



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved Oct. 17, 2002

4.5

Financial Services

Food Stamp Program

1. Cost of Administration.
 - A. The Council shall retain 25% of all federal funds collected from the prosecution of Food Stamp Cases as cost of administration of this program.
 - B. Funds retained by the Council as cost of administration will be amended into the annual budget at the end of the fiscal year.
2. Fraud Fund Expenditures.
 - A. Funds earned by prosecutors for prosecuting food stamp fraud are paid pursuant to an agreement between the Prosecuting Attorneys Council and the Department of Human Resources. These are public funds and subject to normal accounting and audit requirements as provided by the Constitution and laws of this State. These funds are not subject to lapse at the end of the state fiscal year.¹
 - B. Each prosecuting attorney's office shall maintain adequate accounting records, including copies of receipt, for all expenditures made from these funds. These Federal Program Funds may be used to augment (but NOT replace) monies allocated for:
 - (a) The purchase of new and/or additional and/or replacement office equipment, including but not limited to:
 - (i) Computers and/or computer-related items;
 - (ii) Copiers and/or copier supplies;
 - (iii) Office telephones and/or related equipment;
 - (iv) FAX machines and/or related supplies and equipment;
 - (v) Office furniture and/or furnishings;

¹ See Memorandum, John A. Ballard, Deputy Attorney General, to Claude L. Vickers, State Auditor, Re: Disposition of Funds for Food Stamp Prosecutions (Oct. 3, 1997).



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- (vi) Stationary, forms and/or paper or office supplies; and
 - (vii) Any and all other office-related items necessary for the discharge of said office's duties and responsibilities in relation to the investigation, preparation, and/or presentation of criminal and civil cases.
- (b) The purchase of other items and equipment, including, but not limited to:
- (i) Automobiles and/or other vehicles used in the pursuit of the official duties of District Attorney and Solicitor offices;
 - (ii) Vehicular fuel, insurance, maintenance, repair, lease payments, tag, title, and/or other related expenses; and
 - (iii) Any and all other vehicle-related items necessary for the discharge of said office's duties and responsibilities in relation to the investigation, preparation, and/or presentation of criminal cases.
- (c) The purchase of goods and services relating to the investigation, preparation and/or presentation of criminal cases and/or related matters, including, but not limited to:
- (i) Travel and/or per diem expenses of staff members of District Attorneys and Solicitors offices engaged in their official duties;
 - (ii) Travel and/or per diem expenses of witnesses and witness fees, and expert witness fees, studies, evaluation and reports;
 - (iii) Necessary equipment, supplies and/or services, as well as rental and/or purchase of said good and services; and
 - (iv) Any and all other goods and services necessary for the discharge of said office's duties and responsibilities of the investigation, preparation, and/or presentation of criminal cases.
- (d) The purchase of goods and services relating to legal research and staff training including, but not limited to:



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- (i) Books, treatises, the annual supplementation of same, tapes, Lexis and other computer legal research services, other research assistance, and other items relating to legal research and staff training;
- (ii) Legal and staff training seminars for al legal and support staff;
- (iii) Prosecutor-created training programs provided to law enforcement agencies;
- (iv) Per diem and travel expenses incurred by any prosecution, investigative and support staff incurred through attending or participating in any meeting, seminar, conference or other event in such person's official capacity. (Salary-related expenses of such persons are NOT included);
- (v) In relation to these costs:
 - (A) Program funds may be used to supplement existing State or County funds provided for legal research and staff training. Program funds may be used to completely pay for or partially pay for legal research and staff training in appropriate circumstances.
 - (B) Staff training all types may be paid for by these funds. Costs may include attendance at in-state and out-of-state event.
 - (C) Program funds may be used to pay expenses, including, but not limited to, registration or enrollment fees, travel expenses, per diem expenses, lodging expenses, meal expenses and any other cost expense reasonably related to participation in such a training event, including all other expenses recognized and permitted by the State of Georgia and/or County government; and
 - (D) Any and all other related costs necessary for the discharge of said office's duties and responsibilities in relation to legal and other research and staff training which supports the investigation, preparation and/or presentation of criminal cases.
- (e) The purchase of other goods and services relating to the operation of a prosecutor's office, including, but not limited to:



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- (i) Payment of dues for all members of the Georgia Bar;
- (ii) Payment of dues to all other professional associations where membership relates to duties of an employee of a prosecutor's office;
- (iii) Payment for all credit hours earned by prosecuting attorneys who attend an approved or appropriately sanctioned program of Continuing Legal Education, including those programs necessary for said attorneys maintain their Georgia licenses to practice law in the State of Georgia's and the United States' courts and tribunals;
- (iv) Payment for all credit hours earned by prosecutors' Investigators who attend appropriately sanctioned programs of continuing education, including those programs necessary for law enforcement officers to maintain their P.O.S.T. Certification;
- (v) Payment for any other non-salary expenses which are incurred by prosecutors or Prosecutors' support staff that attend or participate in any meeting or other event, when such attendance or participation is done in their official capacity;
- (vi) Badges, identification, firearms and other items for members of a prosecutor's office;
- (vii) Reasonable expenses incurred for office training, including, but not limited to, in-house training for the staff of a District Attorney's or State Court Solicitor's office, as well as training for law enforcement agencies; and
- (viii) Any and all other goods and services necessary for the discharge of said office's responsibilities in relation to the investigation, preparation and/or presentation of criminal cases. This includes:
 - (A) Partial or complete remuneration to a part-time, temporary or emergency employee provided that the employee is engaged in work appropriate to the official duties of the office.
 - (B) Note that for individuals paid by the Council from the prosecuting



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attorney's WFPP fund account the individual prosecuting attorney's office is responsible for calculating and paying any state and federal taxes, including SSI and Medicare, and insuring that the individual is provided with an IRS Form 1099.

C. Inappropriate Program Fund Expenditures.

- (a) The payment of any salary, supplement, or bonus to any District Attorney, Solicitor, Assistant District Attorney, Assistant Solicitor, or to any Judicial Circuit or County prosecutor's Investigator, Secretary, Administrative Assistant, or to any other member of a prosecutor's office staff, shall be the sole responsibility of the State of Georgia and/or the County or Counties in which the Prosecutor's office functions. However, if a County Agrees, a portion of the Program funds may be deposited with a County so that the County may provide a salary, supplement or other payment to any of the parties listed above.
- (b) No funds may be expended for any purpose specifically prohibited by the contract between the Department of Human Resources and the Prosecuting Attorneys' Council of Georgia.
- (c) No funds may be used to make donations or contributions to any individual, corporation or association for political, charitable or other similar purposes. See Ga. Op. Att'y Gen. 97-6, 83-7, U86-28, 76-102, 71-128, and 71-42.
- (d) If funds are to be used to make payments to a nonprofit organization for bona fide goods or services, such payments shall be made in accordance with the provisions of O.C.G.A. 50-21-1, et seq.
- (e) No funds may be used for the purchase of any alcoholic beverages.

3. Responsibilities of Participating Prosecuting Offices.

Appropriate requisition forms, provided by the Council, must be prepared and submitted by the participating prosecuting attorney's office. If the Executive Director of the Prosecuting Attorney's Council denies the request; the decision may be appealed to the Welfare Fraud Program Committee. The committee will present a recommendation to the Council, and the Council will make the final determination.