

STATE OF MARYLAND

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**OFFICE OF THE STATE PROSECUTOR**

Fiscal Year 2023 Operating Budget  
Response to Department of Legislative Services Budget Analysis

Senate Budget and Taxation Committee  
Public Safety, Transportation & Environment Subcommittee  
Senator Cory V. McCray  
February 4, 2022

House Appropriations Committee  
Public Safety & Administration Subcommittee  
Delegate Antonio (Tony) Bridges  
February 2, 2022

**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.

The State Prosecutor, Charlton T. Howard III, 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.

## **Key Observations**

### Corruption Cases Rise Dramatically in 2021 and 2022

Police misconduct investigations and the impact of the Attorney General's Office Independent Investigations Division.

Last year, the legislature tasked a special division within the Attorney Generals' Office to investigate all alleged or potential police-involved deaths of civilians, and to provide a report containing detailed investigative findings to the State's Attorney of the County that has jurisdiction. This came as part of a wider reform related to policing across the State of Maryland. While a police-involved death would likely be a police misconduct case under the jurisdiction of the Office of the State Prosecutor, a majority of our current cases instead involve alleged corrupt behavior of police officers, rather than exclusively use of force cases. For example, in the past few years we have had cases involving alleged theft by police officers, alleged kidnapping of an individual by a police officer who subsequently held the individual for hours in a municipal building, police officers who used their position to victimize women through sexual harassment and impropriety, and who have neglected essential elements of their duty. Our case referrals have significantly increased due to the amplified attention and hard work of this legislature on police reform issues. However, none of the cases related to police misconduct that did not result in a death of a civilian would be absorbed in the new unit of the Attorney General's Office.

### Increased Pressure on OSP Personnel

Increased referrals and complaints and the impact on personnel needs.

Our agency budget is primarily personnel driven. The core asset of our agency is a devoted, hardworking team of experienced legal and investigative professionals who are willing to take on exceptionally high caseloads, including a number of high profile and complex matters which require extraordinary legal efforts. The cases that our agency handles, whether they be police misconduct, election law or political corruption cases, are often scrutinized at the highest levels and we have to conduct thorough investigations to ascertain relevant facts, assess legal and factual merits, and prepare for demanding litigation requirements.

Each of our cases has an assigned prosecutor and investigative team from its inception and we work hard to ensure discretion, in addition to our fact-finding mission. However, our office only has four lawyers including the State Prosecutor. One of those lawyers is also the Deputy State Prosecutor, who is responsible for overseeing the agencies government relations, budget, and strategic partnerships, in addition to a significant caseload of corruption and police misconduct cases. One of our Senior Assistant State Prosecutors is our primary attorney on all election law cases, criminal and civil, in

addition to overseeing all the office's litigation and having her own case load of corruption cases. Our other Senior Assistant State Prosecutor handles our MPIA requests, post-conviction litigation, and handles a significant case load of corruption and police misconduct cases. When our office has a trial that means that half of our office's attorneys are focused on one case which often involve thousands of pages of documents (phone, bank, email, officer training records) and significant witness preparation. Our cases are also statewide, which requires our attorneys to travel frequently for trial preparation and court hearings, often hours away from our home office.

Our agency has a Chief of Investigations as well as six other investigators. Our investigators have significant expertise in corruption cases, police misconduct, and due recently to an influx of allegations in the area of sexual assault, in special victims' inquiries as well. All these investigations require our investigators to engage in sensitive and discreet interviews, as well as copious document review and financial analysis. Thankfully, we are often able to partner with other law enforcement agencies and borrow resources to aid in our investigations. However, because of the sensitive nature of our mission, we have some investigations where that is not possible.

Our office also has one paralegal, who also serves as our Victim Witness Coordinator, and an Office Administrator who is responsible for budget, human resources, and office logistics. Our extensive litigation and election law case load requires our paralegal to create and serve hundreds of citations and compile thousands of pages of discovery on tight timelines required by the State Courts.

Our incredible team works hard to achieve the demanding level of work required by the Office and its important mission. We have used our limited general funds to hire a part time forensic accountant to review our financial cases. We are trying to stretch those funds to meet our other needs as well, but with such a large portion of our budget already devoted to personnel, we don't have a lot of extra funds, especially after the costs of litigation and investigation of these cases are subsumed. Our current staff will continue to work hard, but as police misconduct around the state receives heightened scrutiny and corruption cases overall continue to rise we will be prioritizing finding ways to increase our personnel resources to address these needs.