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STATE PROSECUTOR



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THE STATE PROSECUTOR

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OFFICE OF THE STATE PROSECUTOR

Fiscal Year 2021 Operating Budget
Response to Department of Legislative Services Budget Analysis

Senate Budget and Taxation Committee
Public Safety, Transportation & Environment Subcommittee
Senator Cory V. McCray
January 30, 2020

House Appropriations Committee
Public Safety & Administration Subcommittee
Delegate Keith E. Haynes
January 29, 2020

Background

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of State government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our State and local government institutions, officials, employees and elections. The Office of the State Prosecutor's independence is crucial to its ability to execute its mission.

A new State Prosecutor, Charlton Howard, was nominated by the State Prosecutor Selection and Disabilities Commission and subsequently appointed by Governor Hogan on November 7, 2019. Mr. Howard was sworn in on November 20, 2019.

Analysis

The Office of the State Prosecutor concurs with the Governor's allowance.

Mr. Howard started his term as State Prosecutor in November of 2019. The agency that he inherited has dedicated and hardworking individuals who are committed to ensuring the integrity of State government and elections in Maryland. As the DLS analysis reflects, the Office of the State Prosecutor's mission requires modern equipment and some personnel-driven restructuring to reflect the needs of addressing modern corruption issues.



We appreciate the Governor's approval of a new vehicle for our agency. The Office of the State Prosecutor has state-wide jurisdiction, which means that we are constantly using our vehicles for prosecutions and investigations. Our agency has historically had three vehicles: one assigned to the agency head, and two fleet vehicles. In light of rising mission demand, Mr. Howard assigned all three as fleet vehicles. Two of our fleet vehicles are old and their repair costs far exceed their maximum blue book value; the third vehicle was totaled in a recent accident. Going forward, our agency will require replacements of all three vehicles and we appreciate the allowance for the one vehicle in the 2021 budget.

Other key case-related expenses requiring additional resources are equipment for our investigators. Examples of equipment include: uniform jackets for field work such as search and seizure warrants, digital recorders, GPS tracking devices, an account to create and observe wire communications, funds for pen registers, funds to run wire investigations, surveillance equipment (video camera, digital camera), and tablets for our investigators.

Personnel and salary are also key expenses for our office. As outlined below, our agency is unique in the State of Maryland, both for our mission and for what is required of our attorneys and investigators. We are not able to pay what our federal counterparts are able to, yet require a skill-set distinct from other state prosecutorial agencies based on the areas of law and breadth of skills needed. Our agency requires attorneys who have white collar criminal experience, which is rare throughout the State, as well as the ability to litigate both trials and appeals, which is not done by any other prosecutorial unit in the State.

Our needs are growing. The perpetrators of white collar crime continue to utilize new and innovative technology, resulting in a concurrent law enforcement requirement for enhanced investigative and technological capabilities to enable analysis and investigation of increasingly sophisticated criminal activity. What could once be done with a person and a pile of papers now requires digital expertise and software, which in most cases we do not currently have.

In addition to their traditional responsibility for trying cases and managing investigations, the new State Prosecutor has expanded the roles of the three remaining attorneys to better reflect the needs of the Office. There will be a Deputy for Litigation who will oversee all litigation issues for the Office. This attorney, in addition to managing his own cases and handling administrative work beyond the scope of our one paralegal, will be responsible for oversight of all district court, circuit court and appellate court hearings. He will also be responsible for overseeing plea agreements, trial preparations and travel for litigation purposes.

There will also be a Deputy for Strategy and Operations who will handle government affairs, budgetary issues and managing relationships with partner agencies throughout the state, in addition to handling her caseload and managing her investigations. This will require meeting in Annapolis and elsewhere with legislators and counterparts, planning budget strategy, and developing strategic partnerships with other investigative units throughout the State.

A third attorney has been tasked with primary responsibility for both corruption cases and all election law cases that are referred to the office. This requires training sessions with the State Board of Elections and managing the election law docket in Annapolis, along with other duties related to the prosecution of these large volume cases (especially going into an election year in 2020).

We also have designated a Chief of Investigations, who manages all assigned investigators, oversees investigative activities, and screens complaints for the office. This position also works to develop partnerships with state and local law enforcement agencies, and drives investigative training and recruitment. All of our investigators, designated special agents, fulfil the full range of criminal investigative tasks, as well as administrative roles such as responding to discovery requests, drafting subpoenas, scanning and filing, necessitated by our limited administrative personnel.

Future Needs

Our future needs are both personnel and equipment driven. Our two Deputy State Prosecutors - one managing litigation, the other managing investigative referrals, administrative requirements and strategic engagement - will allow us to better focus on legislation, government relations and budget issues, but both will still be managing their active caseload, and still leaving only one other attorney in the office to focus on election law and corruption cases throughout the State. We will likely be seeking to expand our legal and investigative staff to reflect the extensive administrative duties being absorbed by our leadership and operational personnel.