

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

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 04</u> <u>Actual</u>	<u>FY 05</u> <u>Working</u>	<u>FY 06</u> <u>Allowance</u>	<u>FY 05-06</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$823	\$909	\$968	\$59	6.5%
<b>Total Funds</b>	<b>\$823</b>	<b>\$909</b>	<b>\$968</b>	<b>\$59</b>	<b>6.5%</b>
Contingent & Back of Bill Reductions			-4	-4	
<b>Adjusted Total</b>	<b>\$823</b>	<b>\$909</b>	<b>\$964</b>	<b>\$55</b>	<b>6.0%</b>

- The fiscal 2006 allowance represents a \$54,696, or 6.0% increase over the fiscal 2005 working appropriation. This reflects a \$59,000 increase in general funds, primarily due to a new contractual investigator and the deletion of \$4,000 in matching employee deferred compensation contributions.

***Personnel Data***

	<u>FY 04</u> <u>Actual</u>	<u>FY 05</u> <u>Working</u>	<u>FY 06</u> <u>Allowance</u>	<u>FY 05-06</u> <u>Change</u>
Regular Positions	9.00	9.00	9.00	0.00
Contractual FTEs	<u>1.00</u>	<u>1.00</u>	<u>2.00</u>	<u>1.00</u>
<b>Total Personnel</b>	<b>10.00</b>	<b>10.00</b>	<b>11.00</b>	<b>1.00</b>

***Vacancy Data: Regular Positions***

Turnover, Excluding New Positions	0.00	0.00%
Positions Vacant as of 12/31/04	1.00	11.11%

- While the number of regular employees remains constant, the Office of the State Prosecutor (OSP) is gaining one contractual employee, a Financial Fraud Investigator, for a total of 11 employees. It should be noted that the Department of Budget and Management allocated funding for two contractual fraud investigators in fiscal 2006. However, since OSP already had one contractual investigator, who was hired at the end of fiscal 2004 and paid with funds generated through personnel changes, the actual net increase in the number of employees is one.
- As of December 31, 2004, the vacancy rate was 11.11%. This vacancy has subsequently been filled, thereby reducing the vacancy rate to zero.

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

For further information contact: Charles Smith

Phone: (410) 946-5530

## ***Analysis in Brief***

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### **Major Trends**

***Investigations Receiving Appropriate Disposition:*** OSP has achieved a higher percentage of successful dispositions than anticipated.

***Corruption Complaints Not Closed in a Timely Fashion:*** OSP failed to achieve its goal of closing corruption cases within the one-year time timeframe.

***Disposition of Election Law Complaints in a Timely Manner:*** The percentage of cases closed in a timely fashion fell well short of the agency's estimate.

### **Recommended Actions**

1. Concur with Governor's allowance.

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*Operating Budget Analysis*

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**Program Description**

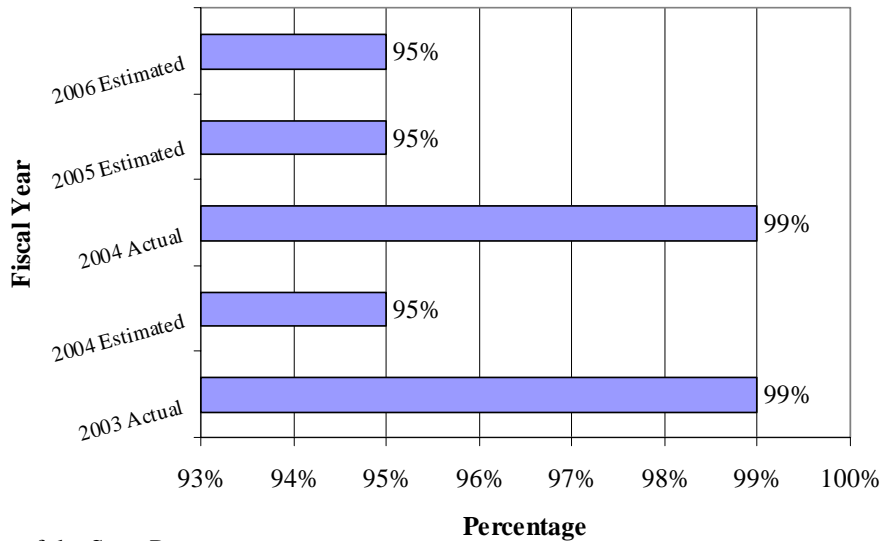
The Office of the State Prosecutor (OSP) is an independent agency within the Executive Branch of government. The State Prosecutor investigates and prosecutes certain criminal offenses committed by public officials. The office conducts these investigations on its own initiative or at the request of the 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**

OSP strives to ensure that 95% of its investigations result in an appropriate disposition, which generally can be defined as the cessation of a given activity through a variety of measures, or the fact that the case is outside the jurisdiction of OSP. **Exhibit 1** shows that in fiscal 2003 and 2004, OSP surpassed its goal, and there is no reason to believe it will not continue to do so.

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**Exhibit 1**  
**Percent of Investigations That Result in an Appropriate Disposition**

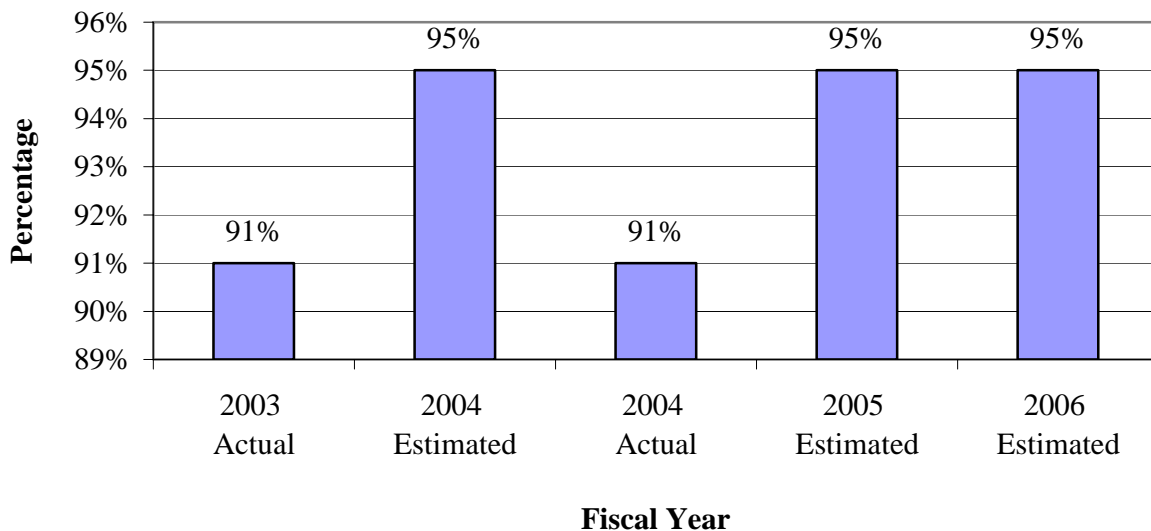


Source: Office of the State Prosecutor

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**Exhibit 2** illustrates the agency’s performance when measured by the closure of corruption cases in a timely manner. As you can see, OSP failed to meet its objective of 95% in fiscal 2003 and 2004. In spite of this, the performance targets for fiscal 2005 and 2006 remain at 95%. The agency explains that many of the factors that influence the timeliness of a corruption case are out of their control (court scheduling, compliance with subpoenas). Given the fact that so many factors are out of OSP’s control, the agency may want to investigate setting a more realistic standard for itself with regard to this metric. **The Department of Legislative Services (DLS) recommends that OSP explain to the committees why a 95% achievement rate is plausible given the fact that so many factors influencing the time required to close a corruption case are out of the agency’s control.**

**Exhibit 2**  
**Percent of Corruption Complaints Closed in a Timely Manner**



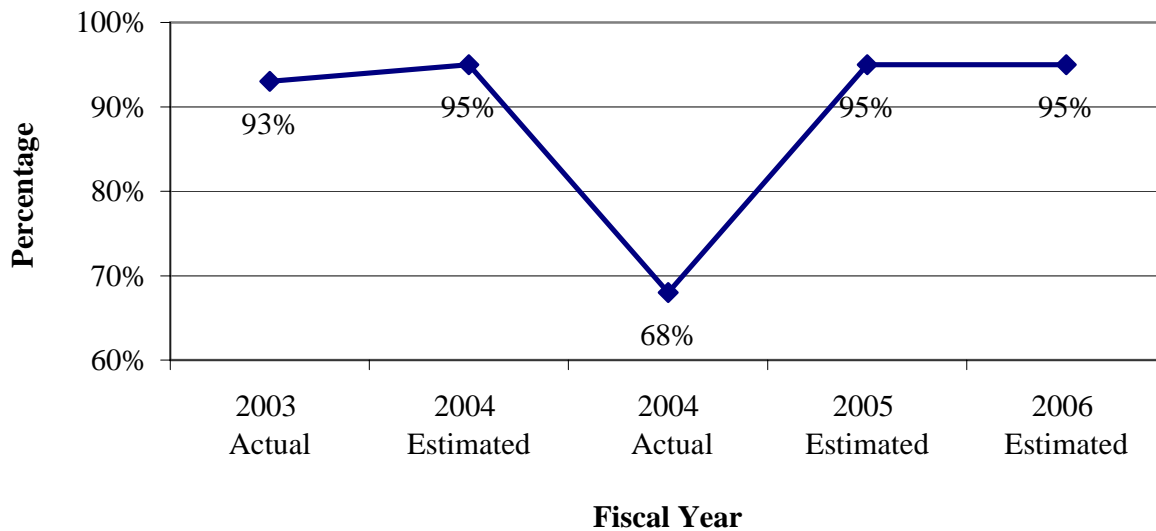
Note: Timely is defined as within one year.

Source: Office of the State Prosecutor

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OSP also strives to close 95% of all election law complaints within six months. **Exhibit 3** depicts OSP's performance in this third criterion. The agency missed its target by only two percentage points in fiscal 2003 but fell short by 27 percentage points in fiscal 2004. The agency explained that a majority of the election law complaints that were received in fiscal 2003 arrived too late to be closed within the fiscal year and had to be carried over into fiscal 2004. Furthermore, there were several personnel changes, most notable being the death of State Prosecutor Stephen Montanarelli, that precluded the agency from proceeding with the complaints at the usual pace. OSP does not foresee future performance similar to that which occurred in fiscal 2004.

**Exhibit 3**  
**Percent of Election Law Complaints Closed in a Timely Manner**



Note: Timely is defined as within six months.

Source: Office of the State Prosecutor

**Governor's Proposed Budget**

The fiscal 2006 allowance is \$54,696 greater than the fiscal 2005 working appropriation, as shown in **Exhibit 4**. Most of this increase can be explained by increments, cost-of-living adjustments (COLAs), employee and retiree health insurance, and two new contractual investigators.

**Exhibit 4**  
**Governor's Proposed Budget**  
**Office of the State Prosecutor**  
(\$ in Thousands)

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Total</b>
2005 Working Appropriation	\$909	\$909
2006 Governor's Allowance	968	968
Contingent & Back of Bill Reductions	<u>-4</u>	<u>-4</u>
<b>Adjusted Allowance</b>	<b>\$964</b>	<b>\$964</b>
Amount Change	\$55	\$55
Percent Change	6.0%	6.0%
 <b>Where It Goes:</b>		
<b>Personnel Expenses</b>		
Increments and other compensation.....		\$10
COLA.....		9
Employee and retiree health insurance .....		-15
Retirement contribution cost increase.....		4
Other fringe benefit adjustments.....		-11
<b>Other Changes</b>		
Two new contractual investigators .....		72
Department of Budget and Management Telecommunications.....		-12
Reduced costs to operate 1-800 telephone line .....		-6
Phone directory updates and computer room air conditioner adjustment.....		3
Miscellaneous .....		1
<b>Total</b>		<b>\$55</b>

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

**Contingent Actions**

The fiscal 2006 allowance reflects the elimination of \$4,000 (subobject 0172), the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in budget reconciliation legislation.

***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 2004</b>					
Legislative Appropriation	\$900	\$0	\$0	\$0	\$900
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Cost Containment	-34	0	0	0	-34
Reversions and Cancellations	-43	0	0	0	-43
<b>Actual Expenditures</b>	<b>\$823</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$823</b>
<b>Fiscal 2005</b>					
Legislative Appropriation	\$877	\$0	\$0	\$0	\$877
Budget Amendments	32	0	0	0	32
<b>Working Appropriation</b>	<b>\$909</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$909</b>

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

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### **Fiscal 2005**

The working appropriation for fiscal 2005 has increased by \$32,114 over the legislative appropriation. The majority of this amount, \$24,500, was used for the annual salary review, while the remaining \$7,614 was for COLAs.

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

<u>Object/Fund</u>	<u>FY04 Actual</u>	<u>FY05 Working Appropriation</u>	<u>FY06 Allowance</u>	<u>FY05 - FY06 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	9.00	9.00	9.00	0	0%
02 Contractual	1.00	1.00	2.00	1.00	100.0%
<b>Total Positions</b>	<b>10.00</b>	<b>10.00</b>	<b>11.00</b>	<b>1.00</b>	<b>10.0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 647,971	\$ 702,827	\$ 704,196	\$ 1,369	0.2%
02 Technical & Spec Fees	21,248	28,338	106,000	77,662	274.1%
03 Communication	8,020	27,834	8,600	-19,234	-69.1%
04 Travel	1,750	2,500	2,200	-300	-12.0%
07 Motor Vehicles	5,342	13,779	12,010	-1,769	-12.8%
08 Contractual Services	32,886	37,700	37,725	25	0.1%
09 Supplies & Materials	22,581	20,085	21,519	1,434	7.1%
13 Fixed Charges	83,155	76,350	75,859	-491	-0.6%
<b>Total Objects</b>	<b>\$ 822,953</b>	<b>\$ 909,413</b>	<b>\$ 968,109</b>	<b>\$ 58,696</b>	<b>6.5%</b>
<b>Funds</b>					
01 General Fund	\$ 822,953	\$ 909,413	\$ 968,109	\$ 58,696	6.5%
<b>Total Funds</b>	<b>\$ 822,953</b>	<b>\$ 909,413</b>	<b>\$ 968,109</b>	<b>\$ 58,696</b>	<b>6.5%</b>

Note: The fiscal 2005 appropriation does not include deficiencies, and the fiscal 2006 allowance does not reflect contingent reductions.

**Fiscal 2006 Cost Containment Actions  
As Submitted by the Agency  
Estimated Fiscal 2006 Savings  
Compared to Fiscal 2005**

<u>Cost Saving Action/Efficiency Measure</u>	<u>Program Code</u>	<u>Total Funds</u>	<u>General Funds</u>	<u>Special Funds</u>	<u>Positions Reduced</u>	<u>Impact of Action</u>
Cut out the Law Clerk Contractual Position	2	26,243			1	Without a law clerk, projects are taking longer to finish, and the paralegal is essentially doing two jobs. If we had the law clerk position back, we would be able to complete projects in a timelier manner. Even though the Department of Budget and Management (DBM) gave us money for two contractual investigators, we could still utilize a law clerk. However, DBM took it upon themselves to cut subobject 0305 from \$11,720 to \$0. I do not know how we are going to pay our phone bills, etc. Essentially, the same amount of people will be served, just not at the fastest rate possible.
Law Clerk – Social Security	2	2,008				
Law Clerk – Unemployment	2	87				

Source: Office of the State Prosecutor