

commonwealth's attorney's office

# Lynchburg's Commonwealth's Attorney's Office faces more cases, fewer prosecutors

**Bryson Gordon**

Oct 8, 2022



Lynchburg Commonwealth's Attorney Bethany Harrison speaks before introducing Virginia Attorney General Jason Miyares during a recognition of the beginning of National Crime Victims' Rights Week in Lynchburg on Monday, April 25, 2022.

Photo by Kendall Warner, The News & Advance

**F**acing high caseloads and a dwindling staff, the Lynchburg Commonwealth's Attorney's Office no longer will participate in prosecuting select misdemeanors in the city.

Commonwealth's Attorney Bethany Harrison's decision was first expressed to city leadership in a letter from her office to Lynchburg City Council and City Manager Wynter Benda dated Aug. 19.

Carrie Dungan, director of communications and public engagement for the City of Lynchburg, said the city's police officers will have to prosecute the cases the commonwealth's attorney office is not involved in. She said the city is working with Police Chief Ryan Zuidema to determine the impact but noted all of those crimes will still be prosecuted.

Some examples of standalone charges that will not be handled by Harrison's office include driving with a suspended license; trespassing; misdemeanor possession of drugs; drunk in public; and altered or forged license plates.

While her office is withdrawing from prosecuting these as standalone charges, Harrison said in her letter her office will prosecute these charges if they are connected to other charges.

With the decision to withdraw prosecution from these select standalone misdemeanors, Harrison is hoping to provide her team of prosecutors with more time to work on the more serious offenses that require more time and attention, and those that may have more of an impact on public safety.

“This is not a happy occasion for us,” Harrison said about the decision.

In her letter, a copy of which Harrison provided to The News & Advance, Harrison responded to questions from city council during its July 26 work session, laying out what her office is doing to address a rise in violent crimes and firearm offenses in the city.

Harrison said in a recent interview with The News & Advance the primary reason her office is withdrawing prosecution of these select misdemeanors is staffing.

Harrison said her office is not immune to a difficult job market for those looking to fill positions of need, especially in a field that requires deep vetting of potential candidates.

“We’re supposed to have 11 attorneys, according to the staffing standards from the Virginia Compensation Board, and sadly, as of Oct. 7, we will be down another good prosecutor ... so I will be down 27% of my workforce at that point,” Harrison said Sept. 27, noting the department now has only eight full-time prosecutors on staff.

“... In my experience, we have never seen that type of turnover.”

The Lynchburg Police Department confirmed Friday it has been in communication with the Commonwealth’s Attorney’s Office regarding Harrison’s decision to relinquish some prosecutions and emphasized it remains committed to keeping the community safe.

“These changes will, most certainly, require additional training for LPD personnel to ensure consistency in court case preparation and to learn new responsibilities surrounding discovery rules for evidence,” LPD Capt. Lisa Singleton wrote to The News & Advance. “Although we may see a shift in the conviction rate for these cases, the LPD continually maintains a cooperative relationship with Mrs. Harrison and her office.”

It’s not only the Lynchburg office that is having a hard time hiring qualified prosecutors. Harrison said she knows the Prince Edward County Commonwealth’s Attorney’s Office has had a position open for about a year that has gone unfilled.

Harrison said it’s especially hard to retain quality attorneys in the city’s office due to the workload compared to surrounding counties.

“One left for the county,” Harrison said about her departing attorneys, “where the workload is less, the person is closer to their house, and she’s getting paid \$13,000 a year more to do the same job. I can’t compete with that.”

Harrison cited local crime stats and Virginia State Police data that show in 2021, Campbell County had 1,724 offenses and 488 arrests, compared to Lynchburg’s 5,783 offenses and 1,251 arrests.

Campbell County has six prosecutors, while Lynchburg is down to eight while facing more than double the amount of arrests and nearly triple the amount of offenses, Harrison said.

“If we had 11, we’d have about double [the staff] for about double the work. But instead, we’re down significantly to deal with the same workload.”

Due to “special ethical obligations” specific to the field, Harrison said she cannot, as a supervising attorney, give her staff more work than they can competently handle.

“They also have an ethical duty not to take on more work than they can competently handle, so this was sort of the only release valve we have,” Harrison said about the decisions to withdraw prosecution from select misdemeanors.

During fiscal year 2023 budget discussions, Harrison requested local city funding for several positions. She requested a new juvenile and domestic relations court legal assistant; a new full-time bodyworn camera and Freedom of Information Act assistant; one new full-time prosecutor; and a new hourly in-house investigator, according to Dungan.

The city granted the new full-time bodyworn camera and FOIA assistant, and maintained funding for a part-time legal support receptionist, Dungan said.

When asked how budget requests are weighed from city departments, Dungan said council’s priorities for fiscal year 2023 were public safety, infrastructure, lifelong learning, quality of life and economic development.

She said requests identified as “mission critical” were included in the proposed 2023 budget, but the city also addressed public safety through increased pay for police officers and firefighters, which was a priority laid out by council even before 2023 budget discussions began.

Dungan pointed out that, as a constitutional officer, Harrison’s office can seek funding through Virginia’s General Assembly as well.

Del. Wendell Walker, R-Lynchburg, said in an interview with The News & Advance the General Assembly has done its part, pointing to raises granted to commonwealth’s attorneys across Virginia.

But he said the problem facing staffing falls with the state compensation board as well as workforce issues across the commonwealth.

“I think the biggest challenge we have is the compensation board. That impacts law enforcement, commonwealth’s attorneys, and so that’s a big issue that we have got to tackle and try to get more help out of,” Walker said in a recent interview.

The compensation board determines “reasonable budgets” for the commonwealth toward the cost of operations for constitutional officers.

Walker said “raising their pay helps, but most of the attorneys are young, coming out of college, got their law degrees and start in a prosecutor’s office for, say, \$60,000. We’ve got some trade people that are making that much money. And the prosecutors have all their college debt. It’s a challenge within the commonwealth’s attorney’s office to recruit and get good attorneys.”

Walker said the onus is on Lynchburg City Council to step up and provide for the Commonwealth’s Attorney’s Office if it wants safer streets in Lynchburg.

“With the amount of money we’re seeing surplus-wise thanks to all the tax increases last year,” Walker said, “city council certainly needs to step up if they want to keep safer streets and provide some additional funding on their part. We do what we can on the state side and we’re trying to beef that up more each year, but there’s also room for the localities to help step up and be a bigger player if they want to keep crime out.

“We increased their funding this year. We want to do more, but it’s got to be a partnership. You can’t just point fingers at someone else and say, ‘You’re the reason for that.’”

Lynchburg Mayor MaryJane Dolan said the city already goes beyond the requirements of the state compensation board.

“City Council continues to appropriate funds above the amount required by State Code,” Dolan said in an email.

She said council “provides three positions above what the state requires, including one that was added during Fiscal Year 2023. Overall, the city subsidizes \$250,000 above what the state compensation board requires for salaries for [commonwealth’s attorney] employees.”

She also said in fiscal year 2023, when most city employees received a 3% general wage increase, employees of the Commonwealth’s Attorney’s Office received a 5% wage increase adopted by the General Assembly.

Dolan added “without question, the [commonwealth’s attorney] is a critical piece of our public safety function in the city.”

Harrison stressed her relationship with council is in good shape, saying the city and council have generally been “very supportive” of the requests of her office.

In addition to staffing, Lynchburg’s commonwealth’s attorney said community assistance has been a problem in moving cases forward, with very few witnesses being willing to come forward for high-profile cases.

Harrison mentioned the case of **Keri Sharpe**, who is accused of second-degree murder in connection with a March 2022 shooting and was released on bond because a witness would not respond to a subpoena to appear.

She said there are other cases in circuit court that had multiple eyewitnesses, but because none are willing to come forward, even under subpoena power, her office is left to seek other avenues of prosecution.

Usually, Harrison said, the issue doesn’t come down to witness tampering or intimidation, unless in gang-related cases or intimate partner violence cases. She said it more comes down to citizens saying, “That’s not my problem,” or, “I don’t want to be involved,” when it comes to the court process.

“I’ve never seen anyone go after a stranger witness. Is it possible? Sure,” she said. “It’s possible someone can come to my house. I’m the prosecutor ... but the likelihood of something happening to you is so small.”

With witnesses not coming to court, Harrison said, prosecutors are limited to just the evidence admitted for trials, but “in order to do that, in order to get creative when people don’t want to come to court, you have to have the time and manpower to look outside the box to find other ways to bring the case forward.”

Harrison said the problem ultimately comes down to distrust of law enforcement that has surfaced in recent years.

“With all of the national social justice talking points and local protests and things of that nature, I think we’re trying to work toward a more just and equitable system. However, along with that is all these negative talking points, which I think has cultivated a distrust for law enforcement at a higher level than what we’ve previously seen exist,” Harrison said.

Working through a large case load with a smaller team, Harrison said there’s no questioning her office’s love for the job.

“People are doing this job not because they want to get rich or anything of that nature,” she said, “but because they love the work, they love the trial work, they love helping victims of crime ... and feeling like at the end of the day they helped somebody.

“But what we don’t want is people making mistakes because they were pulled in too many directions at one time. We want to be able to do the best work.”

lynchburg police

# A year after salary bump, Lynchburg police see results, though challenges remain

**Bryson Gordon**  
Dec 3, 2022



With Mayor MaryJane Dolan and City Manager Wynter Benda to either side, Lynchburg Police Chief Ryan Zuidema addresses the crowd regarding staffing shortages, public safety and pay raises for officers during a news conference at City Hall on Friday.  
Kendall Warner, The News & Advance

**O**ne year after announcing salary increases for new and current police officers, the Lynchburg Police Department is beginning to see results as it works to chip away at the number of vacancies in its ranks.

**Last December**, when Lynchburg City Manager Wynter Benda, Police Chief Ryan Zuidema and Mayor MaryJane Dolan took to the podium in City Hall to announce a plan aimed at increasing starting and current salaries within LPD, there were 28 hard vacancies in the department out of 176 sworn officer positions.

Hard vacancies, according to Zuidema, are positions that officers are not hired for, as opposed to the other form of vacancies — operational vacancies — which might include employees of the police academy; employees on military, family or medical leave; or other employees who are filling in jobs they weren't hired for "for a number of reasons," he said.

The plan took the starting annual salary of an LPD officer from \$40,019.20 to \$50,000 — giving the department the highest starting salary for law enforcement in Central Virginia, while addressing compression amongst the ranks of the department.

The plan went into effect Jan. 5, and in just less than a year after the announcement, the department has filled five of those hard vacancies, dropping those openings from 28 to 23.

“We’re certainly making headway there, but again ... it’s something that happens over time,” Zuidema said during a recent interview with The News & Advance.

Timing is an important factor, he said. It takes new hires in the department just short of 12 months from the time they start the academy to when they are out on patrol on their own.

“You’re not going to correct that overnight,” the chief said about cutting deeper into the number of vacancies within the department. “It’s going to take several cycles.”

In a statement to The News & Advance, Mayor Dolan said she thinks “any incremental increase in filling those positions is a success.

“This is a work in progress and police departments are going to have to get creative as to how they use their human resources. The important thing to note is that there are budgeted positions to be filled,” Dolan added.

This upcoming class of recruits in the academy also is another sign of the success of the increase in starting salaries. In the next graduating class, Benda and Zuidema said, there are 13 recruits set to graduate, which is more than in the previous two classes combined.

But even when the 13 recruits graduate, the department’s vacancies won’t immediately drop from 23 to 10.

“When those 13 come out [of the academy], they do not take away from those vacancies,” Zuidema said. “When they come out ... they’re all assigned to patrol and try to fill the vacancies there. But a lot of times, what happens is they’ll fill vacancies in patrol, but that means our criminal investigations division, or traffic unit, or some other specialized unit is holding vacancies too.

“We might get an influx of 13 that we put in patrol, and then we may basically take and supplant some of those folks — two or three or four into another specialized unit. Not having fully-staffed units takes some of that workload and dumps it back onto patrol.”

Not only are the class sizes getting larger, Benda and Zuidema said, both the quality and quantity of applicants for the police department have improved since the announcement.

“That’s indicative of the efforts we took and what kind of attractive piece that was,” Benda said during a recent interview.

The city manager said he knows of two recruits who came from California and another who already came in certified from Texas.

“I’m very, very excited for the efforts we took to attract, and not simply offer in market ... but to pull people from California, that’s pretty cool,” Benda said.

Applications have increased during the previous two years for the department as well but still lag the numbers of the late 2010s.

According to Zuidema, as of Nov. 16, the department had seen 383 applicants in 2022, compared to 323 in 2021 and 325 in 2020.

In 2018, the department received 508 applications. That number was even higher in 2019, with LPD seeing 553 applicants.

Nationwide trends reflect the downturn of police officer applications during the past two years, Zuidema said, a result of “a lot of things that have happened over the last two years that have not made this job attractive.”

“Very bluntly, the position has been vilified by many people over the last couple of years,” Zuidema said.

“Quite frankly, there have been several laws that make doing police work more difficult, and we are also one component of the criminal justice processing system, right? We sometimes get as frustrated or more than the public when we take what is a known offender, who is a violent person and we arrest them and charge them with X, Y or Z and they either don’t get convicted or they’re let out of jail way too early, or they don’t spend any time at all,” Zuidema said. “It’s a combination of all of those things I think.”

Both Benda and Dolan said separately they believe recruiting for police officers is an issue for localities nationwide, adding several factors go into the significant drop in desire to be a police officer.

Along with making it difficult to recruit new officers, localities across the nation are having difficulty retaining officers.

According to a 2021 study by the Police Executive Research Forum, departments across the country saw a 45% increase in resignations and an 18% jump in retirements.

Since 2001, LPD has averaged about 19 separations per year, Zuidema said. Separations come in the form of resignation, retirements or terminations.

But from 2016 to 2021, that number jumped to 24.5 per year, and the department saw 27 separations in 2021.

As the salary progression rises up the ranks with the officers, the hope of city leadership continues to be that this plan will help retain qualified officers within the department, not just be a good starting point for new officers.

Dolan said she has “every confidence that Chief Zuidema is doing everything within his power to have a full complement of officers and to retain them.”

As leadership hopes to see applications bounce back to pre-2020 levels, Zuidema said he is not willing to “lower the standards” of the department just to fill vacancies quickly.

“We hold very high standards for our police officers here in terms of who we hire,” he said.

“At the end of the day, I’ve got to put my head on the pillow at 2 a.m. and know that a 22-year-old young man or young woman that’s out there is going to make the right decisions when no one else is looking.”



The department's screening process is very stringent, the chief said, which speaks to the high standards he asks the officers of his department to live up to.

"We screen out a lot of people and very honestly, we've had people leave our department to go work for the FBI, to go work for the CIA, to go work for a variety of folks who do very stringent background checks as well.

"I tell folks that if you can get hired with us, you can get hired about anywhere, because at the end of the day we've got to put men and women out on the street that meet the high standards of our department and serve the community in a way we expect them to do that," Zuidema said.

The bump in salary not only affected new officers. The plan also addressed current officer salaries to help with retention of officers already in the ranks.

"January will be 26 years I've been with the department, and it's been an issue from the day I got hired there," Zuidema said. "This plan, in essence, eliminates compression within the department."

Not only does it eliminate the issue now, but it is also set up to continue over the coming years, eliminating internal issues that exist in places where compression is an issue, Zuidema said.

"The pay progression plan ... one component of it was specifically designed to address compression, not just at this point in time, but to put a structure around it so that as it continues to be funded each year, it will continue to move with those officers, because previously, that was not the case," Zuidema said. "And that would lead to some internal strife amongst folks, you can imagine."

Additionally, because LPD is on the Virginia Retirement System, employee retirement is based on an average of the three highest yearly salaries, Zuidema said.

"Obviously, if you get a salary bump towards the end of your career, and it's significant, it's going to be worth your while to stay around for a few more years. So that was some of the intended focus of what we did collectively; the manager proposed it and council supported it," the chief said.

In light of a recent string of violent crimes in the city, in November, **Zuidema announced** his department would be shifting resources to bolster the department's patrol function.

Knowing the community's concern over public safety, Zuidema acknowledged the department still has work to do in order to be able to do the "proactive policing" he wants LPD to take part in.

"Our ability to investigate crime and to take measures to hopefully prevent crime is absolutely correlated to the staffing that we have available," Zuidema said.

"Are we where I want to be right now? No. We certainly need to get those officer positions filled. And the steps we took last year absolutely, without question, helped keep folks that we have and certainly help get more people in the door."

With a year to see results, Benda and Zuidema are excited about the collaboration between the two city departments to address such an important issue facing the city.

"I think that to be able to be lockstep with a city council and a police chief about what are the best efforts ... and what really helped was the workforce itself — the men and women that police our community said that these are the things of import — the

highest starting salary and also this pay progression plan,” Benda said.

Zuidema added, “What I’m grateful for is that everybody is rowing in the same direction. The manager and I are rowing in the same direction; council is rowing in the same direction. ...[R]egardless of any politics or anything else, we all want a safe community. Everybody does, regardless of who you are, the age you are, the race, the gender, the political beliefs or anything, we all want a safe community.

“And we think the things we are doing are pushing us towards a safer community and we’re going to continue to do that.”

# Years in the making: Lynchburg officials break ground on new police headquarters

**Bryson Gordon**  
Sep 30, 2022



Ward II City Councilman Sterling Wilder (left) takes a photo of At-large Councilwoman Treney Tweedy (middle) and Mayor MaryJane Dolan (right) while breaking ground Friday at the future location of the new Lynchburg Police Department headquarters on Odd Fellows Road.  
Paige Dinger, The News & Advance

As a crowd gathered Friday morning under gray skies at the corner of Odd Fellows Road and Albert Lankford Drive, city leaders dug shovels into the ground and tossed the first loads of dirt at the future site of a new Lynchburg Police Department headquarters, a long-awaited start to a project many years in the making.

“We needed a new building when I started here almost 26 years ago,” LPD Chief Ryan Zuidema said. “And probably people that were here long before me could tell you that they needed one as well.”

Zuidema said the process leading to Friday’s groundbreaking was “six years in the making,” adding it has been a “marathon” to get to this point.

It began with another location years back, when the city was considering the home of the old Greater Lynchburg Transit Company maintenance facility at the corner of 12th and Kemper streets.

**That plan was scrapped in April** when the city opted for the Odd Fellows Road location, citing “practicality and finance.”

The new headquarters is projected to cost the city roughly \$48 million for the entire project. According to the city’s geographic information system, English Construction closed on the land Sept. 16 for roughly \$2.35 million, and the property was transferred to the city Sept. 22.

In April, Zuidema said the new police headquarters will be a two-story building. Zuidema said the city would save about \$7 million by choosing the Odd Fellows Road location, mainly on a parking deck that would have needed to be built downtown to house the department's vehicles if the Odd Fellows Road site hadn't been chosen.

Additionally, Zuidema said the Odd Fellows Road location provided a more centrally located headquarters, as it is a short drive from accessing the city's expressway.

City Manager Wynter Benda joked that when he arrived on the job last August, he "heard many things about the current precinct and all its glories and joys," adding this new headquarters is "obviously very much needed, and it will serve our community for many years to come."

Zuidema recalled meeting Benda for the first time: "I think the first words out of my mouth were, 'Hi, I'm the police chief. I need a new building.'"

With the new headquarters officially under construction, Zuidema said the new home will accomplish three things for the department in the coming years.

"It's going to give our staff a home that they can be proud of, and a home they can grow in. It's going to give our community a place that they can engage with their police department. And last, it's going to allow us to better partner with and protect our residents and our visitors here in the great city of Lynchburg," the chief said.

Mayor MaryJane Dolan spoke during the groundbreaking ceremony, saying Friday "marked the beginning of a process that will jumpstart the revitalization of our police facilities."

Dolan thanked her fellow city councilors for their unanimous support of the new facility, calling it a "game-changer for the dedicated men and women of the police department, as well as the community."

Zuidema also emphasized the community aspect. He said the new headquarters will provide ample space for LPD to interact with residents of Lynchburg, something not as easily done at their current precinct.

"Our buildings right now, the largest conference room we have might put 12 people in it on a good day. There's not a lot of space that's open to the public," Zuidema said.

He added the new headquarters will have two large community meeting rooms that could be joined into one depending on the occasion.

"We'll be able to bring people in for all sorts of events ... and really open up the department to our community so that we can help better engage and partner and protect our community."

The new building will be completely modern compared to the department's current buildings. The department's Public Safety Building, at 905 Court St., and West Building, at 805 Court St., are both decades old.

While Zuidema said it's too early to get into the specifics of the features of the new building, the chief said it will finally house all his staff in one place.

"It's going to allow for better collaboration amongst our staff and much more efficiency in our operations based on having everyone under one roof," Zuidema said.

Among the city councilors and others taking part in the groundbreaking was a special guest, Bill Arrington, who Zuidema said is the oldest living retiree of the police department.

Arrington served the city for 20 years as a police officer from 1956 to 1976.

Celebrating his 88th birthday Friday, Arrington said he's "already reserved myself to walk in a new building" on his 90th birthday.

Zuidema said construction will be "about a two-year project," contingent on labor and materials being available, which would put the department in its new home around late 2024.