




State's Attorney

RECOMMENDED FY19 BUDGET

\$18,120,054

FULL TIME EQUIVALENTS

153.35

 JOHN MCCARTHY, STATE'S ATTORNEY

MISSION STATEMENT

The Office of 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 FY19 Operating Budget for the Office of the State's Attorney is \$18,120,054, an increase of \$796,732 or 4.60 percent from the FY18 Approved Budget of \$17,323,322. Personnel Costs comprise 95.47 percent of the budget for 146 full-time position(s) and 11 part-time position(s), and a total of 153.35 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 4.53 percent of the FY19 budget.

LINKAGE TO COUNTY RESULT AREAS

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

 **Safe Streets and Secure Neighborhoods**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY18 estimates reflect funding based on the FY18 approved budget. The FY19 and FY20 figures are performance targets based on the FY19 recommended budget and funding for comparable service levels in FY20.

ACCOMPLISHMENTS

- ✓ The Mental Health Courts in Montgomery County's Circuit and District Courts, which opened in December 2016 and January 2017 respectively, were championed by State's Attorney John McCarthy in cooperation with the Sheriff's Office, the Department of Health and Human Services, and the Circuit and District Court. These problem-solving courts divert eligible defendants who have committed low-level crimes because of a mental illness into treatment and away from jail - improving public safety by reducing recidivism and helping participants regain productive lives. Mental Health Courts help break the cycle of repeated arrests by addressing the cause of the criminal behavior.
- ✓ During the 2017 school year, the State's Attorney's Office hosted 60 volunteer students who donated over 17,200 hours of their time. These students help screen cases, conduct legal research, contact victims and witnesses, and prepare cases for trial. Their service to the office equates to over eight full-time positions.

PROGRAM CONTACTS

Contact Lisa Russo of the Office of the State's Attorney at 240.777.7407 or Trevor Lobaugh of the Office of Management and Budget at 240.777.2763 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

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.

FY19 Recommended Changes	Expenditures	FTEs
FY18 Approved	1,867,424	14.60
Increase Cost: JustWare- Grand Jury Program/Application	65,682	0.00
Increase Cost: Increase in Grant Award	4,403	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY18	(110,000)	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.	22,097	(0.60)
FY19 Recommended	1,849,606	14.00

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. Appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

Program Performance Measures	Actual FY16	Actual FY17	Estimated FY18	Target FY19	Target FY20
Number of community outreach presentations on teen dating	68	36	35	35	35
Number of community outreach presentations on Internet safety / cyberbullying	91	124	130	133	135
Number of students reached through community outreach presentations in schools	14,228	12,685	12,700	12,800	12,800

Program Performance Measures	Actual FY16	Actual FY17	Estimated FY18	Target FY19	Target FY20
Number of community outreach presentations for Seniors	31	39	45	50	55
FY19 Recommended Changes			Expenditures	FTEs	
FY18 Approved			7,473,953	57.93	
Enhance: Gang Unit Supplemental			310,499	4.00	
Decrease Cost: Turnover Savings			(365,627)	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.			556,502	0.79	
FY19 Recommended			7,975,327	62.72	

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.

Program Performance Measures	Actual FY16	Actual FY17	Estimated FY18	Target FY19	Target FY20
Number of students participating in the Truancy Prevention Program	239	312	325	335	350
Percent of Truancy Prevention Program participants showing at least 60% improvement in unexcused absences	57	56	55	55	55
Percent of Truancy Prevention Program participants showing improvement in unexcused absences	78	79	80	80	81
Percent of Truancy Prevention Program participants who participate in tutoring showing improved grades at the end of the semester	40	72	65	68	70
Number of teens referred to the Teen Court program	383	323	325	325	325
Percent of teens who declined to participate in the Teen Court program	18	18	18	18	18
Percent of Teen Court participants who successfully complete the program requirements	84.4	79.8	80.0	80.0	80.0
Number of juvenile cases screened for mediation	39	27	30	35	35
Percent of juvenile cases screened resulting in mediations	15	12	12	14	15
Percent of juvenile mediations in which an agreement is reached	15	12	14	15	15
FY19 Recommended Changes			Expenditures	FTEs	
FY18 Approved			1,801,866	16.50	
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.			97,886	0.00	
FY19 Recommended			1,899,752	16.50	

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.

Program Performance Measures	Actual FY16	Actual FY17	Estimated FY18	Target FY19	Target FY20
Number of adult cases screened for mediation	225	178	180	185	190
Percent of adult cases screened resulting in mediations	46	53	50	50	50
Percent of adult mediations in which an agreement is reached	89.0	83	85	85	85
Adult mediations: Total actual restitution vs. Total restitution requested	\$84,570 of \$100,804	\$97,595 of \$104,015			

FY19 Recommended Changes	Expenditures	FTEs
FY18 Approved	2,738,637	25.57
Decrease Cost: Reduction of Drug Court Grant Award	(7,302)	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.	(2,267)	(0.19)
FY19 Recommended	2,729,068	25.38

☀ District Court Screening and Mediation

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.

FY19 Recommended Changes	Expenditures	FTEs
FY18 Approved	1,390,122	14.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	44,954	0.00
FY19 Recommended	1,435,076	14.50

☀ 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.

FY19 Recommended Changes	Expenditures	FTEs
FY18 Approved	423,224	4.00
Add: Victim Services Grant	144,776	2.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(12,557)	0.00
FY19 Recommended	555,443	6.00

Major Fraud and Special Investigations

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.

FY19 Recommended Changes	Expenditures	FTEs
FY18 Approved	465,337	5.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	18,640	0.00
FY19 Recommended	483,977	5.00

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.

FY19 Recommended Changes	Expenditures	FTEs
FY18 Approved	1,162,759	9.25
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	29,046	0.00
FY19 Recommended	1,191,805	9.25

BUDGET SUMMARY

	Actual FY17	Budget FY18	Estimate FY18	Recommended FY19	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	11,931,994	12,375,773	12,501,680	12,861,431	3.9 %
Employee Benefits	3,628,584	3,952,026	3,793,942	4,161,705	5.3 %
County General Fund Personnel Costs	15,560,578	16,327,799	16,295,622	17,023,136	4.3 %
Operating Expenses	949,013	860,656	995,211	820,174	-4.7 %
Capital Outlay	6,327	0	0	0	—
County General Fund Expenditures	16,515,918	17,188,455	17,290,833	17,843,310	3.8 %
PERSONNEL					
Full-Time	134	138	138	142	2.9 %
Part-Time	10	10	10	10	—
FTEs	142.31	146.37	146.37	150.25	2.7 %
REVENUES					

BUDGET SUMMARY

	Actual FY17	Budget FY18	Estimate FY18	Recommended FY19	%Chg Bud/Rec
Discovery Materials	900	7,000	1,400	7,000	—
Miscellaneous Revenues	857	0	0	0	—
Other Charges/Fees	3,755	4,200	3,800	4,200	—
County General Fund Revenues	5,512	11,200	5,200	11,200	—

GRANT FUND - MCG

EXPENDITURES

Salaries and Wages	143,306	105,572	105,572	202,955	92.2 %
Employee Benefits	33,618	29,295	29,295	73,789	151.9 %
Grant Fund - MCG Personnel Costs	176,924	134,867	134,867	276,744	105.2 %
Operating Expenses	8,702	0	0	0	—
Grant Fund - MCG Expenditures	185,626	134,867	134,867	276,744	105.2 %

PERSONNEL

Full-Time	2	2	2	4	100.0 %
Part-Time	1	1	1	1	—
FTEs	1.05	0.98	0.98	3.10	216.3 %

REVENUES

Federal Grants	110,758	0	0	0	—
State Grants	74,868	134,867	134,867	276,744	105.2 %
Grant Fund - MCG Revenues	185,626	134,867	134,867	276,744	105.2 %

DEPARTMENT TOTALS

Total Expenditures	16,701,544	17,323,322	17,425,700	18,120,054	4.6 %
Total Full-Time Positions	136	140	140	146	4.3 %
Total Part-Time Positions	11	11	11	11	—
Total FTEs	143.36	147.35	147.35	153.35	4.1 %
Total Revenues	191,138	146,067	140,067	287,944	97.1 %

FY19 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
	FY18 ORIGINAL APPROPRIATION	17,188,455 146.37
<u>Changes (with service impacts)</u>		
Enhance: Gang Unit Supplemental [Circuit Court Prosecution]	310,499	4.00
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY19 Compensation Adjustment	484,144	0.00
Increase Cost: Annualization of FY18 Lapsed Positions	138,437	0.00
Increase Cost: Annualization of FY18 Personnel Costs	131,946	0.00

FY19 RECOMMENDED CHANGES

	Expenditures	FTEs
Increase Cost: Salary Plan	78,358	0.00
Increase Cost: JustWare- Grand Jury Program/Application [Administration]	65,682	0.00
Increase Cost: Mandated Salary Adjustment , Section 2-123A (b)	2,209	0.00
Increase Cost: Printing and Mail	989	0.00
Increase Cost: Justware Renewal and Support	426	0.00
Increase Cost: Motor Pool Adjustment	173	0.00
Technical Adj: Adjust FTE to Align with Grant Budget Load	0	(0.12)
Decrease Cost: Retirement Adjustment	(82,381)	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY18 [Administration]	(110,000)	0.00
Decrease Cost: Turnover Savings [Circuit Court Prosecution]	(365,627)	0.00
FY19 RECOMMENDED	17,843,310	150.25

GRANT FUND - MCG

	FY18 ORIGINAL APPROPRIATION	134,867	0.98
Federal/State Programs			
Add: Victim Services Grant		144,776	2.00
Other Adjustments (with no service impacts)			
Increase Cost: Increase in Grant Award [Administration]		4,403	0.00
Technical Adj: Reallocation of FTEs		0	0.12
Decrease Cost: Reduction of Drug Court Grant Award [District Court Prosecution]		(7,302)	0.00
FY19 RECOMMENDED		276,744	3.10

PROGRAM SUMMARY

Program Name	FY18 APPR Expenditures	FY18 APPR FTEs	FY19 REC Expenditures	FY19 REC FTEs
Administration	1,867,424	14.60	1,849,606	14.00
Circuit Court Prosecution	7,473,953	57.93	7,975,327	62.72
Juvenile Court Prosecution	1,801,866	16.50	1,899,752	16.50
District Court Prosecution	2,738,637	25.57	2,729,068	25.38
District Court Screening and Mediation	1,390,122	14.50	1,435,076	14.50
Victim/Witness Court Assistance	423,224	4.00	555,443	6.00
Major Fraud and Special Investigations	465,337	5.00	483,977	5.00
Prosecution Management	1,162,759	9.25	1,191,805	9.25
Total	17,323,322	147.35	18,120,054	153.35

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY18 Total\$	FY18 FTES	FY19 Total\$	FY19 FTES
COUNTY GENERAL FUND					
Police	General Fund	116,210	0.50	114,663	0.50

FUTURE FISCAL IMPACTS
CE RECOMMENDED (\$000S)

Title	FY19	FY20	FY21	FY22	FY23	FY24
COUNTY GENERAL FUND						
EXPENDITURES						
FY19 Recommended	17,843	17,843	17,843	17,843	17,843	17,843
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Recommended in FY19	0	(66)	(66)	(66)	(66)	(66)
Items recommended for one-time funding in FY19, including Justware- Grand Jury Program/Application, will be eliminated from the base in the outyears.						
Labor Contracts	0	315	315	315	315	315
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	17,843	18,092	18,092	18,092	18,092	18,092