



**Committee:** PS  
**Committee Review:** Completed  
**Staff:** Susan J. Farag, Legislative Analyst  
**Purpose:** To make preliminary decisions – straw vote expected  
**Keywords:** #StatesAttorney; #OperatingBudget

AGENDA ITEM #23  
 May 12, 2021  
**Action**

**SUBJECT**

State’s Attorney’s Office FY22 Operating Budget

**EXPECTED ATTENDEES**

None.

**FY22 COUNTY EXECUTIVE RECOMMENDATION**

State's Attorney's Office	FY21	FY22	Change from FY21 Approved
	Approved	CE Recommended	
<b>General Fund</b>	<b>\$18,521,033</b>	<b>\$19,008,981</b>	<b>2.63%</b>
Personnel Costs	\$17,742,895	\$18,222,655	2.70%
	151.18 FTEs	541.57 FTEs	0 FTEs
Operating Costs	\$778,138	\$786,326	1.05%
<b>Grant Fund</b>	<b>\$271,726</b>	<b>\$271,726</b>	
Personnel Costs	\$271,726	\$271,726	0.00%
	2.67 FTEs	2.70 FTEs	0 FTEs
Operating Costs	\$0	\$0	-
<b>Total Expenditures (All Funds)</b>	<b>\$18,792,759</b>	<b>\$19,280,707</b>	<b>2.60%</b>
	<b>153.85 FTEs</b>	<b>153.85 FTEs</b>	-

**COMMITTEE RECOMMENDATIONS**

- The Public Safety Committee recommended approval as submitted by the Executive.

**This report contains:**

Staff Report  
 FY22 Recommended Operating Budget

Page 1  
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# FY22 Operating Budget: Committee Consent Calendar

PS Committee #4C

April 29, 2021

**Department/Office:** State’s Attorney’s Office

**Staff:** Susan J. Farag, Legislative Analyst

## 1. Staff Recommendation

Council staff recommends approval of the FY22 State’s Attorney’s Office Operating Budget as submitted by the County Executive.

## 2. Summary of FY22 Recommended Budget

The County Executive’s complete FY22 Recommended Operating Budget for the SAO is attached at ©1-8.

State's Attorney's Office	FY21	FY22	Change from FY21 Approved
	Approved	CE Recommended	
<b>General Fund</b>	<b>\$18,521,033</b>	<b>\$19,008,981</b>	<b>2.63%</b>
Personnel Costs	\$17,742,895	\$18,222,655	2.70%
	151.18 FTEs	541.57 FTEs	0 FTEs
Operating Costs	\$778,138	\$786,326	1.05%
<b>Grant Fund</b>	<b>\$271,726</b>	<b>\$271,726</b>	
Personnel Costs	\$271,726	\$271,726	0.00%
	2.67 FTEs	2.70 FTEs	0 FTEs
Operating Costs	\$0	\$0	-
<b>Total Expenditures (All Funds)</b>	<b>\$18,792,759</b>	<b>\$19,280,707</b>	<b>2.60%</b>
	<b>153.85 FTEs</b>	<b>153.85 FTEs</b>	-

## 3. Summary of FY22 Recommended Changes/Adjustments

The Recommended FY22 Budget is a same services budget. The larger funding increases are primarily related to compensation:

- **FY21 Compensation Adjustment: (\$609,471);**
- **FY22 Compensation Adjustment (\$256,336); and**
- **Salary Plan (\$85,845).**

The budget does lapse one Program Manager position. This position became vacant in November 2020 when the incumbent retired. The position was responsible for supervising receptionists, District Court and Circuit Court administrative staff and the Discovery Compliance Unit. These duties have been assigned to existing staff.



# State's Attorney

## RECOMMENDED FY22 BUDGET

\$19,280,707

## FULL TIME EQUIVALENTS

153.85

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 FY22 Operating Budget for the State's Attorney's Office is \$19,280,707, an increase of \$487,948 or 2.60 percent from the FY21 Approved Budget of \$18,792,759. Personnel Costs comprise 95.92 percent of the budget for 148 full-time position(s) and nine part-time position(s), and a total of 153.85 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 4.08 percent of the FY22 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

State's Attorney's Office Information Technology staff developed and implemented an online Discovery Request Application in SharePoint for attorneys and administrative staff to request discovery material through a secure site. Some of the key benefits include the following:

- Provides the Discovery Unit with a complete and accurate information needed for each request.
- Provides each requester with a complete list of their discovery request.
- Provides a real-time status dashboard of each requestor's discovery request. The application will also provide email notifications to the requestor as well as anyone else who is identified within the request.
- Built in workflow that will allow the application to provide email notifications to upper management when requests are designated as a rush, not assigned, or not completed within a specific timeframe.

- Provide accurate statistics for identifying future resources and staff.
- Allow for future automation to request evidence through the application for such items as 911 dispatch calls, police crime scene photographs, and circuit court transcript request.

This site has increased efficiency and reduced errors while providing discovery in a timely manner. It has been particularly helpful as the office continues remote operation.

- ✦ Overcome logistical obstacles in providing Court Support to attorneys in the midst of a global pandemic including creating multiple departmental SharePoint sites to assist attorneys and staff in group collaboration tasks as well as the ability to share all documents and files.

## PROGRAM CONTACTS

Contact Lisa Russo of the State's Attorney's Office at 240.777.7407 or Lindsay Lucas of the Office of Management and Budget at 240.777.2766 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 FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Recommended Budget and funding for comparable service levels in FY23.

## 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.

<b>FY22 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY21 Approved</b>	<b>1,635,602</b>	<b>12.76</b>
Technical Adj: Reallocation of Victims of Crimes Act Grant	0	(0.02)
Technical Adj: Reallocation of Gun Violence Reduction Grant FTEs	0	0.01
Technical Adj: Reallocation of Victims of Crimes Act Grant FTEs	0	0.02
Technical Adj: Reallocation of Gun Violence Reduction Grant FTEs	0	(0.01)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	294	(0.01)
<b>FY22 Recommended</b>	<b>1,635,896</b>	<b>12.75</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 the District Court cases are litigated in the Circuit Court.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>8,581,141</b>	<b>64.75</b>
Increase Cost: Salary Plan	85,845	0.00
Technical Adj: Reallocation of Drug Court Grant Funding	0	0.01
Technical Adj: Reallocation of Drug Court Grant Funding	0	(0.01)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	448,200	0.00
<b>FY22 Recommended</b>	<b>9,115,186</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.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>2,633,682</b>	<b>25.13</b>
Technical Adj: Reallocation of FTEs for Violence Against Women Act Grant	0	0.01
Technical Adj: Reallocation of FTEs for Violence Against Women Act Grant	0	(0.01)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	49,478	(0.01)
<b>FY22 Recommended</b>	<b>2,683,160</b>	<b>25.12</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.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>1,500,888</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.	26,801	0.00
<b>FY22 Recommended</b>	<b>1,527,689</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.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>2,145,259</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.	(4,167)	0.00
<b>FY22 Recommended</b>	<b>2,141,092</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.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>535,412</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.	1,303	0.00
<b>FY22 Recommended</b>	<b>536,715</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.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>1,215,051</b>	<b>10.00</b>
Decrease Cost: Lapse Program Manager Position	(157,250)	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.	33,768	0.00
<b>FY22 Recommended</b>	<b>1,091,569</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.

FY22 Recommended Changes	Expenditures	FTEs
<b>FY21 Approved</b>	<b>545,724</b>	<b>5.21</b>
Technical Adj: Reallocation of FTEs	0	0.02
Technical Adj: Shift of FTEs from General Fund to Grant Fund	0	(0.02)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	3,676	0.02
<b>FY22 Recommended</b>	<b>549,400</b>	<b>5.23</b>

## BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	13,767,640	13,463,972	13,608,101	14,121,061	4.9 %
Employee Benefits	4,371,204	4,278,923	3,976,777	4,101,594	-4.1 %
<b>County General Fund Personnel Costs</b>	<b>18,138,844</b>	<b>17,742,895</b>	<b>17,584,878</b>	<b>18,222,655</b>	<b>2.7 %</b>
Operating Expenses	926,003	778,138	761,384	786,326	1.1 %
Capital Outlay	12,702	0	0	0	—
<b>County General Fund Expenditures</b>	<b>19,077,549</b>	<b>18,521,033</b>	<b>18,346,262</b>	<b>19,008,981</b>	<b>2.6 %</b>
<b>PERSONNEL</b>					
Full-Time	143	144	144	144	—
Part-Time	10	8	8	8	—
FTEs	150.98	151.18	151.18	151.15	—
<b>REVENUES</b>					
Federal Grants	159,919	0	0	0	—
Miscellaneous Revenues	1,053	0	0	0	—
Other Charges/Fees	2,900	3,500	3,000	3,000	-14.3 %
<b>County General Fund Revenues</b>	<b>163,872</b>	<b>3,500</b>	<b>3,000</b>	<b>3,000</b>	<b>-14.3 %</b>
<b>GRANT FUND - MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	220,348	201,293	201,293	200,443	-0.4 %
Employee Benefits	55,584	70,433	70,433	71,283	1.2 %
<b>Grant Fund - MCG Personnel Costs</b>	<b>275,932</b>	<b>271,726</b>	<b>271,726</b>	<b>271,726</b>	<b>—</b>
Operating Expenses	40,735	0	0	0	—
<b>Grant Fund - MCG Expenditures</b>	<b>316,667</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	2.87	2.67	2.67	2.70	1.1 %
<b>REVENUES</b>					
Federal Grants	216,628	0	0	0	—

## BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
State Grants	100,039	271,726	271,726	271,726	—
<b>Grant Fund - MCG Revenues</b>	<b>316,667</b>	<b>271,726</b>	<b>271,726</b>	<b>271,726</b>	<b>—</b>

### DEPARTMENT TOTALS

<b>Total Expenditures</b>	<b>19,394,216</b>	<b>18,792,759</b>	<b>18,617,988</b>	<b>19,280,707</b>	<b>2.6 %</b>
<b>Total Full-Time Positions</b>	<b>147</b>	<b>148</b>	<b>148</b>	<b>148</b>	<b>—</b>
<b>Total Part-Time Positions</b>	<b>11</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>—</b>
<b>Total FTEs</b>	<b>153.85</b>	<b>153.85</b>	<b>153.85</b>	<b>153.85</b>	<b>—</b>
<b>Total Revenues</b>	<b>480,539</b>	<b>275,226</b>	<b>274,726</b>	<b>274,726</b>	<b>-0.2 %</b>

### FY22 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY21 ORIGINAL APPROPRIATION</b>	<b>18,521,033</b>	<b>151.18</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY21 Compensation Adjustment	609,471	0.00
Increase Cost: FY22 Compensation Adjustment	256,336	0.00
Increase Cost: Salary Plan [Circuit Court Prosecution]	85,845	0.00
Increase Cost: Motor Pool Adjustment	7,643	0.00
Increase Cost: Print and Mail Adjustment	545	0.00
Technical Adj: Reallocation of Drug Court Grant Funding [Circuit Court Prosecution]	0	(0.01)
Technical Adj: Reallocation of Victims of Crimes Act Grant FTEs [Administration]	0	0.02
Technical Adj: Reallocation of Gun Violence Reduction Grant FTEs [Administration]	0	(0.01)
Technical Adj: Shift of FTEs from General Fund to Grant Fund [Victim/Witness Court Assistance]	0	(0.02)
Technical Adj: Reallocation of FTEs for Violence Against Women Act Grant [District Court Prosecution]	0	(0.01)
Decrease Cost: Retirement Adjustment	(44,619)	0.00
Decrease Cost: Lapse Program Manager Position [Prosecution Management]	(157,250)	0.00
Increase Cost: Annualization of FY21 Personnel Costs	(270,023)	0.00
<b>FY22 RECOMMENDED</b>	<b>19,008,981</b>	<b>151.15</b>

### GRANT FUND - MCG

<b>FY21 ORIGINAL APPROPRIATION</b>	<b>271,726</b>	<b>2.67</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Technical Adj: Reallocation of Victims of Crimes Act Grant [Administration]	0	(0.02)
Technical Adj: Reallocation of Gun Violence Reduction Grant FTEs [Administration]	0	0.01
Technical Adj: Reallocation of Drug Court Grant Funding [Circuit Court Prosecution]	0	0.01
Technical Adj: Reallocation of FTEs [Victim/Witness Court Assistance]	0	0.02



## FY22 RECOMMENDED CHANGES

	Expenditures	FTEs
Technical Adj: Reallocation of FTEs for Violence Against Women Act Grant [District Court Prosecution]	0	0.01
<b>FY22 RECOMMENDED</b>	<b>271,726</b>	<b>2.70</b>

## PROGRAM SUMMARY

Program Name	FY21 APPR Expenditures	FY21 APPR FTEs	FY22 REC Expenditures	FY22 REC FTEs
Administration	1,635,602	12.76	1,635,896	12.75
Circuit Court Prosecution	8,581,141	64.75	9,115,186	64.75
District Court Prosecution	2,633,682	25.13	2,683,160	25.12
District Court Screening and Mediation	1,500,888	13.50	1,527,689	13.50
Juvenile Court Prosecution	2,145,259	17.50	2,141,092	17.50
Major Fraud and Special Investigations	535,412	5.00	536,715	5.00
Prosecution Management	1,215,051	10.00	1,091,569	10.00
Victim/Witness Court Assistance	545,724	5.21	549,400	5.23
<b>Total</b>	<b>18,792,759</b>	<b>153.85</b>	<b>19,280,707</b>	<b>153.85</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY21 Total\$	FY21 FTEs	FY22 Total\$	FY22 FTEs
<b>COUNTY GENERAL FUND</b>					
Police	General Fund	156,166	1.00	156,128	1.00

## FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY22 Recommended</b>	<b>19,009</b>	<b>19,009</b>	<b>19,009</b>	<b>19,009</b>	<b>19,009</b>	<b>19,009</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>407</b>	<b>407</b>	<b>407</b>	<b>407</b>	<b>407</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>19,009</b>	<b>19,416</b>	<b>19,416</b>	<b>19,416</b>	<b>19,416</b>	<b>19,416</b>

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