

Open Work Session

Personnel Matter – Wicomico County State’s Attorney’s Office

September 7, 2021

State’s Attorney Jamie Dykes came before Council and said she is requesting salary budget amendments for a lot of the reasons that have been stated already tonight. She explained, just before 4:00 p.m. today she received notice that this would not be in Closed Session, so she tried to amend her comments as to not divulge private information regarding her employees. She said she believes they will be able to address three of her items tonight, but for the other two items she will have to figure out how to have them in Open Session.

Ms. Dykes said, what is clear from tonight’s meeting, if never before, is that there are unprecedented challenges largely because of COVID that they are all trying to get through. She said those challenges, specifically for her office, have affected their ability to resolve cases because they cannot try jury trials as juries only recently started being heard again because they could not be in close proximity to one another. She said her prosecutors’ caseloads are more than double what they were under normal times, and some prosecutors have 150 cases and are trying to remember the facts, which is becoming unworkable. She said crime continues and it is not slowing down. She said today she assigned 21 felony cases that came in just Thursday and Friday of last week. She said they were all investigated and charged by the police, and five of those were felony burglaries, two were home invasions, eight were assault in the first degree, some of those with firearms, and most of those were domestic violence. She said there were six felony CDS cases that bring guns with them into their community, and now it is not infrequent that they are seeing methamphetamine on their streets, which is dangerous unlike any other drug they have seen in their community. She said Council may recall that the home in which Corporal Heacock was killed was a meth house, which was just over the State line.

Ms. Dykes said some of her prosecutors are being scheduled for nine jury trials a week, and they must be prepared for each one of those not knowing which will go to trial and which will not. She said they work nights and weekends all without complaint, every one of them, and they do it because they know it is what needs to be done to protect the public safety. She said that means being administratively prepared, subpoenaing witnesses, answering discovery, talking with both civilian and law enforcement witnesses, being substantively prepared, knowing the rules of evidence that apply in the case, what evidence is going to be admissible, and then developing trial strategies.

Ms. Dykes said investigators, victim-witnesses coordinators, prosecutors, and support staff are working incredible hours to make that all happen, but only investigators get overtime and it is not even at time and a half. She said, if they are not preparing cases for trial, they are reviewing search warrants. She said they have reviewed and executed 30 percent more search warrants during 2020 than 2019 in this County. She said there were 713 search warrants, and that includes a couple wire taps that were executed, which means they were all reviewed by a prosecutor in her office.

Ms. Dykes said, for the past nearly four years since she has been in Office they have done more with less, and she is incredibly proud of the staff she has, but she can only expect so much of them, and the citizens and the Council can only expect so much of them. She said she would put the quality of the service they provide this community and their productivity against any office in this State, but they are at a tipping point and she needs the Council’s help. She said there seems to be a mentality that they are

doing staff a favor by giving them a job, but that is not how it is. She said things have shifted, their economy has shifted, and Departments across this County are losing people to the private sector, to State jobs, and to other Counties. She said they should all be grateful for every staff member they have who is willing to do this business with them because it requires more of people than any of them should expect. She said, if they do not have people who care about their job and the quality with which they approach their work every day, they have nothing.

Ms. Dykes said there are jobs in this County that the training costs are higher than most others, and if those people are not executing their jobs with experience, care, respect, and dignity for their populous, nobody in this room would appreciate calling 911 and getting somebody who does not know how to do their job. She said a reflection of their society is how they treat the most vulnerable among them. She said people at the jail are vulnerable, and they need quality correctional officers. She clarified, this was not what she intended to do, but after this meeting she is just surprised.

Ms. Dykes said, with everything that happened in the Legislature this past Session, she contemplates what their community looks like in three or five years if they cannot get police officers on the street who are quality police officers. She clarified, she worries about Roads too, but she is only speaking about the other Departments, the Sheriff's Office, and her Office that she has the most contact and experience with, so she means no disrespect to any other Department, and she does not think anybody else does either. She said, if they have to lower their standards to make hires, nobody is going to like the result of that, not one person is going to like that, but there are Police Departments across the country that have done that and they are rife for corruption. She said, if they are not requiring a polygraph test of someone or drug testing, none of them want to be there.

Mr. Cannon asked if Ms. Dykes is requesting a reallocation, to which Ms. Dykes responded, she is requesting of the Council a reallocation of funding that is already within her budget. She said she itemized her request and the reallocation is \$16,000. She said she has identified the \$16,000 that is available within her salary budget and allocated that against five increases. She said three are increases for people doing paralegal work, and the other two are for victim-witness coordinators.

Mr. Cannon said that is a very small ask and he is assuming that in the next fiscal year when budget time comes around Ms. Dykes will adjust those numbers to reflect what the salaries may be on a more permanent basis. He said \$16,000 is such a minimal ask, and he understands she is required to come before the Council, but it is a no-brainer.

Mr. Dodd asked if that is all Ms. Dykes is asking for, to which Ms. Dykes responded, that is the only monetary ask she feels she can make in Open Session. She said she will consider what Mr. Mitchell has provided in terms of what is permitted in Open Session, and she will try to meld that with the Bill 2020-09, but she needs some time to do that.

Mr. Cannon said he thinks eventually this is certainly an area that the Acting County Executive and Finance Director will certainly need to review in the second or third phase of funding coming from the recovery money as considered essential employees. He said he would think this would fall in line with whatever the parameters might be at some point in time. He clarified, no one has a crystal ball, but he would think that might be a priority.

Mr. Cannon asked if the State's Attorney's Office is at risk of violating speedy trials, to which Ms. Dykes responded, they are arguing speedy trial motions as they speak, and they are all doing the best they can do at the moment, but they will have to argue those cases. Mr. Cannon said, if her staff members are individually doing eight cases a day and they say they can only do six, that will be two people who will be back out on the streets, to which Ms. Dykes responded, potentially. She said there are real public safety risks and one only has to know one victim of violent crime to know that.

Ms. Dykes said her other request is the retitling of a position, but she is not precisely clear why it has to go before Council. Mr. Hastings asked what the impetus is to that, to which Ms. Dykes responded, she is not in a position to name a Deputy State's Attorney at this time, but she has identified a hire who has that level of experience who can be an asset at that salary. She said this is just a simple retitling and she does not quite understand why this needs to be done before Council, but she would like to make that change. She said she also intended to ask for the approval of a new position, which she knows off budget year is not something that normally happens, but it is for a victim-witness coordinator.

Ms. Dykes said they are in need of an additional victim-witness coordinator to help prosecutors prepare for trial. She said it is a cost-effective way to increase the number of cases prosecutors can handle if they do not have to be that frontline contact with victims and witnesses. She said she is proposing the salary be \$34,650, and she has identified a candidate for that position. Mr. Dodd asked if that is a fulltime position, to which Ms. Dykes responded, it is a 32-hour per week position. Mr. Dodd asked if there are benefits, to which Ms. Dykes responded, the candidate does not need benefits.

Mr. Dodd asked if the retitling is in front of Council because of the classification of positions for the budget, to which Mrs. Hurley responded, the Council approves the pay and classification plan that is actually an exhibit to the budget Bill each year, and all three of these issues Ms. Dykes is addressing are in that pay and classification plan, so that is why it needs Council's approval to amend it.

Mr. Dodd asked, what is the bottom line that Ms. Dykes is asking, to which Ms. Dykes responded, the \$16,000 is already within her budget, so it is a net zero for the Council, there is the retitling, and then the \$34,650 for the victim-witness coordinator. Mr. Dodd asked how much the retitling will cost, to which Ms. Dykes responded, nothing.

Mr. Cannon said he is okay with all three of these requests because Ms. Dykes is in a heck of a position and it is not of her own doing, to which Ms. Dykes responded, it is none of their own doing, they are all trying to do the best they can with the hand they have been dealt, and there are real world consequences.

Mrs. Aclé asked if Ms. Dykes is seeing any retrials from the Salisbury Police Department issue, to which Ms. Dykes responded, they have not all made it through the pipeline yet, but that will still be coming, and she anticipates she will be able to share more the next time they meet. She said notably, of the 21 cases charged just last week, 12 were from the Salisbury Police Department, so it is proportionately challenging. Mr. Holloway asked if Ms. Dykes is talking about the evidence room, to which Ms. Dykes responded, no, she is just talking about new cases. She said they are still working through the issue with the evidence room and do not have numbers on that yet.

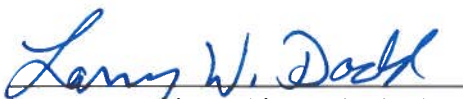
Mr. McCain asked if this will come back as three separate Resolutions at the next meeting, to which Mrs. Hurley responded, this will have to come back for formal approval and her suggestion is to just amend


the exhibit attached to the budget Bill. Mr. Dodd said it will have to be a Resolution. He then asked if it should be three separate Resolutions. Mrs. Pam Oland, Finance Director, then came to the podium and responded. She said the advantage to three separate Resolutions is, if any Councilmember has concerns about one, it does not end all of them. She said, if they do one Resolution, it accomplishes them all in one Resolution, but it is amending the same exhibit for three separate things.

Mr. Dodd asked for a consensus on moving forward, to which there was an overall consensus.


Mr. Holloway said he heard Ms. Dykes' speech before she got into the details, and he was not trying to put a squash on what the County Executive is doing for people. He explained, he was trying to get something done for the rest of the County because he will tell her he has gotten a lot of phone calls from other County employees, and there are a lot of County employees who are not happy about this and they are saying that they are coming to work too. He said he understands all of what Ms. Dykes said, but if there is any way between now and the next meeting that they can do something for the rest of the County employees, he thinks it would make things a lot better because they are really hurting morale in this County if this goes the way it has been brought to the Council.


There was no further discussion.

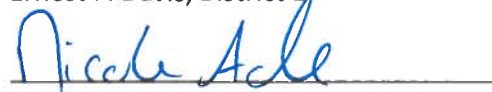

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