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HOUSE JOINT RESOLUTION NO. 225

Offered January 14, 2004

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Directing the Virginia State Crime Commission to conduct a statewide study of the operations of the offices of Commonwealth's Attorneys. Report.

Patrons—McDonnell, Albo, Armstrong, Griffith, Hurt, Kilgore and Moran; Senators: Howell, Norment and Stolle

Referred to Committee on Rules

WHEREAS, Commonwealth's Attorneys are an integral part of Virginia's criminal justice system and as such they have a critical role in enhancing public safety in the Commonwealth; and

WHEREAS, the ability of Commonwealth's Attorneys to seek justice is dependent upon their ability to recruit, hire, train and retain sufficient qualified and experienced assistants to carry out the many responsibilities assigned to that office; and

WHEREAS, while the Commonwealth has made it a matter of public policy to establish full-time career prosecutors in the vast majority of jurisdictions, the Commonwealth has never conducted an in-depth examination of the staffing, training and support needs of Virginia's full-time prosecutors; and

WHEREAS, there currently exists a great disparity in the amount of local support provided by localities to the various Commonwealth's Attorneys Offices resulting in a disparity in the number and types of cases individual offices are able to prosecute; and

WHEREAS, there is an increased public demand that Commonwealth's Attorneys appear and prosecute serious misdemeanor cases such as driving under the influence and domestic violence; and

WHEREAS, Commonwealth's Attorney offices statewide are currently understaffed by 147 assistant attorney positions and 124 legal support positions based on the Compensation Board approved staffing standards; and

WHEREAS, criminal prosecution has become an increasingly complex and specialized profession as a result forensic advances, such as DNA and legal requirements occasioned by the increase of appellate decisions from the Court of Appeals and Supreme Court; and

WHEREAS, the consequence of prosecutors who are not well trained and current on legal and evidentiary changes is acquittal of guilty defendants or reversal and retrial of convictions at great public cost; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, that the Virginia State Crime Commission be directed to conduct a statewide study of the operations of the offices of the Commonwealth's Attorneys. The Commission shall study the quality of prosecutorial representation and the efficiency by which prosecutorial services are provided. The study of quality of prosecutorial representation shall examine the impact, if any, of the existing workloads in the Commonwealth's Attorneys' offices, any disparity in workload per attorney, training and technical support for attorneys for the Commonwealth versus judicial and criminal justice system agencies, opportunities for continuing legal education specifically geared towards career prosecutors, and the Commonwealth's Attorneys' ability to hire and retain qualified prosecutors in their offices. Consideration of efficiency of service shall include a determination of a reasonable case load per attorney, the appropriate role of localities in providing support for Commonwealth's Attorneys, disparities among offices in their ability to provide quality prosecutorial representation to each locality, and considerations that would, if implemented, reduce pre-trial delay and thus minimize the costs of pre-trial incarceration.

The Virginia State Crime Commission shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the directives of this resolution no later than the first day of the 2006 Regular Session of the General Assembly. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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