



## THE PRINCE GEORGE'S COUNTY GOVERNMENT Office of Audits and Investigations

May 3, 2018

### M E M O R A N D U M

TO: Derrick L. Davis, Chair  
Public Safety and Fiscal Management (PSFM) Committee

THRU: David H. Van Dyke, County Auditor *DAV*

FROM: Kendal Gray, Staff Auditor *KG*

RE: Office of the State's Attorney –  
Fiscal Year 2019 Budget Review

#### Budget Overview

The FY 2019 Proposed Budget for the Office of the State's Attorney is \$21,333,700, an overall increase of \$1,834,400, or 9.4%, over the FY 2018 Approved Budget. The General Fund portion of the budget is \$18,231,200, an increase of \$224,800, or 1.2%, over the FY 2018 Approved Budget. The increase is primarily driven by cost-of-living and merit adjustments. The Grant funded portion of the Office's budget is \$3,102,500, an increase of \$1,609,600, or 107.8%, over FY 2018 Approved Budget. This increase is due to anticipated funding from the Supportive Assistance and Financial Empowerment (SAFE), Bilingual Victim Advocacy, and Project Safe Neighborhoods grants.

#### **Approved Fiscal Year 2018 to Proposed Fiscal Year 2019**

Fund	FY 2017 Actual	FY 2018 Approved	FY 2018 Estimated	% Change - Est vs App	FY 2019 Proposed	Change Amount	Percentage Change
General Fund	\$ 16,461,393	\$ 18,006,400	\$ 17,732,800	-1.5%	\$ 18,231,200	\$ 224,800	1.2%
Grants	1,599,282	1,492,900	2,647,400	77.3%	3,102,500	1,609,600	107.8%
<b>Total</b>	<b>\$18,060,675</b>	<b>\$19,499,300</b>	<b>\$20,380,200</b>	<b>4.5%</b>	<b>\$21,333,700</b>	<b>\$1,834,400</b>	<b>9.4%</b>

#### **Authorized Staffing - All Classifications**

	FY 2018 Approved	FY 2019 Proposed	Change	% Change
General Fund	182	182	0	0.0%
Grants	31	32	1	3.2%
<b>Total</b>	<b>213</b>	<b>214</b>	<b>1</b>	<b>0.5%</b>

**Budget Comparison - General Fund**

**Approved Fiscal Year 2018 to Proposed Fiscal Year 2019**

Category	FY 2017 Actual	FY 2018 Approved	FY 2018 Estimated	FY 2019 Proposed	Change Amount	Percentage Change
Compensation	\$ 11,492,436	\$ 12,599,300	\$ 12,348,100	\$ 13,050,600	\$ 451,300	3.6%
Fringe Benefits	3,410,432	3,905,800	3,827,900	4,071,800	166,000	4.3%
Operating Expenses	1,647,930	1,646,200	1,646,200	1,339,800	(306,400)	-18.6%
<b>Sub-Total</b>	<b>\$ 16,550,798</b>	<b>\$ 18,151,300</b>	<b>\$ 17,822,200</b>	<b>\$ 18,462,200</b>	<b>\$ 310,900</b>	<b>1.7%</b>
Recoveries	(89,405)	(144,900)	(89,400)	(231,000)	(86,100)	59.4%
<b>Total</b>	<b>\$ 16,461,393</b>	<b>\$ 18,006,400</b>	<b>\$ 17,732,800</b>	<b>\$ 18,231,200</b>	<b>\$ 224,800</b>	<b>1.2%</b>

**Authorized Staffing - General Fund**

	FY 2018 Approved	FY 2019 Proposed	Change	% Change
Full-time	177	177	0	0.0%
Part-time	5	5	0	0.0%
<b>Total</b>	<b>182</b>	<b>182</b>	<b>0</b>	<b>0.0%</b>

**Staffing Changes and Compensation – General Fund**

- Proposed FY 2019 General Funds are provided for 177 full-time and five (5) part-time positions, which is consistent with the FY 2018 approved staffing level. As of March 26, 2018, the Office had 21 vacant General Funded positions (19 full-time and two (2) part-time).
- FY 2019 proposed compensation is increasing by \$451,300, or 3.6%, over the FY 2018 approved level. The proposed increase is due to anticipated cost-of-living and merit adjustments, and one (1) personal service contract (\$50,000).
- In FY 2017, the Office experienced the loss of twelve (12) attorneys; eight (8) of which were due to resignations, two (2) were terminated, and the remaining two (2) attorneys received judicial appointments. In FY 2018 YTD, the Office has experienced the loss of twenty-two (22) attorneys; eighteen (18) of which were due to resignation, one (1) was terminated, and three (3) attorneys received judicial appointments.

### **Fringe Benefits – General Fund**

- In the FY 2019 Proposed Budget, Fringe Benefit expenditures are \$4,071,800, an increase of \$166,000, or 4.3%, over the FY 2018 Approved Budget to reflect compensation adjustments.
- A five-year trend analysis of fringe benefit expenditures is included below.

	<b>FY 2015 Actual</b>	<b>FY 2016 Actual</b>	<b>FY 2017 Actual</b>	<b>FY 2018 Estimated</b>	<b>FY 2019 Proposed</b>
Fringe Benefit Expenditures	\$ 3,200,439	\$ 3,411,110	\$ 3,410,432	\$ 3,827,900	\$ 4,071,800
As a % of Compensation	29.1%	31.4%	29.7%	31.0%	31.2%
Annual % Change		6.6%	0.0%	12.2%	6.4%

### **Operating Expenses**

- In FY 2019, Operating Expenses are proposed at \$1,339,800 and are comprised of the following major items:
  - Office Automation \$534,900
  - General and Administrative Contracts 226,700
  - Operating and Office Supplies 123,000
  - Vehicles and Heavy Equipment Maintenance 78,000
  - Telephones 69,000
- Operating Expenses are decreasing by \$306,400, or 18.6%, below the FY 2018 Approved Budget.
- The accompanying table compares the FY 2019 Proposed Budget operating expenditures with the FY 2018 Approved Budget operating expenditures. In five (5) of the categories, the FY 2019 Proposed Budget increases planned spending from the FY 2018 Approved Budget. In five (5) of the categories, the FY 2019 Proposed Budget level remains unchanged compared to the FY 2018 Approved Budget. FY 2019 Proposed expenditures are reduced in six (6) categories.

Operating Objects	FY 2018 Budget	FY 2019 Proposed	FY 2018 - FY 2019	
			\$ Change	% Change
Periodicals	22,100	44,900	22,800	103.2%
Vehicle Equipment Repair/Maintenance	57,200	78,000	20,800	36.4%
Telephones	61,800	69,000	7,200	11.7%
Office and Operating Equipment Non-Capital	45,000	50,000	5,000	11.1%
Membership Fees	17,600	18,000	400	2.3%
Training	35,100	35,100	-	0.0%
General & Administrative Contracts	226,700	226,700	-	0.0%
Other Operating Equipment	400	400	-	0.0%
Travel: Non-Training	30,000	30,000	-	0.0%
Equipment Lease	42,900	42,900	-	0.0%
Mileage Reimbursement	4,100	4,000	(100)	-2.4%
Printing	8,800	6,900	(1,900)	-21.6%
Gas & Oil	38,000	33,000	(5,000)	-13.2%
Miscellaneous	53,400	43,000	(10,400)	-19.5%
General Office Supplies	135,800	123,000	(12,800)	-9.4%
Office Automation	867,300	534,900	(332,400)	-38.3%
<b>TOTAL</b>	<b>1,646,200</b>	<b>1,339,800</b>	<b>(306,400)</b>	<b>-18.6%</b>

- The most significant reduction between the FY 2019 Proposed Budget and the FY 2018 Approved Budget is in Office Automation (\$332,400). This reduction is as a result of a change in the methodology used to allocate these charges County-wide.
- The most significant increase between the FY 2019 Proposed Budget and the FY 2018 Approved Budget is in the Periodicals category (\$22,800). The increase will align the expense to actual cost.

### Recoveries

- FY 2019 recoveries are proposed at \$231,000, which is an increase of \$86,100, or 59.4%, above the FY 2018 Approved Budget. The increase is based on an anticipated increase in recoveries from the Asset Forfeiture (SR51) Fund. The Office is proposed to recover \$60,000 from a sub-award grant with the Department of Family Services for the Teen Court program, and \$171,000 from the SR51 fund for the Back on Track (BOT) program. *For a complete listing of the activities that will be supported for each program refer to the First Round Question #18.* A summary of each program is as follows:
  - Back on Track is a diversion program, approved by the Court of Appeals, which is focused on reducing recidivism among first time, nonviolent felony drug offenders. Eligible participants are 18 to 26 years old who have no prior felonious or violent convictions. These individuals will be given the opportunity to opt into a 12 to 18 month program designed to connect them to GED completion, workforce training, gainful employment, mentoring and their civic obligations.
  - Teen Court is a diversion program in which first time juveniles are diverted from the Juvenile Justice system and given an alternative punishment. Eligible participants range from ages 12 to 17 years old, who have committed a nonviolent criminal misdemeanor. Each participant must admit their guilt to the crime and appear for sentencing before a

jury of their peers. The jury is made up of teen volunteers that receive community service hours for their participation.

### **Highlights**

- In FY 2018, the Office continued to collaborate and provide training for the Faith-based Community and County Government on Family and Domestic Violence.
- The Office continues its work with the Truancy Reduction Initiative in the Transforming Neighborhoods Initiative (TNI) areas. The Office has continued its program with three schools (William Wirt Middle School, Andrew Jackson Academy, and Samuel P. Massie Academy) to help reduce truancy problems experienced at those locations.
- The Office continues to collaborate with the Office of the Sheriff to identify certain outdated misdemeanor warrants. The processing of warrants is an additional responsibility for existing staff. The review of these warrants is a time consuming task that is constantly being regenerated with the annual addition of new warrants that are eligible for recall.
- In CY 2017, the Office reported that 13,226 residents required the use of bi-lingual services, compared to 11,563 in CY 2016.
- The Office has identified the most critical issue for the next three years as retention of Assistant State's Attorneys (ASA) with mid to senior level prosecutorial experience. To combat this retention issue the Office has completed the following:
  - Drafted a compensation plan for consideration and approval to incorporate merit and performance increases for its employees;
  - Agreed to provide funding to cover each of the ASA's client protection fund fees. Client protection funds fees are fees that all attorneys licensed in Maryland are required by law to pay an annual assessment into this fund for the right to practice law in the State.
- The caseload for the Office's ASA is relatively high with ASA's in Circuit Court cases ranging from 25-45 cases at any given time. An ASA's District Court monthly caseload is approximately 120 criminal, 120 traffic, and 35 drug related cases. In addition to these cases, on a bi-monthly basis, all ASAs handle 15-20 appeals.
- The Office continues to use office space in Greenbelt to house its staff serving the District Court in Hyattsville (MD). The County Service Building is being renovated, and is estimated to take a total of 24 months to complete. The cost of the lease for the Greenbelt office space is included in the County's Non-Departmental Budget.
- The Office offers various diversion programs for misdemeanor cases in District Court for first-time offenders with no criminal history. A summary of these programs are as follows:

- **Bad Check Program:** The program, which has been active for the last decade, has helped business owners receive more than \$10 million dollars in restitution. Vendors have the ability to opt into the program. Upon doing so, the business can forward the bad check case to the program and attempts will be made to collect the debt. Once an individual is notified of the bad check, they have 10 days to rectify the debt or they will face criminal prosecution.
- **Driving Diversion Program:** A first-time offender charged with driving while suspended or driving without a License has the option of attending a 4-hour diversion class. The fee for the class is \$230. If the offender has obtained a valid driver's license and completed the class, the charge of driving while suspended or driving without a license and up to five tickets may be removed from their driving record. Anyone with a prior conviction that could have resulted in incarceration is ineligible for the program.
- **Marijuana Diversion Program:** An offender who has been charged with possession of less than 10 grams of marijuana for the first time may be offered a choice of 24 hours of community service or a 6-hour class. Participants must remain drug-free and are subject to random urinalysis. Participants must have a minimal prior record without DUI convictions.
- **Theft Diversion Program:** Individuals who have been charged with a misdemeanor theft under \$1,000 (usually shoplifting offenses) are eligible for this program. If the offender attends a 6-hour class and pays the \$100 class fee, the defendant will not be prosecuted.
- **Mediation Program:** The program is located in the County Administration Building and all parties must agree to participate in mediation before they can be deemed eligible for the program. Cases subject to mediation include assaults, malicious destruction of property or trespass charges (in which participants all live in the same neighborhood or work in the same location). Mediation does not accept cases involving family members.

- During September 2017 the Office hired a retired former Senior ASA from the Office as Training Director. Some of her responsibilities will include evaluation of current ASA's by conducting visits to their courtroom cases to determine areas of possible improvement. This is a temporary position that works an average of 40 hours per pay period. The position will be converted to a personal services contract in FY 2019.
- During April 2018 the Office started offering confidential counseling service for employees, by way of a staff member from the Department of Corrections (DOC), to provide mental health support in dealing with encounters with crime scenes. These counseling services will be offered one day per week, with additional time to be scheduled on an as needed basis.

**Budget Comparison - Grants**

**Approved Fiscal Year 2018 to Proposed Fiscal Year 2019**

Category	FY 2017		FY 2018		FY 2019		Change Amount	Percentage Change
	Actual	Approved	Estimated	Proposed				
Compensation	\$ 1,455,189	\$ 1,345,200	\$ 1,574,500	\$ 2,002,400	\$ 657,200		48.9%	
Fringe Benefits	138,668	137,700	217,600	276,900	139,200		101.1%	
Operating Expenses	5,425	10,000	855,300	823,200	813,200		8132.0%	
<b>Total</b>	<b>\$ 1,599,282</b>	<b>\$ 1,492,900</b>	<b>\$ 2,647,400</b>	<b>\$ 3,102,500</b>	<b>\$ 1,609,600</b>		<b>107.8%</b>	

**Authorized Staffing Count - Grants**

	FY 2018 Approved	FY 2019 Proposed	Change Amount	Percentage Change
Limited Term	31	32	1	3.2%
<b>Total</b>	<b>31</b>	<b>32</b>	<b>1</b>	<b>3.2%</b>

**Grant Highlights**

- In FY 2019, the proposed Grant Fund Budget is \$3,102,500, an increase of \$1,609,600, or 107.8% above the FY 2018 Approved Budget. The increase is due to anticipated funding from the Supportive Assistance and Financial Empowerment (SAFE), Bilingual Victim Advocacy, and Project Safe Neighborhoods grants. The SAFE grant is a two (2) year grant for 1.2 million, which the Office anticipates to provide \$700,000 of support in FY 2019, and \$500,000 in FY 2020.
- The Office's FY 2019 Proposed grant funded staffing includes 32 limited term positions, which is an increase of one (1) position when compared to FY 2018 Approved staffing complement level. The staffing increase is due to securing funding from the Project Safe Neighborhoods grant.
- Ninety-four percent (94%) of the Office's FY 2019 Proposed grant funding is received from the Governor's Office of Crime Control and Prevention. *For a complete listing of the Office's grant fund refer to the FY 2019 Proposed Budget Book pg.204.*