety issues ranging from bullying prevention, Internet safety, interpersonal violence, and sexting prevention. The CAO instructs members of the auxiliary police academy, the citizen's police academy, and presents juvenile law and sex offense training for the Central Shenandoah Criminal Justice Training

Academy for every BASIC law enforcement course. Albemarle, Charlottesville and University of Virginia police officers attend this Academy. CAO personnel provide roll call training whenever legal topics present themselves that need immediate police attention. The office provides training at the Fire Marshal's Academy for Albemarle County, the Department of Forestry, the Department of Social Services, the Court Service Unit, various domestic violence agencies, the Sexual Assault Resource Agency, VACA (Virginia Association of Commonwealth's Attorneys), and other groups. These efforts are central to the CAO mission and consume significant time and resources.

Criminal Justice Reform

The CAO also strives to improve the quality of the criminal justice system by assessing and advocating legal reforms. These include expansion of the DNA Database, mental health, lethality assessment, crisis intervention, technical advice and advocacy on state and federal legislative proposals, and other initiatives. A number of Albemarle County Assistant Commonwealth's Attorneys also serve the cause of justice by assisting in the prosecution of cases in federal court. In addition, the office contracts with the State Department of Taxation to collect unpaid fines and court costs from people convicted of felonies, misdemeanors, and traffic offenses in the Albemarle County Court System.

CAO Workload, Personnel, and County Support

The caseload of the CAO has increased steadily in recent years, as has complexity of criminal threats to Albemarle residents. In addition to the Commonwealth's Attorney, the office currently employs five full-time Assistant Commonwealth's Attorneys (one position is vacant), a part-time Assistant Commonwealth's Attorney, and five legal support personnel (two of which, are vacant – one as a result of a lack of office space that will be addressed upon completion of a county-approved security and infrastructure enhancement.) While the Commonwealth's Attorney will *not* condition the prosecution of misdemeanor drunk driving or domestic violence cases upon an increase of county funds, county support is crucial to ensuring that Albemarle citizens are accorded the fair and equal justice to which they are entitled.

Significant Program Changes or Requirements

Deployment of Body-Worn Cameras by Albemarle Police Department and Law Enforcement Partners

More of our law enforcement partners are likely to deploy body-worn cameras (BWCs) in the coming fiscal year. The University of Virginia Police Department has already deployed this technology. According to the U.S. Department of Justice Bureau of Justice Programs (BJP), implementation of a BWC program imposes considerable new demands on the resources of prosecutors. According to some estimates, for every 100 cameras deployed by law enforcement personnel, a prosecutor's office needs to hire or re-assign a new staff member.¹ It is essential that the CAO be provided with additional resources to ensure BWCs realize their potential to enhance transparency while protecting the privacy expectations of our citizens.

Child Protection

The CAO intends to attach greater priority to protecting children, strengthening efforts to identify and prosecute online predators, and prosecuting those who produce, distribute or possess sexually explicit images of minors. This will require additional training and public outreach. In addition, full funding for the

¹ <https://www.bja.gov/bwc/Topics-Implementation.html>

Albemarle County School Resource Program and School Resource Officers (SROs) enhances the safety and well-being of those who attend Albemarle County Schools.

Sexual Assault Resource Team (SART)

In 2009, Commonwealth's Attorneys were provided statutory responsibility to coordinate a multi-disciplinary response to sexual violence in their communities. In consultation with the Sexual Assault Resource Agency (SARA) and others, the CAO is working to expeditiously reauthorize a Sexual Assault Resource Team (SART) to facilitate identification and prosecution of sexual crimes. CAO participation in the SART and formalization of protocols will require additional training of law enforcement personnel and enhanced cooperation and coordination with partners throughout our community, including the University of Virginia. This is a top priority of the office.

Elder Abuse and Exploitation

Albemarle County is among the best places in America to retire and should be among the safest. The CAO intends to establish a Task Force on Senior Security to help ensure Albemarle County seniors live with the dignity and security they expect. Establishing this Task Force and conducting training and community outreach to better identify, prevent, and prosecute crimes against the elderly will present additional resource demands on the CAO.

Crime Prevention and Community Outreach

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

Upcoming Trials

Preparation for the two criminal cases against Jesse Leroy Matthew will continue to require substantial resources in responding to motions, potential witness travel costs, and other expenses.

Additional Staffing Request

We respectfully request that the CAO continue to receive the county supplement at current levels and for the Board to provide assistance in the coming fiscal year for the salary and expenses associated with an additional Assistant Commonwealth's Attorney and an additional Legal Assistant. Our success also depends upon our partners in the law enforcement community receiving the support necessary "to provide for the safety and security of our many diverse citizens and communities while protecting individual rights and delivering quality services."³ We are grateful for the Board's consideration and continued support.

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

³ <http://www.albemarle.org/department.asp?department=police&relpage=3236>