



OFFICE OF THE DISTRICT ATTORNEY LUZERNE COUNTY

STEFANIE J. SALAVANTIS
DISTRICT ATTORNEY

SAMUEL M. SANGUEDOLCE
FIRST ASSISTANT DISTRICT ATTORNEY

CHESTER F. DUDICK, JR.
DEPUTY DISTRICT ATTORNEY OF LITIGATION

DANIEL E. ZOLA
DEPUTY DISTRICT ATTORNEY OF NARCOTICS

MEMORANDUM

To: C. David Pedri, Esquire, County Manager

Cc: Tim McGinley, Chairman of Luzerne County Council

From: Stefanie J. Salavantis, District Attorney

Date: December 4, 2018

Re: 2019 Proposed Budget Amendments

Dear Dave,

Our office is in receipt of the proposed budget amendments. As you know, my staff and I worked diligently and arduously to present and request a conservative, reasonable budget in light of the circumstances of our county. We do not, and have not, presented inflated amounts in anticipation of council arbitrarily reducing our line items. Rather, we present what we believe are true and honest figures in the hope our candor with both our elected officials and the public will demonstrate the true necessities of this office to fight crime and prosecute our most violent offenders;

A review of the first amendment reveals the following:

<u>Line Item:</u>	<u>Proposed Amt:</u>	<u>1st Amendmt:</u>	<u>Net Change:</u>	<u>% Change:</u>
Overtime	\$ 60,000.00	\$ 50,000.00	\$ 10,000.00	17%
Spc. Legal Svcs	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	50%
Mileage Reimb.	\$ 10,500.00	\$ 8,000.00	\$ 2,500.00	24%
Capital Cases	\$ 110,000.00	\$ 70,000.00	\$ 40,000.00	36%
Examination/Wits	\$ 130,000.00	\$ 120,000.00	\$ 10,000.00	8%
Conf/Training Fees	\$ 18,000.00	\$ 15,000.00	\$ 3,000.00	17%
Totals	\$ 333,500.00	\$ 265,500.00	\$ 68,000.00	20%

As you can see, we will be suffering a twenty-five percent (25%) to fifty percent (50%) reduction in major categories. Since the numbers we presented were based on our best, accurate information, this size decrease is disappointing to say the least.

– that this ultimate penalty is warranted for the senseless taking of innocent, Luzerne County lives, often in a brutal, savage and cruel fashion.

When the defense does not have the money for what is needed, they have the liberty of delay. That luxury is not the same for the prosecution. Our Constitutional duty to get to trial within the timelines of the speedy trial rule will not allow delay to appear at one Council meeting to request, and another for a vote, to obtain the funding needed to proceed on these cases. Furthermore, if this money is not allotted now, it doubtlessly will not be available from another agency's budget to be transferred for this purpose midway through the year.

As a result, on behalf of my entire office, law enforcement and the interests of the prosecution of the most vicious criminals in our county, I ask that our capital case and examination witness amounts be restored to the proposed amounts.

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DEPARTMENT OF CONFLICT COUNSEL
ATTORNEY ADMINISTRATOR
JOHN HAKIM, ESQUIRE



OFFICE OF LAW
CHIEF COUNTY SOLICITOR
ROMILDA CROCAMO,
ESQUIRE

COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786

MEMO

Date: December 3, 2018

To: Luzerne County Council

From: John Hakim, Luzerne County Department of Conflict Counsel Attorney Administrator

Re: Proposed FY2019 Budget Amendments

Council:

The proposed amendments set for review by County Council to the 4154 Conflict Counsel FY2019 Budget will not allow the department to effectively function in FY2019 and will, with almost certainty, create a budget deficit.

Specifically reducing Special Legal Services (550.19) and Examinations/Witnesses (560.17) is problematic as these expenditures are not static. Council will recall in FY2017, my department inherited several responsibilities from the Courts. Most notably, and as pointed out by Councilman Urban at my Budget Defense, my department handles 100% of the Post Conviction Relief Act (PCRA) cases. As such, the Courts transferred moneys to my budget in FY2017.

I have voluntarily reduced the Special Legal Services line item over the past few years. This line was \$450,000 in FY2017; \$350,000 in FY2018; and I am requesting \$320,000 in FY2019. The proposed amendment to 550.19 Special Legal Services budget from \$320,000 to \$250,000 will create a budget deficit in FY2019. My department pays homicide and PCRA attorneys, amongst other attorneys, from this line. Since presenting my budget on October 23, 2018, my department needed to contract with three (3) more homicide attorneys.

As of today, \$259,358 Special Legal Services has been used (including posted invoices, encumbrances and newly executed contracts). Each of the homicide contracts allow for a trial fee, if necessary. There is, therefore, a potential additional expense of \$23,000 from this line item. If all go to trial, the total expenditure from Special Legal Services—with one month left—would be \$287,358.

As indicated at the County Council meeting, the services paid for through this line item are Constitutionally mandated legal defenses. While the actual amount of that expenditure varies due to caseload, the mandatory nature of the expenditures does not. I cannot control this expense. We can plan for it now or try to find the money later.

Similarly, Examinations/Witnesses (560.17), should not be cut, at all. This line item was increased in FY2017 when PCRA responsibilities were transferred from the Courts completely to my department. We do not have investigators or counselors employed on staff, like the Public Defender. My department pays a contacted Investigator, monthly from this line. Additionally, all experts, expert fees, evidentiary costs; experts and expenses in all PCRA cases; and half the cost of any conflict homicide experts are paid from this line.

Again, I have voluntarily cut this line over the past few years. In FY2017 it was \$100,000; I requested \$75,000 in FY2018, but it was cut by Council to \$50,000; and this year I kept it at \$50,000, which is bare bones. As of today, \$47,093 has been spent from this line item. Due to several high profile homicide cases, there are between \$8,000 and \$15,000 in expert witness bills that have yet to be processed. Reducing this line to \$40,000 will, absent tremendous luck or a miracle, create a budget deficit in FY2019.

Therefore, it is this department's recommendation that Council should not amend the Special Legal Services 550.19 or Examinations/Witnesses 560.17 line items.

As always, I am available to answer any questions that may arise during this difficult time.

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Judicial Services and Records Amendments

Department 4153 – Recorder of Deeds

Revenue

415.18 County Services – Increase of \$4,000 –

- **The amount was decreased due to the Records Facility opening to the public and the uncertainty of how this will affect copies purchased in the annex. We are ok with this increase.**

Expenses

560.64 Meeting/Conf/Training Fees – Decrease of \$900 to \$4,000

- **Register of Wills/Clerk to Orphans Court Conference – Registration and Hotel = \$2,151.20
Recorder of Deeds Conference – Registration and Hotel = \$2,250.72
Register of Wills Spring Meeting - \$146.00
Recorder of Deeds Fall Meeting - \$296.00
Total cost = \$4,843.92**
- Understanding the potential changes and the ability to have input is crucial to the operation of the Department. Predictable Fees will be introduced into legislation in 2019, which has the potential to greatly affect County revenue, the new Guardianship Tracking System (GTS) implemented by the AOPC is in the initial year, and the Department of Revenue is in preliminary planning for a software system to submit inheritance tax returns.

Department 4193 – Coroner

Expenses

550.25 Other Communication Expenses – Decrease of \$190 to \$1,250

- **Three phone reimbursements of \$40 per month – fixed amount of \$1,440 needed**

560.64 Meeting/Conf/Training Fees – Decrease of \$250 to \$500

- **The amount was increased because local training is no longer available. The department will look for different options.**

599.28 Burial Benefits – Decrease of \$7,500 to \$15,000

- **\$650 cost per body for the County to bury. As of December 3rd of this year \$19,650 has been incurred as an expense for the County. The Coroner is mandated to bury unclaimed bodies. If this trend continues into FY2019 the full \$22,500 will be needed.**

599.37 View and Inquests – Decrease of \$5,000 to \$70,000

- **The decrease represents 50 views that won't be funded. This very well may result in wait times for views, which is a disservice to the citizens of Luzerne County. Independent contractors cover approximately 1/3 of Coroner views.**

Department 4195 – Prothonotary

Expenses

510.15 Wages Non-Represented – Decrease of \$38,000

- **This decrease represents the salary for the Fiscal Supervisor. As mentioned during our budget presentation this position was completely funded with savings from retirements and is needed for the oversight of annual \$60 million in collections and disbursements per in the division. Disbursements made to State, Municipalities, School Districts, County and various entities and individuals are mandated by Section 6.05 D of the Administrative Code. The Division had no fiscal position prior to the creation of this one. With 15 checking accounts, 5 state monthly reports/distributions, 76 municipal distributions, 12 school district distributions, plus other required reporting and analysis, this position is very much needed to properly oversee the fiscal functions and ensure that state audit requirements are met and the possibility of fraud is greatly diminished. The Division is audited separately from the County by the State Auditor General Office and the Division is responsible for the results of those audits.**

540.70 Small Tools and Minor Equip – Decrease of \$500 – We are ok with this decrease

550.30 Advertising – Decrease of \$1,500 to \$1,000

- **Rule Pa. R.C.P.230.2 Termination of Inactive Cases requires the Prothonotary Office and Courts to perform the Call of the List annually. The bill for 2018 advertisement was \$2,993.76. The advertisement is required to provide notification to all parties. This line item also covers advertising for positions.**

550.33 Books – Decrease of \$200 to \$250

- **Used for updated versions of the Rule Books of Civil and Criminal Procedure, which cost \$185 each. The books serve as a valuable reference tool and are necessary for the Department to function correctly. Also, an updated Rules of PennDot is required at \$45 for a total of \$415.**

Department 4197 – Sheriff – separate document

Department 4198 – Records Storage

Expenses

540.14 Office Supplies – decrease of \$1,000 to \$3,000

- **The public access area will have its' first full year of operation in FY2019, therefore creating an uncertainty as to the amount of supplies that will be needed. This decrease should be ok.**

Second Page – Revenue Increases

Coroner – 4193

415.70 Autopsy Reports – Increase of \$1,000 to \$4,000 - ok

Sheriff – 4197 – separate document

Luzerne County Sheriff's Department FY2019 Proposed Budget Amendment Responses

Department 4197 - Sheriff/Security Revenue

Proposed Amendment #1

	Proposed	1 st Amendment	Net
415.41 Sheriff Real Estate Sale Fee	\$325,000	\$375,000	+\$50,000

The proposed amendment exceeds what the Sheriff's Department forecasts to receive in revenue. Based on legislation passed, (Act of June 19th, 2018 PL208 No.32) Effective December 16th, 2018 the Sheriff's Department will no longer receive commission based off of stayed sales. Therefore we are not comfortable and do not feel as though we would receive the proposed amended revenue amount.

Proposed Amendment #2

	Proposed	1 st Amendment	Net
405.14 Civil Mileage Fee	\$168,000	\$185,000	+\$17,000

The proposed amendment exceeds what the Sheriff's Department forecasts to receive in revenue. We would be more confident to increase the amount to \$180,000 a net increase of \$12,000 from the Sheriff's submitted proposals.

Proposed Amendment #3

	Proposed	1 st Amendment	Net
415.30 Civil Additional Doc/Def Fee	\$32,500	\$40,000	+\$7,500

The proposed amendment exceeds what the Sheriff's Department forecasts to receive in revenue. An average based off of the prior five years is \$39,579. We would be more confident to increase the amount to \$35,000, which would be a net increase of \$2,500.

Department 4197 - Sheriff/Security Expenses Cont....

Proposed Amendment #4

	Proposed	1 st Amendment	Net
550.30 Advertising	\$350	\$150	-\$200

The Sheriff's Department is unaware as to the amount of vacancies the department will have during FY2019. We cannot guarantee that we will not exceed the proposed amended amount.

Proposed Amendment #5

	Proposed	1 st Amendment	Net
550.47 Repairs/Maintenance M&E	\$27,600	\$25,000	-\$2,600

The Sheriff's Department is adding an X-Ray machine to the maintenance contract in FY2019. The amount proposed is to cover the contract for maintenance and inspections.

Proposed Amendment #6

	Proposed	1 st Amendment	Net
560.64 Meeting/Conference/Training Fees	\$6,500	\$5,000	\$1,500

The Sheriff's Department has in-house instructors for nearly all training required under law. The amount budget covers the cost for certification and/or recertification. If the department does not certify and/or recertify these deputies, the department would be required to pay an outside vendor to certify deputies at a dramatically higher cost.