

# State's Attorney

## MISSION STATEMENT

The State's Attorney is a constitutionally created independent agency. The mission of the Office of the State's Attorney is to serve the public interest through the fair and honest administration of justice by exercising its responsibilities to: prosecute criminal violations in Montgomery County; educate the public with regard to criminal justice issues; provide training to lawyers for future service; address inequality and promote fairness in the criminal justice system; ensure access to the criminal justice system; promote professional relations with judges and attorneys; and further the efficient use of criminal justice resources.

## BUDGET OVERVIEW

The total approved FY06 Operating Budget for the Office of the State's Attorney is \$10,297,850, an increase of \$711,970 or 7.4 percent from the FY05 Approved Budget of \$9,585,880. Personnel Costs comprise 95.4 percent of the budget for 100 full-time positions and ten part-time positions for 112.0 workyears. Operating Expenses account for the remaining 4.6 percent of the FY06 budget.

The Office has six Community Prosecution teams assigned geographically to the six police districts. Each team exclusively prosecutes the crime which happens in its respective police district. Prosecutors are assigned to neighborhoods, schools, civic groups, and faith-based organizations to promote better communication between the Office and communities. This increased interaction will allow prosecutors to be problem solvers, not just case processors.

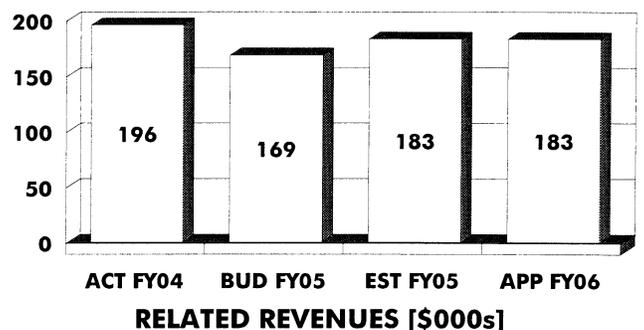
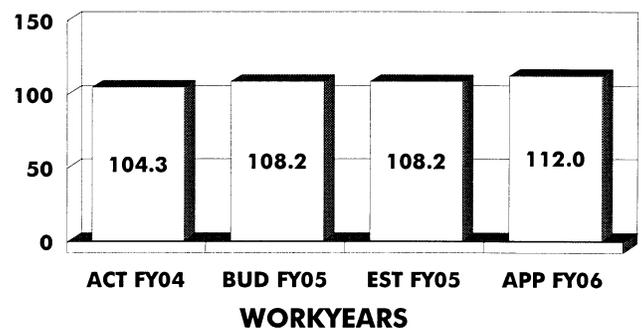
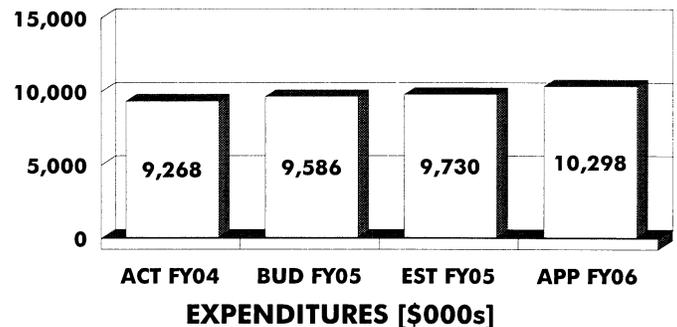
## HIGHLIGHTS

- ❖ **Enhance Juvenile Court Team staffing in the State's Attorney's Office by increasing the Juvenile Attorney complement by 25 percent from a team of four attorneys to five. The staffing increase will address a 19 percent increase in workload cases from 2001 to 2004.**
- ❖ **The State's Attorney's Office continued the use of volunteers for FY05 through their Volunteer Program. These volunteers are comprised of law students, undergraduates, and retirees. In the last 18 months, a total of 11.5 workyears accounted for volunteer work.**
- ❖ **PRODUCTIVITY ENHANCEMENTS**
  - **Effective July 1, 2004, the State's Attorney's Office assessed costs for expenses incurred to reproduce discovery materials such as videotapes, compact disks, audiotapes, and color photographs for the defense bar -- all of which are required by statute to be provided in all criminal cases.**

## Program Summary

	Expenditures	WYs
Circuit Court Prosecution	4,978,840	44.4
District Court Prosecution	2,180,000	32.3
District Court Screening	226,130	3.5
Juvenile Court Prosecution	839,480	9.8
Pre-Trial Mediation	115,580	2.0
Victim/Witness Court Assistance	188,940	3.0
Major Fraud and Special Investigations	420,920	5.0
Prosecution Management	682,460	7.0
Administration	665,500	5.0
<b>Totals</b>	<b>10,297,850</b>	<b>112.0</b>

## Trends



- **Prior to July 1, 2004, the State's Attorney's Office had provided these materials at no cost to the defense attorneys. Approximately \$15,000 of revenues is anticipated from these discovery materials fees.**
- **Effective July 1, 2004, the State's Attorney's Office no longer mails discovery materials to the defense bar. Instead, discovery packages are made available for pick-up at the receptionist's desk, thereby containing postage costs.**

## PROGRAM CONTACTS

Contact David Baker of the Office of the State's Attorney at 240.777.7318 or Belinda M. Bunggay of the Office of Management and Budget at 240.777.2794 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### Circuit Court Prosecution

The Circuit Court Prosecution program reviews cases for possible filing in the Circuit Court by presenting these cases to the Grand Jury for indictment or filing a State's Attorney's information and litigates these cases to disposition. Senior Assistant State's Attorneys provide support and guidance to ongoing police investigations and conduct Grand Jury investigations of major felony, drug distribution, property forfeiture, and environmental cases. The Family Violence Unit prosecutes crimes of domestic violence, child abuse, and elder abuse. Prosecutors in this unit have specialized training to attack these difficult and often devastating crimes. Each Community Prosecution Team has been assigned a prosecutor from the Family Violence Unit to specifically handle the family violence cases occurring within its assigned police district. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

#### FY06 Changes

	Expenditures	WYs
<b>FY05 Approved</b>	<b>4,607,680</b>	<b>42.9</b>
<b>FY06 Approved</b>	<b>4,978,840</b>	<b>44.4</b>

### District Court Prosecution

The District Court Prosecution program prosecutes criminal cases including misdemeanor arrests, citizen complaints, and serious or incarcerable traffic offenses. The State's Attorney's Office has also implemented a Domestic Violence docket in District Court to ensure that assault cases of a domestic nature and violations of protective orders are given special attention.

#### FY06 Changes

	Expenditures	WYs
<b>FY05 Approved</b>	<b>1,907,250</b>	<b>29.8</b>
<b>FY06 Approved</b>	<b>2,180,000</b>	<b>32.3</b>

## District Court Screening

The District Court Screening program resolves as many cases as possible before the trial date by contacting victims and witnesses to determine what outcome they would like to obtain from the criminal justice system. This program relies on volunteers and is supervised by permanent staff. It provides victim/witness assistance by delivering information about the criminal justice system to victims and witnesses whose cases are expected to go to trial and an on-call service, when possible, to reduce the inconvenience experienced by victims and witnesses.

#### FY06 Changes

	Expenditures	WYs
<b>FY05 Approved</b>	<b>230,100</b>	<b>3.5</b>
<b>FY06 Approved</b>	<b>226,130</b>	<b>3.5</b>

## Juvenile Court Prosecution

The Juvenile Court Prosecution program prosecutes criminal violations committed by juvenile offenders in Montgomery County and performs a preliminary review of all cases in which a juvenile is charged with a crime of violence. This includes cases which have been reviewed by the Juvenile Services Administration and then referred to the Office of the State's Attorney. In such cases, formal charges are filed where appropriate and litigated to disposition in the Juvenile Court, attempting to obtain restitution for victims when possible. This program also provides administrative support to Teen Court, a Countywide peer adjudication initiative for non-violent juvenile offenses.

#### FY06 Changes

	Expenditures	WYs
<b>FY05 Approved</b>	<b>859,600</b>	<b>10.0</b>
<b>FY06 Approved</b>	<b>839,480</b>	<b>9.8</b>

## Pre-Trial Mediation

The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals which might enter the judicial system as criminal cases, or civil claims, or even escalate to violence if not otherwise resolved. Trained volunteers, working in conjunction with a mediation specialist, mediate various issues involved in disputes allowing the parties to reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community. This program provides merchants with a quick and effective way to recover their rental property and fees.

#### FY06 Changes

	Expenditures	WYs
<b>FY05 Approved</b>	<b>88,740</b>	<b>2.0</b>
<b>FY06 Approved</b>	<b>115,580</b>	<b>2.0</b>

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## **Victim/Witness Court Assistance**

This program assists victims in criminal cases that have been designated as “victim-intensive” by virtue of the vulnerability of the victim or the type of crime. Victims receive direct court assistance from a Victim/Witness Coordinator. The Coordinator guides the victim through the judicial process, provides assistance where necessary, and makes referrals to other County agencies as needed. In all other cases, Assistant State's Attorneys provide information and assistance to victims and witnesses. This program is staffed with permanent and volunteer personnel.

### **FY06 Changes**

	<b>Expenditures</b>	<b>WYs</b>
<b>FY05 Approved</b>	<b>217,840</b>	<b>3.0</b>
<b>FY06 Approved</b>	<b>188,940</b>	<b>3.0</b>

## **Major Fraud and Special Investigations**

The Major Fraud and Special Investigations program investigates allegations of major fraud such as thefts by attorneys from their clients, complex financial crimes, and other serious criminal cases for which the Police Department is unable to provide investigative resources.

### **FY06 Changes**

	<b>Expenditures</b>	<b>WYs</b>
<b>FY05 Approved</b>	<b>402,050</b>	<b>5.0</b>
<b>FY06 Approved</b>	<b>420,920</b>	<b>5.0</b>

## **Prosecution Management**

Prosecution Management staff coordinate case loads; schedule docket assignments; receive visitors; direct phone calls; and enter and audit data in the Criminal Justice Information System (CJIS) for the Circuit, District, and Juvenile Courts.

### **FY06 Changes**

	<b>Expenditures</b>	<b>WYs</b>
<b>FY05 Approved</b>	<b>632,830</b>	<b>7.0</b>
<b>FY06 Approved</b>	<b>682,460</b>	<b>7.0</b>

## **Administration**

Staff provide central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinate efforts and initiatives with other criminal justice agencies.

### **FY06 Changes**

	<b>Expenditures</b>	<b>WYs</b>
<b>FY05 Approved</b>	<b>639,790</b>	<b>5.0</b>
<b>FY06 Approved</b>	<b>665,500</b>	<b>5.0</b>

# BUDGET SUMMARY

	Actual FY04	Budget FY05	Estimated FY05	Approved FY06	% Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	6,919,834	7,186,390	7,184,250	7,640,110	6.3%
Employee Benefits	1,646,098	1,870,580	1,831,160	2,038,410	9.0%
<b>County General Fund Personnel Costs</b>	<b>8,565,932</b>	<b>9,056,970</b>	<b>9,015,410</b>	<b>9,678,520</b>	<b>6.9%</b>
Operating Expenses	510,356	380,830	566,830	471,790	23.9%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>9,076,288</b>	<b>9,437,800</b>	<b>9,582,240</b>	<b>10,150,310</b>	<b>7.5%</b>
<b>PERSONNEL</b>					
Full-Time	94	96	96	98	2.1%
Part-Time	9	9	9	10	11.1%
Workyears	101.8	106.2	106.2	110.0	3.6%
<b>REVENUES</b>					
Discovery Materials	0	0	15,000	15,000	—
Bad Check Mediation Fee	12,760	15,000	15,000	15,000	—
Rental Return Restitution Fee	2,125	3,000	3,000	3,000	—
Teen Court Fees	3,055	2,500	2,500	2,500	—
<b>County General Fund Revenues</b>	<b>17,940</b>	<b>20,500</b>	<b>35,500</b>	<b>35,500</b>	<b>73.2%</b>
<b>GRANT FUND MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	137,065	123,530	122,990	122,770	-0.6%
Employee Benefits	45,688	24,550	24,550	24,770	0.9%
<b>Grant Fund MCG Personnel Costs</b>	<b>182,753</b>	<b>148,080</b>	<b>147,540</b>	<b>147,540</b>	<b>-0.4%</b>
Operating Expenses	8,460	0	0	0	—
Capital Outlay	0	0	0	0	—
<b>Grant Fund MCG Expenditures</b>	<b>191,213</b>	<b>148,080</b>	<b>147,540</b>	<b>147,540</b>	<b>-0.4%</b>
<b>PERSONNEL</b>					
Full-Time	3	2	2	2	—
Part-Time	0	0	0	0	—
Workyears	2.5	2.0	2.0	2.0	—
<b>REVENUES</b>					
Local Law Enforcement Block Grant (LLEBG)	6,489	0	0	0	—
Youth Strategies - Consolidated (Gang) Grant	49,649	0	0	0	—
Community Prosecution	39,072	68,210	72,540	72,540	6.3%
STOP Grant for Domestic Violence	82,515	79,870	75,000	75,000	-6.1%
<b>Grant Fund MCG Revenues</b>	<b>177,725</b>	<b>148,080</b>	<b>147,540</b>	<b>147,540</b>	<b>-0.4%</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>9,267,501</b>	<b>9,585,880</b>	<b>9,729,780</b>	<b>10,297,850</b>	<b>7.4%</b>
<b>Total Full-Time Positions</b>	<b>97</b>	<b>98</b>	<b>98</b>	<b>100</b>	<b>2.0%</b>
<b>Total Part-Time Positions</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>10</b>	<b>11.1%</b>
<b>Total Workyears</b>	<b>104.3</b>	<b>108.2</b>	<b>108.2</b>	<b>112.0</b>	<b>3.5%</b>
<b>Total Revenues</b>	<b>195,665</b>	<b>168,580</b>	<b>183,040</b>	<b>183,040</b>	<b>8.6%</b>

# FY06 APPROVED CHANGES CROSSWALK

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY05 ORIGINAL APPROPRIATION</b>	<b>9,437,800</b>	<b>106.2</b>
<b><u>Changes (with service impacts)</u></b>		
Add: One Position as Assistant State's Attorney	63,840	0.8
Add: SAO Issuance of Subpoenas (Previously Performed by District Court) [District Court Prosecution]	63,120	1.5
Add: Technical Adjustment to tie BPREP Workyears	0	0.1
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY06 Compensation	359,220	0.0
Increase Cost: Reduce Lapse to Reflect Actual Hiring Practices [Circuit Court Prosecution]	104,810	1.0
Increase Cost: FY06 Retirement Rate Adjustments	73,860	0.0
Increase Cost: Align Operating Expenses to Historical Costs	54,960	0.0
Increase Cost: FY06 Group Insurance Rate Adjustments	35,120	0.0
Increase Cost: Telecommunications Charges [Prosecution Management]	18,160	0.0
Increase Cost: Decrease Salary Lapse	16,640	0.4
Increase Cost: Records Management Fee [Administration]	10,580	0.0
Increase Cost: Printing and Mail Charges [Prosecution Management]	5,240	0.0
Increase Cost: Motor Pool Charges	2,020	0.0
Decrease Cost: Annualization of FY05 Personnel Costs	-95,060	0.0
<b>FY06 APPROVED:</b>	<b>10,150,310</b>	<b>110.0</b>
<b>GRANT FUND MCG</b>		
<b>FY05 ORIGINAL APPROPRIATION</b>	<b>148,080</b>	<b>2.0</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: Community Prosecution Initiative Grant [Circuit Court Prosecution]	4,330	1.0
Decrease Cost: STOP Violence Against Women Grant [District Court Prosecution]	-4,870	-1.0
<b>FY06 APPROVED:</b>	<b>147,540</b>	<b>2.0</b>