



# State's Attorney

## RECOMMENDED FY23 BUDGET

\$21,062,282

## FULL TIME EQUIVALENTS

156.25

 JOHN MCCARTHY, STATE'S ATTORNEY

## MISSION STATEMENT

The State's Attorney's Office is a constitutionally created independent agency. The mission of the State's Attorney's Office 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 FY23 Operating Budget for the State's Attorney's Office is \$21,062,282, an increase of \$1,781,575 or 9.24 percent from the FY22 Approved Budget of \$19,280,707. Personnel Costs comprise 91.05 percent of the budget for 151 full-time position(s) and eight part-time position(s), and a total of 156.25 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 8.95 percent of the FY23 budget.

## COUNTY PRIORITY OUTCOMES


While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

### **Safe Neighborhoods**

## INITIATIVES

-  Funding to replace legacy case management system with a new cloud-based system that will allow for better data analysis and a faster transfer of information from the courts.
-  Add two Assistant State's Attorney positions to support the Circuit Court Prosecution Unit.

## INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

-  The State's Attorney's Office continues to have a robust internship program. In 2021, the internship program added over 14,160 hours of service to the office which equates to 6.8 FTEs. The internship program has students from high school, undergraduate school, law school, and recent law school graduates as participants.

✦ The State's Attorney's Office and its partner agencies (the Sheriff's Office, Department of Police, County Executive's Office and Commission for Women) were recipients of a 2021 National Association of Counties Achievement Award for their Family Violence Awareness Campaign during the pandemic.

## PROGRAM CONTACTS

Contact Lisa Russo of the State's Attorney's Office at 240.777.7407 or Lindsay Lucas of the Office of Management and Budget at 240.777.2766 for more information regarding this department's operating budget.

## PROGRAM 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 FY22 estimates reflect funding based on the FY22 Approved Budget. The FY23 and FY24 figures are performance targets based on the FY23 Recommended Budget and funding for comparable service levels in FY24.

## 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.

<b>FY23 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY22 Approved</b>	<b>1,635,896</b>	<b>12.75</b>
Add: Funding to Replace Legacy Case Management System	1,100,000	0.00
Increase Cost: Funding to Convert Part-time IT Position to Full-time	18,463	0.40
Increase Cost: State's Attorney Compensation Adjustment	2,611	0.00
Technical Adj: Reallocation of Grant/ General Fund FTEs	0	0.09
Technical Adj: Reallocation of Grant/General Fund FTEs	0	(0.09)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	77,077	(0.09)
<b>FY23 Recommended</b>	<b>2,834,047</b>	<b>13.06</b>

### ✦ 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 the District Court cases are litigated in the Circuit Court.

<b>FY23 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY22 Approved</b>	<b>9,115,186</b>	<b>64.75</b>

FY23 Recommended Changes	Expenditures	FTEs
Add: Two Assistant State's Attorney Positions	171,578	2.00
Increase Cost: Salary Plan	28,277	0.00
Technical Adj: Reallocation of Grant/General Fund FTEs	0	0.10
Technical Adj: Reallocation of Grant/General Fund FTEs	(10,720)	(0.10)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(181,225)	(2.00)
<b>FY23 Recommended</b>	<b>9,123,096</b>	<b>64.75</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.

FY23 Recommended Changes	Expenditures	FTEs
<b>FY22 Approved</b>	<b>2,683,160</b>	<b>25.12</b>
Technical Adj: Reallocation of Grant/General Fund FTEs	0	(0.03)
Technical Adj: Reallocation of Grant/General Fund FTEs	0	0.03
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	360,326	2.01
<b>FY23 Recommended</b>	<b>3,043,486</b>	<b>27.13</b>

## 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.

FY23 Recommended Changes	Expenditures	FTEs
<b>FY22 Approved</b>	<b>1,527,689</b>	<b>13.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	4,596	0.00
<b>FY23 Recommended</b>	<b>1,532,285</b>	<b>13.50</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 State's Attorney's Office. 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.

<b>FY23 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY22 Approved</b>	<b>2,141,092</b>	<b>17.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	97,015	0.00
<b>FY23 Recommended</b>	<b>2,238,107</b>	<b>17.50</b>

## Major Fraud and Special Investigations

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

<b>FY23 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY22 Approved</b>	<b>536,715</b>	<b>5.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	34,873	0.00
<b>FY23 Recommended</b>	<b>571,588</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.

<b>FY23 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY22 Approved</b>	<b>1,091,569</b>	<b>10.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	43,340	0.00
<b>FY23 Recommended</b>	<b>1,134,909</b>	<b>10.00</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.

<b>FY23 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY22 Approved</b>	<b>549,400</b>	<b>5.23</b>
Technical Adj: Reallocation of Grant/General Fund FTEs	0	(0.08)

FY23 Recommended Changes	Expenditures	FTEs
Technical Adj: Reallocation of Grant/ General Fund FTEs	0	0.08
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	35,364	0.08
<b>FY23 Recommended</b>	<b>584,764</b>	<b>5.31</b>

## BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	13,765,468	14,121,061	14,155,577	14,693,376	4.1 %
Employee Benefits	3,988,619	4,101,594	3,961,839	4,223,237	3.0 %
<b>County General Fund Personnel Costs</b>	<b>17,754,087</b>	<b>18,222,655</b>	<b>18,117,416</b>	<b>18,916,613</b>	<b>3.8 %</b>
Operating Expenses	599,662	786,326	753,421	1,884,663	139.7 %
Capital Outlay	9,914	0	0	0	—
<b>County General Fund Expenditures</b>	<b>18,363,663</b>	<b>19,008,981</b>	<b>18,870,837</b>	<b>20,801,276</b>	<b>9.4 %</b>
<b>PERSONNEL</b>					
Full-Time	144	144	144	147	2.1 %
Part-Time	8	8	8	7	-12.5 %
FTEs	151.18	151.15	151.15	153.85	1.8 %
<b>REVENUES</b>					
Miscellaneous Revenues	7	0	0	0	—
Other Charges/Fees	1,621	3,000	3,000	2,500	-16.7 %
<b>County General Fund Revenues</b>	<b>1,628</b>	<b>3,000</b>	<b>3,000</b>	<b>2,500</b>	<b>-16.7 %</b>
<b>GRANT FUND - MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	217,376	200,443	200,443	192,871	-3.8 %
Employee Benefits	53,534	71,283	71,283	68,135	-4.4 %
<b>Grant Fund - MCG Personnel Costs</b>	<b>270,910</b>	<b>271,726</b>	<b>271,726</b>	<b>261,006</b>	<b>-3.9 %</b>
Operating Expenses	68,093	0	0	0	—
<b>Grant Fund - MCG Expenditures</b>	<b>339,003</b>	<b>271,726</b>	<b>271,726</b>	<b>261,006</b>	<b>-3.9 %</b>
<b>PERSONNEL</b>					
Full-Time	4	4	4	4	—
Part-Time	1	1	1	1	—
FTEs	2.67	2.70	2.70	2.40	-11.1 %
<b>REVENUES</b>					
Federal Grants	266,975	0	0	0	—
State Grants	72,028	271,726	271,726	261,006	-4.0 %
<b>Grant Fund - MCG Revenues</b>	<b>339,003</b>	<b>271,726</b>	<b>271,726</b>	<b>261,006</b>	<b>-3.9 %</b>

## BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	18,702,666	19,280,707	19,142,563	21,062,282	9.2 %
<b>Total Full-Time Positions</b>	148	148	148	151	2.0 %
<b>Total Part-Time Positions</b>	9	9	9	8	-11.1 %
<b>Total FTEs</b>	153.85	153.85	153.85	156.25	1.6 %
<b>Total Revenues</b>	340,631	274,726	274,726	263,506	-4.1 %

### FY23 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY22 ORIGINAL APPROPRIATION</b>	<b>19,008,981</b>	<b>151.15</b>
<b><u>Changes (with service impacts)</u></b>		
Add: Funding to Replace Legacy Case Management System [Administration]	1,100,000	0.00
Add: Two Assistant State's Attorney Positions [Circuit Court Prosecution]	171,578	2.00
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: Annualization of FY22 Compensation Increases	406,952	0.00
Increase Cost: FY23 Compensation Adjustment	339,050	0.00
Increase Cost: Salary Plan [Circuit Court Prosecution]	28,277	0.00
Increase Cost: Funding to Convert Part-time IT Position to Full-time [Administration]	18,463	0.40
Increase Cost: Printing and Mail Adjustment	2,613	0.00
Increase Cost: State's Attorney Compensation Adjustment [Administration]	2,611	0.00
Technical Adj: Reallocation of Grant/General Fund FTEs [Circuit Court Prosecution]	0	0.10
Technical Adj: Reallocation of Grant/ General Fund FTEs [Victim/Witness Court Assistance]	0	0.08
Technical Adj: Reallocation of Grant/General Fund FTEs [District Court Prosecution]	0	0.03
Technical Adj: Reallocation of Grant/ General Fund FTEs [Administration]	0	0.09
Decrease Cost: Motor Pool Adjustment	(4,276)	0.00
Decrease Cost: Annualization of FY22 Personnel Costs	(78,732)	0.00
Decrease Cost: Retirement Adjustment	(194,241)	0.00
<b>FY23 RECOMMENDED</b>	<b>20,801,276</b>	<b>153.85</b>

### GRANT FUND - MCG

<b>FY22 ORIGINAL APPROPRIATION</b>	<b>271,726</b>	<b>2.70</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Technical Adj: Reallocation of Grant/General Fund FTEs [Administration]	0	(0.09)
Technical Adj: Reallocation of Grant/General Fund FTEs [Victim/Witness Court Assistance]	0	(0.08)
Technical Adj: Reallocation of Grant/General Fund FTEs [District Court Prosecution]	0	(0.03)

## FY23 RECOMMENDED CHANGES

	Expenditures	FTEs
Technical Adj: Reallocation of Grant/General Fund FTEs [Circuit Court Prosecution]	(10,720)	(0.10)
<b>FY23 RECOMMENDED</b>	<b>261,006</b>	<b>2.40</b>

## PROGRAM SUMMARY

Program Name	FY22 APPR Expenditures	FY22 APPR FTEs	FY23 REC Expenditures	FY23 REC FTEs
Administration	1,635,896	12.75	2,834,047	13.06
Circuit Court Prosecution	9,115,186	64.75	9,123,096	64.75
District Court Prosecution	2,683,160	25.12	3,043,486	27.13
District Court Screening and Mediation	1,527,689	13.50	1,532,285	13.50
Juvenile Court Prosecution	2,141,092	17.50	2,238,107	17.50
Major Fraud and Special Investigations	536,715	5.00	571,588	5.00
Prosecution Management	1,091,569	10.00	1,134,909	10.00
Victim/Witness Court Assistance	549,400	5.23	584,764	5.31
<b>Total</b>	<b>19,280,707</b>	<b>153.85</b>	<b>21,062,282</b>	<b>156.25</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY22 Total\$	FY22 FTEs	FY23 Total\$	FY23 FTEs
<b>COUNTY GENERAL FUND</b>					
Police	General Fund	156,128	1.00	168,990	1.00

## FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY23 Recommended</b>	<b>20,801</b>	<b>20,801</b>	<b>20,801</b>	<b>20,801</b>	<b>20,801</b>	<b>20,801</b>
No inflation or compensation change is included in outyear projections.						
<b>Elimination of One-Time Items Recommended in FY23</b>	<b>0</b>	<b>(1,100)</b>	<b>(1,100)</b>	<b>(1,100)</b>	<b>(1,100)</b>	<b>(1,100)</b>
Items recommended for one-time funding in FY23 including funding for a case management system, will be eliminated from the base in the outyears.						
<b>Labor Contracts</b>	<b>0</b>	<b>885</b>	<b>885</b>	<b>885</b>	<b>885</b>	<b>885</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>20,801</b>	<b>20,586</b>	<b>20,586</b>	<b>20,586</b>	<b>20,586</b>	<b>20,586</b>

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