

Statement issued by State's Attorney Patricia C. Jessamy following the release of the Preliminary Fiscal Year 2011 Budget

City Budget Cuts Affecting City State's Attorney "Constitutionally Impermissible"

Today I received information regarding the preliminary fiscal year 2011 city budget that includes the elimination of 9 Community Coordinator positions and 5 support staff that comprise our Community Outreach efforts in the Office of the State's Attorney. These essential employees, the equivalent of 9 paralegals and 5 support staff, spend much of their workday in the courtrooms of the District Court assisting prosecutors who handle the criminal court dockets for over 169,000 misdemeanor cases annually.

Their duties include the daily preparation of court dockets, pre-trial assistance to witnesses and victims such as helping to verify theft losses, coordination of victims and witnesses at trial, oversight of drug court and diversion programs for non-violent offenders and other administrative responsibilities. Coordinators help to provide valuable public safety materials, facilitate community services including the preparation of victim impact statements, crisis intervention, and education and assistance to crime victims and neighborhoods affected by crime.

The district court criminal dockets will be severely impacted if we lose these valued employees. Prosecutors rely heavily on these paralegals to help prepare and support the legal burden of proof needed to secure convictions and the preparation of legal documents and summonses. Judges in the District Court benefit from the coordinator's presence. Victims are contacted and provided information on essential services to help reduce victimization. Communities are given the opportunity to be a part of the criminal justice process and are kept informed on issues of importance and concern to them.

As State's Attorney, I manage my budget without incurring deficits or requests for supplemental funding. While I am committed to working with the city in these grim fiscal times, I will not allow these positions to be eliminated. No other Administration has acted independently to eliminate specific positions within the Office of the State's Attorney circumventing the discretion and management independence assigned to the Office of the State's Attorney by the Maryland Constitution.

The Office of the State's Attorney is a constitutionally mandated office (Article V § 9 of the Maryland Constitution) and "except by authorization of the General Assembly, no public official may interfere with the State's Attorney's exercise of discretion" Murphy v Yates, 276 MD at 494-95. These cuts are constitutionally impermissible according to an earlier Attorney General opinion [Opinion No.95-025 (July 11, 1995)]

Over the past 18 months, my office has reduced our budget many times to assist with the city budget shortfall. Our current operations are reduced by 27 prosecutor and support staff positions. I have reduced expenses by over \$2.3 million annually through salary savings, furloughs and vacancies. In addition, on any given day, 9 prosecutors and 5 support staff are furloughed.

In addition to the proposed elimination of the Community Outreach office, the budget notes that an additional 8 prosecutor and 6 support staff positions will remain vacant.

I am committed to work within the city budget that is allocated for the prosecution of criminals. Decisions on what cuts will be made in the State's Attorney's budget will be reserved for the elected State's Attorney.

*Patricia C. Jessamy
March 25, 2010*