
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 FY12 Operating Budget for the Office of the State's Attorney is \$12,125,590, a decrease of \$725,500 or 5.6 percent from the FY11 Approved Budget of \$12,851,090. Personnel Costs comprise 96.2 percent of the budget for 115 full-time positions and nine part-time positions for 122.4 workyears. Operating Expenses account for the remaining 3.8 percent of the FY12 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***

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY11 estimates incorporate the effect of the FY11 savings plan. FY12 and FY13 targets assume the approved FY12 budget and FY13 funding for comparable service levels.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Under the 'all crimes approach' to address gang activity, 292 cases committed by gang members were prosecuted in FY09; 321 cases in FY10; and for the first six months of FY11, 189 cases have been assigned to be prosecuted.***
- ❖ ***A new Felony Investigator Initiative grant was awarded to the State's Attorneys Office (SAO) in FY11. This grant funds one full-time and two part-time investigators who work not only on gang cases, but on Circuit Court felony cases to assist prosecutors with preparing those cases for trial.***
- ❖ ***Productivity Improvements***
 - ***In January 2010, the SAO launched its case management program, Justware, in conjunction with its Integrated Justice Information System (IJIS) partners. This program will interface with other County public safety agencies to increase productivity, reduce printing costs, and enhance our ability to responsibly prosecute criminal cases.***
 - ***The State's Attorney's Office continues to recruit undergraduate and law school students to volunteer as interns who screen District Court criminal cases, assist in preparing cases for trial, contact witnesses, and gather evidence. During the spring semester of 2010, the SAO had 18 interns who worked a total of 5,184 hours or the equivalent of 2.5 workyears. In the summer session of 2010, the SAO recruited 38 law school interns who worked 30 hours per week for 12 weeks. This equates to 13,680 hours, or 6.6 workyears. The SAO continues to enhance recruitment efforts as these interns perform valuable work for the office and community at large.***

PROGRAM CONTACTS

Contact Lisa Russo of the Office of the State's Attorney at 240.777.7407 or Bryan Hunt of the Office of Management and Budget at 240.777.2770 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 cases, 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.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	5,896,750	46.6
Add: Hot Spots: Wheaton (CSAFE)	71,780	1.0
Add: Renewed Funding of Drug Court Grant	39,780	1.0
Decrease Cost: Termination of Hot Spots: Wheaton (CSAFE) Grant	-71,780	-1.0
Decrease Cost: Termination of Drug Court Grant	-98,210	-1.0
Decrease Cost: Turnover Savings	-145,820	0.0
Eliminate: Termination of ARRA JAG Recovery Gang Investigator Grant	-150,430	-2.0
Reduce: Personnel costs by lapsing (2) attorney and (1) support staff positions	-229,040	-2.2
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	120,860	2.4
FY12 Approved	5,433,890	44.8

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. This program provides an on-call service, when possible, to reduce the inconvenience experienced by victims and witnesses.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	297,000	3.5
Add: Renewed Funding for Mediation and Conflict Resolution Grant	24,780	0.5
Decrease Cost: Termination of Mediation and Conflict Resolution Grant	-27,000	-0.5
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	31,640	0.5
FY12 Approved	326,420	4.0

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.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	1,259,530	12.5
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-66,360	1.0
FY12 Approved	1,193,170	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.

Program Performance Measures	Actual FY09	Actual FY10	Estimated FY11	Target FY12	Target FY13
Bad Check Mediation Program Revenue ¹	7,635	4,965	3,500	6,000	6,000
Rental Return Restitution Program Revenue ²	4,205	23,165	21,000	3,300	3,300

¹ The goal of this program is to provide the business community with a quick and effective way to recover their losses from bad checks through pretrial mediation without involving the court system.

² The goals of this program are to recover rental property and/or secure restitution to those merchants that provide rental services to the public without having to involve the criminal court system.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	144,540	2.5
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-62,700	-1.5
FY12 Approved	81,840	1.0

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.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	405,350	5.5
Eliminate: Termination of Child Victim Advocate Grant	-35,520	-0.5
Eliminate: Termination of Child Victim Advocate II Grant	-36,420	-0.5
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-8,990	0.1
FY12 Approved	324,420	4.6

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 provide guidance to police officers and investigators from other agencies in situations where financial crimes may be suspected.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	429,690	5.0
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	69,090	0.0
FY12 Approved	498,780	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.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	1,012,270	8.0
Reduce: Operating Expenses for cellular phone line charges and professional memberships	-2,630	0.0
Reduce: Operating Expenses to offset Section 2-123A mandated changes	-31,510	0.0
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	13,580	1.0
FY12 Approved	991,710	9.0

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.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	801,020	6.0
Increase Cost: Montgomery County Code Section 2-123A mandated adjustment	31,510	0.0
Increase Cost: Printing and Mail Adjustment	5,690	0.0
Increase Cost: Motor Pool Rate Adjustment	2,160	0.0
Increase Cost: Help Desk - Desk Side Support	1,880	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY11	-6,850	0.0
Decrease Cost: Lapse Discovery Coordinator Position	-82,930	-1.0
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	98,950	1.0
FY12 Approved	851,430	6.0

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.

FY12 Approved Changes	Expenditures	WYs
FY11 Approved	2,604,940	34.5
Add: Renewed Funding of S.T.O.P. Violence Against Women Grant	77,970	1.0
Increase Cost: General Fund Personnel Costs due to reduction of grant awards	74,170	0.8
Decrease Cost: Termination of S.T.O.P. Violence Against Women Grant	-89,460	-1.0
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-243,690	-0.8
FY12 Approved	2,423,930	34.5

BUDGET SUMMARY

	Actual FY10	Budget FY11	Estimated FY11	Approved FY12	% Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	9,205,548	9,003,950	8,977,860	8,916,140	-1.0%
Employee Benefits	2,687,198	2,841,600	2,816,390	2,529,680	-11.0%
County General Fund Personnel Costs	11,892,746	11,845,550	11,794,250	11,445,820	-3.4%
Operating Expenses	576,068	496,720	459,240	465,460	-6.3%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	12,468,814	12,342,270	12,253,490	11,911,280	-3.5%
PERSONNEL					
Full-Time	109	114	114	112	-1.8%
Part-Time	10	10	10	8	-20.0%
Workyears	118.1	117.6	117.6	119.7	1.8%
REVENUES					
Discovery Materials	14,707	224,800	32,000	66,000	-70.6%
Bad Check Mediation Fee	4,965	6,000	3,500	6,000	—
Rental Return Restitution Fee	23,165	3,300	21,000	3,300	—
Teen Court Fees	7,795	6,000	7,000	6,000	—
County General Fund Revenues	50,632	240,100	63,500	81,300	-66.1%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	320,883	428,620	544,960	179,820	-58.0%
Employee Benefits	47,269	80,200	80,200	34,490	-57.0%
Grant Fund MCG Personnel Costs	368,152	508,820	625,160	214,310	-57.9%
Operating Expenses	0	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	368,152	508,820	625,160	214,310	-57.9%
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	2	5	5	1	-80.0%
Workyears	4.0	6.5	6.5	2.7	-58.5%
REVENUES					
GOCCP Grant	0	0	154,000	0	—
ARRA JAG Recovery Gang Investigator Grant	128,039	150,430	150,430	0	—
Child Victim Advocate Grant	50,292	71,940	60,000	0	—
Drug Court Grant	82,766	98,210	72,490	39,780	-59.5%
Mediation and Conflict Resolution	28,624	27,000	27,000	24,780	-8.2%
STOP Grant for Domestic Violence	78,431	89,460	89,460	77,970	-12.8%
Hot Spots: Wheaton (CSAFE)	0	71,780	71,780	71,780	—
Grant Fund MCG Revenues	368,152	508,820	625,160	214,310	-57.9%
DEPARTMENT TOTALS					
Total Expenditures	12,836,966	12,851,090	12,878,650	12,125,590	-5.6%
Total Full-Time Positions	112	117	117	115	-1.7%
Total Part-Time Positions	12	15	15	9	-40.0%
Total Workyears	122.1	124.1	124.1	122.4	-1.4%
Total Revenues	418,784	748,920	688,660	295,610	-60.5%

FY12 APPROVED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY11 ORIGINAL APPROPRIATION	12,342,270	117.6
<u>Changes (with service impacts)</u>		
Reduce: Operating Expenses for cellular phone line charges and professional memberships [Prosecution Management]	-2,630	0.0
Reduce: Operating Expenses to offset Section 2-123A mandated changes [Prosecution Management]	-31,510	0.0
Reduce: Personnel costs by lapsing (2) attorney and (1) support staff positions [Circuit Court Prosecution]	-229,040	-2.2
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Restore Personnel Costs - Furloughs	226,830	4.5
Increase Cost: General Fund Personnel Costs due to reduction of grant awards [District Court Prosecution]	74,170	0.8
Technical Adj: Reduce Lapse-Imputed Compensation	44,300	0.0
Increase Cost: Montgomery County Code Section 2-123A mandated adjustment [Administration]	31,510	0.0
Increase Cost: Annualization of FY11 Personnel Costs	8,760	0.0
Increase Cost: Printing and Mail Adjustment [Administration]	5,690	0.0
Increase Cost: Motor Pool Rate Adjustment [Administration]	2,160	0.0
Increase Cost: Help Desk - Desk Side Support [Administration]	1,880	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY11 [Administration]	-6,850	0.0
Technical Adj: Imputed Compensation	-44,300	0.0
Decrease Cost: Lapse Discovery Coordinator Position [Administration]	-82,930	-1.0
Decrease Cost: Retirement Adjustment	-118,740	0.0
Decrease Cost: Turnover Savings [Circuit Court Prosecution]	-145,820	0.0
Decrease Cost: Group Insurance Adjustment	-164,470	0.0
FY12 APPROVED:	11,911,280	119.7
GRANT FUND MCG		
FY11 ORIGINAL APPROPRIATION	508,820	6.5
<u>Changes (with service impacts)</u>		
Add: Renewed Funding of S.T.O.P. Violence Against Women Grant [District Court Prosecution]	77,970	1.0
Add: Hot Spots: Wheaton (CSAFE) [Circuit Court Prosecution]	71,780	1.0
Add: Renewed Funding of Drug Court Grant [Circuit Court Prosecution]	39,780	1.0
Add: Renewed Funding for Mediation and Conflict Resolution Grant [District Court Screening]	24,780	0.5
Eliminate: Termination of Child Victim Advocate Grant [Victim/Witness Court Assistance]	-35,520	-0.5
Eliminate: Termination of Child Victim Advocate II Grant [Victim/Witness Court Assistance]	-36,420	-0.5
Eliminate: Termination of ARRA JAG Recovery Gang Investigator Grant [Circuit Court Prosecution]	-150,430	-2.0
<u>Other Adjustments (with no service impacts)</u>		
Technical Adj: Reduction of WYs to Reflect Grant Award Reductions	0	-0.8
Decrease Cost: Termination of Mediation and Conflict Resolution Grant [District Court Screening]	-27,000	-0.5
Decrease Cost: Termination of Hot Spots: Wheaton (CSAFE) Grant [Circuit Court Prosecution]	-71,780	-1.0
Decrease Cost: Termination of S.T.O.P. Violence Against Women Grant [District Court Prosecution]	-89,460	-1.0
Decrease Cost: Termination of Drug Court Grant [Circuit Court Prosecution]	-98,210	-1.0
FY12 APPROVED:	214,310	2.7

PROGRAM SUMMARY

Program Name	FY11 Approved		FY12 Approved	
	Expenditures	WYs	Expenditures	WYs
Circuit Court Prosecution	5,896,750	46.6	5,433,890	44.8
District Court Screening	297,000	3.5	326,420	4.0
Juvenile Court Prosecution	1,259,530	12.5	1,193,170	13.5
Pre-Trial Mediation	144,540	2.5	81,840	1.0
Victim/Witness Court Assistance	405,350	5.5	324,420	4.6
Special Prosecutions Division	429,690	5.0	498,780	5.0
Prosecution Management	1,012,270	8.0	991,710	9.0
Administration	801,020	6.0	851,430	6.0
District Court Prosecution	2,604,940	34.5	2,423,930	34.5
Total	12,851,090	124.1	12,125,590	122.4

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY11		FY12	
		Total\$	WYs	Total\$	WYs
COUNTY GENERAL FUND					
Police	County General Fund	87,140	0.5	87,140	0.5
Sheriff	Grant Fund MCG	138,700	2.0	138,700	2.0
Total		225,840	2.5	225,840	2.5

