

**C82D00**  
**Office of the State Prosecutor**

***Operating Budget Data***

	(\$ in Thousands)				
	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 03 - 04</b>	<b>FY 03 - 04</b>
	<b><u>Actual</u></b>	<b><u>Approp.</u></b>	<b><u>Allowance</u></b>	<b><u>Change</u></b>	<b><u>% Change</u></b>
General Funds	\$914	\$925	\$906	-\$19	-2.06%
FY 2003 Cost Containment	0	-45	0	45	-100.00%
Contingent & Back of Bill Reductions	0	-1	-5	-4	-100.00%
<b>Adjusted General Funds</b>	<b>\$914</b>	<b>\$879</b>	<b>\$901</b>	<b>\$22</b>	<b>2.53%</b>
<b>Adjusted Grand Total</b>	<b>\$914</b>	<b>\$879</b>	<b>\$901</b>	<b>\$22</b>	<b>2.53%</b>

- Fiscal 2003 cost containment reduction is \$45,000.

***Personnel Data***

	<b>FY 02</b>	<b>FY 03</b>	<b>FY 04</b>	<b>Change</b>
	<b><u>Actual</u></b>	<b><u>Working</u></b>	<b><u>Allowance</u></b>	
Regular Positions	9.00	9.00	9.00	0.00
Contractual FTEs	2.00	2.00	2.00	0.00
<b>Total Personnel</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>0.00</b>

***Vacancy Data: Regular Positions***

Budgeted Turnover: FY 04	0.00	0.00%
Positions Vacant as of 12/31/02	0.00	0.00%

- No increase in personnel, and there are no personnel vacancies.

Note: Numbers may not sum to total due to rounding.

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## ***Analysis in Brief***

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*Status Quo Budget:* There are no significant increases in the 2004 budget.

### **Recommended Actions**

1. Concur with Governor's allowance.

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***Operating Budget Analysis***

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**Program Description**

The Office of the State Prosecutor (OSP) is an independent agency within the executive branch of government. The State Prosecutor investigates and prosecutes certain criminal offenses committed by public officials. The office conducts these investigations on its own initiative or at the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, or a State's Attorney. OSP investigates the following types of cases: criminal offenses under the State election and conflict of interest laws; violations of the State bribery laws in which a public official or employee was offered or solicited a bribe; criminal malfeasance, misfeasance or nonfeasance in office committed by a public officer or employee; all multi-jurisdictional offenses; and violations of State obstruction of justice, perjury, and extortion laws.

**Performance Analysis: Managing for Results**

**Exhibit 1** shows the actual data submitted in the Management for Results (MFR) key indicators. The most numerous complaints are violation of the election laws. The goal is to close election law violations within 6 months, and all other complaints within one-year. The most time-sensitive complaints are election law complaints. The State Prosecutor is successful in closing State election law complaints within the 6-month goal in 95% of cases. In fiscal 2001, 17 were charged with violation of the election laws. In fiscal 2002, three people were charged. In one-third of the complaints that merited investigation and the prosecutor found a potential violation of the election law, the prosecutor exercised his discretion not to prosecute. In these complaints the violation was inadvertent or otherwise not material.

**Exhibit 1**

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**MFR Key Indicators  
Office of the State Prosecutor**

	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
	<b><u>Actual</u></b>	<b><u>Actual</u></b>	<b><u>Estimate</u></b>	<b><u>Estimate</u></b>
<b>Complaints Received:</b>				
Corruption	42	32	30	30
Election Law	161	146	120	120
Other	10	11	10	10
<b>Complaints Closed:</b>				
Corruption	36	32	25	25
Election Law	146	117	101	101
% Timely Closed	81%	96%	95%	95%
Other	14	10	10	10
<b>Judicial Action:</b>				
Persons Charged	23	17	15	15
Judicial Disposition	7	17	17	15

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**Current Status of Cases**

The State Prosecutor has provided the Department of Legislative Services with a snapshot of the current workload of the office. As of November 22, 2002, there were 22 open investigations including those listed in **Exhibit 2**. Four of the 22 open cases were closed since November.

**Exhibit 2**

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**Snapshot of Workload  
Office of the State Prosecutor**

<u>Subject</u>	<u>Jurisdiction</u>
<b>Public Knowledge:</b>	
1. Violation of election code prohibiting payment for “walk-around service” – two investigations	Prince George’s County
2. Theft of missing evidence from sheriff’s office	St. Mary’s County
3. Misconduct by County Commissioner	Carroll County
4. Illegal petitions in State’s Attorney primary election	Kent County
<b>Non-public:</b>	
1. Improper influence in State contract award	Anne Arundel County
2. Violation of lobbying provisions of State Ethics statute	Anne Arundel County
3. Unauthorized access of criminal justice information system	Baltimore County
4. Bribery of public officer	Confidential
5. Multi-jurisdictional narcotics violation	Confidential
<b>Cases Closed within Last 30 days:</b>	
1. Local official charged with violation of local ethics ordinance	Frederick County
2. Violation of electronic surveillance statute by law enforcement officers	Frederick County
3. State’s Attorney’s misconduct	Confidential
4. Misuse of State vehicle	State Government

Source: Office of State Prosecutor, January 17, 2003

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**Fiscal 2003 Actions**

**Impact of Cost Containment**

The Board of Public Works January 8, 2003, approved cost containment reduced the fiscal 2003 budget \$45,834 – legal services (\$12,500), data processing (\$22,000), and contractual payroll (\$10,834). There are no vacancies in the office so the reductions will be in operating expenses.

Fiscal 2003 cost containment reflects the reversion of appropriations to support free transit ridership for State employees, contingent upon enactment of a provision in the Budget Reconciliation and Financing Act of 2003. The fiscal 2003 working appropriation included \$594 for the transit subsidy.

**Governor's Proposed Budget**

The fiscal 2004 allowance of \$901,612 is a 2.53% increase over the fiscal 2003 adjusted appropriation. **Exhibit 3** shows the expenses that contribute to the increase in the fiscal 2003 allowance.

**Impact of Cost Containment**

The fiscal 2004 allowance reflects the elimination of the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in the Budget Reconciliation and Financing Act of 2003. The allowance restores the \$10,834 for contractual payroll but carries forward the remaining \$34,500 in fiscal 2003 cost containment.

**Exhibit 3**

**Governor's Proposed Budget  
Office of the State Prosecutor  
(\$ in Thousands)**

	<u>FY 2002 Actual</u>	<u>FY 2003 Approp.</u>	<u>FY 2004 Allowance</u>	<u>FY 03 - 04 Change</u>	<u>FY 03 - 04 % Change</u>
General Funds	\$914	\$925	\$906	-\$19	-2.06%
FY 2003 Cost Containment		-45		45	-100.00%
Contingent & Back of Bill Reductions		-1	-5	-4	-100.00%
<b>Adjusted General Funds</b>	<b>\$914</b>	<b>\$879</b>	<b>\$901</b>	<b>\$22</b>	<b>2.53%</b>
<b>Adjusted Grand Total</b>	<b>\$914</b>	<b>\$879</b>	<b>\$901</b>	<b>\$22</b>	<b>2.53%</b>

**Where It Goes:**

**Personnel Expenses**

Health insurance .....	\$4
401k match .....	-5
Restoration of transit subsidy .....	1
Reduction in turnover expectancy .....	8
Other adjustments .....	-2
<b>Subtotal Salaries and Wages 2004.....</b>	<b>6</b>

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**Where It Goes:**

**Contractual**

Contractual payroll – fiscal 2003 cost containment restored .....	11
Training and staff development .....	2

**Operating Expenses**

Travel.....	-4
Motor vehicle operating expenses.....	8
Supplies and materials .....	5
Computer maintenance and software.....	-25
Insurance.....	4
Rent .....	9
Other changes .....	6

**Total** **\$ 22**

Note: Numbers may not sum to total due to rounding

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***Recommended Actions***

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1. Concur with Governor's allowance.

## *Current and Prior Year Budgets*

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### Current and Prior Year Budgets Office of the State Prosecutor (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
<b>Fiscal 2002</b>					
Legislative Appropriation	\$917	\$0	\$0	\$0	\$917
Budget Amendments	0	0	0	0	0
Reversions and Cancellations	-3	0	0	0	-3
<b>Actual Expenditures</b>	<b>\$914</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$914</b>
<b>Fiscal 2003</b>					
Legislative Appropriation	\$925	\$0	\$0	\$0	\$925
Budget Amendments	0	0	0	0	0
<b>Working Appropriation</b>	<b>\$925</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$925</b>

Note: Numbers may not sum to total due to rounding.

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Appendix 2

**Object/Fund Difference Report  
Office of the State Prosecutor**

<u>Object/Fund</u>	<u>FY03</u>			<u>FY03 - FY04</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
	<u>FY02</u> <u>Actual</u>	<u>Working</u> <u>Appropriation</u>	<u>FY04</u> <u>Allowance</u>		
<b>Positions</b>					
01 Regular	9.00	9.00	9.00	0	0%
02 Contractual	2.00	2.00	2.00	0	0%
<b>Total Positions</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>0</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 604,542	\$ 633,707	\$ 644,384	\$ 10,677	1.7%
02 Technical & Spec Fees	24,767	56,532	58,567	2,035	3.6%
03 Communication	26,665	11,899	11,488	- 411	- 3.5%
04 Travel	3,619	10,700	7,000	- 3,700	- 34.6%
07 Motor Vehicles	11,198	1,174	9,043	7,869	670.3%
08 Contractual Services	150,418	104,061	73,117	- 30,944	- 29.7%
09 Supplies & Materials	20,445	43,400	26,000	- 17,400	- 40.1%
10 Equip - Replacement	3,000	0	0	0	0.0%
11 Equip - Additional	26,000	0	0	0	0.0%
13 Fixed Charges	42,930	63,720	76,513	12,793	20.1%
<b>Total Objects</b>	<b>\$ 913,584</b>	<b>\$ 925,193</b>	<b>\$ 906,112</b>	<b>- \$ 19,081</b>	<b>- 2.1%</b>
<b>Funds</b>					
01 General Fund	\$ 913,584	\$ 925,193	\$ 906,112	- \$ 19,081	- 2.1%
<b>Total Funds</b>	<b>\$ 913,584</b>	<b>\$ 925,193</b>	<b>\$ 906,112</b>	<b>- \$ 19,081</b>	<b>- 2.1%</b>

Note: Fiscal 2003 appropriations and fiscal 2004 allowance do not include cost containment and contingent reductions.