

Worksession

MEMORANDUM

May 1, 2009

TO: County Council
FROM: Susan J. Farag *SJF*
SUBJECT: FY10 Operating Budget
Office of the State's Attorney

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

Summary of Public Safety Committee Recommendations

The Public Safety Committee held a worksession on the State's Attorney's Office budget on April 17, 2009. **The Committee recommended approval (3-0) as submitted by the Executive.** Discussion focused on the State's Attorney's use of a five-day furlough for all employees, estimated to save \$229, 450.

Overview

For FY10, the Executive recommends total expenditures of \$12,527,330 for the State's Attorney, a 1.8% reduction from the FY09 approved budget.

	FY08 Actual	FY09 Approved	FY10 CE Recommended	% Change FY09-FY10
Expenditures:				
General Fund	\$11,884,764	\$12,595,950	\$12,209,280	-3.1%
Grant Fund	\$184,554	\$159,710	\$318,050	99.1%
TOTAL Expenditures	\$12,069,318	\$12,755,660	\$12,527,330	-1.8%
Positions:				
Full-time	110	113	112	-0.9%
Part-time	11	12	12	0.0%
TOTAL Positions	121	125	124	-0.8%
WORKYEARS	118.2	122.4	122.4	0.0%

The FY10 CE recommendation is a net -\$228,330, all of which reflects same services adjustments.

Identified Same Services Adjustments		
Increase Cost: Service Increment		\$140,300
Increase Cost: Retirement Adjustment		\$47,550
Increase Cost: Group Insurance Adjustment		\$11,970
Increase Cost: Printing Charges		\$1,510
Increase Cost: Inter-Office Mail Revenue Adjustment		\$580
Increase Cost: Various Grants		\$158,340
	Total Increases:	\$360,250
Decrease Cost: Records Management		(\$40)
Decrease Cost: Central Duplication Deficit Recovery Charge		(\$1,440)
Decrease Cost: Mail Charges Adjustment		(\$2,440)
Decrease Cost: Motor Pool Rate Adjustment		(\$4,030)
Decrease Cost: Various Operating Expenses		(\$26,550)
Decrease Cost: Staff Turnover Savings		(\$149,360)
Decrease Cost: Annualization of FY09 Personnel Costs		(\$175,270)
Decrease Cost: Five Day Furlough for All Employees		(\$229,450)
	Total Decreases:	(\$588,580)
NET SAME SERVICES ADJUSTMENT TOTAL:		(\$228,330)

FY10 Expenditure Issues

Five-Day Furlough

The FY10 Recommended Budget contains a five-day furlough for all State’s Attorney’s Office employees, with a projected savings of \$229,450. State’s Attorney’s staff state that, while not all details of the furlough have been worked out, employees will have the choice of days to be furloughed, subject to their supervisor’s approval. Furloughs will be conducted on a rolling basis. Part-time staff will be furloughed as well, but for less time. The State’s Attorney’s Office has also been working with the Department of Finance to attempt to spread out the payroll deductions over the course of the entire year to minimize the financial impact on employees. The office is attempting to structure the furlough to minimize any impact on service delivery.

Changes in Grant Funding

The FY10 budget no longer contains chargebacks to the Sheriff’s Office. The Domestic Violence grant to the Sheriff’s office that funded two legal assistants in the State’s Attorney’s office ended in December 2008. The two positions are currently funded by the State’s Attorney’s general funds until June 30, 2009. Applications for grant funding starting July 1, 2009 have been submitted.

The STOP Violence Against Women grant funds an Assistant State’s Attorney that is assigned to the Family Violence Unit. The grant adds a second specially-trained prosecutor in FY10 to handle cases on the District Court domestic violence dockets and assist victims of these crimes.

This prosecutor also handles cases in Circuit Court that are appealed or jury-demanded from the Domestic Violence docket.

The FY10 budget continues to charge one-half workyear of an Assistant State's Attorney's time to the Police Department for the teaching of constitutional and criminal law at the Academy and as part of in-service training.

This packet contains
Recommended FY10 Operating Budget

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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 FY10 Operating Budget for the Office of the State's Attorney is \$12,527,330, a decrease of \$228,330 or 1.8 percent from the FY09 Approved Budget of \$12,755,660. Personnel Costs comprise 95.9 percent of the budget for 112 full-time positions and 12 part-time positions for 122.4 workyears. Operating Expenses account for the remaining 4.1 percent of the FY10 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*

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 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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	5,955,150	48.9
Decrease Cost: Staff turnover savings	-149,360	-1.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-155,190	-1.0
FY10 CE Recommended	5,650,600	46.9

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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	298,410	3.5

	Expenditures	WYs
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-2,530	0.0
FY10 CE Recommended	295,880	3.7

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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	1,309,160	13.5
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	58,340	0.0
FY10 CE Recommended	1,367,500	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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	110,020	2.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	4,510	0.5
FY10 CE Recommended	114,530	2.5

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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	330,580	4.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	3,740	1.5
FY10 CE Recommended	334,320	5.5

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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	535,590	5.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	11,980	0.0
FY10 CE Recommended	547,570	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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	896,650	8.0
Increase Cost: Printing Charges Adjustment	1,510	0.0
Increase Cost: Inter-Office Mail Revenue Adjustment	580	0.0
Decrease Cost: Mail Charges Adjustment	-2,440	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	14,250	0.0
FY10 CE Recommended	910,550	8.0

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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	802,470	6.0
Decrease Cost: Records Management Adjustment	-40	0.0
Decrease Cost: Central Duplication Deficit Recovery Charge	-1,440	0.0
Decrease Cost: Motor Pool Rate Adjustment	-4,030	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	19,940	0.0
FY10 CE Recommended	816,900	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.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	2,517,630	31.5
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-28,150	0.0
FY10 CE Recommended	2,489,480	31.5

BUDGET SUMMARY

	Actual FY08	Budget FY09	Estimated FY09	Recommended FY10	% Chg Bud/R
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	8,813,515	9,325,060	9,257,730	8,960,710	-3.9%
Employee Benefits	2,474,896	2,728,340	2,631,080	2,738,430	0.4%
County General Fund Personnel Costs	11,288,411	12,053,400	11,888,810	11,699,140	-2.9%
Operating Expenses	596,353	542,550	551,160	510,140	-6.0%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	11,884,764	12,595,950	12,439,970	12,209,280	-3.1%
PERSONNEL					
Full-Time	109	111	111	109	-1.8%
Part-Time	11	10	10	10	—
Workyears	117.2	119.4	119.4	118.4	-0.8%
REVENUES					
SAO Investigation Reimbursement	150,000	0	0	0	—
Discovery Materials	18,280	12,000	12,000	12,000	—
Bad Check Mediation Fee	8,485	7,500	7,500	7,500	—
Rental Return Restitution Fee	4,234	4,000	4,000	4,000	—
Teen Court Fees	4,918	6,000	6,000	6,000	—
County General Fund Revenues	185,917	29,500	29,500	29,500	—
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	147,496	137,680	244,270	271,530	97.2%
Employee Benefits	23,106	22,030	24,160	46,520	111.2%
Grant Fund MCG Personnel Costs	170,602	159,710	268,430	318,050	99.1%
Operating Expenses	13,952	0	-930	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	184,554	159,710	267,500	318,050	99.1%
PERSONNEL					
Full-Time	1	2	2	3	50%
Part-Time	0	2	2	2	—
Workyears	1.0	3.0	3.0	4.0	33.3%
REVENUES					
Child Victim Advocate Grant	0	0	32,450	34,000	—
Drug Court Grant	0	0	91,500	95,620	—
Gang Prosecution Unit	13,586	0	0	0	—
Mediation and Conflict Resolution	9,050	0	0	26,500	—
STOP Grant for Domestic Violence	82,889	88,630	88,630	87,360	-1.4%
Montgomery County Anti-Gang Initiative	59,625	71,080	54,920	74,570	4.9%
Domestic Violence Investigator Grant	19,404	0	0	0	—
Grant Fund MCG Revenues	184,554	159,710	267,500	318,050	99.1%
DEPARTMENT TOTALS					
Total Expenditures	12,069,318	12,755,660	12,707,470	12,527,330	-1.8%
Total Full-Time Positions	110	113	113	112	-0.9%
Total Part-Time Positions	11	12	12	12	—
Total Workyears	118.2	122.4	122.4	122.4	—
Total Revenues	370,471	189,210	297,000	347,550	83.7%

FY10 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY09 ORIGINAL APPROPRIATION	12,595,950	119.4
Other Adjustments (with no service impacts)		
Increase Cost: Service Increment	140,300	0.0
Increase Cost: Retirement Adjustment	47,550	0.0
Increase Cost: Group Insurance Adjustment	11,970	0.0
Increase Cost: Printing Charges Adjustment [Prosecution Management]	1,510	0.0
Increase Cost: Inter-Office Mail Revenue Adjustment [Prosecution Management]	580	0.0
Decrease Cost: Records Management Adjustment [Administration]	-40	0.0
Decrease Cost: Central Duplication Deficit Recovery Charge [Administration]	-1,440	0.0
Decrease Cost: Mail Charges Adjustment [Prosecution Management]	-2,440	0.0
Decrease Cost: Motor Pool Rate Adjustment [Administration]	-4,030	0.0
Decrease Cost: Various Operating Expenses	-26,550	0.0
Decrease Cost: Staff turnover savings [Circuit Court Prosecution]	-149,360	-1.0
Increase Cost: Annualization of FY09 Personnel Costs	-175,270	0.0
Decrease Cost: Five Day Furlough for all Employees	-229,450	0.0
FY10 RECOMMENDED:	12,209,280	118.4
GRANT FUND MCG		
FY09 ORIGINAL APPROPRIATION	159,710	3.0
Other Adjustments (with no service impacts)		
Increase Cost: Various Grants	158,340	1.0
FY10 RECOMMENDED:	318,050	4.0

PROGRAM SUMMARY

Program Name	FY09 Approved		FY10 Recommended	
	Expenditures	WYs	Expenditures	WYs
Circuit Court Prosecution	5,955,150	48.9	5,650,600	46.9
District Court Screening	298,410	3.5	295,880	3.5
Juvenile Court Prosecution	1,309,160	13.5	1,367,500	13.5
Pre-Trial Mediation	110,020	2.0	114,530	2.5
Victim/Witness Court Assistance	330,580	4.0	334,320	5.5
Major Fraud and Special Investigations	535,590	5.0	547,570	5.0
Prosecution Management	896,650	8.0	910,550	8.0
Administration	802,470	6.0	816,900	6.0
District Court Prosecution	2,517,630	31.5	2,489,480	31.5
Total	12,755,660	122.4	12,527,330	122.4

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY09		FY10	
		Total\$	WYs	Total\$	WYs
COUNTY GENERAL FUND					
Police	County General Fund	83,290	0.5	86,430	0.5
Police	Grant Fund MCG	78,970	1.0	83,050	1.0
Sheriff	Grant Fund MCG	133,260	2.0	0	0.0
Total		295,520	3.5	169,480	1.5

FUTURE FISCAL IMPACTS

Title	CE REC. (5000's)					
	FY10	FY11	FY12	FY13	FY14	FY15
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY10 Recommended	12,209	12,209	12,209	12,209	12,209	12,209
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	69	69	69	69	69
These figures represent the estimated cost of service increments and associated benefits.						
Subtotal Expenditures	12,209	12,278	12,278	12,278	12,278	12,278