

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 FY08 Operating Budget for the Office of the State's Attorney is \$11,901,640, an increase of \$742,190 or 6.7 percent from the FY07 Approved Budget of \$11,159,450. Personnel Costs comprise 95.5 percent of the budget for 110 full-time positions and 11 part-time positions for 118.2 workyears. Operating Expenses account for the remaining 4.5 percent of the FY08 budget.

Not included in the above is a total of \$227,450 and 3.4 workyears that are charged to: Drug Enforcement Forfeiture Fund (\$103,400, 1.4 WYs); and Sheriff, Grant Fund (\$124,050, 2.0 WYs). The funding and workyears for these items are included in the receiving departments' budgets.

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.

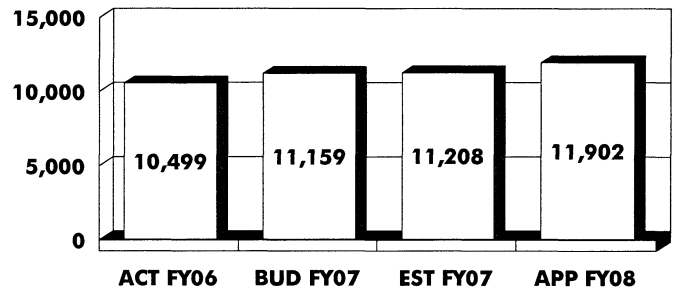
HIGHLIGHTS

- ❖ **Add an Assistant State's Attorney and a Victim Witness Coordinator to prosecute internet crimes against children.**
- ❖ **Replace grant funding for a field community prosecutor to prosecute criminal cases.**
- ❖ **Provide Drug Enforcement Forfeiture Funds (DEFF) for an Assistant State's Attorney and administrative support to prosecute civil forfeiture cases.**
- ❖ **Gang and Youth Violence Prevention Initiative - Add two Assistant State's Attorneys to prosecute gang related crimes.**

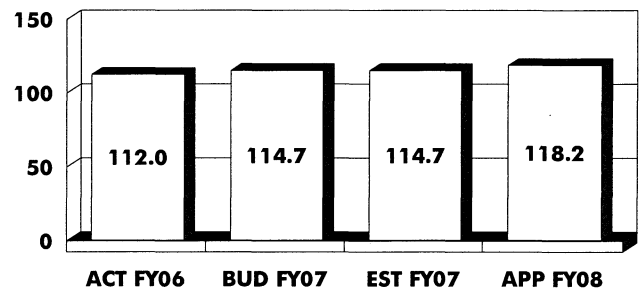
Program Summary

| | Expenditures | WYs |
|----------------------------------------|-------------------|--------------|
| Circuit Court Prosecution | 5,783,210 | 46.1 |
| District Court Screening | 278,770 | 3.5 |
| Juvenile Court Prosecution | 1,210,580 | 13.5 |
| Pre-Trial Mediation | 100,390 | 2.0 |
| Victim/Witness Court Assistance | 275,480 | 4.0 |
| Major Fraud and Special Investigations | 463,280 | 5.0 |
| Prosecution Management | 850,300 | 7.8 |
| Administration | 624,910 | 5.0 |
| District Court Prosecution | 2,314,720 | 31.3 |
| Totals | 11,901,640 | 118.2 |

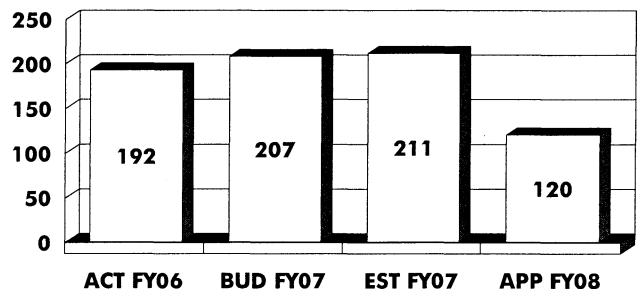
Trends



EXPENDITURES [\$000s]



WORKYEARS



RELATED REVENUES [\$000s]

❖ **Provide an Assistant State's Attorney to serve as an instructor on constitutional and criminal law to the Police at the Public Safety Training Academy.**

❖ **Add a Senior Technology Specialist position for the Office of State's Attorney Case Management System.**

PROGRAM CONTACTS

Contact David Baker of the Office of the State's Attorney at 240.777.7318 or Edmond M. Piesen of the Office of Management and Budget at 240.777.2764 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. After charges are filed, the State's Attorney 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 cases, drug distribution, property forfeiture, 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. 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.

FY08 Changes

- ❑ **Gang and Youth Violence Prevention Initiative: Add two Assistant State's Attorney positions to prosecute gang related crimes**
- ❑ **Add an Assistant State's Attorney and a Victim Witness Coordinator to prosecute internet crimes against children**
- ❑ **Increase prosecution of civil forfeiture cases by charging to the Drug Enforcement Forfeiture Fund (DEFF)**

| | Expenditures | WYs |
|----------------------|------------------|-------------|
| FY07 Approved | 5,335,340 | 44.4 |
| FY08 Approved | 5,783,210 | 46.1 |

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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|----------------|------------|
| FY07 Approved | 265,110 | 3.5 |
| FY08 Approved | 278,770 | 3.5 |

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 violence 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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|------------------|-------------|
| FY07 Approved | 1,153,000 | 13.5 |
| FY08 Approved | 1,210,580 | 13.5 |

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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|----------------|------------|
| FY07 Approved | 101,180 | 2.0 |
| FY08 Approved | 100,390 | 2.0 |

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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|---------------------|------------|
| FY07 Approved | 203,850 | 3.0 |
| FY08 Approved | 275,480 | 4.0 |

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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|---------------------|------------|
| FY07 Approved | 456,480 | 5.0 |
| FY08 Approved | 463,280 | 5.0 |

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.

FY08 Changes

- Add a Senior Technology Specialist position for the Office of State's Attorney Case Management System.*

| | Expenditures | WYs |
|----------------------|---------------------|------------|
| FY07 Approved | 752,010 | 7.0 |
| FY08 Approved | 850,300 | 7.8 |

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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|---------------------|------------|
| FY07 Approved | 708,140 | 5.0 |
| FY08 Approved | 624,910 | 5.0 |

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.

FY08 Changes

| | Expenditures | WYs |
|----------------------|---------------------|-------------|
| FY07 Approved | 2,184,340 | 31.3 |
| FY08 Approved | 2,314,720 | 31.3 |

BUDGET SUMMARY

| | Actual FY06 | Budget FY07 | Estimated FY07 | Approved FY08 | % Chg Bud/App |
|--------------------------------------------|-------------------|-------------------|-------------------|-------------------|------------------|
| COUNTY GENERAL FUND | | | | | |
| EXPENDITURES | | | | | |
| Salaries and Wages | 7,733,357 | 8,156,350 | 8,210,640 | 8,810,800 | 8.0% |
| Employee Benefits | 2,086,967 | 2,324,270 | 2,299,890 | 2,474,240 | 6.5% |
| County General Fund Personnel Costs | 9,820,324 | 10,480,620 | 10,510,530 | 11,285,040 | 7.7% |
| Operating Expenses | 519,513 | 504,050 | 522,910 | 533,430 | 5.8% |
| Capital Outlay | 0 | 0 | 0 | 0 | — |
| County General Fund Expenditures | 10,339,837 | 10,984,670 | 11,033,440 | 11,818,470 | 7.6% |
| PERSONNEL | | | | | |
| Full-Time | 98 | 100 | 100 | 109 | 9.0% |
| Part-Time | 10 | 11 | 11 | 11 | — |
| Workyears | 110.0 | 112.7 | 112.7 | 117.2 | 4.0% |
| REVENUES | | | | | |
| Discovery Materials | 22,326 | 16,000 | 24,000 | 25,000 | 56.3% |
| Bad Check Mediation Fee | 6,520 | 10,000 | 7,000 | 6,500 | -35.0% |
| Rental Return Restitution Fee | 1,545 | 3,000 | 2,000 | 2,000 | -33.3% |
| Teen Court Fees | 2,880 | 3,500 | 3,200 | 3,000 | -14.3% |
| County General Fund Revenues | 33,271 | 32,500 | 36,200 | 36,500 | 12.3% |
| GRANT FUND MCG | | | | | |
| EXPENDITURES | | | | | |
| Salaries and Wages | 129,375 | 144,210 | 144,210 | 68,640 | -52.4% |
| Employee Benefits | 29,531 | 30,570 | 30,570 | 14,530 | -52.5% |
| Grant Fund MCG Personnel Costs | 158,906 | 174,780 | 174,780 | 83,170 | -52.4% |
| Operating Expenses | 0 | 0 | 0 | 0 | — |
| Capital Outlay | 0 | 0 | 0 | 0 | — |
| Grant Fund MCG Expenditures | 158,906 | 174,780 | 174,780 | 83,170 | -52.4% |
| PERSONNEL | | | | | |
| Full-Time | 2 | 2 | 2 | 1 | -50.0% |
| Part-Time | 0 | 0 | 0 | 0 | — |
| Workyears | 2.0 | 2.0 | 2.0 | 1.0 | -50.0% |
| REVENUES | | | | | |
| Community Prosecution | 74,831 | 78,300 | 78,300 | 0 | — |
| STOP Grant for Domestic Violence | 84,075 | 96,480 | 96,480 | 83,170 | -13.8% |
| Grant Fund MCG Revenues | 158,906 | 174,780 | 174,780 | 83,170 | -52.4% |
| DEPARTMENT TOTALS | | | | | |
| Total Expenditures | 10,498,743 | 11,159,450 | 11,208,220 | 11,901,640 | 6.7% |
| Total Full-Time Positions | 100 | 102 | 102 | 110 | 7.8% |
| Total Part-Time Positions | 10 | 11 | 11 | 11 | — |
| Total Workyears | 112.0 | 114.7 | 114.7 | 118.2 | 3.1% |
| Total Revenues | 192,177 | 207,280 | 210,980 | 119,670 | -42.3% |

FY08 APPROVED CHANGES

| | Expenditures | WYs |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|
| COUNTY GENERAL FUND | | |
| FY07 ORIGINAL APPROPRIATION | 10,984,670 | 112.7 |
| <u>Changes (with service impacts)</u> | | |
| Enhance: Prosecution of internet crimes against children through a new Assistant State's Attorney and a Victim Witness Coordinator [Circuit Court Prosecution] | 127,000 | 2.0 |
| Enhance: Gang and Youth Violence Prevention Initiative: Prosecution of gang related crimes through two new Assistant State's Attorneys [Circuit Court Prosecution] | 121,610 | 1.6 |
| Add: Senior Technology Specialist for the Office of State's Attorney Case Management System [Prosecution Management] | 88,220 | 0.8 |
| <u>Other Adjustments (with no service impacts)</u> | | |
| Increase Cost: General Wage and Service Increment Adjustments | 525,380 | 0.0 |
| Replace: Community Prosecutor formerly grant funded [Circuit Court Prosecution] | 81,580 | 1.0 |
| Increase Cost: Medical benefits for Public Administration Interns [District Court Prosecution] | 36,640 | 0.0 |
| Increase Cost: Annualization of FY07 Personnel Costs | 31,580 | 1.0 |
| Increase Cost: Retirement Rate Adjustment | 31,280 | 0.0 |
| Increase Cost: Office Operating Expenses [Circuit Court Prosecution] | 18,520 | 0.0 |
| Increase Cost: Printing and Mail Adjustments | 5,420 | 0.0 |
| Increase Cost: Labor Contracts - Other | 900 | 0.0 |
| Decrease Cost: Motor Pool Rate Adjustment | -1,020 | 0.0 |
| Decrease Cost: Elimination of One-Time Items Approved in FY07 [Administration] | -5,460 | 0.0 |
| Decrease Cost: Group Insurance Rate Adjustment | -44,460 | 0.0 |
| Shift: Project charge to the Department of Police for constitutional and criminal law instructor at the Public Safety Training Academy | -80,000 | -0.5 |
| Shift: Personnel Project Charges to the Drug Enforcement Forfeiture Fund (DEFF) for prosecution of civil forfeiture cases [Circuit Court Prosecution] | -103,390 | -1.4 |
| FY08 APPROVED: | 11,818,470 | 117.2 |
| GRANT FUND MCG | | |
| FY07 ORIGINAL APPROPRIATION | 174,780 | 2.0 |
| <u>Other Adjustments (with no service impacts)</u> | | |
| Increase Cost: STOP Violence Against Women Grant [District Court Prosecution] | 83,170 | 1.0 |
| Decrease Cost: Termination of STOP Violence Against Women Grant and Community Prosecution Grant [District Court Prosecution] | -174,780 | -2.0 |
| FY08 APPROVED: | 83,170 | 1.0 |