

Agency Proposed Budget								
Budget Item	Base Budget Fiscal 2002	PL Base Adjustment Fiscal 2004	New Proposals Fiscal 2004	Total Exec. Budget Fiscal 2004	PL Base Adjustment Fiscal 2005	New Proposals Fiscal 2005	Total Exec. Budget Fiscal 2005	Total Exec. Budget Fiscal 04-05
FTE	18.00	2.00	0.00	20.00	2.00	0.00	20.00	20.00
Personal Services	764,425	142,242	0	906,667	143,017	0	907,442	1,814,109
Operating Expenses	484,281	5,881	6,250	496,412	3,146	6,250	493,677	990,089
Equipment	7,016	0	0	7,016	0	0	7,016	14,032
Grants	10,842,347	(184,415)	0	10,657,932	(184,415)	0	10,657,932	21,315,864
Total Costs	\$12,098,069	(\$36,292)	\$6,250	\$12,068,027	(\$38,252)	\$6,250	\$12,066,067	\$24,134,094
General Fund	1,794,097	(149,038)	0	1,645,059	(146,968)	0	1,647,129	3,292,188
State/Other Special	0	0	0	0	0	0	0	0
Federal Special	10,303,972	112,746	6,250	10,422,968	108,716	6,250	10,418,938	20,841,906
Total Funds	\$12,098,069	(\$36,292)	\$6,250	\$12,068,027	(\$38,252)	\$6,250	\$12,066,067	\$24,134,094

Agency Description

The Montana Board of Crime Control (MBCC) Division was established to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice systems. The Crime Control Division operates under the general supervision of the Montana Board of Crime Control. The Crime Control Division provides financial support, technical assistance, and supportive services to state and local criminal justice agencies. The Crime Control Division administers federal anti-drug and anti-crime grants, certifies peace officers and others in the criminal justice system, and provides funding for juvenile justice programs. In addition, the division collects and analyzes crime data from Montana law enforcement agencies and publishes the annual "Crime in Montana" report. The division is established in law by Section 2-15-2006, MCA.

Agency Discussion

Board of Crime Control Major Budget Highlights
<ul style="list-style-type: none"> ○ General fund support for grants to fund juvenile detention centers decreases \$0.4 million for the biennium ○ Total amount for pass-through grants and benefits for the 2005 biennium remain at fiscal 2002 levels
Major LFD Issues
<ul style="list-style-type: none"> ○ Allow counties to plan better by specifying in statute the amount of state assistance for juvenile detention centers

Funding

The following table shows program funding, by source, for the base year and for the 2005 biennium as recommended by the Governor.

Program Funding Table Justice System Support Service						
<u>Program Funding</u>	Base	% of Base	Budget	% of Budget	Budget	% of Budget
	<u>Fiscal 2002</u>	<u>Fiscal 2002</u>	<u>Fiscal 2004</u>	<u>Fiscal 2004</u>	<u>Fiscal 2005</u>	<u>Fiscal 2005</u>
01100 General Fund	\$ 1,794,097	14.8%	\$ 1,645,059	13.6%	\$ 1,647,129	13.7%
02197 Restorative Justice	-	-	-	-	-	-
03008 Juvenile Justice Council	828,332	6.8%	1,000,050	8.3%	1,000,050	8.3%
03009 Juvenile Accountability Block Grant	1,957,083	16.2%	1,948,929	16.1%	1,947,025	16.1%
03192 Crime Victim Assistance	1,567,124	13.0%	1,780,000	14.7%	1,780,000	14.8%
03200 Drug Education Assistance	429,060	3.5%	471,428	3.9%	471,428	3.9%
03201 Justice System Enhancements	1,077,718	8.9%	471,206	3.9%	470,143	3.9%
03343 Criminal History Record Improv	449,930	3.7%	587,405	4.9%	587,405	4.9%
03344 Violence Against Women Act	840,403	6.9%	910,000	7.5%	910,000	7.5%
03414 Drug Enforcement Assistance	2,608,559	21.6%	2,685,950	22.3%	2,684,887	22.3%
03962 Enf. Underage Drinking Laws	360,003	3.0%	368,000	3.0%	368,000	3.0%
03963 Local Law Enforcement Assist	185,760	1.5%	200,000	1.7%	200,000	1.7%
Grand Total	<u>\$ 12,098,069</u>	<u>100.0%</u>	<u>\$ 12,068,027</u>	<u>100.0%</u>	<u>\$ 12,066,067</u>	<u>100.0%</u>

General fund is used to support: 1) the Youth Detention Services Grant Program; 2) operation of the Peace Officer Standards and Training Program; 3) the Montana Uniform Crime Reporting System; 4) general agency administration; 5) technical assistance to local law enforcement; and 6) state matching funds for the administration of the Juvenile Justice, Juvenile Accountability, and Drug Enforcement federal grant programs. General fund match required for administrative costs range from 10 percent (approximately \$9,000) for the Juvenile Accountability grants and 25 percent (approximately \$33,000) for Drug Enforcement grants, to 50 percent (\$53,160) for Juvenile Justice grants.

Federal funds are primarily used for pass-through grant programs. However, federal funding is also used for administration of the Juvenile Justice, Juvenile Accountability, Drug Education, Victim Assistance, Stop Violence Against Women, Enforce Underage Drinking Laws, Computer Crime Unit, Substance Abuse Treatment, and Drug Enforcement federal grant programs.

The following figure shows the pass-through grants and benefits for fiscal 2002 through the 2005 biennium.

Figure 1
Pass Through Grants & Benefits

	FY 2002 Actuals	FY 2004 Requested	FY 2005 Requested
General Fund			
Juvenile Detention Centers	<u>\$1,114,942</u>	<u>\$930,527</u>	<u>\$930,527</u>
Subtotal - General Fund	1,114,942	930,527	930,527
Federal Fund			
Drug Free Schools	407,632	450,000	450,000
Juvenile Challenge Grant	87,498	90,000	90,000
Victim Assistance	1,488,919	1,700,000	1,700,000
Juvenile Delinquency Prev.	119,719	120,000	120,000
Criminal Records/Sex Offender Reg.	449,930	587,405	587,405
Violence Against Women	798,892	850,000	850,000
Drug Enforcement	2,452,165	2,500,000	2,500,000
Juvenile Justice	516,995	690,000	690,000
Substance Abuse Treatment	873,645	390,000	390,000
Law Enforcement Assistance	185,760	200,000	200,000
Juvenile Accountability Incentive	1,854,581	1,800,000	1,800,000
Computer Crime Unit	149,670	-	-
Enforce Underage Drinking Laws	<u>341,999</u>	<u>350,000</u>	<u>350,000</u>
Subtotal - Federal Fund	9,727,405	9,727,405	9,727,405
Total Grants & Benefits	<u>\$10,842,347</u>	<u>\$10,657,932</u>	<u>\$10,657,932</u>

Biennium Budget Comparison								
Budget Item	Present Law Fiscal 2004	New Proposals Fiscal 2004	Total Exec. Budget Fiscal 2004	Present Law Fiscal 2005	New Proposals Fiscal 2005	Total Exec. Budget Fiscal 2005	Total Biennium Fiscal 02-03	Total Exec. Budget Fiscal 04-05
FTE	20.00	0.00	20.00	20.00	0.00	20.00	18.00	20.00
Personal Services	906,667	0	906,667	907,442	0	907,442	1,522,115	1,814,109
Operating Expenses	490,162	6,250	496,412	487,427	6,250	493,677	1,020,969	990,089
Equipment	7,016	0	7,016	7,016	0	7,016	20,516	14,032
Grants	10,657,932	0	10,657,932	10,657,932	0	10,657,932	23,865,754	21,315,864
Total Costs	\$12,061,777	\$6,250	\$12,068,027	\$12,059,817	\$6,250	\$12,066,067	\$26,429,354	\$24,134,094
General Fund	1,645,059	0	1,645,059	1,647,129	0	1,647,129	3,608,569	3,292,188
State/Other Special	0	0	0	0	0	0	0	0
Federal Special	10,416,718	6,250	10,422,968	10,412,688	6,250	10,418,938	22,820,785	20,841,906
Total Funds	\$12,061,777	\$6,250	\$12,068,027	\$12,059,817	\$6,250	\$12,066,067	\$26,429,354	\$24,134,094

	-----Fiscal 2004-----					-----Fiscal 2005-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					85,583					86,598
Vacancy Savings					0					0
Inflation/Deflation					1,867					2,742
Fixed Costs					6,686					7,076
Total Statewide Present Law Adjustments					\$94,136					\$96,416
DP 3 - Criminal Justice Analyst	1.00	0	0	46,612	46,612	1.00	0	0	44,486	44,486
DP 4 - Juvenile Justice	1.00	4,325	0	38,929	43,254	1.00	4,114	0	37,025	41,139
DP 7001 - Target reductions	0.00	(220,294)	0	0	(220,294)	0.00	(220,293)	0	0	(220,293)
Total Other Present Law Adjustments	2.00	(\$215,969)	\$0	\$85,541	(\$130,428)	2.00	(\$216,179)	\$0	\$81,511	(\$134,668)
Grand Total All Present Law Adjustments					(\$36,292)					(\$38,252)

Executive Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 3 - Criminal Justice Analyst - The executive requests increased personal services and related operating expenses to add a grade 15 criminal justice analyst. The position would be funded with federal block grant administrative funds. The primary tasks of the criminal justice analyst would be to conduct research and provide analysis of criminal and juvenile justice issues that affect the performance of the justice system and additionally this position would increase the participation of law enforcement in the National Incident Based Reporting System by enhancing law enforcement use of automated record systems and reporting capabilities.

DP 4 - Juvenile Justice - The executive requests increased personal services and related operating expenses to add a grade 14 FTE. The position would be funded 90 percent with federal block grant administrative funds and 10 percent state general fund. The Juvenile Justice Unit has experienced a 155 percent growth in federal funds since fiscal 1997. The Juvenile Justice Unit also coordinates the Youth Justice Council and provides monitoring and compliance in accordance to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Act.

LFD COMMENT

The 2001 legislature approved moving \$20,000 general fund from grants to operating expenses each year to allow the division to contract for the coordination of the general funded juvenile detention program and to bring it into compliance with the OJJDP block grant requirements. Prior to fiscal 2002, the coordination and monitoring had been paid out of federal funds. An audit by the federal grantor took exception to the use of federal funds for a general fund program created by state statute.

The position requested in this decision package is to address the need for additional services for the federal juvenile grant programs with emphasis on providing services to Native American population.

DP 7001 - Target reductions - The executive requests continuation of the reductions ordered by the Governor under 17-7-140, MCA, and the August 2002 Special Session reductions.

LFD COMMENT

The reductions result in a decrease in general fund personal services and operating expenses of approximately 5.3 percent and a reduction in grants awarded to juvenile detention regions of approximately 16.5 percent.

To provide background on why the state assists local governments in the cost of juvenile detention centers, it is necessary to briefly review the federal Juvenile Justice and Delinquency Prevention Act (JJJPA) and the Montana Youth Court Act, both enacted in 1974. The JJJPA was enacted in an effort to reform the juvenile justice system and has five core requirements that include:

- o Deinstitutionalization of status offenders and non-offenders
- o Sight and sound separation from incarcerated adults
- o No juvenile shall be confined in a jail for adults
- o Address efforts to reduce the proportion of juveniles detained who are members of a minority group, if such proportion exceeds the proportion the group represents in the general population
- o Provide compliance monitoring of facilities

The Montana Youth Court Act requires that as a condition of receiving juvenile detention grant funds, counties are required to substantially comply with state law and policies concerning the detention and placement of you contained in the Montana Youth Court Act.

In an effort to assist cities and counties in their ability to meet the requirements of both acts, the state originally provided a statutory appropriation of 9.1 percent of the net proceeds from the lottery, not to exceed \$1.0 million each year, to support youth detention facilities. The 1995 legislature passed SB 83, which eliminated the statutory appropriation. General fund has been appropriated in HB 2 since that time.

The state awards general fund grants to the five juvenile detention regions across the state in order to assist local governments in paying for the detention of pre-adjudicated youth. The state's contribution for juvenile detention costs has dropped from 55.8 percent in fiscal 1994 to 25.3 percent in fiscal 2003. Statute does not require that a certain percentage or amount be funded by the state, but instead reads "within the limits of available funds, the board shall provide grants. . .". Therefore, the state is meeting its statutory obligation, but the portion paid by local governments has increased substantially over the past nine years.

Options:

Counties that receive any state general fund grants are required to adhere to the provisions of the Montana Youth Court Act although support has continued to decrease from the state. To allow counties more opportunity to plan and budget for juvenile detention centers, the legislature may want to establish a minimum amount or percent in statute that will be provided in grants for juvenile detention centers.

Program	FTE	Fiscal 2004				Fiscal 2005				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Legal Services										
01	0.00	0	0	6,250	6,250	0.00	0	0	6,250	6,250
Total	0.00	\$0	\$0	\$6,250	\$6,250	0.00	\$0	\$0	\$6,250	\$6,250

New Proposals

The "New Proposals" table summarizes all new proposals requested by the executive. Descriptions and LFD discussion of each new proposal are included in the individual program narratives.

DP 5 - Legal Services - The executive requests federal funds for consultant and professional services to contract with Agency Legal Services in the Department of Justice for legal services. Currently, the Department of Justice Appellate

Legal Services Bureau and Legal Services provide the service at no cost. Workload in both those areas has grown to where the department states that it can no longer provide the service needed.

**LFD
COMMENT**

The Board of Crime Control is administratively attached to the Department of Justice. In the past, Justice provided legal support for the Board of Crime Control pro gratis. Statute states the Board of Crime control is exempt from 2-15-121(2)(b), MCA that states "An agency allocated to a department for administrative purposes only in this chapter shall: . . . (d) provide staff for the agency. Unless otherwise indicated in this chapter, the agency may not hire its own personnel." Therefore, due to increased workload and reductions due to the August 2002 Special Session, the Department of Justice has told the board that it needs to purchase needed legal services from the Agency Legal Services Bureau. The Agency Legal Services Bureau charges \$70 per hour for an attorney and \$38 per hour for paralegals.

Language**Prior Year Federal Grant Authority**

The Board of Crime Control administers several federal pass-through grants that have authority for three-years, on a federal fiscal-year basis. To provide continuing authority for the pass-through grants, the pass-through grants are biennial appropriations and the following language allows prior biennium federal grant authority to continue into the 2005 biennium. The executive recommends the following language for inclusion in HB 2.

"All remaining federal pass-through grant appropriations, including reversions, for the 2003 biennium are authorized to continue and are appropriated in fiscal year 2004 and fiscal year 2005."