



**Staff:** Susan J. Farag, Legislative Analyst  
**Purpose:** To make preliminary decisions – straw vote expected  
**Keywords:** #StatesAttorney, #FY21OperatingBudget

AGENDA ITEM #13  
 April 28, 2020  
**Worksession**

**SUBJECT**

FY21 Operating Budget – State’s Attorney’s Office

**EXPECTED ATTENDEES**

John McCarthy, State’s Attorney  
 Trevor Lobaugh, Office of Management and Budget

**EXECUTIVE RECOMMENDATION**

FY21 Executive Recommendation	\$19,530,025	159.25 FTE
Increase from FY20	\$688,357 3.65%	2 FTE 1.7%

**COUNCIL STAFF RECOMMENDATION – CONTINUITY OF SERVICES BUDGET**

FY21 Council Staff Recommendation	<b>\$18,957,037</b>	<b>153.85 FTE</b>
Increase (Decrease) from FY20	(\$18,826) (0.1%)	0 0%
Increase (Decrease) from CE FY21 Rec	(\$707,183) (3.6%)	(3.4) FTE 0%

**EXECUTIVE RECOMMENDED ITEMS NOT INCLUDED IN CONTINUITY OF SERVICES**

The following items are included in the FY21 recommended budget and reflect expenditures and new positions beyond the approved FY20 budget. Council staff recommends these items for reduction.

Two Fulltime IT Positions/One PT IT Pos. Convert to FT	\$160,086
FY21 Compensation Adjustment	\$412,902
Convert Contractual ASA Positions to ASA III	\$134,195
<b>Total:</b>	<b>\$707,183</b>

**CONTINUITY OF SERVICES FROM FY20**

- There are no material changes to the budget that impact continuity of services.

## PROPOSED REDUCTIONS DUE TO SOCIAL DISTANCING RESTRICTIONS

- None.

## POTENTIAL ITEMS RELATED TO COVID-19

- Since March 17, the courts have been closed for all but emergency matters, which include domestic violence petitions, family law emergencies, extreme risk protective orders, bail reviews, juvenile detention hearings, and search warrants. All other matters have been postponed until further notice. When courts reopen, addressing the case backlog may require additional resources.

### **This report contains:**

CE Recommended FY21 Operating Budget for the State's Attorney

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# State's Attorney

## RECOMMENDED FY21 BUDGET

\$19,530,025

## FULL TIME EQUIVALENTS

159.25

JOHN MCCARTHY, STATE'S ATTORNEY

## MISSION STATEMENT

The State's Attorney's Office is a constitutionally created independent agency. The mission of the State's Attorney's Office 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 FY21 Operating Budget for the State's Attorney's Office is \$19,530,025, an increase of \$688,357 or 3.65 percent from the FY20 Approved Budget of \$18,841,668. Personnel Costs comprise 96.65 percent of the budget for 154 full-time position(s) and eight part-time position(s), and a total of 159.25 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 3.35 percent of the FY21 budget.

## COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

### **Safe Neighborhoods**

## INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- The Information Technology Division implemented a District Court Division SharePoint team site application to assist in organizing the District Court Appeals calendar and balance attorneys' caseloads for Track One criminal appeals cases. This ensures accurate and complete information sharing and supports future enhancements to other case dockets. The application decreases inefficiencies in attorney case scheduling, thus reducing conflicts and overbooking issues with other previously scheduled District Court cases.
- The State's Attorney's Office continues to have a robust internship program. In 2019, the internship program added over 19,000 hours of service to the office which equates to over 9.0 FTE. The internship program has students from high school, undergraduate school, law school, and recent law school graduates as participants.
- The Information Technology Division implemented a new cloud-based Truancy Prevention Program SharePoint Application to improve interaction and communications between the State's Attorney's Office Truancy Prevention Program Unit and

Montgomery County Public Schools. The Truancy Prevention Program SharePoint Application provides a "one-stop-shop" for storing, accessing, updating, and monitoring student attendance and grades.

## PROGRAM CONTACTS

Contact Lisa Russo of the State's Attorney's Office at 240.777.7407 or Trevor Lobaugh of the Office of Management and Budget at 240.777.2763 for more information regarding this department's operating budget.

## PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY20 estimates reflect funding based on the FY20 Approved Budget. The FY21 and FY22 figures are performance targets based on the FY21 Recommended Budget and funding for comparable service levels in FY22.

## PROGRAM DESCRIPTIONS

### Administration

Staff provides central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinates efforts and initiatives with other criminal justice agencies.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>1,824,289</b>	<b>12.85</b>
Enhance: Add Two Full-Time IT Positions and Convert one Part-Time Position to Full-Time	160,086	2.40
Increase Cost: Online Research Tool	6,008	0.00
Increase Cost: Salary Plan for Assistant State's Attorneys	2,539	0.00
Technical Adj: Realign Grant Budget	1,338	0.01
Technical Adj: Realign Grant Budget	0	(0.09)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(223,996)	(0.01)
<b>FY21 Recommended</b>	<b>1,770,264</b>	<b>15.16</b>

### 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. Appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>8,641,713</b>	<b>65.00</b>
Increase Cost: Salary Plan for Assistant State's Attorneys	58,282	0.00

FY21 Recommended Changes	Expenditures	FTEs
Technical Adj: Realign Grant Budget	8,506	0.02
Technical Adj: Realign Grant Budget	0	(0.02)
Technical Adj: Mid-Year Conversion of Part-Time and Full-Time Positions	0	(0.25)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	287,223	0.00
<b>FY21 Recommended</b>	<b>8,995,724</b>	<b>64.75</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.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>2,592,888</b>	<b>25.62</b>
Increase Cost: Convert Contract Assistant State's Attorneys to Assistant State's Attorney III Positions	134,195	3.00
Technical Adj: Realign Grant Budget	10,352	0.05
Technical Adj: Realign Grant Budget	0	(0.05)
Technical Adj: Mid-Year Conversion of Part-Time and Full-Time Positions	0	(0.50)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	84,268	0.01
<b>FY21 Recommended</b>	<b>2,821,703</b>	<b>28.13</b>

## District Court Screening and Mediation

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.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>1,391,622</b>	<b>13.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	109,266	0.00
<b>FY21 Recommended</b>	<b>1,500,888</b>	<b>13.50</b>

## 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 State's Attorney's Office. 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.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>2,108,565</b>	<b>17.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	36,694	0.00
<b>FY21 Recommended</b>	<b>2,145,259</b>	<b>17.50</b>

## Major Fraud and Special Investigations

The Major Fraud and Special Investigations Division investigates allegations of complex financial crimes such as real estate and other business investment fraud schemes for which the Police Department is unable to provide investigative resources. The division 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 provides guidance to police officers and investigators from other agencies in situations where financial crimes may be suspected.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>527,560</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.	7,852	0.00
<b>FY21 Recommended</b>	<b>535,412</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.

FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>1,238,482</b>	<b>9.25</b>
Technical Adj: Mid-Year Conversion of Part-Time and Full-Time Positions	0	0.75
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(23,431)	0.00
<b>FY21 Recommended</b>	<b>1,215,051</b>	<b>10.00</b>

## 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.

FY21 Recommended Changes	Expenditures	FTEs
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FY21 Recommended Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>516,549</b>	<b>5.13</b>
Technical Adj: Realign Grant Budget	9,950	0.12
Technical Adj: Realign Grant Budget	0	(0.04)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	19,225	0.00
<b>FY21 Recommended</b>	<b>545,724</b>	<b>5.21</b>

## BUDGET SUMMARY

	Actual FY19	Budget FY20	Estimate FY20	Recommended FY21	%Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	12,955,004	13,370,509	13,640,345	14,215,252	6.3 %
Employee Benefits	3,983,014	4,426,108	4,346,882	4,389,709	-0.8 %
<b>County General Fund Personnel Costs</b>	<b>16,938,018</b>	<b>17,796,617</b>	<b>17,987,227</b>	<b>18,604,961</b>	<b>4.5 %</b>
Operating Expenses	927,942	773,325	933,954	653,338	-15.5 %
Capital Outlay	14,989	0	0	0	—
<b>County General Fund Expenditures</b>	<b>17,880,949</b>	<b>18,569,942</b>	<b>18,921,181</b>	<b>19,258,299</b>	<b>3.7 %</b>
<b>PERSONNEL</b>					
Full-Time	142	143	143	150	4.9 %
Part-Time	10	10	10	7	-30.0 %
FTEs	150.25	150.98	150.98	156.58	3.7 %
<b>REVENUES</b>					
Miscellaneous Revenues	9,417	0	0	0	—
Other Charges/Fees	5,285	3,800	3,800	3,500	-7.9 %
<b>County General Fund Revenues</b>	<b>14,702</b>	<b>3,800</b>	<b>3,800</b>	<b>3,500</b>	<b>-7.9 %</b>
<b>GRANT FUND - MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	213,986	198,509	198,509	201,293	1.4 %
Employee Benefits	53,723	73,217	73,217	70,433	-3.8 %
<b>Grant Fund - MCG Personnel Costs</b>	<b>267,709</b>	<b>271,726</b>	<b>271,726</b>	<b>271,726</b>	<b>—</b>
Operating Expenses	88,919	0	0	0	—
<b>Grant Fund - MCG Expenditures</b>	<b>356,628</b>	<b>271,726</b>	<b>271,726</b>	<b>271,726</b>	<b>—</b>
<b>PERSONNEL</b>					
Full-Time	4	4	4	4	—
Part-Time	1	1	1	1	—
FTEs	3.10	2.87	2.87	2.67	-7.0 %
<b>REVENUES</b>					
Federal Grants	280,822	0	0	0	—
State Grants	75,806	271,726	271,726	271,726	—

## BUDGET SUMMARY

	Actual FY19	Budget FY20	Estimate FY20	Recommended FY21	%Chg Bud/Rec
<b>Grant Fund - MCG Revenues</b>	<b>356,628</b>	<b>271,726</b>	<b>271,726</b>	<b>271,726</b>	<b>—</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>18,237,577</b>	<b>18,841,668</b>	<b>19,192,907</b>	<b>19,530,025</b>	<b>3.7 %</b>
<b>Total Full-Time Positions</b>	<b>146</b>	<b>147</b>	<b>147</b>	<b>154</b>	<b>4.8 %</b>
<b>Total Part-Time Positions</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>8</b>	<b>-27.3 %</b>
<b>Total FTEs</b>	<b>153.35</b>	<b>153.85</b>	<b>153.85</b>	<b>159.25</b>	<b>3.5 %</b>
<b>Total Revenues</b>	<b>371,330</b>	<b>275,526</b>	<b>275,526</b>	<b>275,226</b>	<b>-0.1 %</b>

### FY21 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY20 ORIGINAL APPROPRIATION</b>	<b>18,569,942</b>	<b>150.98</b>
<b><u>Changes (with service impacts)</u></b>		
Enhance: Add Two Full-Time IT Positions and Convert one Part-Time Position to Full-Time [Administration]	160,086	2.40
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY21 Compensation Adjustment	412,902	0.00
Increase Cost: Annualization of FY20 Compensation Increases	316,653	0.00
Increase Cost: Convert Contract Assistant State's Attorneys to Assistant State's Attorney III Positions [District Court Prosecution]	134,195	3.00
Increase Cost: Salary Plan for Assistant State's Attorneys [Circuit Court Prosecution]	58,282	0.00
Technical Adj: Realign Grant Budget [District Court Prosecution]	10,352	0.05
Technical Adj: Realign Grant Budget [Victim/Witness Court Assistance]	9,950	0.12
Technical Adj: Realign Grant Budget [Circuit Court Prosecution]	8,506	0.02
Increase Cost: Online Research Tool [Administration]	6,008	0.00
Increase Cost: Print and Mail Adjustment	5,780	0.00
Increase Cost: Salary Plan for Assistant State's Attorneys [Administration]	2,539	0.00
Technical Adj: Realign Grant Budget [Administration]	1,338	0.01
Technical Adj: Mid-Year Conversion of Part-Time and Full-Time Positions [District Court Prosecution]	0	(0.50)
Technical Adj: Mid-Year Conversion of Part-Time and Full-Time Positions [Prosecution Management]	0	0.75
Technical Adj: Mid-Year Conversion of Part-Time and Full-Time Positions [Circuit Court Prosecution]	0	(0.25)
Decrease Cost: Motor Pool Adjustment	(6,975)	0.00
Decrease Cost: Retirement Adjustment	(136,078)	0.00
Decrease Cost: Annualization of FY20 Personnel Costs	(295,181)	0.00
<b>FY21 RECOMMENDED</b>	<b>19,258,299</b>	<b>156.58</b>

### GRANT FUND - MCG

## FY21 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>FY20 ORIGINAL APPROPRIATION</b>	<b>271,726</b>	<b>2.87</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Technical Adj: Realign Grant Budget [Administration]	0	(0.09)
Technical Adj: Realign Grant Budget [Circuit Court Prosecution]	0	(0.02)
Technical Adj: Realign Grant Budget [Victim/Witness Court Assistance]	0	(0.04)
Technical Adj: Realign Grant Budget [District Court Prosecution]	0	(0.05)
<b>FY21 RECOMMENDED</b>	<b>271,726</b>	<b>2.67</b>

## PROGRAM SUMMARY

Program Name	FY20 APPR Expenditures	FY20 APPR FTEs	FY21 REC Expenditures	FY21 REC FTEs
Administration	1,824,289	12.85	1,770,264	15.16
Circuit Court Prosecution	8,641,713	65.00	8,995,724	64.75
District Court Prosecution	2,592,888	25.62	2,821,703	28.13
District Court Screening and Mediation	1,391,622	13.50	1,500,888	13.50
Juvenile Court Prosecution	2,108,565	17.50	2,145,259	17.50
Major Fraud and Special Investigations	527,560	5.00	535,412	5.00
Prosecution Management	1,238,482	9.25	1,215,051	10.00
Victim/Witness Court Assistance	516,549	5.13	545,724	5.21
<b>Total</b>	<b>18,841,668</b>	<b>153.85</b>	<b>19,530,025</b>	<b>159.25</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY20 Total\$	FY20 FTEs	FY21 Total\$	FY21 FTEs
<b>COUNTY GENERAL FUND</b>					
Police	General Fund	141,516	1.00	156,166	1.00

## FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY21	FY22	FY23	FY24	FY25	FY26
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY21 Recommended</b>	<b>19,258</b>	<b>19,258</b>	<b>19,258</b>	<b>19,258</b>	<b>19,258</b>	<b>19,258</b>
No inflation or compensation change is included in outyear projections.						
<b>Annualization of Positions Recommended in FY21</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>

## FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY21	FY22	FY23	FY24	FY25	FY26
New positions in the FY21 budget are generally assumed to be filled at least two months after the fiscal year begins. Therefore, the above amounts reflect annualization of these positions in the outyears.						
<b>Labor Contracts</b>	<b>0</b>	<b>235</b>	<b>235</b>	<b>235</b>	<b>235</b>	<b>235</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>19,299</b>	<b>19,534</b>	<b>19,534</b>	<b>19,534</b>	<b>19,534</b>	<b>19,534</b>

## ANNUALIZATION OF FULL PERSONNEL COSTS

	FY21 Recommended		FY22 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Add Two Full-Time IT Positions and Convert one Part-Time Position to Full-Time	160,086	2.40	201,311	2.40
<b>Total</b>	<b>160,086</b>	<b>2.40</b>	<b>201,311</b>	<b>2.40</b>