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Office of the State Prosecutor

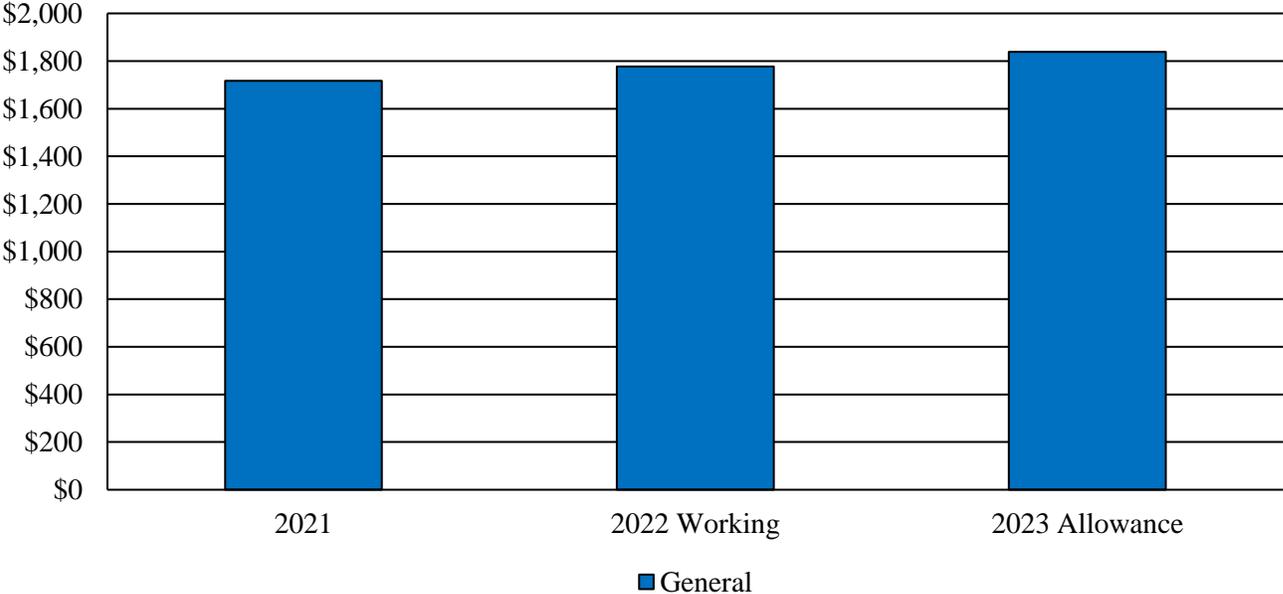
Program Description

The Office of the State Prosecutor (OSP) is an independent agency within the Executive Branch that investigates and, where warranted, prosecutes criminal offenses affecting the honesty and integrity of governmental officials, institutions, and the electoral process. The State Prosecutor may investigate on his/her own initiative — or at the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, or a State’s Attorney — certain criminal offenses including election law and public ethics law violations; State bribery law violations involving public officials or employees; misconduct in office by public officials or employees; and extortion, perjury, or obstruction of justice related to any of the above.

In addition, the State Prosecutor may investigate and prosecute any offense that takes place in more than one county within the State or in more than one state including Maryland.

Operating Budget Summary

Fiscal 2023 Budget Increases \$62,495, or 3.5%, to \$1.8 Million
(\$ in Thousands)



Note: The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

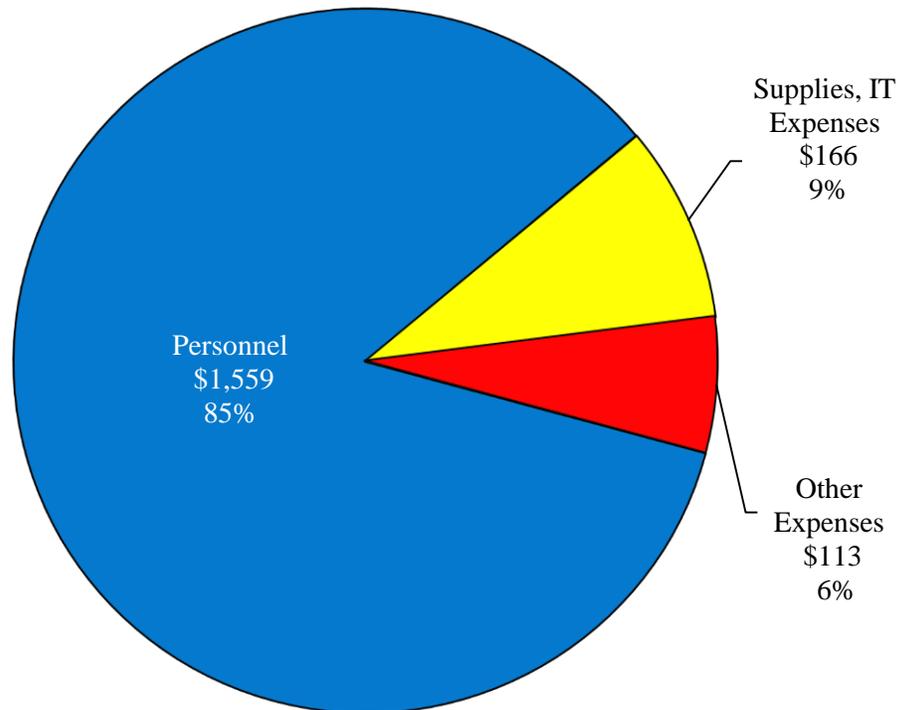
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Fiscal 2023 Overview of Agency Spending

As shown in **Exhibit 1**, approximately 85% of the OSP budget is personnel spending. Due to the nature of the work done by OSP, the personnel component touches nearly all aspects of the agency. This includes preliminary investigations, actual cases, and administrative work. Office supplies and information technology (IT) expenses (9%) comprise the next largest category of spending.

Exhibit 1
Overview of Agency Spending
Fiscal 2023 Allowance
(\$ in Thousands)



IT: information technology

Source: Department of Budget and Management

Proposed Budget Change

The fiscal 2023 allowance for OSP increases by \$62,495, as shown in **Exhibit 2**. This increase is driven largely by personnel expenses and increases in IT spending.

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

How Much It Grows:	General Fund	Total
Fiscal 2021 Actual	\$1,717	\$1,717
Fiscal 2022 Working Appropriation	1,777	1,777
Fiscal 2023 Allowance	<u>1,839</u>	<u>1,839</u>
Fiscal 2022-2023 Amount Change	\$62	\$62
Fiscal 2022-2023 Percent Change	3.5%	3.5%
 Where It Goes:		<u>Change</u>
Personnel Expenses		
Regular earnings		\$21
Employees’ retirement system		20
Turnover expectancy		8
Social Security contributions		3
Retiree health insurance premiums		-10
Health insurance		-24
Other Changes		
New case management system contract		\$25
DoIT services allocation		20
Travel expenses		6
Shared human resources services		1
Postage expenses		-2
Office and library supplies		-7
Total		\$62

DoIT: Department of Information Technology

Note: Numbers may not sum to total due to rounding. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Personnel Data

	<u>FY 21</u>	<u>FY 22</u>	<u>FY 23</u>	<u>FY 22-23</u>
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>
Regular Positions	13.00	13.00	13.00	0.00
Contractual FTEs	<u>0.50</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Personnel	13.50	13.00	13.00	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	0.00	0.00%
Positions and Percentage Vacant as of 12/31/21	0.00	0.00%
Vacancies Above Turnover	0.00	

Key Observations

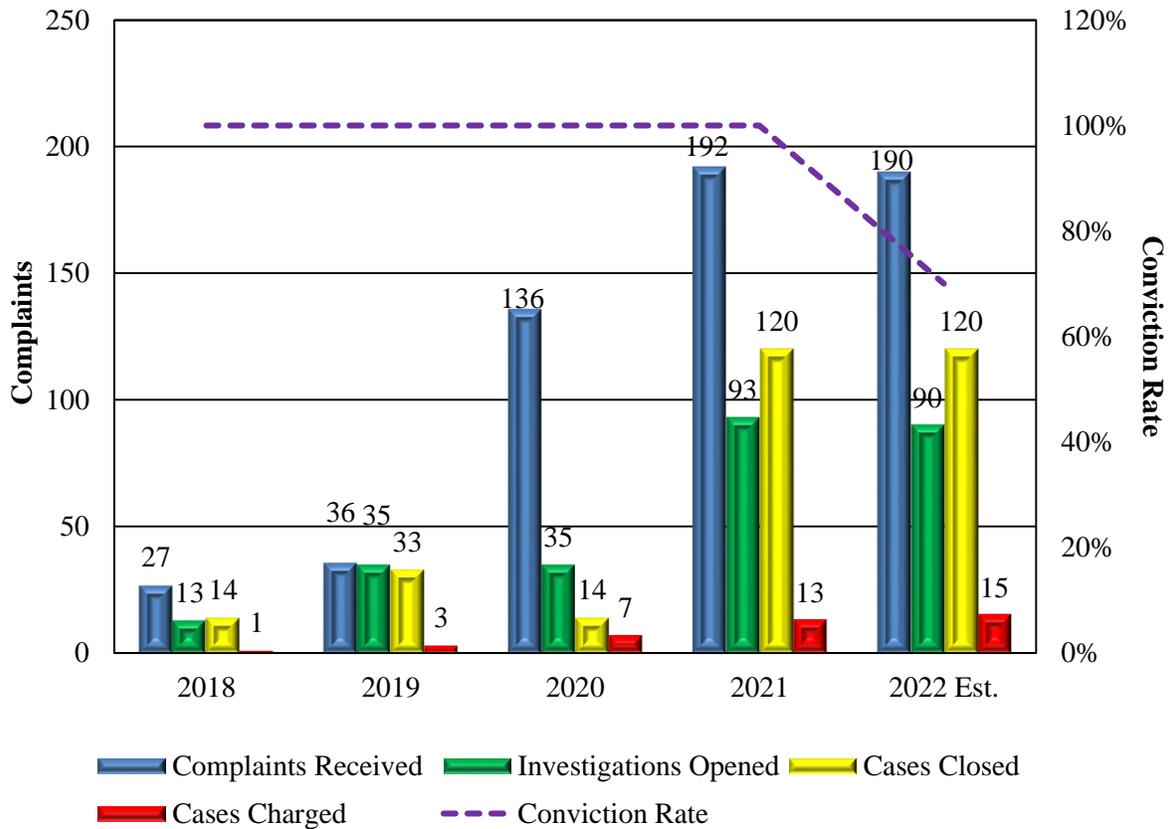
1. Corruption Complaints and Election Referrals Increase, Corruption Conviction Rates Drop

OSP generally divides its cases into two main categories – Election Law and Corruption. OSP corruption cases do not follow any predictable pattern; however, election law cases grow and decline along with the current election cycle. Additionally, OSP has the jurisdiction to investigate cases of police misconduct within the State.

Corruption Cases Rise Dramatically in 2021 and 2022

As shown in **Exhibit 3**, all reported performance measures pertaining to corruption cases increased significantly in fiscal 2021 and 2022. In fiscal 2021, the number of complaints received grew by 41% over the prior year. The number of investigations opened grew dramatically by 166% between fiscal 2020 and 2021. Additionally, the number of cases closed and cases charged increased by 757% and 86%, respectively, during the same time period. OSP has expanded their cooperation with local, State, and federal law enforcement agencies. These partnerships have created more opportunities for joint operations with other agencies. Additionally, OSP states that there has been a significant increase in referrals due to this collaboration on cases of corruption and police misconduct. **OSP should comment on its work on investigations of police misconduct and how this work overlaps with the work of the Office of the Attorney General Independent Investigations Division.**

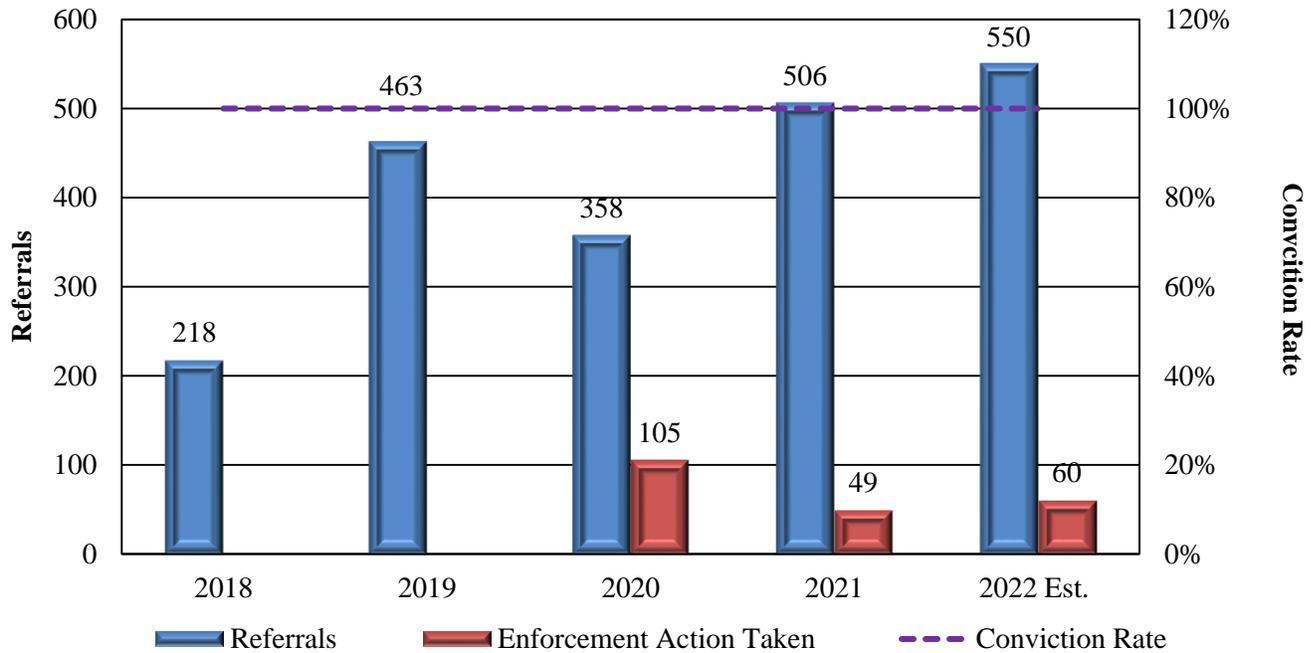
**Exhibit 3
Corruption Cases
Fiscal 2018-2022 Est.**



Source: Department of Budget and Management

The number of election law referrals increased in fiscal 2021, while the number of enforcement actions taken decreased, as shown in **Exhibit 4**. In fiscal 2021, the number of referrals received grew by 41% over the prior year. The decline in enforcement actions taken reflected a 53% reduction between fiscal 2020 and 2021.

**Exhibit 4
Election Law Cases
Fiscal 2018-2022 Est.**



Note: Enforcement action taken is a new measure that was not reported before fiscal 2020.

Source: Department of Budget and Management

Increased Pressure on OSP Personnel

OSP is one of the smaller State agencies in terms of both budget (approximately \$1.8 million in fiscal 2023) and personnel (13 employees). However, it is involved in many investigations that have furthered the State’s interests in terms of dealing with corruption and ensuring transparency with respect to government officials. In fiscal 2021, referrals and complaints received by the office have increased 604% and 132%, respectively, since fiscal 2018, several of which have been high-profile, time-intensive cases. Referrals and complaints that OSP receive must be evaluated to determine if there is a possible case, which requires staff to devote hours to each of these potential cases, in addition to the cases that proceed to open investigations or enforcement actions. **OSP should comment on the increase in referrals and complaints and the resulting impact on its personnel needs.**

Operating Budget Recommended Actions

1. Concur with Governor's allowance.

**Appendix 1
Object/Fund Difference Report
Office of the State Prosecutor**

<u>Object/Fund</u>	<u>FY 21 Actual</u>	<u>FY 22 Working Appropriation</u>	<u>FY 23 Allowance</u>	<u>FY 22 - FY 23 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	13.00	13.00	13.00	0.00	0%
02 Contractual	0.50	0.00	0.00	0.00	0.0%
Total Positions	13.50	13.00	13.00	0.00	0%
Objects					
01 Salaries and Wages	\$ 1,499,096	\$ 1,540,945	\$ 1,559,330	\$ 18,385	1.2%
02 Technical and Special Fees	17,931	0	0	0	0.0%
03 Communication	6,535	9,800	7,800	-2,000	-20.4%
04 Travel	14,161	1,000	7,000	6,000	600.0%
07 Motor Vehicles	7,209	21,240	21,420	180	0.8%
08 Contractual Services	83,505	98,887	145,143	46,256	46.8%
09 Supplies and Materials	13,669	27,995	21,261	-6,734	-24.1%
13 Fixed Charges	75,060	76,852	77,260	408	0.5%
Total Objects	\$ 1,717,166	\$ 1,776,719	\$ 1,839,214	\$ 62,495	3.5%
Funds					
01 General Fund	\$ 1,717,166	\$ 1,776,719	\$ 1,839,214	\$ 62,495	3.5%
Total Funds	\$ 1,717,166	\$ 1,776,719	\$ 1,839,214	\$ 62,495	3.5%

Note: The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.