

C82D00
Office of the State Prosecutor

Operating Budget Data

(\$ in Thousands)

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Operations	\$763	\$751	\$796	\$33	\$845	\$49
Contractual Services	150	123	70	-80	38	-32
Grants	0		0	0	0	0
Contingent & Back of Bill Reductions	0	0	0	0	-5	-5
Adjusted Grand Total	\$913	\$874	\$866	-\$47	\$878	\$12
General Funds	\$914	\$874	\$866	-\$48	\$883	\$17
Contingent & Back of Bill Reductions	0	0	0	0	-5	-5
Adjusted General Funds	\$914	\$874	\$866	-\$48	\$878	\$12
Adjusted Grand Total	\$914	\$874	\$866	-\$48	\$878	\$12
Annual % Change		-4.4%	-0.9%		1.4%	

- Cost containment was \$50,598 in fiscal 2003 and \$33,736 in fiscal 2004.

Personnel Data

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Regular Positions	9.0	9.0	9.0	0	9.0	0.0
Contractual FTEs	2.0	2.0	1.0	-1	1.0	0.0
Total Personnel	11.0	11.0	10.0	-1	10.0	0.0

Vacancy Data: Regular Positions

Turnover Expectancy	0.00	0.00%
Positions Vacant as of 12/31/03	0.00	0.00%

- There are no new positions and no positions are vacant.
- The Board of Public Works eliminated one contractual law clerk in fiscal 2004.

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

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Analysis in Brief

Major Trends

Status Quo Budget: There are no significant increases in the 2005 budget.

Recommended Actions

1. Concur with Governor's allowance.

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Operating Budget Analysis

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 Managing for Results (MFR) key indicators. The most numerous complaints are violations of the election laws. The goal is to close election law violations within six 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 93% of cases. In fiscal 2002, in three cases individuals were charged with violation of the election laws. In fiscal 2003, charges were entered in four cases including two multiple defendant election walk-around money cases. In fiscal 2003 of the 61 cases, 55 cases met the ethical or legal requirements to be an OSP investigation, and in two of the cases, the prosecutor exercised his discretion not to prosecute. In these complaints the violation was inadvertent or otherwise not material. As of January 14, there were 13 open investigations in the office.

Exhibit 1
Program Measurement Data
Office of the State Prosecutor
Fiscal 2001 – 2005

	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Actual</u> <u>2003</u>	<u>Est.</u> <u>2004</u>	<u>Est.</u> <u>2005</u>	<u>Ann.</u> <u>Chg.</u> <u>01-03</u>	<u>Ann.</u> <u>Chg.</u> <u>03-05</u>
Corruption:							
Complaints received	42	32	40	35	35	-2.4%	-6.5%
Complaints closed	36	26	33	30	30	-4.3%	-4.7%
Does not meet legal test	27	11	6	10	10	-52.9%	29.1%
Meets legal test	1	19	21	20	20	358.3%	-2.4%
Prosecutorial discretion	5	5	2	3	3	-36.8%	22.5%
Charged	0	0	1	2	3	0.0%	73.2%
Election Laws:							
Complaints received	161	146	92	160	150	-24.4%	27.7%
Complaints closed	146	117	61	150	150	-35.4%	56.8%
Not meeting legal test	14	59	2	5	5	-62.2%	58.1%
Meets legal test	90	40	55	125	125	-21.8%	50.8%
Prosecutorial discretion	34	8	2	5	5	-75.7%	58.1%
Charged	6	3	4	3	3	-18.4%	-13.4%
No action	0	7	4	3	3	n/a	-13.4%
% timely Closed	81%	96%	93%	95%	95%	7.2%	1.1%
Other Complaints:							
Complaints received	10	11	3	5	5	-45.2%	29.1%
Complaints closed:	36	10	2	5	5	-76.4%	58.1%
Does not meet legal test	7	8	1	1	1	-62.2%	0.0%
Meets legal test	1	0	2	2	2	41.4%	0.0%
Prosecutorial discretion	1	1	0	0	0	-100.0%	n/a
Charged	0	0	1	1	1	n/ a	0.0%

Source: Office of State Prosecutor Managing for Results

Fiscal 2004 Actions

Impact of Cost Containment

The Board of Public Works (BPW) approved a cost containment action that reduced the fiscal 2004 budget by eliminating one contractual law clerk (\$33,736).

Governor's Proposed Budget

The fiscal 2005 allowance of \$878,185 is a 1.4% increase over the fiscal 2004 adjusted appropriation. **Exhibit 2** shows the expenses that contribute to the increase in the fiscal 2005 allowance.

Exhibit 2
Governor's Proposed Budget
Office of the State Prosecutor
(\$ in Thousands)

	<u>FY 03</u> <u>Actual</u>	<u>FY 04</u> <u>Approp.</u>	<u>FY 05</u> <u>Allowance</u>	<u>FY 04-05</u> <u>Change</u>	<u>FY 04-05</u> <u>% Change</u>
General Funds	\$874	\$866	\$883	\$17	2.0%
Contingent & Back of Bill Reductions	0	0	-5	-5	
Adjusted General Funds	\$874	\$866	\$878	\$12	1.4%

Where It Goes:

Personnel Expenses

Increments and other compensation	\$20
Employee and retiree health insurance	8
Other personnel expenses.....	3

Other Changes

Telecommunications	19
Travel	-4
Parking garage rent	5
Contractual services	-32
Supplies and materials	-6
Other changes	-1

Total **\$12**

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

Impact of Cost Containment

The fiscal 2005 allowance reflects the elimination of the \$4,800 appropriation for matching employee deferred compensation contributions up to \$600 contingent upon enactment of a provision in the budget reconciliation legislation.

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

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>
Fiscal 2003					
Legislative Appropriation	\$925	\$0	\$0	\$0	\$925
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Cost Containment	-51	0	0	0	-51
Reversions and Cancellations	0	0	0	0	0
Actual Expenditures	\$874	\$0	\$0	\$0	\$874
Fiscal 2004					
Legislative Appropriation	\$900	\$0	\$0	\$0	\$900
Cost Containment	-34	0	0	0	-34
Budget Amendments	0	0	0	0	0
Working Appropriation	\$866	\$0	\$0	\$0	\$866

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

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Fiscal 2003

The BPW action of January 8, 2003, approved a cost containment that reduced the fiscal 2003 budget \$45,334 – legal services (\$12,500), data processing (\$22,000), and contractual payroll (\$10,834). The BPW action on February 19, 2003, deleted an additional \$5,264 for the employee bonus.

Fiscal 2004

The BPW action of July 30, 2003, eliminated one contractual law clerk (\$33,736).

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

<u>Object/Fund</u>	<u>FY03 Actual</u>	<u>FY04 Working Appropriation</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	9.00	9.00	9.00	0	0%
02 Contractual	2.00	1.00	1.00	0	0%
Total Positions	11.00	10.00	10.00	0	0%
Objects					
01 Salaries and Wages	\$ 603,230	\$ 639,290	\$ 675,513	\$ 36,223	5.7%
02 Technical & Spec Fees	45,374	28,284	28,338	54	0.2%
03 Communication	36,476	10,094	28,720	18,626	184.5%
04 Travel	1,533	7,000	2,500	-4,500	-64.3%
07 Motor Vehicles	2,315	9,043	13,779	4,736	52.4%
08 Contractual Services	123,186	69,664	37,700	-31,964	-45.9%
09 Supplies & Materials	13,067	26,000	20,085	-5,915	-22.8%
13 Fixed Charges	48,820	76,513	76,350	-163	-0.2%
Total Objects	\$ 874,001	\$ 865,888	\$ 882,985	\$ 17,097	2.0%
Funds					
01 General Fund	\$ 874,001	\$ 865,888	\$ 882,985	\$ 17,097	2.0%
Total Funds	\$ 874,001	\$ 865,888	\$ 882,985	\$ 17,097	2.0%

Note: Fiscal 2004 appropriations and fiscal 2005 allowance do not include deficiencies, cost containment, and contingent reductions.