

## Attorney General - Elected Official Budget Request

### 2011 Biennium

#### 1) Bring Department of Justice Attorneys salaries in line with other state agencies.

FY 2010: \$178,137 General Fund, \$ 85,642 Other Funds  
FY 2011: \$237,516 General Fund, \$114,189 Other Funds

Salaries for staff attorneys in the Department of Justice are not competitive with the salaries paid to attorneys for other state government agencies. For example, a band 7 attorney in state government is, on average, paid 90.28% of market. (This average does not include the Office of Public Defender.) The average salary of Department of Justice band 7 attorneys is 86.62%.

For a band 8 attorney in state government, the average is 95.63% of market, but for the Department of Justice, the average for a band 8 attorney is only 79.59%. This proposal would bring all Department of Justice attorneys to an average of 90% of market in fiscal 2010.

Because these proposed salary increases include attorney positions funded from proprietary funds, a rate increase would be required for the Agency Legal Service (ALS) program. ALS is funded by the hourly rate charged to state agencies that use the services of ALS attorneys. The proposed ALS rate in the governor's budget request is \$90 per hour. However, to fund the increase in salaries for ALS attorneys, the hourly rate would need to be increased to \$93 per hour.

#### 2) Additional FTE for Computer Crimes investigations.

FY 2010: 1.0 FTE, \$94,864 General Fund  
FY 2011: 1.0 FTE, \$88,514 General Fund

Increasingly, criminals are using computers to commit crimes or to keep track of their "business dealings." These days, when officers serve a search warrant, some of the most important evidence may be stored on a suspect's computer. Retrieving the computer records necessary to solve these crimes is complex and highly technical, and must be done in a manner that ensures that the evidence can be used in court.

Equally important is the work the Computer Crime Unit does to protect children. All too often, those who seek to sexually exploit children use the Internet as a tool. These predators engage children on the Internet and entice them to meet. The unit works with the Montana Cybercrimes Task Force, which includes representatives of federal, state and local law enforcement agencies, to actively investigate these activities in an effort keep the Internet safe for children.

The Computer Crime Unit trains law enforcement officers statewide in the area of computer crime. The unit also develops programs for schools and parents' organizations to acquaint them with the safety rules of using the Internet and computers.

This agent position will be geared toward working with the Internet Crimes Against Children (ICAC) task force.

Initial training for the ICAC position will start with a one-week course in peer-to-peer (P2P) investigation. The ICAC-focused agent will work with local investigators to build criminal cases against child abusers and pedophiles. Over the past several months, at any given time, there have been 500 to 950 computers in Montana sharing child pornography. There is a lot of work to be done investigating both the suppliers and those who seek out child pornography.

This position will also be dedicated to providing community and law enforcement training and presentations throughout the state.

### 3) Fellowship Attorney

FY 2010: 1.0 FTE, \$65,542 General Fund

FY 2011: 1.0 FTE, \$65,542 General Fund

This request is to establish a one-year fellowship program within the Legal Services Division. This entry-level attorney position would be filled each year by a new law school graduate with an interest in public service. The new position would cost \$64,542 each year. This relatively small investment in workforce development could, over the long term, pay big dividends to the state.

### 4) DCI Investigators to Market

FY 2010: \$109,601 General Fund, \$26,655 Other Funds

FY 2011: \$143,284 General Fund \$35,028 Other Funds

Division of Criminal Investigation (DCI) investigators provide operational and technical assistance to local law enforcement agencies. DCI investigators' salaries have fallen behind comparable positions within local law enforcement agencies, making it difficult for DCI to recruit and retain qualified investigators. When local agencies need assistance they expect highly qualified, experienced DCI agents to step in. Over time, the services DCI provides will diminish if investigators' salaries are not brought up to the market rate. This proposal would ensure that DCI investigators are compensated at 100% of market rate.

The cost for this proposal for fiscal year 2010 is \$263,778 (\$178,137 general fund) and for fiscal year 2011, the cost is \$351,705 (\$237,516 general fund).

5) Montana Public Safety Officer Standards and Training Council (POST)

FY 2010: 1.5 FTE, \$169,009 General Fund

FY 2011 : 1.5 FTE, \$163,809 General Fund

During the 2007 Session, SB273 by Senator Jent re-created what was formerly known as the Montana Peace Officer Standards and Training Advisor Council to what is now known as the Montana Public Safety Officer Standards and Training Council which is an independent quasi-judicial board as defined in 2-15-2029 MCA.

After operating for the past 18 months under the new laws it is very apparent that the Council was greatly underfunded during the last session. The new law came with funding for 1.5 FTE and an operating budget of approx. \$3,000.00 dollars. Because there was so much outside assistance, we believe that it was impossible at the time to capture what the actual costs were going to be until we had a chance to work under the new law.

When the Council was recreated and brought out from under the Board of Crime Control, there were up to seven staff members from various agencies that were assisting in the operation required of the Council. They helped with everything from data entry to actually approving courses for POST credit. With these duties now being completely absorbed by the staff of the Council it is apparent that we need at a minimum 1.5 additional FTE and an operations budget that clearly allows us to do the job that is statutorily required.

In order to get us through the last 2 years, DOJ/DCI has been very gracious in finding additional funds to supplement our operation, however we believe that continuing that funding is neither feasible nor appropriate.