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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 approved FY13 Operating Budget for the Office of the State's Attorney is \$12,925,241, an increase of \$799,651 or 6.6 percent from the FY12 Approved Budget of \$12,125,590. Personnel Costs comprise 95.3 percent of the budget for 114 full-time positions and nine part-time positions for 128.50 FTEs. Operating Expenses account for the remaining 4.7 percent of the FY13 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 FY12 estimates reflect funding based on the FY12 approved budget. The FY13 and FY14 figures are performance targets based on the FY13 approved budget and funding for comparable service levels in FY14.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Under the all crimes approach to address gang activity, 493 cases were handled by the Gang Prosecution Unit in FY11, up from 330 in FY10.***
- ❖ ***In FY12 the State's Attorney's Office was awarded a portion of the Bi-County Gang grant to fund three Investigators and one Assistant State's Attorney to work in the Gang Prosecution Unit. This is a one year award.***
- ❖ ***In FY13, funding is provided for two Assistant State's Attorney positions to prosecute cases of alleged fraud, identity theft, misappropriation by a fiduciary, and embezzlement in the unit (Special Prosecutions) responsible for protecting seniors and vulnerable adults.***
- ❖ ***Productivity Improvements***
  - ***In October 2010 Phase Two of the SAO's case management system, Justware, was launched. This included implementation of the District Court feed into Justware so that now the entire SAO staff uses the same system and documents for cases. Justware is part of the County's Integrated Justice Information System (IJIS) and will interface with other County public safety agencies to increase productivity, reduce printing costs, and enhance our ability to responsibly prosecute criminal cases.***
  - ***The SAO 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 2011 semester the SAO had 25 interns who worked a total of 9,000 hours or the equivalent of 4.3 FTEs. In the summer of 2011 the office recruited 42 interns who worked on average 30 hours per week for 12 weeks. This equates to 15,120 hours or 7.3 FTEs.***

## 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.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>5,433,890</b>	<b>44.80</b>
Increase Cost: Restore Lapsed Assistant State's Attorney: Special Prosecutions Div (Senior Financial Fraud)	160,000	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. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	415,177	5.34
<b>FY13 Approved</b>	<b>6,009,067</b>	<b>50.14</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. 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 by providing merchants with a quick and effective way to recover their rental property and fees.

<b>Program Performance Measures</b>	<b>Actual FY10</b>	<b>Actual FY11</b>	<b>Estimated FY12</b>	<b>Target FY13</b>	<b>Target FY14</b>
Bad Check Mediation Program Revenue <sup>1</sup>	4,965	5,235	6,000	3,500	3,500
Rental Return Restitution Program Revenue <sup>2</sup>	23,165	7,955	3,300	3,500	3,500

<sup>1</sup> 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.

<sup>2</sup> 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.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>326,420</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. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	165,254	2.00
<b>FY13 Approved</b>	<b>491,674</b>	<b>6.00</b>

Notes: Multi-program adjustments include the shift of the Pre-Trial Mediation program (\$81,840, 1.00 FTE) here.

### 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.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>1,193,170</b>	<b>13.50</b>
Decrease Cost: Turnover Savings From Retiring/Resigning Employees	-119,113	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. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	66,964	0.50
<b>FY13 Approved</b>	<b>1,141,021</b>	<b>14.00</b>

### **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.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>81,840</b>	<b>1.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	-81,840	-1.00
<b>FY13 Approved</b>	<b>0</b>	<b>0.00</b>

Notes: Multi-program adjustments include the shift of this initiative to the District Court Screening program.

### **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>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>324,420</b>	<b>4.60</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	26,887	-0.60
<b>FY13 Approved</b>	<b>351,307</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 provide guidance to police officers and investigators from other agencies in situations where financial crimes may be suspected.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>498,780</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. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	-42,433	0.00
<b>FY13 Approved</b>	<b>456,347</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>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>991,710</b>	<b>9.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	54,860	-0.50
<b>FY13 Approved</b>	<b>1,046,570</b>	<b>8.50</b>

### **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.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>851,430</b>	<b>6.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	33,657	1.00
<b>FY13 Approved</b>	<b>885,087</b>	<b>7.00</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.

<b>FY13 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY12 Approved</b>	<b>2,423,930</b>	<b>34.50</b>
Shift: Reallocation of Grant and General Funds	18,612	0.21
Decrease Cost: Miscellaneous Grant Adjustments	-1,257	0.00
Decrease Cost: Reduction of Hot Spots Wheaton CSAFE Grant Award	-17,362	-0.26
Decrease Cost: Turnover Savings to Reallocate Grant and General Funds	-18,612	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. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	138,857	-0.59
<b>FY13 Approved</b>	<b>2,544,168</b>	<b>33.86</b>

## BUDGET SUMMARY

	Actual FY11	Budget FY12	Estimated FY12	Approved FY13	% Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	9,097,568	8,916,140	9,035,493	9,083,898	1.9%
Employee Benefits	2,757,780	2,529,680	2,655,710	3,042,682	20.3%
<b>County General Fund Personnel Costs</b>	<b>11,855,348</b>	<b>11,445,820</b>	<b>11,691,203</b>	<b>12,126,580</b>	<b>5.9%</b>
Operating Expenses	530,582	465,460	541,886	602,970	29.5%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>12,385,930</b>	<b>11,911,280</b>	<b>12,233,089</b>	<b>12,729,550</b>	<b>6.9%</b>
<b>PERSONNEL</b>					
Full-Time	114	112	112	111	-0.9%
Part-Time	10	8	8	8	—
FTEs	117.60	119.70	119.70	126.06	5.3%
<b>REVENUES</b>					
Discovery Materials	51,063	66,000	66,000	66,000	—
Miscellaneous Revenues	92	0	0	0	—
Other Charges/Fees	36,615	15,300	15,300	16,300	6.5%
<b>County General Fund Revenues</b>	<b>87,770</b>	<b>81,300</b>	<b>81,300</b>	<b>82,300</b>	<b>1.2%</b>
<b>GRANT FUND MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	342,343	179,820	179,820	159,289	-11.4%
Employee Benefits	54,163	34,490	34,490	36,402	5.5%
<b>Grant Fund MCG Personnel Costs</b>	<b>396,506</b>	<b>214,310</b>	<b>214,310</b>	<b>195,691</b>	<b>-8.7%</b>
Operating Expenses	1,332	0	0	0	—
Capital Outlay	0	0	0	0	—
<b>Grant Fund MCG Expenditures</b>	<b>397,838</b>	<b>214,310</b>	<b>214,310</b>	<b>195,691</b>	<b>-8.7%</b>
<b>PERSONNEL</b>					
Full-Time	3	3	3	3	—
Part-Time	5	1	1	1	—
FTEs	6.50	2.70	2.70	2.44	-9.6%
<b>REVENUES</b>					
Federal Grants	241,741	77,970	77,970	75,000	-3.8%
State Grants	156,097	136,340	136,340	120,691	-11.5%
<b>Grant Fund MCG Revenues</b>	<b>397,838</b>	<b>214,310</b>	<b>214,310</b>	<b>195,691</b>	<b>-8.7%</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>12,783,768</b>	<b>12,125,590</b>	<b>12,447,399</b>	<b>12,925,241</b>	<b>6.6%</b>
<b>Total Full-Time Positions</b>	<b>117</b>	<b>115</b>	<b>115</b>	<b>114</b>	<b>-0.9%</b>
<b>Total Part-Time Positions</b>	<b>15</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>—</b>
<b>Total FTEs</b>	<b>124.10</b>	<b>122.40</b>	<b>122.40</b>	<b>128.50</b>	<b>5.0%</b>
<b>Total Revenues</b>	<b>485,608</b>	<b>295,610</b>	<b>295,610</b>	<b>277,991</b>	<b>-6.0%</b>

## FY13 APPROVED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY12 ORIGINAL APPROPRIATION</b>	<b>11,911,280</b>	<b>119.70</b>
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: Retirement Adjustment	260,199	0.00
Increase Cost: Lump Sum Wage Adjustment	240,060	0.00
Increase Cost: Group Insurance Adjustment	191,838	0.00
Increase Cost: Restore Lapsed Assistant State's Attorney: Special Prosecutions Div (Senior Financial Fraud) [Circuit Court Prosecution]	160,000	0.00
Replace: Federal, with County funding, for Truancy Court Pilot Program at two Middle Schools	52,000	0.00
Increase Cost: Longevity Adjustment	39,776	0.00
Shift: Reallocation of Grant and General Funds [District Court Prosecution]	18,612	0.21
Technical Adj: Conversion of WYs to FTEs in the New Hyperion Budgeting System; FTEs are No Longer Measured for Overtime and Lapse	0	6.04
Technical Adj: Workforce FTE adjustment	0	0.11
Shift: Help Desk - Desk Side Support to the Desktop Computer Modernization NDA	-1,880	0.00
Decrease Cost: Printing and Mail Adjustment	-1,960	0.00
Decrease Cost: Motor Pool Rate Adjustment	-2,650	0.00

	Expenditures	FTEs
Decrease Cost: Turnover Savings to Reallocate Grant and General Funds [District Court Prosecution]	-18,612	0.00
Decrease Cost: Turnover Savings From Retiring/Resigning Employees [Juvenile Court Prosecution]	-119,113	0.00
<b>FY13 APPROVED:</b>	<b>12,729,550</b>	<b>126.06</b>
<b>GRANT FUND MCG</b>		
<b>FY12 ORIGINAL APPROPRIATION</b>	<b>214,310</b>	<b>2.70</b>
<b>Other Adjustments (with no service impacts)</b>		
Decrease Cost: Miscellaneous Grant Adjustments [District Court Prosecution]	-1,257	0.00
Decrease Cost: Reduction of Hot Spots Wheaton CSAFE Grant Award [District Court Prosecution]	-17,362	-0.26
<b>FY13 APPROVED:</b>	<b>195,691</b>	<b>2.44</b>

## PROGRAM SUMMARY

Program Name	FY12 Approved		FY13 Approved	
	Expenditures	FTEs	Expenditures	FTEs
Circuit Court Prosecution	5,433,890	44.80	6,009,067	50.14
District Court Screening	326,420	4.00	491,674	6.00
Juvenile Court Prosecution	1,193,170	13.50	1,141,021	14.00
Pre-Trial Mediation	81,840	1.00	0	0.00
Victim/Witness Court Assistance	324,420	4.60	351,307	4.00
Special Prosecutions Division	498,780	5.00	456,347	5.00
Prosecution Management	991,710	9.00	1,046,570	8.50
Administration	851,430	6.00	885,087	7.00
District Court Prosecution	2,423,930	34.50	2,544,168	33.86
<b>Total</b>	<b>12,125,590</b>	<b>122.40</b>	<b>12,925,241</b>	<b>128.50</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY12		FY13	
		Total\$	FTEs	Total\$	FTEs
<b>COUNTY GENERAL FUND</b>					
Police	County General Fund	87,140	0.50	87,140	0.50
Sheriff	Grant Fund MCG	138,700	2.00	0	0.00
<b>Total</b>		<b>225,840</b>	<b>2.50</b>	<b>87,140</b>	<b>0.50</b>

## ANNUALIZATION OF PERSONNEL COSTS AND FTES

	FY13 Approved		FY14 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Increase Cost: Restore Lapsed Assistant State's Attorney: Special Prosecutions Div (Senior Financial Fraud) [Circuit Court Prosecution]	80,000	0.00	100,000	0.00
Restore: Lapsed Assistant State's Attorney Special Prosecutions Div (Senior Financial Fraud) [Circuit Court Prosecution]	80,000	0.00	100,000	0.00
<b>Total</b>	<b>160,000</b>	<b>0.00</b>	<b>200,000</b>	<b>0.00</b>