

PS COMMITTEE #2
April 24, 2014

Worksession

MEMORANDUM

April 23, 2014

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJK*

SUBJECT: **Worksession: FY15 Operating Budget
State's Attorney's Office**

Those expected for this worksession:

The Honorable John McCarthy, State's Attorney for Montgomery County
Lisa Russo, State's Attorney's Office
Jahantab Siddiqui, Office of Management and Budget

Major Issues:

Funding for several key positions has shifted from grant funds to general funds.

The Truancy Court has expanded to six middle schools in the County.

See Discussion below.

The Executive's recommendation for the State's Attorney's Office is attached at ©1-6.

Overview

For FY15, the Executive recommends total expenditures of \$15,008,249 for the State's Attorney, a 7.9% increase from the approved FY14 budget.

	FY13 Actual	FY14 Approved	FY15 CE Recommended	% Change FY14-FY15
Expenditures:				
General Fund	\$13,546,760	\$13,790,836	\$14,890,779	8.0%
Grant Fund	\$226,630	\$116,998	\$117,470	0.4%
TOTAL Expenditures	\$13,773,390	\$13,907,834	\$15,008,249	7.9%
Positions:				
Full-time	114	116	118	1.7%
Part-time	9	12	13	8.3%
TOTAL Positions	133	128	131	2.3%
TOTAL FTEs	128.5	132.1	135.6	2.6%

The FY15 CE recommendation is a net increase of \$1,110,415, which comes from the following identified same services adjustments:

Identified Same Service Adjustments	
Increase Cost: FY15 Compensation Adjustment	\$674,154
Replace: ARREST Grant Funds with General Funds	\$200,892
Increase Cost: Annualization of Salary Plan	\$180,227
Shift: Reallocation of STOP and Drug Court Personnel Costs to General Fund	\$29,649
Increase Cost: Group Insurance Adjustment	\$23,465
Increase Cost: Retirement Adjustment	\$18,104
Increase Cost: Printing and Mail	\$4,730
Increase Cost: Annualization of FY14 Personnel Costs	\$4,665
Increase Cost: Justware License Maintenance Fees	\$2,975
Increase Cost: Motor Pool Rate Adjustment	\$2,653
Increase Cost: Fun Violence Grant Increase and Drug Court Grant Reduction	\$472
Total Increases:	\$1,141,986
Decrease Cost: Contract Attorney Costs to Group State's Attorney I Position	(\$14,621)
Decrease Cost: Elimination of One-Time Items Approved in Fy14	(\$26,950)
Total Decreases:	(\$41,571)
NET SAME SERVICES ADJUSTMENT TOTAL:	\$1,100,415

FY15 Expenditure Issues

State's Attorney's Office Gang Investigation Unit Now Funded with all General Funds

Over the past several years, the Committee has been briefed on the ongoing concern that grant funding would cease or be significantly reduced for several critical positions, including gang investigators. The SAO has been able to shift funding among several grants over the years, including the ARRA JAG Recovery Grant and the Bi-County Gang Grant. Last year, \$150,433 general funds were included to pay for one full-time and two part-time gang investigator positions. The Committee recommended, and Council approved, \$85,000 for an Assistant State's Attorney position in the Gang Unit.

The Gang Investigation Unit is now fully-funded by general funds. The unit is currently comprised of five Assistant State's Attorneys, one full time Special Investigator and two part-time Special Investigators. Due to the composition of the felony cases that come through the office, the unit has been merged into two felony trial teams. Some of the most serious felonies (murders, robberies, home invasions) are committed by gang members. The cases are work intensive, often involving grand jury work, proffer sessions, analysis and use of cell tower site records, reliance on forensics. The Gang Unit Team Leader will now be a Deputy on one of the Felony Trial Teams. She will continue to function as a liaison with other agencies and jurisdictions with respect to gang issues, and also represent the office at regional gang meetings.

The two felony trial teams each have two trained and experienced gang Assistant State's Attorneys. The SAO also has an Assistant State's Attorney who is a gang specialist on the Juvenile team.

Replace ARREST Grant Funds with General Funds (\$200,892)

The ARREST grant funded two Legal Assistant positions, one Domestic Violence Unit Investigator, and one part-time Evidence Collection Specialist. The CE's recommended budget includes continued funding for these positions that help maintain services at the Family Justice Center.

Legal Assistants: The SAO has four legal assistants, two of whom are grant-funded. The legal assistants are responsible for preparing about 150 criminal domestic violence cases each month to be tried on the eight monthly Domestic Violence Criminal dockets. In addition, the legal assistants rotate going to the Central Processing Unit at the jail each morning to gather information about the domestic violence arrests that occurred the night before. They gather all relevant information to prepare for the day's bond hearings and ensure the cases are designated for the Domestic Violence Criminal Dockets. They also rotate handling incoming calls regarding domestic violence and meeting with all victim walk-ins to the Family Justice Center. Funding for the two grant-funded positions is now funded with general funds.

Domestic Violence Unit Investigator: This investigator is a retired police officer and the only investigator assigned to the Domestic Violence Unit. Since joining the unit the investigator has conducted numerous interviews of victims/witnesses, background checks on defendants, has served subpoenas, presented cases to the Grant Jury, conducted injury assessments, and other tasks.

Evidence Collection Specialist: This part-time position is responsible for the collection, review, and prioritization of all Domestic Violence Supplemental Reports, event reports, arrest reports, and charging documents for the County and local police departments. This position enters all reports into appropriate databases for data collection and evidence tracking, prepares evidence with verification of chain of custody, and coordinates with the investigative legal assistants unit.

Truancy Court Update

The SAO took over the Truancy Court program three years ago from the University of Baltimore School of Law. The Law School indicates that the program costs about \$26,000 to operate. In FY13, the State's Attorney's Office received \$52,000 to fund its Truancy Court initiative. In FY14, it received \$78,000. The CE recommended budget includes \$78,000.

The SAO advises that the Truancy Court is a 10 week program that operates during the fall and spring semesters. The program meets at the designated schools once a week. The Truancy Court mentor generally meets with the child prior to the Court session. The child also meets individually with the Truancy Court team, which consists of the Truancy Court Judge, and ASA, the Truancy Court coordinator, and the school's Pupil Personnel Worker. The team reviews the child's attendance, grades, school performance, and offers advice and support to help the child become more consistent at attending school daily and punctually.

In FY14 the program was expanded to six middle schools. For the current Spring Semester, the program is experiencing the following results:

Clemente – 12 students, 10 of whom had significant attendance improvement (on track to graduate)

Argyle – 10 students, seven of whom had significant attendance improvement (on track to graduate)

Loiederman – 15 students, at least 11 of whom had significant attendance improvement (on track to graduate)

Shady Grove – 12 students, four appear on track to graduate, general/significant improvement in attendance for all participants.

Key – 12 students, 10 on track to graduate

Neelsville – 12 students, 7 on track to graduate.

The SAO plans to expand the court into additional schools. To accomplish this, the SAO plans to contract with the person who currently handles the Truancy Court statewide for the University of Baltimore to work solely for Montgomery County Truancy Court. *The Committee may wish to ask if the SAO has adequate resources to seek expansion this year.*

DeWolfe Decision Update

Mr. McCarthy will provide an update at the Committee worksession. At the time the packet was printed, the Public Defender and the Judiciary had not made any firm decisions with respect to implementing the court ruling.

Council Staff Recommendation

Council staff recommends approval of the FY15 budget as submitted by the Executive.

This packet contains

Recommended FY15 Operating Budget
State's Attorney's Office Responses

©
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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 recommended FY15 Operating Budget for the Office of the State's Attorney is \$15,008,249, an increase of \$1,100,415 or 7.9 percent from the FY14 Approved Budget of \$13,907,834. Personnel Costs comprise 95.5 percent of the budget for 118 full-time positions and 13 part-time positions, and a total of 135.60 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 4.5 percent of the FY15 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 FY14 estimates reflect funding based on the FY14 approved budget. The FY15 and FY16 figures are performance targets based on the FY15 recommended budget and funding for comparable service levels in FY16.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***The Domestic Violence Unit has maintained its current level of service using tax supported funds to include two full time Senior Legal Assistants, one part time Program Specialist and a contractual Special Investigator. These positions were formerly funded through the Department of Justice Arrest grant program and allow the State's Attorney's Office to continue working with our partner agencies at the Family Justice Center.***
- ❖ ***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. Our newly designed fellowship program uses law school graduates to assist with Circuit Court cases. In 2012 students donated 27,360 hours to the office for a total of 13.16 FTEs. In Spring and Summer 2013 students donated 22,200 hours to the office for a total of 10.68 FTEs.***
- ❖ ***In 2012 the Gang Prosecution Unit handled a total of 463 cases. From January through September 2013 the unit handled 208 cases.***
- ❖ ***The Special Prosecutions Division prosecutes cases of financial elder abuse and is supported by the Senior Financial Exploitation Prevention Initiative and the Family Violence Division prosecutes cases of physical abuse and neglect of the elderly. The units collaborate with the Elder and Vulnerable Adult Abuse and Neglect Task Force of Montgomery County to combat elder physical and sexual abuse, neglect, and elder financial exploitation.***

PROGRAM CONTACTS

Contact Lisa Russo of the Office of the State's Attorney at 240.777.7407 or Jahantab Siddiqui of the Office of Management and Budget at 240.777.2795 for more information regarding this department's operating budget.

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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, 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.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	6,314,453	51.50
Increase Cost: Gun Violence Grant Increase and Drug Court Grant Reduction	472	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.	369,378	-0.05
FY15 CE Recommended	6,684,303	51.45

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.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Bad Check Mediation Program Revenue ¹	3,615	2,000	0	0	0
Rental Return Restitution Program Revenue ²	1,610	500	0	0	0

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. This program is being discontinued at the conclusion of FY13 due to low usage. Merchants have been contacted about how to pursue bad check cases in the future.

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. This program is being discontinued at the conclusion of FY13 due to low usage. Merchants have been advised how to pursue these charges.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	485,282	5.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-97,074	-1.00
FY15 CE Recommended	388,208	4.50

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.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	1,293,133	14.10
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	15,289	-1.00
FY15 CE Recommended	1,308,422	13.10

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.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	337,825	4.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	20,505	0.00
FY15 CE Recommended	358,330	4.00

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.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	472,034	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.	247,575	2.00
FY15 CE Recommended	719,609	7.00

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.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	1,136,607	8.50
Increase Cost: Justware License Maintenance Fees	2,975	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY14	-26,950	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.	62,872	0.50
FY15 CE Recommended	1,175,504	9.00

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.

FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	1,188,393	9.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-204,916	-2.50
FY15 CE Recommended	983,477	7.00

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.

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FY15 Recommended Changes	Expenditures	FTEs
FY14 Approved	2,680,107	34.00
Replace: ARREST Grant Funds with General Fund	200,892	2.50
Shift: Reallocation of STOP and Drug Court Personnel Costs to General Fund	29,649	0.28
Shift: Reallocation of STOP and Drug Court Personnel Costs to General Fund (\$29,649)	0	-0.28
Decrease Cost: Contract Attorney Costs to Group State's Attorney I Position	-14,621	1.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	494,369	2.05
FY15 CE Recommended	3,390,396	39.55

BUDGET SUMMARY

	Actual FY13	Budget FY14	Estimated FY14	Recommended FY15	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	9,739,308	9,858,207	9,961,993	10,834,857	9.9%
Employee Benefits	2,982,570	3,179,617	3,188,135	3,377,834	6.2%
County General Fund Personnel Costs	12,721,878	13,037,824	13,150,128	14,212,691	9.0%
Operating Expenses	824,882	753,012	887,776	678,088	-9.9%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	13,546,760	13,790,836	14,037,904	14,890,779	8.0%
PERSONNEL					
Full-Time	111	114	114	116	1.8%
Part-Time	8	11	11	12	9.1%
FTEs	126.06	130.60	130.60	134.38	2.9%
REVENUES					
Discovery Materials	25,963	55,000	55,000	30,000	-45.5%
Other Charges/Fees	31,865	13,000	13,000	13,000	—
County General Fund Revenues	57,828	68,000	68,000	43,000	-36.8%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	177,166	98,538	98,538	91,209	-7.4%
Employee Benefits	28,281	18,460	18,460	26,261	42.3%
Grant Fund MCG Personnel Costs	205,447	116,998	116,998	117,470	0.4%
Operating Expenses	21,183	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	226,630	116,998	116,998	117,470	0.4%
PERSONNEL					
Full-Time	3	2	2	2	—
Part-Time	1	1	1	1	—
FTEs	2.44	1.50	1.50	1.22	-18.7%
REVENUES					
Federal Grants	154,315	60,000	60,000	60,000	—
State Grants	72,315	56,998	56,998	57,470	0.8%
Grant Fund MCG Revenues	226,630	116,998	116,998	117,470	0.4%
DEPARTMENT TOTALS					
Total Expenditures	13,773,390	13,907,834	14,154,902	15,008,249	7.9%
Total Full-Time Positions	114	116	116	118	1.7%
Total Part-Time Positions	9	12	12	13	8.3%
Total FTEs	128.50	132.10	132.10	135.60	2.6%
Total Revenues	284,458	184,998	184,998	160,470	-13.3%

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FY15 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY14 ORIGINAL APPROPRIATION	13,790,836	130.60
Other Adjustments (with no service impacts)		
Increase Cost: FY15 Compensation Adjustment	674,154	0.00
Replace: ARREST Grant Funds with General Fund [District Court Prosecution]	200,892	2.50
Increase Cost: Annualization of Salary Plan	180,227	0.00
Shift: Reallocation of STOP and Drug Court Personnel Costs to General Fund [District Court Prosecution]	29,649	0.28
Increase Cost: Group Insurance Adjustment	23,465	0.00
Increase Cost: Retirement Adjustment	18,104	0.00
Increase Cost: Printing and Mail	4,730	0.00
Increase Cost: Annualization of FY14 Personnel Costs	4,665	0.00
Increase Cost: Justware License Maintenance Fees [Prosecution Management]	2,975	0.00
Increase Cost: Motor Pool Rate Adjustment	2,653	0.00
Decrease Cost: Contract Attorney Costs to Group State's Attorney I Position [District Court Prosecution]	-14,621	1.00
Decrease Cost: Elimination of One-Time Items Approved in FY14 [Prosecution Management]	-26,950	0.00
FY15 RECOMMENDED:	14,890,779	134.38
GRANT FUND MCG		
FY14 ORIGINAL APPROPRIATION	116,998	1.50
Other Adjustments (with no service impacts)		
Increase Cost: Gun Violence Grant Increase and Drug Court Grant Reduction [Circuit Court Prosecution]	472	0.00
Shift: Reallocation of STOP and Drug Court Personnel Costs to General Fund (\$29,649) [District Court Prosecution]	0	-0.28
FY15 RECOMMENDED:	117,470	1.22

PROGRAM SUMMARY

Program Name	FY14 Approved		FY15 Recommended	
	Expenditures	FTEs	Expenditures	FTEs
Circuit Court Prosecution	6,314,453	51.50	6,684,303	51.45
District Court Screening	485,282	5.50	388,208	4.50
Juvenile Court Prosecution	1,293,133	14.10	1,308,422	13.10
Victim/Witness Court Assistance	337,825	4.00	358,330	4.00
Special Prosecutions Division	472,034	5.00	719,609	7.00
Prosecution Management	1,136,607	8.50	1,175,504	9.00
Administration	1,188,393	9.50	983,477	7.00
District Court Prosecution	2,680,107	34.00	3,390,396	39.55
Total	13,907,834	132.10	15,008,249	135.60

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY14		FY15	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
Police	County General Fund	101,695	0.50	108,227	0.50
Sheriff	Grant Fund MCG	134,361	2.00	0	0.00
Total		236,056	2.50	108,227	0.50

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FUTURE FISCAL IMPACTS

Title	CE REC.		(\$000's)			
	FY15	FY16	FY17	FY18	FY19	FY20
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY15 Recommended	14,891	14,891	14,891	14,891	14,891	14,891
No inflation or compensation change is included in outyear projections.						
Annualization of Salary Plan	0	57	57	57	57	57
This represents the annualization of the State's Attorney's Salary Plan implemented in FY13.						
Labor Contracts	0	199	199	199	199	199
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
Labor Contracts - Other	0	-11	-11	-11	-11	-11
These figures represent other negotiated items included in the labor agreements.						
Section 2-123A mandated Salary Increase	0	3	4	4	4	4
Montgomery County Code Article VII Section 2-123A mandated salary adjustment for the States Attorney.						
Subtotal Expenditures	14,891	15,139	15,139	15,139	15,140	15,140

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State's Attorney's Office Operating Budget – FY15

Note: State's Attorney's first Public Safety Committee meeting is scheduled for 4/24 at 1:30pm in 3CCR. Please provide responses to these questions by April 21.

Thanks!

Circuit Court Prosecution

1. Please explain the increase in the Gun Violence Grant and the Reduction in the Drug Court Grant. (Circuit Court Prosecution) What is the impact on operations or positions, if any, by the funding changes?

The Gun Violence Reduction Grant (GVRG) award increased by \$972 to cover increased compensation costs for the incumbent employee. The FY15 application was recently submitted with a budgetary request of \$38,314. There is no impact on services associated with the change.

The Drug Court grant award was reduced from \$21,000 to \$20,500 in FY14. There is no service impact associated with this reduction.

Gang Unit

2. What is the current status of these positions and funding? Are they all general funded now? Do you still receive grant funds? If so, what are the terms of the grants (i.e. when will they expire and are they renewable?).

All gang unit positions are now general fund positions.

3. What is the current composition of your gang investigation unit?

The unit is comprised of five Assistant State's Attorneys, one FT Special Investigator and two PT Special Investigators. In order to more effectively manage these cases, these prosecutors have been placed on our two felony trial teams. Some of the most serious felonies (murders, robberies, home invasions) that come through our office are committed by gang members. The cases are work intensive-they often involve grand jury work, proffer sessions, analysis and use of cell site records, reliance on forensics---fingerprints, DNA, firearms analysis, sometimes interpreters, etc. Mary Beth Ayres, Gang Unit Team Leader will now be a Deputy on one of the Felony Trial Teams. She will continue to liaison with other agencies and jurisdictions about gang issues and represent the office at regional gang meetings. Two felony prosecutors are not sufficient to handle the load. We decided to merge the gang unit into our 2 felony trial teams, each with two trained/experienced gang Assistant State's Attorneys. The gang Assistant State's Attorneys will receive the gang cases and in cases where two Assistant State's Attorneys are appropriate, the other assigned Assistant State's Attorney will be a regular felony trial team member who can assist the lead gang prosecutor. We also have an Assistant State's Attorney who is a gang specialist on the Juvenile team.

Truancy Court

4. Please provide an update on Truancy Court activities in FY14, and plans moving forward in FY14. What is the grant status from the University of Baltimore School of Law?

The State's Attorney's Office took over the Truancy Court program three years ago from the University of Baltimore School of Law. The cost to operate the program is \$26,000 per school according to the University. In FY14, the Council appropriated \$78,000 to the State's Attorney's Office for continuation of the program and the State's Attorney's Office contracted with the University of Baltimore to run the program. In FY14 the office expanded the program to not three but six schools. We have done so by increasing our involvement in the project and dedicating additional office resources. We believe the Council receives a tremendous "bang for their buck" with this program and have ideas that will provide a more efficient operation of the program going forward.

The State's Attorney's Office has been able to expand the program beyond Council's expectations due to the dedication and enthusiasm of the attorneys involved in Truancy Court. We have devoted significant resources and the time of five committed Assistant State's Attorneys to this project. Assistant State's Attorneys George Simms, Amy Bills, Curt Zeager, Lynda Earle-Hill and Steve Chaikin have been instrumental in expanding the program and devoting their time to this important program. While these attorneys have many other duties and responsibilities, they spend a great deal of time ensuring the success of this program. State's Attorney John McCarthy also participates on a regular basis and attends Truancy Court graduations. The State's Attorney's Office has successfully solicited the Leadership Academy of the Bar Association of Montgomery County, Maryland to join us in this program as volunteers. We are exploring with the Young Lawyers Section of the Maryland State Bar Association their volunteer involvement, as their age group is particularly well suited to mentor students.

Going forward, the vision for Truancy Court is to maximize efficiency and expand the program into additional schools. To accomplish these goals, we will contract with the person who currently handles the Truancy Court statewide for the University of Baltimore to work solely for Montgomery County Truancy Court. We believe with a modest increase in the current budget and the continued support of Council, program expansion beyond its current scope is attainable.

Below is an update on the school programs:

Spring Semester (Current):

Clemente – 12 students, 10 of whom had significant attendance improvement (on track to graduate)



Argyle – 10 students, 7 of whom had significant attendance improvement (on track to graduate)

Loiederman – 15 students, at least 11 of whom had significant attendance improvement (on track to graduate)

Shady Grove – 12 students, 4 appear on track to graduate, general/significant improvement in attendance for all participants

[REDACTED]

[REDACTED]

Fall Semester:

Clemente – 7 out of 9 graduated (78%), average unexcused absence reduction was 67%

Argyle – 11 out of 14 graduated (79%), average unexcused absence reduction was 92%

Loiederman – 10 out of 10 graduated (100%), average unexcused absence reduction was 66%

Grant Funding/Increased General Funding

5. Please describe loss of the ARREST Grant. What positions were funded by this?

Since 2001, the ARREST grant has provided funds to support positions in the area of domestic violence. In the State's Attorney's Office, it funded two full time Senior Legal Assistants, one Program Specialist and one contract Special Investigator. These positions are critical to the mission of the Family Justice Center and the office.

Domestic Violence Legal Assistants

Currently there are four legal assistants, two of whom are grant funded. The legal assistants are responsible for preparing approximately 150 criminal domestic violence cases each month to be tried on the eight monthly Domestic Violence Criminal dockets. In each case, the legal assistant contacts the victim to discuss the incident and makes referrals to the appropriate victim service providers; contacts any known witnesses or police involved in the incident; collects evidence taken on the scene, such as photographs, 911 tapes, and medical records; conducts record checks and gathers any prior case information on offenders; assesses the legal aspects of the case; issues subpoenas; and prepares the case for trial. Once the trial preparation process is completed by the legal assistant, specially trained prosecutors are responsible for the final trial assessment. Two of the four legal assistants attend the Domestic Violence dockets each week to assist the prosecutors in court. In addition to the enormous task of preparing each case for trial, the legal assistants rotate going to Central Processing at the jail each

morning to gather information about the domestic violence arrests that occurred the night before, they gather all relevant information to prepare for the day's bond hearings and they designate the cases for the Domestic Violence Criminal Dockets. They also rotate being the "Legal Assistant of the day" to handle all incoming calls in reference to domestic violence and to meet with all victim walk-ins to the Family Justice Center. Domestic violence is a critical public safety issue; the loss of two of the four legal assistants would simply stop the ability of the Domestic Violence Unit to effectively prepare these cases for trial.

Domestic Violence Unit Investigator:

The grant funded investigator is a retired police officer with extensive investigative experience and is the only investigator assigned to the Domestic Violence Unit (DVU). Since joining the DVU the investigator has conducted numerous interviews of victims and/or witnesses; conducted countless background checks on defendants; has served personal service subpoenas; presented cases to the Grand Jury; conducted injury assessments; and numerous other tasks. His interviewing skills and investigative experience are invaluable to enhancing the successful prosecution of domestic violence cases. Because he is the DVU's only investigator, without continued funding, these duties could not be performed.

Evidence Collection Specialist:

The grant funded part-time Evidence Collection Specialist (ECS) is responsible for the collection, review and prioritization of all Domestic Violence Supplemental (DVS) reports, event reports, arrest reports and charging documents for Montgomery County and local police departments. The ECS enters all DVS reports into appropriate databases for data collection and evidence tracking; prepares evidence with verification of chain of custody and coordinates with the investigative legal assistants in State's Attorney's Office DVU; utilizes databases for information regarding premise history, prior criminal activity or repeat offenders; coordinates with Family Crimes Division of the County Police on all reports of domestic violence incidents witnessed by children; contacts patrol officers regarding missing DVS reports and photographs; and collects, records and disseminates the Lethality Assessment Protocol (LAP). All of these documents are evidence used in the prosecution of domestic violence cases. Without this position, the timely collection of this evidence will be hampered.

The loss of ARREST positions will seriously erode the ability of the State's Attorney's Office to serve the thousands of victims of domestic violence and their families. The State's Attorney's Office is pleased that the County Executive's recommended budget includes continued funding for these positions and request County Council support to maintain services at the Family Justice Center. The positions at the Sheriff's Office and the State's Attorney's Office are critical to the continued Family Justice Center operation and success.

6. Please provide an update on all other grant funding not addressed in these questions. What other grant funding is the SAO in jeopardy of losing, if any?

The State's Attorney's Office currently receives funding under the STOP Violence Against Women Act (STOP) from the Governor's Office of Crime Control and Prevention (GOCCP). In FY14 the award was \$60,000 and the office recently submitted a request to continue funding at that amount. This grant has been awarded for the past 11 years to fund an Assistant State's Attorney to handle one of the two Domestic Violence dockets in District Court.

Other

8. Please describe the reallocation of STOP and Drug Court Personnel Costs to General Fund (District Court Prosecution).

Due to increased compensation costs, the FY14 allocation between the grant and general funds was insufficient. In order to accurately reflect personnel costs, an increase to the general fund was required. For the STOP grant, that increase was \$24,811. In the Drug Court grant the increase in personnel cost is \$4,838.

9. Please describe the decreased cost for Contract Attorney costs to Group State's Attorney I Positions.

The State's Attorney's Office has two contract Assistant State's Attorneys positions, created in 2010 to accommodate employees who wanted to reduce their working hours from full to part time and to cover the work of lapsed attorney positions. Personnel costs were moved to the operating fund and the savings (\$92,000) allowed for two contract positions at 0.5 FTE each.

However, the office has had difficulty in hiring and retaining employees in these positions due to the lack of benefits provided in the contract positions, especially as new federal healthcare regulations come into effect. In order to address the concerns of applicants, the decision was made to move the positions to the group position which currently houses the newest Assistant State's Attorneys (7 FTEs). The County Executive has recommended that one of the contract positions be moved to the group position and the other position be abolished, combining two-0.5 FTE contract positions into one new 1.0 FTE position. The group position will now have 8 FTEs and a savings of \$14,621 was realized.

DeWolfe Decision

10. State's Attorney McCarthy has provided a brief overview of what new costs the SAO may incur (\$500-\$700,000) by providing an ASA and/or contractual attorneys at all initial hearings. And that much depends on how the Public Defender and Judiciary want to implement a process. Please provide an update if any new developments occur.

Mr. McCarthy will provide an update on April 24th. As of this writing, the Office of the Public Defender and the Judiciary have not made firm decisions regarding the implementation of the court ruling.

Positions

11. The recommended budget includes 2 new full time positions and 1 new part-time position. Please describe these positions (are they from converting grant funds to general?).

The new positions are from the loss of the Arrest grant. The positions are two FT Sr. Legal Assistants and one PT Program Specialist (20 hours/week).