



Office of the State's Attorney for Prince George's County

Presentation to the County Council

June 17, 2021



The Prince George's County State's Attorney's Office prosecutes the second highest amount of criminal cases in the state. Our felony conviction rate remains very high. The Circuit Court felony trial units prosecute cases including handgun possession, large quantity drug possession, armed robbery, car jacking, attempted murder, motor vehicle manslaughter, felony domestic violence and sex assaults, and homicide. The Homicide Unit had a 90% conviction rate in 2019. The Special Victims Family Violence Unit had a conviction rate over 85% in 2019.

In 2020, due to the pandemic fewer cases were resolved because jury trials were suspended for the majority of the year and the grand jury was suspended for the better part of the year.

A tremendous backlog of cases mounted. The Office continued to remain very busy as arrests continued, violent crimes and quality of life crimes spiked, and the effects of COVID-19 presented issues that we are still striving to overcome.



KEY INITIATIVES



EMERGING ADULTS PROGRAM In the fall of 2020, PGSAO developed the Emerging Adults Program to intervene with young adults aged 18-26. These individuals make up a large percentage of the cases prosecuted in Circuit Court. Many of them have prior convictions. Our Emerging Adults Program is designed to provide these individuals with services to help them develop the skills needed to become productive members of the community and reduce their likelihood of reoffending. This will help make the County safer for all. The annual cost of the program is \$350,000 to enroll 50-60 individuals into the program and add the necessary staff to coordinate and manage the program as it expands.

Emerging Adults Facts Given their age, Emerging Adults are not eligible for services in the juvenile system, but appropriate individuals should be offered an opportunity to receive services to redirect their lives after they become involved in the criminal justice system.

Since 2019, over 35% of the individuals prosecuted in the Prince George's County Circuit Court fall within this age group. Many of these individuals are charged with crimes that have a significant impact on the residents of Prince George's County including property crimes such as automobile theft, thefts from automobiles, handgun possession, and violent crimes. In some instances these individuals are facing lengthy periods of incarceration. However, most of them will be returning to the community without receiving necessary services to assist them with life after incarceration.

As of October 15, 2020 about 291 of 675, or 41% of the inmates awaiting Circuit Court trial in the Prince George's County Department of Corrections are emerging adults. Of the 120 inmates charged with homicide or attempted murder 112 or 93% are emerging adults. Of the 159 inmates charged with robbery or carjacking 95 or 59% are emerging adults.



Emerging Adults Eligibility

- Eligibility into the Emerging Adults Program requires that the individual be between the ages of 18 to 26, with no prior history of violent crime.
- Also, only individuals who reside in Prince George's County, the immediate surrounding area, or who have strong family ties to the County will be eligible for the program.
- Victims of crimes committed by Emerging Adults will be advised of the program and the possibility of the defendant's referral before an individual will be referred to the program.
- Individuals charged with homicides, felony domestic violence, child abuse, and felony sex offenses are prohibited from being referred to the program.



EXPANSION OF BACK ON TRACK PROGRAM

- The Back on Track Program is a component of the Circuit Court's Problem-Solving Court. The program is intended to offer a diversion opportunity to individuals charged and convicted for the first time with possession with intent to distribute drugs (PWID). Back on Track engages individuals while they are in the community.
- Initially, the program excluded those individuals charged with possession of a handgun. The State's Attorney's Office in partnership with the Circuit Court, however, has expanded the Back on Track Program to include individuals charged with handgun offenses.
- Understanding that many individuals charged with PWID are often in possession of a handgun as well. Expansion of the Back on Track Program provides more individuals involved with drug dealing an opportunity to expunge the offense from their criminal history.
- Successful completion of the rigorous program which consists of counseling, community service, college course work, and maintaining employment will result in the conviction being expunged from the individual's criminal record. Failure to complete the program means a criminal sentence will be imposed which may include a period of incarceration.



EXPANSION OF BACK ON TRACK PROGRAM cont'd.

Services Offered by Back on Track

- Evaluation and Treatment Services
- Individual and Family Counseling
- Educational and Vocational Assessment
- High School Diploma and GED
- Paid educational and vocational programming
- Community College and on-line classes
- Anger Management and other group sessions



EXPANSION OF BACK ON TRACK PROGRAM cont'd.

Program Eligibility Criteria

- No prior felonies or violent convictions
- No prior convictions for substance abuse offenses
- No prior violent misdemeanors
- Presently charged with first non-violent felony drug offense
- No previous handgun possession convictions originating from other charges
- Not currently under community supervision in any jurisdiction
- Not found to be drug dependent
- Must be a verified resident of Prince George's County, Maryland



IMPACT OF EXPANSION OF BODY WORN CAMERA PROGRAM



EXPANSION OF BWCs; An overview

- As part of our research we consulted with the State's Attorneys Offices in Baltimore City, and Baltimore, Cecil, Howard, and Montgomery Counties on how they have addressed the implementation and processing of body worn camera (BWC) videos.
- While each jurisdiction's needs differ based on the number of officers equipped with BWCs and the number of arrests made in each jurisdiction all of the jurisdictions have found that it needed to make significant additions to its personnel (both ASAs and support staff) to meet their moral, ethical, and legal obligations associated with BWC video footage.
- Based on those discussions, and our experience thus far, the deployment of body worn cameras, in addition to the motor vehicle cameras already in existence, will, and already has, created a substantial need to expand the SAO digital discovery unit.



EXPANSION OF BWCs: what others have done

- Baltimore City has a staff of 3-4 ASAs and 6-7 paralegals assigned to BWCs.
 - However, due to the volume of recordings they can only review drugs and gun street arrests and some other specific cases.
- Montgomery County already had a discovery unit of 10 staff members prior to the implementation of BWCs.
 - They have since expanded that unit which has assumed the responsibility of processing BWC camera footage.
 - Even with the increase in staff they are still not able to review every case.
- In addition, our discussions have revealed that the following jurisdictions will be requesting an increase in staffing in order to address BWC videos:

Howard County – 7 ASAs, 4 paralegals, 1 investigator, and one IT person

Baltimore County – 1 ASA and 15 support staff members

Cecil County – 1 ASA and 21 support staff members



EXPANSION OF BWCs: The Digital Discovery Unit

- The Prince George's County State's Attorney's office will need to increase its staffing to ethically, morally, and legally address and handle BWC video evidence. This will be done the SAO digital discovery unit.
- As noted earlier in the presentation, **the Prince George's County State's Attorney's Office prosecutes the second highest amount of criminal cases in the state.**
- Approximately *600 criminal cases and DUIs* are charged in Prince George's County each week.
- Assuming that each case has 3-5 witnesses that potentially have a BWC, there would be
 - 1,800-3,000 potential video sources per week or
 - 7,200 to 12,000 per month



EXPANSION OF BWCs: The Digital Discovery Unit, cont.

- There are at least 2 parts to the process for each and every case:
 - Finding and obtaining the evidence; and
 - Working with it once it has been received:



EXPANSION OF BWCs: The Digital Discovery Unit, cont.

- Finding and obtaining BWC evidence:
 - The SAO must first identify any potential BWC evidence. We are obligated, and presumed by law, to be aware of any and all evidence in a case whether we have it or not.
 - ASAs and support staff need to first pour over reports, dispatch records, and evidence reports to ascertain what officers have BWC and cruiser video cameras that might have captured the incident
 - Once those officers are identified, the SAO will have to make formal requests of the police department to obtain access to, and copies of, that video evidence
 - Overall, this process can take up to an hour or more per case to complete and is a critical step in the process (cases can and will be thrown out by judges if we don't obtain and provide this evidence)
 - This means at least:
 - 600 hours to identify potential video evidence per week; or
 - 1,800 hours per month
 - Spent solely on identifying potential sources of this video evidence



EXPANSION OF BWCs: The Digital Discovery Unit, cont.

- Working with the evidence once it has been obtained:
 - Once obtained, the ASA or support person will need to download the video and then review it.
 - Downloading and storing audio/video files can take up to an hour
 - Review of videos, depending on the length of each, can take on average 1 hour per case and may involve multiple sources of BWC videos depending on how many officers played a role (typically at least 2 or more)
- Assuming that each case has 3-5 witnesses that have a BWC, there would be:
 - 1,800-3,000 hours of potential video to review per week; or
 - 7,200 to 12,000 hours per month



EXPANSION OF BWCs: The Digital Discovery Unit, cont.

- In order to accomplish our goal of meeting our moral, ethical, and legal obligations, our request for FY 2022 was for three (3) attorneys and five (5) legal assistants to review and process the tremendous amount of recorded camera footage we just discussed.



EXPANSION OF BWCs: storage

- In addition to the need for staff, the need for additional storage capabilities will be required. Even with the benefit of the Unified Digital Evidence (UDE), once the body camera footage is uploaded the footage will need to be reviewed, redacted, and stored for production to the defense counsel.
- Our Demonstrative Evidence Unit estimates that an hour of body camera footage requires approximately 1.7GB of space. Therefore 20,000 hours of footage will require 34,000 gigabytes or 34 TB terabytes of space.



IMPLEMENT INCREASED PGSAO SALARY SCHEDULE



PGSAO SALARY SCHEDULE

- A significant challenge to the Office is retaining experienced felony trial attorneys
- The Office is unable to offer salaries that are competitive with prosecution offices in surrounding jurisdictions. Baltimore City, Montgomery, Howard, and the U.S. Attorney's Office for the District of Columbia all offer much higher starting salaries than the our Office is able to offer. Also, these offices as well as Charles County are able to offer much higher salaries to our experienced attorneys because requests to provide salary enhancements have either been denied or have been significantly delayed by the County's approval process. Over the past two years we have lost 19 attorneys with 1 to 5 years of experience to surrounding prosecutors' offices.
- It is extremely difficult to replace experienced attorneys. These departures increase the workloads of attorneys who are not compensated for the additional work. Also, it causes delays of criminal trials because a new ASA has to be assigned and needs time to prepare. In addition, it is unfair to the victims and witnesses of these crimes because justice is delayed for them and they must become acquainted with new prosecutors.



PGSAO SALARY SCHEDULE

- We are proposing a salary schedule that increases line attorney annual salaries by \$10,000, and supervisor salaries by \$10,000 - \$20,000.
- An increased salary schedule will make the PGSAO competitive with surrounding jurisdictions. It will be a large step towards retaining attorneys who have been trained and developed by the Office, and will allow us to better serve the victims and witnesses of crimes.
- The cost of implementing an increased salary structure will be \$1,937,159.73.



EFFECTS OF POLICE REFORM



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- Police involved incidents have increase over the last two years. National attention has increased and the demand for police reform has been answered in Maryland with the implementation of Anton's Law. The new legislation will go into effect on October 1, 2021. Among other things, it mandates greater access to law enforcement personnel files. State's Attorney Braveboy has been at the forefront of fighting for this reform and greater transparency. The PGSAO Public Integrity Unit (PIU) was created in 2019. Due to limitations in resources, the PIU only consists of two (2) attorneys.
- She has indicted 14 officers for various crimes to include second degree murder, felony sex offenses, assaults, conduct unbecoming of an officer, and other related charges. In addition to Anton's Law, the County Executive's Police Reform Taskforce has produced increased oversight and accountability on the police department.
- Greater demands will be placed on PIU. It will be incredibly difficult for a two person unit to manage the increased number of police involved incidents and to review the volume of law enforcement personnel files which Anton's Law mandates that the PGSAO review in each case being prosecuted. We need to add two prosecutors at a yearly salary of \$95,000 each, and a legal assistant at a yearly salary of \$50,000 to our Public Integrity Unit.

THANK YOU!

PLEASE STAY SAFE & HEALTHY!

