
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 FY11 Operating Budget for the Office of the State's Attorney is \$12,851,090, an increase of \$384,700 or 3.1 percent from the FY10 Approved Budget of \$12,466,390. Personnel Costs comprise 96.1 percent of the budget for 117 full-time positions and 15 part-time positions for 124.1 workyears. Operating Expenses account for the remaining 3.9 percent of the FY11 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 FY10 estimates incorporate the effect of the FY10 savings plan. FY11 and FY12 targets assume the approved FY11 budget and FY12 funding for comparable service levels.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Under the all crimes approach to address gang activity, 363 cases committed by gang members were referred to the gang unit in FY09.***
- ❖ ***Two grants were awarded that fund two part time child victim advocates who work with child victims of physical and sexual abuse. The victim advocates guide children through the criminal justice system and serve as liaisons between the State's Attorney's Office and the Tree House Child Assessment Center***
- ❖ ***The State's Attorney's Office received funds from the American Reinvestment and Recovery Act (ARRA) to fund two part-time investigators and one full-time analyst in its Anti-Gang Initiative.***

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	5,610,660	46.6
Add: ARRA JAG Recovery Gang Investigator Grant	150,430	2.0
Increase Cost: Restoration of lapse	149,360	1.0
Add: Drug Court Grant	98,210	1.0
Enhance: Child Victim Advocate Grant	71,940	1.0
Technical Adj: ERP Implementation: Move CSAFE Grant Allocation from Police to States Attorney	71,780	1.0
Decrease Cost: Printing and Mail Adjustment	-4,440	0.0
Decrease Cost: Termination of Anti-Gang Initiative Grant	-74,570	-1.0
Decrease Cost: Termination of Drug Court Grant	-95,620	-1.0
Decrease Cost: Lapse One Assistant State's Attorney III Position	-150,000	-1.0
Decrease Cost: Salary Differential Between Retiring Employees and Replacement Employees	-174,740	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	243,740	-3.0
FY11 Approved	5,896,750	46.6

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	295,880	3.5
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	1,120	0.0
FY11 Approved	297,000	3.5

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	1,367,500	13.5
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-107,970	-1.0
FY11 Approved	1,259,530	12.5

Pre-Trial Mediation

The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals which might enter the judicial system as criminal cases, or civil claims, or even escalate to violence if not otherwise resolved. Trained volunteers, working in conjunction with a mediation specialist, mediate various issues involved in disputes allowing the parties to reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community. This program provides merchants with a quick and effective way to recover their rental property and fees.

Program Performance Measures	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Bad Check Mediation Program Revenue ¹	8,485	7,635	7,500	6,000	6,000
Rental Return Restitution Program Revenue ²	4,234	4,205	4,000	3,300	3,300

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

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

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	114,530	2.5
Enhance: Mediation and Conflict Resolution Grant	500	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	29,510	0.0
FY11 Approved	144,540	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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	334,320	5.5
Decrease Cost: Termination of Child Victim Advocate I Grant	-34,000	-0.5
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	105,030	0.5
FY11 Approved	405,350	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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	547,560	5.0
Decrease Cost: Annualized (FY11) Return of One Administrative Vehicle in FY10	-2,870	0.0
Decrease Cost: Motor Pool Rate Adjustment	-11,990	0.0
Decrease Cost: Lapse One Special Investigator Position	-114,760	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	11,750	1.0
FY11 Approved	429,690	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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	910,550	8.0
Shift: Senior Information Technology Specialist from DTS to the Office of the State's Attorney	124,910	1.0
Decrease Cost: Reduction in Operating Expenses	-12,470	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-10,720	-1.0
FY11 Approved	1,012,270	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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	795,910	6.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	5,110	0.0
FY11 Approved	801,020	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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	2,489,480	31.5
Add: New service unit to provide 'Discovery' evidence to defense attorneys	210,800	4.0
Enhance: STOP Grant for Domestic Violence	2,100	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-97,440	-1.0
FY11 Approved	2,604,940	34.5

BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Approved FY11	% Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	9,352,928	8,909,490	8,811,280	9,003,950	1.1%
Employee Benefits	2,669,921	2,728,710	2,669,400	2,841,600	4.1%
County General Fund Personnel Costs	12,022,849	11,638,200	11,480,680	11,845,550	1.8%
Operating Expenses	661,368	510,140	579,090	496,720	-2.6%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	12,684,217	12,148,340	12,059,770	12,342,270	1.6%
PERSONNEL					
Full-Time	111	109	109	114	4.6%
Part-Time	10	10	10	10	—
Workyears	119.4	118.1	118.1	117.6	-0.4%
REVENUES					
SAO Investigation Reimbursement	0	0	30,000	0	—
Discovery Materials	14,022	12,000	12,000	224,800	1773.3%
Bad Check Mediation Fee	7,635	7,500	7,500	6,000	-20.0%
Rental Return Restitution Fee	4,205	4,000	4,000	3,300	-17.5%
Teen Court Fees	6,325	6,000	6,000	6,000	—
County General Fund Revenues	32,187	29,500	59,500	240,100	713.9%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	291,882	271,530	423,170	428,620	57.9%
Employee Benefits	42,729	46,520	56,470	80,200	72.4%
Grant Fund MCG Personnel Costs	334,611	318,050	479,640	508,820	60.0%
Operating Expenses	3,749	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	338,360	318,050	479,640	508,820	60.0%
PERSONNEL					
Full-Time	2	3	3	3	—
Part-Time	2	2	2	5	150.0%
Workyears	3.0	4.0	4.0	6.5	62.5%
REVENUES					
Child Victim Advocate Grant	0	0	0	36,420	—
ARRA JAG Recovery Gang Investigator Grant	0	0	140,000	150,430	—
Child Victim Advocate Grant	32,450	34,000	55,590	35,520	4.5%
Drug Court Grant	85,935	95,620	95,620	98,210	2.7%
Gang Prosecution Unit	59,025	0	0	0	—
Mediation and Conflict Resolution	28,100	26,500	26,500	27,000	1.9%
STOP Grant for Domestic Violence	77,930	87,360	87,360	89,460	2.4%
Montgomery County Anti-Gang Initiative	54,920	74,570	74,570	0	—
Hot Spots: Wheaton (CSAFE)	0	0	0	71,780	—
Grant Fund MCG Revenues	338,360	318,050	479,640	508,820	60.0%
DEPARTMENT TOTALS					
Total Expenditures	13,022,577	12,466,390	12,539,410	12,851,090	3.1%
Total Full-Time Positions	113	112	112	117	4.5%

	Actual FY09	Budget FY10	Estimated FY10	Approved FY11	% Chg Bud/App
Total Part-Time Positions	12	12	12	15	25.0%
Total Workyears	122.4	122.1	122.1	124.1	1.6%
Total Revenues	370,547	347,550	539,140	748,920	115.5%

FY11 APPROVED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY10 ORIGINAL APPROPRIATION	12,148,340	118.1
<u>Changes (with service impacts)</u>		
Add: New service unit to provide 'Discovery' evidence to defense attorneys [District Court Prosecution]	210,800	4.0
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Restoration of Personnel Costs for FY10 Five Day Furlough	229,450	0.0
Increase Cost: Restoration of lapse [Circuit Court Prosecution]	149,360	1.0
Shift: Senior Information Technology Specialist from DTS to the Office of the State's Attorney [Prosecution Management]	124,910	1.0
Increase Cost: Retirement Adjustment	87,200	0.0
Increase Cost: Annualization of FY10 Personnel Costs	72,220	0.0
Increase Cost: Group Insurance Adjustment	62,390	0.0
Decrease Cost: Annualized (FY11) Return of One Administrative Vehicle in FY10 [Major Fraud and Special Investigations]	-2,870	0.0
Decrease Cost: Printing and Mail Adjustment [Circuit Court Prosecution]	-4,440	0.0
Decrease Cost: Motor Pool Rate Adjustment [Major Fraud and Special Investigations]	-11,990	0.0
Decrease Cost: Reduction in Operating Expenses [Prosecution Management]	-12,470	0.0
Decrease Cost: Expedited Bill 16-10 - Imputed Compensation Limit	-44,300	0.0
Decrease Cost: Lapse One Special Investigator Position [Major Fraud and Special Investigations]	-114,760	-1.0
Decrease Cost: Lapse One Assistant State's Attorney III Position [Circuit Court Prosecution]	-150,000	-1.0
Decrease Cost: Salary Differential Between Retiring Employees and Replacement Employees [Circuit Court Prosecution]	-174,740	0.0
Decrease Cost: Furlough Days	-226,830	-4.5
FY11 APPROVED:	12,342,270	117.6
GRANT FUND MCG		
FY10 ORIGINAL APPROPRIATION	318,050	4.0
<u>Changes (with service impacts)</u>		
Add: ARRA JAG Recovery Gang Investigator Grant [Circuit Court Prosecution]	150,430	2.0
Add: Drug Court Grant [Circuit Court Prosecution]	98,210	1.0
Enhance: Child Victim Advocate Grant [Circuit Court Prosecution]	71,940	1.0
Enhance: STOP Grant for Domestic Violence [District Court Prosecution]	2,100	0.0
Enhance: Mediation and Conflict Resolution Grant [Pre-Trial Mediation]	500	0.0
<u>Other Adjustments (with no service impacts)</u>		
Technical Adj: ERP Implementation: Move CSAFE Grant Allocation from Police to States Attorney [Circuit Court Prosecution]	71,780	1.0
Decrease Cost: Termination of Child Victim Advocate I Grant [Victim/Witness Court Assistance]	-34,000	-0.5
Decrease Cost: Termination of Anti-Gang Initiative Grant [Circuit Court Prosecution]	-74,570	-1.0
Decrease Cost: Termination of Drug Court Grant [Circuit Court Prosecution]	-95,620	-1.0
FY11 APPROVED:	508,820	6.5

PROGRAM SUMMARY

Program Name	FY10 Approved		FY11 Approved	
	Expenditures	WYs	Expenditures	WYs
Circuit Court Prosecution	5,610,660	46.6	5,896,750	46.6
District Court Screening	295,880	3.5	297,000	3.5
Juvenile Court Prosecution	1,367,500	13.5	1,259,530	12.5
Pre-Trial Mediation	114,530	2.5	144,540	2.5
Victim/Witness Court Assistance	334,320	5.5	405,350	5.5
Major Fraud and Special Investigations	547,560	5.0	429,690	5.0
Prosecution Management	910,550	8.0	1,012,270	8.0
Administration	795,910	6.0	801,020	6.0
District Court Prosecution	2,489,480	31.5	2,604,940	34.5
Total	12,466,390	122.1	12,851,090	124.1

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY10		FY11	
		Total\$	WYs	Total\$	WYs
COUNTY GENERAL FUND					
Police	County General Fund	86,430	0.5	87,140	0.5
Police	Grant Fund MCG	83,050	1.0	0	0.0
Sheriff	Grant Fund MCG	0	0.0	138,700	2.0
Total		169,480	1.5	225,840	2.5