

PS COMMITTEE #2  
April 17, 2015

**MEMORANDUM**

April 15, 2015

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **FY16 Operating Budget: State's Attorney's Office**

Those expected to attend this worksession include:

Laura Chase, Deputy State's Attorney  
Lisa Russo, State's Attorney's Office (SAO)  
Elyse Greenwald, Office of Management and Budget (OMB)

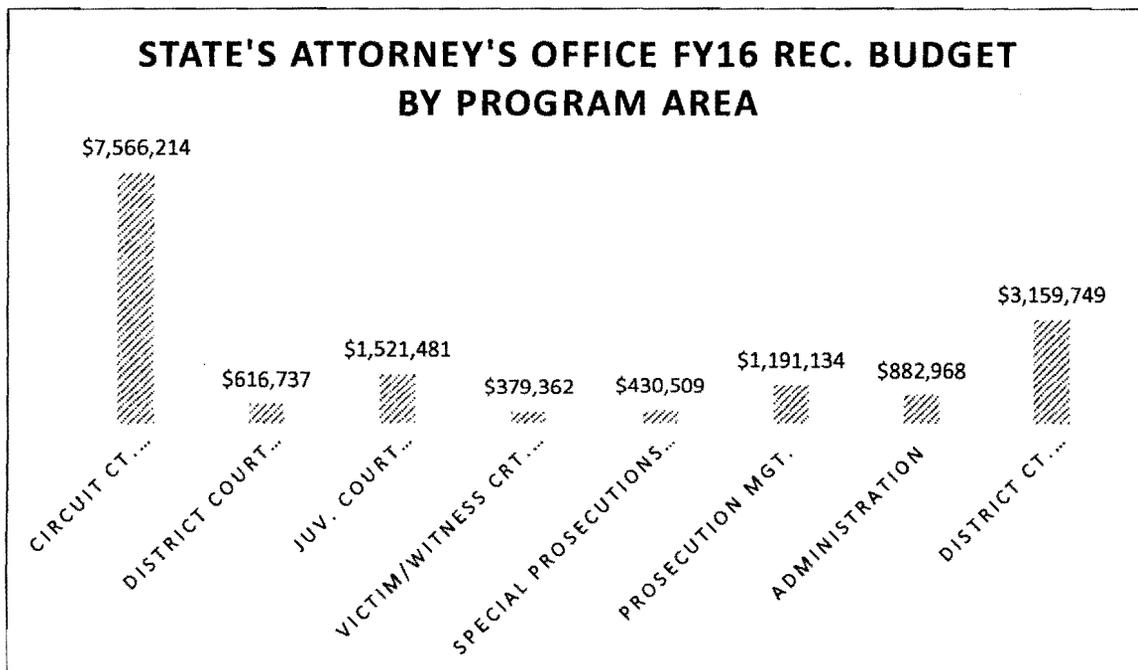
**Budget Summary:**

- The FY16 recommended budget adds \$309,601 for three new Assistant State's Attorney (ASA) positions and additional funding for two contractual ASA's to provide representation at initial hearings at the Central Processing Unit.
- The budget also includes \$57,000 to expand the Truancy Prevention Program from 10 to 15 middle schools during the 2015-2016 school year.
- The Joint Public Safety and Education Committee is scheduled to be briefed on the Truancy Prevention Program on April 27.

## Overview

For FY16, the Executive recommends total expenditures of \$15,748,153 for the State's Attorney, a 4.9% increase from the approved FY15 budget.

	<i>FY14 Actual</i>	<i>FY15 Approved</i>	<i>FY16 Recommended</i>	<i>% Change FY15 - FY16</i>
<b>Expenditures by fund</b>				
General Fund	\$14,077,009	\$14,890,779	\$15,626,853	4.9%
Grant Fund	\$152,568	\$117,470	\$121,300	3.3%
<b>Total Expenditures</b>	<b>\$14,229,577</b>	<b>\$15,008,249</b>	<b>\$15,748,153</b>	<b>4.9%</b>
<b>Positions</b>				
Full-Time	116	118	131	11.0%
Part-Time	12	13	12	-7.7%
<b>FTEs</b>	<b>132.1</b>	<b>135.6</b>	<b>138.86</b>	<b>2.4%</b>



## FY16 Expenditure Issues

The FY16 CE recommendation is a net increase of \$739,904, which reflects adding \$57,000 to the Truancy Court program to expand from 10 to 15 middle schools, as well as the following identified same service adjustments:

<b>Identified Same Service Adjustments</b>	
Increase Cost: FY16 Compensation Adjustment	\$600,883
Increase Cost: Staff the Central Processing Unit	\$309,601
Increase Cost: Annualization of Salary Plan	\$112,910
Increase Cost: Retirement Adjustment	\$51,023
Increase Cost: Group insurance Adjustment	\$39,221
Increase Cost: Westlaw Contract Annual Price Adjustment	\$5,340
Increase Cost: Justware Licenses	\$918
Increase Cost: Grant Awards for Drug Court and Gun Violence Red. Act	\$3,830
<b>Total Increases:</b>	<b>\$1,123,726</b>
Decrease Cost: Motor Pool Rate Adjustment	(\$7,672)
Decrease Cost: Printing and Mail	(\$11,512)
Decrease Cost: Turnover Savings	(\$57,557)
Decrease Cost: Annualization of FY15 Personnel Costs	(\$364,081)
<b>Total Decreases:</b>	<b>(\$440,822)</b>
<b>NET SAME SERVICES ADJUSTMENT TOTAL:</b>	<b>\$682,904</b>

### **State's Attorney's Office adds three positions to the Central Processing Unit (\$309,601)**

Procedural changes mandated by the *DeWolfe v. Richmond* decision were implemented July 1, 2014 at the Montgomery County Detention Center's Central Processing Unit (CPU). This court ruling requires that all defendants have legal representation at their initial hearings before the District Court Commissioners. Since then, the SAO has had contractual attorneys present to represent the State at these hearings. When the Committee was last briefed in October on the new requirements, the SAO had been experiencing some staffing issues at CPU. At that time, the SAO was providing one Assistant State's Attorney at the CPU at all times other than midnight to 7am on Mondays, and 3am to 7am on the other six days of the week. During the first three months, the SAO has had one resignation from the contract attorneys. The non-traditional work hours have made it challenging to hire and maintain legal staff. Even with regular hours, recruitment and retention for contractual positions historically has been challenging for the office.

The recommended FY16 budget adds three full-time permanent Assistant State's Attorney positions as well as additional funding for contractual ASAs to provide representation at the initial hearings. Beginning July 1, the SAO will be present at initial hearings with the Court Commissioner on a round-the-clock basis. The proposed schedule will provide two permanent ASA's during the peak intake hours (Wednesday through Friday evenings), when there are three Commissioners and at least two panel defense attorneys available to conduct hearings simultaneously. The SAO plans to fill in the other hours with two contractual attorneys. The proposed schedule will provide 24/7/365 coverage while still providing consistent, consecutive days off for all five positions.

***State Funding of Defense Panel Attorneys:*** At the time this packet went to print, \$10 million was included for panel attorneys in the Judiciary’s FY16 operating budget, and the General Assembly had agreed that County governments must again pay for any costs exceeding that amount. This amendment was adopted as part of House Bill 70, the Budget Bill (Fiscal Year 2016).

## **Other Staff Changes**

The FY16 recommended budget contains 13 new full-time positions and one fewer part-time positions. Three of the new full-time positions are the new ASAs at CPU, as discussed above.

Two positions are mid-year reclassifications. One position was moved from part-time to full-time to appropriately reflect the incumbent’s workload that required 79 hours biweekly. The second mid-year reclassification changed file clerk position originally classified as “seasonal” to full-time. The incumbent, however, works full-time and has been with the SAO for 25 years. The net increase of these two changes is \$4,358.

The recommended budget also changes a group position that had 8.0 FTEs into eight separate positions. The group position has been in place for almost a decade, and the incumbents are ASAs. The ASAs will be classified at Grade 24 and are currently located in District Court Prosecution. This change has no impact on expenditures.

## **Truancy Prevention Program to Expand to Five More Middle Schools (\$57,000)**

The Truancy Prevention Program is a 10 week program that currently operates during the fall and spring semesters in 10 middle schools. The program provides habitually truant and tardy students with individualized assistance to help identify the reasons for truancy, and works with the student and family members to help resolve specific issues that detrimentally impact attendance. The student meets with the Truancy Prevention Team, which consists of a “judge,” an ASA, the Truancy Prevention Program coordinator, and the school’s Pupil Personnel Worker. The team reviews the child’s attendance, grades, school performance, and offers advice and support to help the child to attend school more consistently.

The program also provides a mentor to the student. Mentors have been local judges, ASAs, School Resource Officers, and other members of the community who meet one on one with the student, and focus on specific issues that may impact a student’s ability to consistently attend school.

The CE recommended FY16 budget includes an additional \$57,000 to expand the existing program from 10 to 15 middle schools. If approved, the total FY16 budget for the program will be \$135,000. SAO plans to expand to two middle schools in the fall, and then to the remaining three in the spring of 2016. Potential expansion schools include:

- Montgomery Village Middle;
- Gaithersburg Middle;
- Forest Oak Middle (Gaithersburg);
- Eastern Middle (Silver Spring); and
- E. Brooke Lee Middle (Silver Spring).

The program currently has one full-time contractual Program Coordinator who oversees the entire program. Four ASAs and the Director of Crime Prevention Initiatives also provide staff time on a part-time basis. The funding increase reflects the addition of one contractual Program Coordinator (\$45,000), a salary increase for the existing Program Coordinator (\$8,000), and additional operating expenses for small rewards and incentives for participating students (\$4,000). The new position will be responsible for overseeing the program at the five new middle schools, and will report directly to the existing Program Coordinator. The existing Program Coordinator will continue to directly manage the program in the 10 current schools. She will also be responsible with supervising the new Program Coordinator, and will also be the main point of contact for volunteer coordination.

*Council staff advises that the Truancy Prevention Program is entering its sixth year and has expanded from two to 10 schools. If funding is approved by Council, the program will expand to 15. Because of the nature of the program and its continued expansion, Council staff recommends adding \$20,000 to the Reconciliation List to convert the lead Program Coordinator, which is currently a contractual position, to a permanent full-time staff position. This would permit the SAO to classify the position as a Program Manager, Grade 23, at the same salary, with benefits.*

### **Council Staff Recommendation**

**Council staff recommends adding \$20,000 to convert the contractual Program Coordinator in the Truancy Prevention Program to permanent staff. Council staff recommends approval of the rest of the FY16 budget as submitted by the Executive.**

**This packet contains**

Recommended FY16 Operating Budget  
State's Attorney's Office Responses

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# 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 recommended FY16 Operating Budget for the Office of the State's Attorney is \$15,748,153, an increase of \$739,904 or 4.9 percent from the FY15 Approved Budget of \$15,008,249. Personnel Costs comprise 94.9 percent of the budget for 131 full-time positions and 12 part-time positions, and a total of 138.86 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 5.1 percent of the FY16 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ **Safe Streets and Secure Neighborhoods**

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***In FY15, the State's Attorney created the Crimes Against Seniors and Vulnerable Adults Unit (CASVA) to aggressively prosecute crimes where these targeted populations are victims. The unit is comprised of experienced Assistant State's Attorneys and Investigative staff who handle cases of physical neglect and abuse as well as financial exploitation.***
- ❖ ***In September 2014 the State's Attorney's Office, along with the Montgomery County Police, Montgomery County Sheriff's Office, and Charles County Sheriff's Office, received the Anti-Defamation League Shield Award for its investigation and prosecution of local members of the Moorish Nation, part of the sovereign citizen movement. Charges included Theft over \$100,000, First Degree Burglary and Conspiracy.***
- ❖ ***The State's Attorney's Office continues to recruit undergraduate and law school students as volunteers. The interns screen District Court criminal cases, assist in case preparation, contact witnesses and gather evidence. During the Spring 2013, semester volunteers donated 9,000 hours of service to the office. In the Summer and Fall semesters of 2014, volunteers donated 25,200 hours of service to the State's Attorney's Office. This equates to over 12 FTEs of donated service hours.***
- ❖ ***In FY16, enhance Truancy Court from 10 middle schools to 15 by using an additional Program Coordinator and increasing the number of volunteer mentors.***
- ❖ ***In FY16, hire three full time Assistant State's Attorneys and contract attorneys to handle District Court commissioner initial appearance hearings as a result of the DeWolfe v. Richmond court decision.***

## PROGRAM CONTACTS

Contact Lisa Russo of the Office of the State's Attorney at 240.777.7407 or Elyse Greenwald of the Office of Management and Budget at 240.777.2768 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 Circuit Court information (charging document). After charges are filed, the State's Attorney's Office 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, gang crimes, internet crimes, 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. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>6,684,303</b>	<b>51.45</b>
Increase Cost: Staff the Central Processing Unit	309,601	3.00
Increase Cost: Annualization of Salary Plan	112,910	0.00
Decrease Cost: Turnover savings	-57,557	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	516,957	3.54
<b>FY16 CE Recommended</b>	<b>7,566,214</b>	<b>57.99</b>

### **District Court Screening**

The District Court Screening program resolves cases 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. The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals. Trained volunteers and a mediation specialist work to resolve issues and reduce to writing an agreement by which all sides will abide.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>388,208</b>	<b>4.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	228,529	2.50
<b>FY16 CE Recommended</b>	<b>616,737</b>	<b>7.00</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 violent crime. 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.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>1,308,422</b>	<b>13.10</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	213,059	1.50
<b>FY16 CE Recommended</b>	<b>1,521,481</b>	<b>14.60</b>

### **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.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>358,330</b>	<b>4.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	21,032	0.00
<b>FY16 CE Recommended</b>	<b>379,362</b>	<b>4.00</b>

### **Special Prosecutions Division**

The Special Prosecutions Division program investigates allegations of complex financial crimes such as real estate and other business investment fraud schemes for which the Department of Police is unable to provide investigative resources. The program

also investigates allegations of thefts involving attorneys stealing from clients, financial exploitation of elderly victims, and misconduct by public officials. When these investigations support criminal charges, the cases are charged, generally in the Circuit Court, and litigated to disposition by Senior Assistant State's Attorneys. A significant part of this program is attempting to obtain restitution for victims and businesses that have lost money in these complex cases. Program staff also provides guidance to police officers and investigators from other agencies in situations where financial crimes may be suspected.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>719,609</b>	<b>7.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-289,100	-2.00
<b>FY16 CE Recommended</b>	<b>430,509</b>	<b>5.00</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.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>1,175,504</b>	<b>9.00</b>
Enhance: Truancy Court from 10 to 15 middle schools using a contract Program Coordinator	57,000	0.00
Increase Cost: Westlaw contract annual price adjustment	5,340	0.00
Increase Cost: Justware licenses	918	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-47,628	0.25
<b>FY16 CE Recommended</b>	<b>1,191,134</b>	<b>9.25</b>

### **Administration**

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

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>983,477</b>	<b>7.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-100,509	-1.00
<b>FY16 CE Recommended</b>	<b>882,968</b>	<b>6.00</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.

<i>FY16 Recommended Changes</i>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY15 Approved</b>	<b>3,390,396</b>	<b>39.55</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-230,647	-4.53
<b>FY16 CE Recommended</b>	<b>3,159,749</b>	<b>35.02</b>

## BUDGET SUMMARY

	Actual FY14	Budget FY15	Estimated FY15	Recommended FY16	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	9,962,203	10,834,857	10,553,552	11,203,903	3.4%
Employee Benefits	3,234,391	3,377,834	3,315,750	3,615,108	7.0%
<b>County General Fund Personnel Costs</b>	<b>13,196,594</b>	<b>14,212,691</b>	<b>13,869,302</b>	<b>14,819,011</b>	<b>4.3%</b>
Operating Expenses	880,415	678,088	960,875	807,842	19.1%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>14,077,009</b>	<b>14,890,779</b>	<b>14,830,177</b>	<b>15,626,853</b>	<b>4.9%</b>
<b>PERSONNEL</b>					
Full-Time	114	116	116	129	11.2%
Part-Time	11	12	12	11	-8.3%
FTEs	130.60	134.38	134.38	137.68	2.5%
<b>REVENUES</b>					
Discovery Materials	29,825	30,000	30,000	30,000	—
Other Charges/Fees	6,730	13,000	13,000	7,000	-46.2%
<b>County General Fund Revenues</b>	<b>36,555</b>	<b>43,000</b>	<b>43,000</b>	<b>37,000</b>	<b>-14.0%</b>
<b>GRANT FUND MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	99,627	91,209	91,209	100,574	10.3%
Employee Benefits	21,162	26,261	26,261	20,726	-21.1%
<b>Grant Fund MCG Personnel Costs</b>	<b>120,789</b>	<b>117,470</b>	<b>117,470</b>	<b>121,300</b>	<b>3.3%</b>
Operating Expenses	31,779	0	0	0	—
Capital Outlay	0	0	0	0	—
<b>Grant Fund MCG Expenditures</b>	<b>152,568</b>	<b>117,470</b>	<b>117,470</b>	<b>121,300</b>	<b>3.3%</b>
<b>PERSONNEL</b>					
Full-Time	2	2	2	2	—
Part-Time	1	1	1	1	—
FTEs	1.50	1.22	1.22	1.18	-3.3%
<b>REVENUES</b>					
Federal Grants	57,535	60,000	60,000	60,000	—
State Grants	49,535	57,470	57,470	61,300	6.7%
<b>Grant Fund MCG Revenues</b>	<b>107,070</b>	<b>117,470</b>	<b>117,470</b>	<b>121,300</b>	<b>3.3%</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>14,229,577</b>	<b>15,008,249</b>	<b>14,947,647</b>	<b>15,748,153</b>	<b>4.9%</b>
<b>Total Full-Time Positions</b>	<b>116</b>	<b>118</b>	<b>118</b>	<b>131</b>	<b>11.0%</b>
<b>Total Part-Time Positions</b>	<b>12</b>	<b>13</b>	<b>13</b>	<b>12</b>	<b>-7.7%</b>
<b>Total FTEs</b>	<b>132.10</b>	<b>135.60</b>	<b>135.60</b>	<b>138.86</b>	<b>2.4%</b>
<b>Total Revenues</b>	<b>143,625</b>	<b>160,470</b>	<b>160,470</b>	<b>158,300</b>	<b>-1.4%</b>

## FY16 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY15 ORIGINAL APPROPRIATION</b>	<b>14,890,779</b>	<b>134.38</b>
<b>Changes (with service impacts)</b>		
Enhance: Truancy Court from 10 to 15 middle schools using a contract Program Coordinator [Prosecution Management]	57,000	0.00
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: FY16 Compensation Adjustment	600,883	0.00
Increase Cost: Staff the Central Processing Unit [Circuit Court Prosecution]	309,601	3.00
Increase Cost: Annualization of Salary Plan [Circuit Court Prosecution]	112,910	0.00
Increase Cost: Retirement Adjustment	51,023	0.00
Increase Cost: Group Insurance Adjustment	39,221	0.00
Increase Cost: Westlaw contract annual price adjustment [Prosecution Management]	5,340	0.00
Increase Cost: Justware licenses [Prosecution Management]	918	0.00
Decrease Cost: Motor Pool Rate Adjustment	-7,672	0.00
Decrease Cost: Printing and Mail	-11,512	0.00
Decrease Cost: Turnover savings [Circuit Court Prosecution]	-57,557	0.00
Decrease Cost: Annualization of FY15 Personnel Costs	-364,081	0.30

	Expenditures	FTEs
<b>FY16 RECOMMENDED:</b>	<b>15,626,853</b>	<b>137.68</b>
<b>GRANT FUND MCG</b>		
<b>FY15 ORIGINAL APPROPRIATION</b>	<b>117,470</b>	<b>1.22</b>
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: Grant Awards for Drug Court and Gun Violence Reduction Grant	3,830	-0.04
<b>FY16 RECOMMENDED:</b>	<b>121,300</b>	<b>1.18</b>

## PROGRAM SUMMARY

Program Name	FY15 Approved		FY16 Recommended	
	Expenditures	FTEs	Expenditures	FTEs
Circuit Court Prosecution	6,684,303	51.45	7,566,214	57.99
District Court Screening	388,208	4.50	616,737	7.00
Juvenile Court Prosecution	1,308,422	13.10	1,521,481	14.60
Victim/Witness Court Assistance	358,330	4.00	379,362	4.00
Special Prosecutions Division	719,609	7.00	430,509	5.00
Prosecution Management	1,175,504	9.00	1,191,134	9.25
Administration	983,477	7.00	882,968	6.00
District Court Prosecution	3,390,396	39.55	3,159,749	35.02
<b>Total</b>	<b>15,008,249</b>	<b>135.60</b>	<b>15,748,154</b>	<b>138.86</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY15		FY16	
		Total\$	FTEs	Total\$	FTEs
<b>COUNTY GENERAL FUND</b>					
Police	County General Fund	108,227	0.50	108,816	0.50

## FUTURE FISCAL IMPACTS

Title	CE REC.	(\$000's)				
	FY16	FY17	FY18	FY19	FY20	FY21
<b>This table is intended to present significant future fiscal impacts of the department's programs.</b>						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY16 Recommended</b>	<b>15,627</b>	<b>15,627</b>	<b>15,627</b>	<b>15,627</b>	<b>15,627</b>	<b>15,627</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>149</b>	<b>149</b>	<b>149</b>	<b>149</b>	<b>149</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
<b>Subtotal Expenditures</b>	<b>15,627</b>	<b>15,775</b>	<b>15,775</b>	<b>15,775</b>	<b>15,775</b>	<b>15,775</b>

## State's Attorney's Office Operating Budget – FY16

**Note: State's Attorney's Public Safety Committee meeting is scheduled for 4/17 at 9:30am in 3CCR. Please provide responses to these questions by April 2. Thanks!**

### **Circuit Court Prosecution**

1. Please describe the increased cost related to staffing the CPU. The recommended budget indicates a staff increase of 3 FTE for this function. Please describe the total number of staff to this function (i.e. all three full time, some part time), their duties, hours, and estimated caseload.

As a result of the Richmond decision, the State's Attorney's Office will assign Assistant State's Attorneys in FY16 to represent the State at commissioner hearings held at the Central Processing Unit on a 24/7/365 basis. In FY15 we used contractors during specified hours to accomplish this work while continuing to monitor the situation. Having legal representation for defendants at commissioner hearings now seems a permanent resolution and the State must represent its interests at these hearings. One mid-year change in the hearings is that the hearings are now recorded. Effective July 1<sup>st</sup>, the State's Attorney's Office will be present at initial hearings 24/7 which necessitates a more permanent solution for the office. The staff for Central Processing Unit will consist of three (3) full time Assistant State's Attorneys as well as \$85,680 in operating expenses to use contract attorneys for those hours when permanent staff is not working.

At Central Processing Unit arrestees of all threat levels are booked into the correctional system. Most of them then see a District Court Commissioner for their initial bond hearing. (A few head directly to see a judge.) The commissioner offers them three options for this hearing: The arrestees can hire private counsel, use the services of the free, court-appointed panel attorney if they qualify as indigent, or waive their right to counsel. (In any event, their decision applies only to this hearing.)

Assistant State's Attorneys participate in virtually all initial bond hearings (both criminal and traffic). Our overriding concerns are safety of the community, safety of specific victims, and the defendant's reporting for court dates. We consider the facts of the case, the arrestee's history of other offenses and failures to appear in court, pending cases, and any other relevant factors. We then recommend a bond and conditions of release. The defense does the same, and the commissioner has the final decision. The Assistant State's Attorney relays case information to the prosecuting Assistant for inclusion in the case file.

The proposed FY16 schedule succeeds in providing two ASAs during the peak intake hours (Wednesday through Friday evenings), when there are three commissioners and at least two defense attorneys conducting hearings simultaneously. The schedule also provides consistent, consecutive days off for all five people.

## **Truancy Court**

2. The recommended budget includes \$57,000 to increase the Truancy Court (now called Truancy Prevention Program?) from 10 to 15 middle schools using a contractual Program Coordinator.

a. Please provide the total cost for the program in FY16.

If the additional \$57,000 is approved by Council for FY16 the budget for the program will be \$135,000. If it is not approved, the budget will remain at \$78,000.

b. Please provide a list of current schools and a list of proposed schools for next year.

### **CURRENT SCHOOLS**

#### **Silver Spring International MS**

313 Wayne Ave  
Silver Spring, MD 20910

#### **Briggs Chaney MS**

1901 Rainbow Dr  
Silver Spring, MD 20905

#### **Shady Grove MS**

8100 Midcounty Hwy  
Gaithersburg, MD 20877

#### **Julius West MS**

651 Great Falls Rd  
Rockville, MD 20850

#### **Francis Scott Key MS**

910 Schindler Dr  
Silver Spring, MD 20903

#### **Martin Luther King Jr. MS**

13737 Wisteria Dr  
Germantown, MD 20874

#### **Roberto Clemente MS**

18808 Waring Station Rd  
Germantown, MD 20874

#### **Neelsville MS**

11700 Neelsville Church Rd  
Germantown, MD 20876

#### **A. Mario Loiederman MS**

12701 Goodhill Rd

Silver Spring, MD 20906  
**Argyle MS**  
2400 Bel Pre Road  
Aspen Hill, MD 20906

**POTENTIAL SCHOOLS:**

Montgomery Village  
Gaithersburg  
Forest Oak  
Eastern  
E. Brooke Lee

c. Does the expenditure increase include hiring an additional contractual person?  
Yes, the expenditure increase plans for the addition of a Program Coordinator (contractual).

d. Do you have a finalized version of the recent UB Law School longitudinal study? If so, please provide a copy.

Please see attachment.

e. Please provide information on the number and job titles of SAO staff who participate in the Truancy program, and whether they are dedicated full time or part time to the initiative.

There are four (4) Assistant State's Attorneys who are dedicated part time, the Director of Crime Prevention Initiatives, dedicated part time, and one program Coordinator dedicated full time to the Truancy program.

**Prosecution Management:**

3. What are Justware licenses? What is the total cost of this item for FY16 (not just the increase from last year's base).

Justware is the State's Attorney's Office case management system. Each system user is required to have a license which renews annually. The IJIS CIP budget funds the majority of those licenses (157) but increases in volunteer and professional staff necessitated the purchase of ten (10) additional licenses in FY14. The total cost, including FY16 is \$30,843.

**Staffing:**

4. The recommended budget includes 13 new full time positions and one fewer part-time position. I do not yet have access to a personnel complement, so please forgive the request for detail:

a. Please list the new positions and a brief description of their assignments.

Two positions are mid-year reclassifications. Position 294 was moved from part time to full time. This position is a Grade 12 Administrative Assistant in District Court currently budgeted at .75 FTEs. For years however, the incumbent employee worked 79 hours biweekly to meet workload requirements of the office. In order to have this employee treated with equity when compared to other staff, the position was reclassified to full time.

The second position (number 284) was originally classified as "seasonal" although the employee is a full time twenty five year veteran of the State's Attorney's Office. The position class code is 007337 which is a file clerk. According to Office of Human Resources, because the position is classified as seasonal the employee will not be able to receive the longevity increase, even though he is entitled to it. After discussing the situation, the recommendation was to move the employee to a Grade 5 in the General Salary Schedule.

Another technical adjustment was to abolish a group position in District Court Prosecution and create eight new non-merit full time positions. Position 11555 is a group position with 8.0 FTEs which currently contains eight Assistant State Attorneys.

The group position has been in place for a number of years and the employees in this position have been receiving benefits at least as far back as FY06. In early September of 2013 it was discovered that between the retirement of BPREP and introduction of Hyperion, the benefit costs and GWA increases for this position were not calculated in Hyperion. In consultation with senior OMB staff, it was recommended that we abolish the existing position and create eight independent positions to accurately reflect the status of these employees. They are not "temporary" or "seasonal", they are full time permanent members of the office. In order to create the positions, the ASA Is will be moved to Grade 24 (in parity with the County Attorney's Office and using the guidelines of the Office Human Resources). The eight positions will be Job Class 7305, Grade 24, created in cost center 11400, District Court Prosecution.

The remaining three positions are the Assistant State's Attorney I positions created for Central Processing Unit and described in response to Question 1

b. Are these all new for FY16, or are some of them mid-year changes?

Ten of the positions are reclassified existing positions while three are new.