



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

May 13, 2019

M E M O R A N D U M

TO: Calvin S. Hawkins, II, Chair
Health, Human Services and Public Safety (HHSPS) Committee

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

FROM: Martina Alston, Staff Auditor *MA*

RE: Office of the State's Attorney –
Fiscal Year 2020 Budget Review

Budget Overview

The FY 2020 Proposed Budget for the Office of the State's Attorney is \$22,274,700, an overall increase of \$941,000, or 4.4%, over the FY 2019 Approved Budget. The General Fund portion of the budget is \$19,902,900, an increase of \$1,671,700, or 9.2%, over the FY 2019 Approved Budget. The increase is primarily driven by cost-of-living adjustments and merit increases. The Grant funded portion of the Office's budget is \$2,371,800, a decrease of \$730,700, or 23.6%, under the FY 2019 Approved Budget. This decrease is due to the reduction of two existing grant programs, the SAFE DV Program and Bilingual Victim Advocacy Grant.

Approved Fiscal Year 2019 to Proposed Fiscal Year 2020

Fund	FY 2018 Actual	FY 2019 Approved	FY 2019 Estimated	% Change - Est vs App	FY 2020 Proposed	Change Amount	Percentage Change
General Fund	\$ 17,768,145	\$ 18,231,200	\$ 18,070,800	-0.9%	\$ 19,902,900	\$ 1,671,700	9.2%
Grants	1,688,305	3,102,500	2,371,800	-23.6%	2,371,800	(730,700)	-23.6%
Total	<u>\$ 19,456,450</u>	<u>\$ 21,333,700</u>	<u>\$ 20,442,600</u>	<u>-4.2%</u>	<u>\$ 22,274,700</u>	<u>\$ 941,000</u>	<u>4.4%</u>

Authorized Staffing - All Classifications

	FY 2019 Approved	FY 2020 Proposed	Change	% Change
General Fund	182	182	0	0.0%
Grants	32	32	0	0.0%
Total	214	214	0	0.0%

Budget Comparison - General Fund

Approved Fiscal Year 2019 to Proposed Fiscal Year 2020

Category	FY 2018 Actual	FY 2019 Approved	FY 2019 Estimated	FY 2020 Proposed	Change Amount	Percentage Change
Compensation	\$ 12,295,343	\$ 13,050,600	\$ 13,010,200	\$ 14,138,500	\$ 1,087,900	8.3%
Fringe Benefits	3,743,419	4,071,800	4,066,000	4,453,600	381,800	9.4%
Operating Expenses	1,817,126	1,339,800	1,219,600	1,541,800	202,000	15.1%
Sub-Total	\$ 17,855,888	\$ 18,462,200	\$ 18,295,800	\$ 20,133,900	\$ 1,671,700	9.1%
Recoveries	(87,743)	(231,000)	(225,000)	(231,000)	-	0.0%
Total	\$ 17,768,145	\$ 18,231,200	\$ 18,070,800	\$ 19,902,900	\$ 1,671,700	9.2%

Authorized Staffing - General Fund

	FY 2019 Approved	FY 2020 Proposed	Change	% Change
Full-time	177	177	0	0.0%
Part-time	5	5	0	0.0%
Total	182	182	0	0.0%

Staffing Changes and Compensation – General Fund

- The Proposed FY 2020 General Fund Budget includes 177 full-time and five (5) part-time positions, which is consistent with the FY 2019 approved staffing level. However, the Office reports that some positions will be unfunded in FY 2020. As of February 28, 2019, the Office had 14 vacant General Fund positions (12 full-time and 2 part-time).
- FY 2020 proposed compensation is increasing by \$1,087,900, or 8.3%, over the FY 2019 approved level. The proposed increase is due to anticipated cost-of-living adjustments and merit increases.
- In FY 2018, the Office experienced the loss of twenty-two (22) attorneys due to resignation. In FY 2019 YTD, the Office has experienced the loss of nineteen (19) attorneys; eighteen (18) of which were due to resignation and one (1) was due to regular retirement.
- The Office reported that its current rate of attrition is 13.6%. The Office cites the key factor contributing to the current attrition level is the Office's inability to offer competitive salaries when compared to surrounding jurisdictions. The following table provides the Office's rate of attrition for the last five fiscal years:

Attrition Rate - Historical Trend					
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (YTD)
# of Separations	17	15	23	29	29
# of Authorized Positions	205	214	210	210	214
Rate of Attrition	8.3%	7.0%	11.0%	13.8%	13.6%

Source: Responses to First Round Questions provided to A&I during respective budget reviews.

Fringe Benefits – General Fund

- In the FY 2020 Proposed Budget, Fringe Benefit expenditures are proposed at \$4,453,600, an increase of \$381,800, or 9.4%, over the FY 2019 Approved Budget to reflect compensation adjustments.
- A five-year trend analysis of fringe benefit expenditures is included below.

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Proposed
Fringe Benefit Expenditures	\$3,411,110	\$3,410,432	\$ 3,743,419	\$ 4,066,000	\$ 4,453,600
As a % of Compensation	31.4%	29.7%	30.4%	31.3%	31.5%
Annual % Change		0.0%	9.8%	8.6%	9.5%

Operating Expenses

- In FY 2020, Operating Expenses are proposed at \$1,541,800 and consist of the following major items:
 - Office Automation \$644,500
 - General and Administrative Contracts 322,700
 - General Office Supplies 123,000
 - Vehicle Equipment Repair/Maintenance 73,000
 - Telephone 69,000
- Operating Expenses are increased by \$202,000, or 15.1%, above the FY 2019 Approved Budget.
- The accompanying table compares the FY 2020 Proposed Budget operating expenditures with the FY 2019 Approved Budget operating expenditures. In three (3) of the categories, the FY 2020 Proposed Budget increases planned spending from the FY 2019 approved level. In twelve (12) of the categories, the FY 2020 Proposed Budget level remains unchanged compared to the FY 2019 approved level. FY 2020 proposed expenditures are reduced in one (1) category.

Operating Objects	FY 2019 Budget	FY 2020 Proposed	FY 2019 - FY 2020	
			\$ Change	% Change
Office Automation	534,900	644,500	109,600	20.5%
General & Administrative Contracts	226,700	322,700	96,000	42.3%
Training	35,100	36,500	1,400	4.0%
Membership Fees	18,000	18,000	-	0.0%
Periodicals	44,900	44,900	-	0.0%
Telephone	69,000	69,000	-	0.0%
Office and Operating Equipment Non-Capital	50,000	50,000	-	0.0%
Other Operating Equipment Repair/Maintenance	400	400	-	0.0%
Travel: Non-Training	30,000	30,000	-	0.0%
Equipment Lease	42,900	42,900	-	0.0%
Mileage Reimbursement	4,000	4,000	-	0.0%
Printing	6,900	6,900	-	0.0%
Gas and Oil	33,000	33,000	-	0.0%
Miscellaneous	43,000	43,000	-	0.0%
General Office Supplies	123,000	123,000	-	0.0%
Vehicle Equipment Repair/Maintenance	78,000	73,000	(5,000)	-6.4%
TOTAL	1,339,800	1,541,800	202,000	15.1%

- The only reduction between the FY 2020 Proposed Budget and the FY 2019 Approved Budget is in Vehicle Equipment Repair/Maintenance (a decrease of \$5,000). This reduction is a result of a decrease in fleet maintenance charges.
- The most significant increase between the FY 2020 Proposed Budget and the FY 2019 Approved Budget is in the Office Automation category (an increase of \$109,600). This is due to an increase in OIT charges to support anticipated costs for SAP maintenance and the countywide laptop refresh.
- In FY 2020, under the General and Administrative Contracts category, the Office is proposing \$126,000 for the use of translation/interpretation services. The actual cost of these services was \$141,000 in FY 2017, \$243,000 in FY 2018, and \$308,000 in FY 2019 (as of May 2, 2019). Because litigation needs are highly unpredictable, the Office acknowledges that budgetary adjustments may have to be made in FY 2020 if the actual costs exceed the budgeted amount.

Recoveries

- In FY 2019, the Office is estimated to recover \$60,000 from a Department of Family Services grant for its Teen Court program, which is a diversion program in which first-time juveniles are diverted from the Juvenile Justice system and provided the opportunity for alternative punishment. However, in FY 2020, funding for this grant will be discontinued. The Office is actively looking for other funding sources but will not be able to continue the program if funding is unavailable.
- FY 2020 recoveries are proposed at \$231,000 which is unchanged from the FY 2019 Approved Budget. The Office is proposed to recover \$60,000 from the Circuit Court based on a Memorandum of Understanding (MOU)/Interagency agreement for the Re-Entry Court, Adult

Drug Court, Juvenile Drug Court, and Veterans Court programs, and \$171,000 from the SR51 fund for the Back on Track (BOT) program. 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.
- **Re-Entry Court** is an 18-month program established to facilitate the successful re-entry of offenders into their communities, promote public safety, and reduce recidivism by enhancing transition services. The program targets incarcerated individuals who request reconsideration of their sentences, and those with substance abuse related offenses who request a commitment under Section 8-507 of the Maryland Health General Article. Upon admission, participants are committed to court-ordered treatment and thereafter they transition to the community with intensive supervision and case management.
- **Adult Drug Court** aims to decrease drug-related crime and violence, reduce incarceration, and provide need-specific treatment and services for substance abusers. Non-violent offenders are referred to Adult Drug Court by their defense attorney and enter the program voluntarily, if deemed eligible. Participants are required to attend regular hearings before the Presiding Judge, maintain a daily curfew, participate in mandatory substance abuse treatment, and undergo frequent drug testing with support and guidance from the program to help focus on a life of sobriety and become a productive law-abiding citizen.
- **Juvenile Drug Court** is a five-phase program in which participants are required to attend substance abuse counseling, submit to random drug screens, attend school or obtain a GED, obtain employment (dependent on age), and comply with court-ordered curfew and other conditions issued by the court. The mission of this program is to reduce substance abuse and delinquent behavior, strengthen family and community ties, improve education opportunities, and enhance the quality of life for juvenile offenders and their families.
- **Veterans Court** is a 12-month treatment program targeting veterans entering the judicial system with a misdemeanor or felony-level offense with prosecutorial consent, documented substance abuse dependency and/or mental issues. Upon acceptance, participants are required to attend regular court hearings before a Presiding Judge, maintain curfew, participate in substance abuse treatment, undergo frequent drug testing as well as Post-Traumatic Stress Disorder (PTSD) counseling and mental health services, if needed.

Highlights

- In FY 2020, the Office plans to make the following organizational changes:
 - Fully implement the newly created Conviction Integrity Unit and contract with an independent third party to review matters referred to the Office for post-trial and post-sentence consideration; and
 - Fully implement the Juvenile Diversion Program to reduce Juvenile recidivism.
- In FY 2019, the State's Attorney created a District Court Discovery Unit to assist the District Court Unit with prosecuting cases more efficiently and reducing the number of cases being dismissed due to incomplete discovery. In FY 2019 (as of May 2, 2019), 192 cases have been dismissed due to incomplete discovery.
- One of the Office's priority projects for FY 2020 is the creation of a process to issue court summonses electronically to police officers and to provide reminders and notices of changes in court dates via email and text. The Office anticipates that this has the potential to significantly reduce the number of occurrences where officers fail to appear, requiring continuances on trial dates, and when officers appear for trials/court events that are no longer scheduled. From January 1, 2019 through May 2, 2019, 405 officers have missed scheduled court appearances. The Office cites the current manual process does not work in a reliable manner which impacts overtime costs and takes officers away from other duty assignments unnecessarily.
- The Office continues its work with the Truancy Reduction Initiative. Currently, there are 15 students (attending Drew Freeman Middle School and Samuel P. Massie Academy) that are being counseled by staff to help reduce truancy problems experienced at those locations.
- The Office is currently working with Public Safety Communications on a process to facilitate the online request for 911 call information and their delivery. An online form has been developed, but it is not yet operational. The Office anticipates this process going into effect sometime after April 1, 2019. Details regarding the provision of the requested information in an electronic format and the precise process have not been worked out with Public Safety Communications.
- 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. In both FY 2017 and FY 2018, more than 4,000 criminal cases in a warrant status were dismissed. However, this process is not easily automated, and the Office and the Office of the Sheriff continue to engage in discussions regarding additional steps that can be taken for higher efficiency.
- In CY 2017, the Office reported that 13,226 residents required the use of bilingual services compared to 11,563 in CY 2016. The Office currently does not have a method to capture the number of cases requiring bilingual services. However, the number of cases has generated over \$200,000 in translation services, and the Office has eight (8) bilingual employees on staff.

- The Office identified the most critical issue over the next three years is being prepared to address the imminent technological changes regarding conversion to XML. The technological changes are very detailed and will require an overhaul of the Office's current technological capabilities. Additionally, the Office has expanded its Community Outreach efforts to combat the underreporting of crime due to language barriers, immigration status, age, or sexual orientation. The Office believes reaching out to these members of the community will result in additional crimes being reported, investigated, and prosecuted.
- In FY 2019, the Office cites high turnover and a noncompetitive pay scale as major factors impacting its continuity of services consistent with its mission and core functions. The Office handles as many or more cases than any jurisdiction in the State, generally with less staff than comparable offices. Additionally, employees (particularly attorneys) have increasingly been recruited or presented opportunities to apply for higher paying jobs with the Federal government, private employers, and even the Office of Law. The Office is working on various strategies to reduce turnover, some of which include the following:
 - Being clear regarding the workload during hiring so that employees do not have false expectations;
 - Implementing new technologies and work processes to promote efficiency in office operations;
 - Paying attention to the allocation of cases to ensure caseloads are fair and balanced; and
 - Working to develop a clear and transparent pay structure scale that rewards service and performance and offers the promise of future rewards. In this effort, the Office has proposed a pay scale matrix to be implemented retroactively for all Assistant State's Attorneys. *Please refer to First Round Budget Responses Attachment A for the proposed the Pay Scale Matrix. Also refer to Second Round Budget Responses Attachment A for the most recent salary and caseload information for each jurisdiction in Maryland from the Maryland State's Attorneys' Association.*
- The Office's individual ASA caseloads in the Circuit Court vary greatly depending on the nature of the crimes prosecuted and the complexity of the cases. Caseloads for ASAs in the Strategic Investigations Unit average 25 cases per attorney and average caseloads for ASAs in the Major Crimes Unit are 20-60 per attorney. District Court ASAs are responsible for one criminal docket per week, which includes 100 cases, and one or two traffic dockets, which have considerably more cases. In addition, District Court ASAs handle jury trial request or appeal cases, which average 10-15 cases on scheduled days. *Please refer to First Round Budget Responses Question 42 pp. 17-19 for greater detail on caseloads.*
- The Office continues to use office space in Greenbelt to house its staff serving the District Court in Hyattsville (MD) while the County Service Building is being renovated. 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. For a complete listing of these programs, please refer to *Second Round Budget Responses Question 8 pp. 4-8*. Included are the following:
 - **Family Crisis Center (FCC):** This is a 20-26-week course. The program focuses on serving persons with domestic violence issues. The curriculum examines several areas related to learning how to interact in a non-violent and non-confrontational manner. The program is 20 weeks for females and 26 weeks for males. English and Spanish courses are offered. Initial registration is \$35 and the per session fee is based on a sliding-fee scale.
 - **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.
 - **Drug Diversion Program:** This program operates under the Prince George's County Health Department. The defendant agrees for their case to be put on a STET docket under the conditions that they complete a drug treatment program. For marijuana cases, the defendant will complete four (4) weekly educational courses. For all other drugs, the defendant is required to adhere to whatever treatment plan is deemed necessary based on initial assessment. Successful completion of the program is based on continued compliance and position status updates.
 - **Mediation Program:** This program is operated by the Key Bridge Center for Conflict Resolution. They handle disputes between neighbors, interpersonal family disputes, business disputes, landlord/tenant disputes, child visitation matters, and any other related matter referred by the Court and State's Attorney's Office. This is a voluntary alternative for parties involved in which trained mediators will guide parties through an informal process that helps those involved to identify issues and generate resolutions.
- In September 2017, the Office hired a Training Director to take on responsibilities including the evaluation of current ASA's by conducting visits to their courtroom cases to determine areas of possible improvement. These services were performed through December 2018, after which the incumbent was moved to a limited term grant-funded (LTGF) position. In FY 2020, the Office plans to continue the role with a personal services contract.
- In April 2018, the Office began 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. Moving forward, the Office plans to utilize contract counselors to assist in combating PTSD and behaviors resulting from this condition. Funding for this initiative will come from a FY 2018 Bureau of Justice Assistance Grant (BJAG) funded by the Department of Justice (DOJ) in the amount of \$48,107.

Budget Comparison - Grants

Approved Fiscal Year 2019 to Proposed Fiscal Year 2020

Category	FY 2018 Actual	FY 2019 Approved	FY 2019 Estimated	FY 2020 Proposed	Change Amount	Percentage Change
Compensation	\$ 1,348,263	\$ 2,002,400	\$ 1,818,300	\$ 1,799,900	\$ (202,500)	-10.1%
Fringe Benefits	109,582	276,900	155,600	270,000	(6,900)	-2.5%
Operating Expenses	230,460	823,200	397,900	301,900	(521,300)	-63.3%
Total	\$ 1,688,305	\$ 3,102,500	\$ 2,371,800	\$ 2,371,800	\$ (730,700)	-23.6%

Authorized Staffing Count - Grants

	FY 2019 Approved	FY 2020 Proposed	Change Amount	Percentage Change
Limited Term	32	32	0	0.0%
Total	32	32	0	0.0%

Grant Highlights

- In FY 2020, the proposed Grant Fund Budget is \$2,371,800, a decrease of \$730,700, or 23.6% less than the FY 2019 Approved Budget. The decrease is primarily due to a reduction in funding for two existing grant programs, the Supportive Assistance and Financial Empowerment (SAFE) DV Program and the Bilingual Victim Advocacy Grant.
- The Office's FY 2020 proposed grant-funded staffing includes 32 limited term positions, which is unchanged from the FY 2019 approved staffing complement level.
- Ninety-six percent (96%) of the Office's FY 2020 Proposed grant funding is received from the Governor's Office of Crime Control and Prevention. *For a complete listing of the Office's grant funding, please refer to the FY 2020 Proposed Budget Book pp.259-260.*