

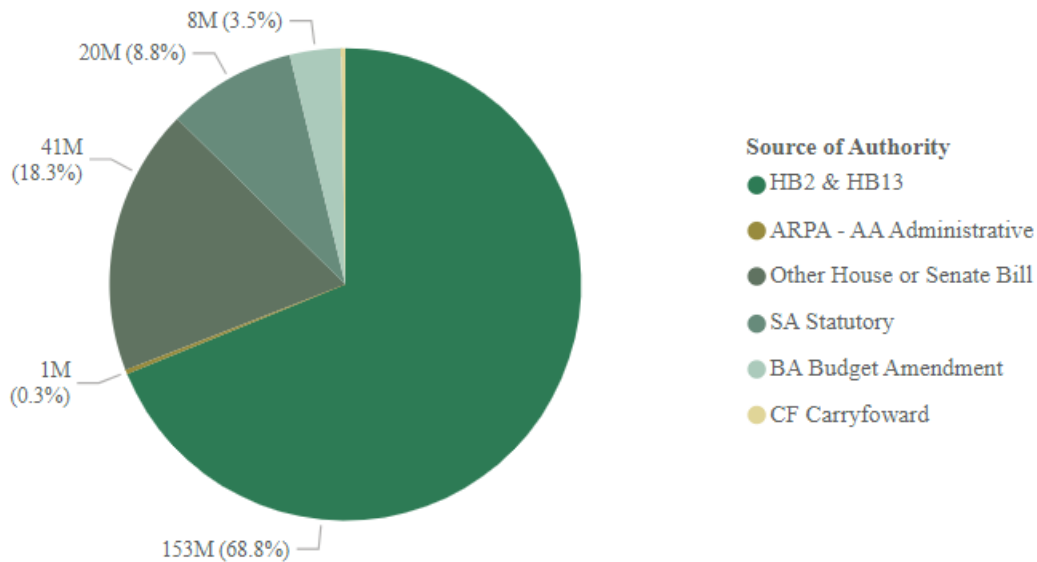
DEPARTMENT OF JUSTICE

(Spending report July 1, 2023 through November 30, 2023)

TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the Department of Justice is shown in the pie chart below. HB 2 and HB 13 provide 68.8% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.

Total Modified Budget by Source of Authority



Source of Authority	Modified Budget	Expended Budget	% Expended
HB2 & HB13	152,582,295	56,732,989	37.2%
BA Budget Amendment	7,772,809	1,252,247	16.1%
CF Carryforward	632,390	0	0.0%
Other House or Senate Bill	40,540,072	7,567,240	18.7%
SA Statutory	19,586,037	9,823,159	50.2%
ARPA	641,754	160,439	25.0%
Total	221,755,356	75,536,075	34.1%

Budget Amendments

Through November, the Department of Justice (DOJ) expended nearly \$1.3 million, or 16.1%, of the nearly \$7.8 million in budget amendment authority. State special revenues comprise 9.2% of BA authority while federal special revenues support the remaining 90.8% of authority. BA funding principally supports the following activities in the DOJ budget:

- State special revenue authority has been expended at 17.6% and is mainly used to support 7.00 modified FTE to aid with the increase in fingerprint submissions (40.0%), in dispositions (70.0%), and

in requests to process criminal history records within the criminal records and identification services system (CRISS). The funding for the modified positions comes from the criminal records information systems state special revenue account, and 17-7-402(1)(xi), MCA, allows this amendment

- Federal special revenue authority has been expended at 16.0% and is used for:
 - Providing responses to crimes against women, children, and the elderly
 - Providing grants to victims of crime
 - Addressing criminal activities related to the manufacture and distribution of methamphetamine, opioids, and prescription drugs
 - Addressing internet crimes against children
 - Increasing DNA analysis capacity enhancement and backlog reduction

Carryforward

Through November, the DOJ has not yet expended any of the \$632,390 in carryforward (CF) authority from FY 2022 appropriations which was derived from 30.0% of the qualifying unexpended balances from that fiscal year. As outline in statute, authority is available to be spent for the next two fiscal years. Carryforward authority in FY 2024 is comprised mostly of state special revenue (58.9%) and federal special revenue (33.4%). Remaining authority comes from the general fund and budgeted proprietary funds. All authority exists within operating expenditure categories.

Other Bills

Through November, the DOJ had expended approximately \$7.6 million, or 18.7%, of the \$40.5 million provided to the department through a series of non-HB2 legislation in the 2025 biennium. Authority mainly comprises of capital development funds with smaller portions coming from state special revenue and the general fund. The detail of the authority in these bills and related expenditures in FY 2024 include:

- \$39.5 million in state special revenue authority from HB 10 for the new CARS system designed to replace MERLIN. FY 2024 expenditures through November total \$7.6 million
- \$400,000 in state special revenue authority from SB 294 which establishes an "End of Watch" trust fund for law enforcement officers and their families if the officer is killed or catastrophically injured in the line of duty and creates a state special revenue account to receive transfers of interest earned by the trust to provide a monthly income loss payment for up to five years to qualified recipients. At the end of November, no authority has been expended
- \$300,000 in state special revenue authority to the Board of Crime Control from HB 362 which generally revised laws around crisis intervention team (CIT) training and established the requirement of a statewide coordinator to oversee the program. No expenditures have been made from this authority through November
- \$150,000 in general fund authority from SB 229 which changed the annual reimbursement of witness expenses to be based on actual costs and moves the responsibility of covering these expenses from the counties to the Department of Justice. The department has expended \$1,725 through November
- \$105,081 in primarily general fund authority from HB 163 to the department for 1.00 FTE to oversee the operations of the Missing Indigenous Persons Task Force which was extended for the 2025 biennium and to provide matching Looping in Native Communities (LINC) grants to tribal agencies. No expenditures have been made

- \$30,500 in state special revenue authority from HB 18 for the department to establish a grant program for to fund training opportunities for community-based missing persons response teams. No expenditures have yet been recorded
- \$10,000 in general fund authority from HB 904 for the department to implement commercial driver’s license rulemaking and record checks. No authority has been expended

COVID-19 ARPA Authority

Through November of FY 2024, the DOJ had expended \$160,000, or 25.0% of the approximately \$642,000 in appropriations and allocations of COVID-19 ARPA funding. Authority and expenditures are as follows:

- \$550,600 in authority to the Division of Criminal Investigation to address the increase in violent crime in the Yellowstone County area. Expenditures for the specified time-period total \$97,700
- \$91,100 in authority to the Division of Criminal Investigation primarily used for an elder justice prosecutor to focus on the exploitation of vulnerable adults. Expenditures totaling \$62,700 were made as of the end of November

Statutory Appropriations

The DOJ expended statutory appropriation (SA) authority of just over \$9.8 million, or 50.2%, of the total \$19.6 million in authority through November of FY 2024. The primary budget and spending within the department’s statutory accounts include the following:

- \$10.7 million for two statutory appropriations, distributions, and grants from 9-1-1 fees and just over \$5.8 million in total expenditures
- \$4.1 million for the state’s share of the costs of county attorneys, as required in 7-4-2502, MCA. This appropriation was 49.4% expended at \$2.0 million
- \$2.3 million for the 911 Next Gen project which has not yet been expended
- \$1.9 million for the distribution of fees and taxes on various forms of gambling (card tables, live bingo and keno, and video machines) to local governments, as required in 23-5-306, 409, and 612, MCA. The appropriation is funded with state special revenues derived from the gambling fees and taxes. The department has expended \$1.7 million of this authority

Non-Budgeted Proprietary Funding

Not shown in the total authority figure on Page 1, the department has \$1.8 million of non-budgeted proprietary funding in FY 2024 for a single proprietary program, Agency Legal Services (ALS). Through November, ALS had expended \$632,000 or approximately 34.6% of this authority. ALS attorneys and investigators bill clients for their services, case-related costs, and incidental costs.

HB 2 BUDGET MODIFICATIONS

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the HB 2 modified budget from July 1, 2023 through November 30, 2023. Net modifications to the budget include operating plan changes from one expenditure account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

Agency Name	HB 2 Budget	Modified Budget	Net Modifications
☐ Department of Justice	152,582,295	152,582,295	0
☐ 01 LEGAL SERVICES DIVISION	11,273,456	11,082,077	-191,379
☐ 03 MONTANA HIGHWAY PATROL	50,987,572	50,837,695	-149,877
☐ 04 INA - INFORMATION TECHNOLOGY SYSTEM	8,301,627	0	-8,301,627
☐ 05 DIV OF CRIMINAL INVESTIGATION	21,621,854	20,145,959	-1,475,895
☐ 07 GAMBLING CONTROL DIVISION	4,635,348	4,576,051	-59,297
☐ 08 FORENSIC SERVICES DIVISION	8,435,076	8,352,410	-82,666
☐ 09 MOTOR VEHICLE DIVISION	26,274,089	23,859,773	-2,414,316
☐ 10 CENTRAL SERVICES DIVISION	3,171,470	15,216,151	12,044,681
☐ 19 POST COUNCIL		612,546	612,546
☐ 21 BOARD OF CRIME CONTROL	17,881,803	17,899,633	17,830
Total	152,582,295	152,582,295	0

Expenditure Type	HB 2 Budget	Modified Budget	Net Modifications
☐ 61000 Personal Services	79,253,987	79,503,987	250,000
☐ 62000 Operating Expenses	48,248,350	45,695,510	-2,552,840
☐ 63000 Equipment & Intangible Assets	7,046,234	6,304,314	-741,920
☐ 65000 Local Assistance	25,001	25,001	
☐ 66000 Grants	12,291,895	12,291,895	0
☐ 67000 Benefits & Claims	773,181	803,181	30,000
☐ 68000 Transfers-out	3,141,136	3,192,136	51,000
☐ 69000 Debt Service	1,802,511	4,766,271	2,963,760
Total	152,582,295	152,582,295	0

Fund Type	HB 2 Budget	Modified Budget	Net Modifications
☐ 01 General	52,171,566	52,036,300	-135,266
☐ 02 State/Other Spec Rev	83,397,091	83,532,357	135,266
☐ 03 Fed/Other Spec Rev	14,956,780	14,956,780	0
☐ 06 Enterprise	2,047,974	2,049,893	1,919
☐ 06 Internal Service	8,884	6,965	-1,919
Total	152,582,295	152,582,295	0

The figures above highlight modifications to the HB 2 budget that have occurred through November of FY 2024. No modifications were made that effect the magnitude of the HB 2 budget, but the following modifications were made which move authority between accounting levels:

- A change which moved \$2.1 million in operating expense authority and \$785,000 in equipment authority to debt services in several of the department’s divisions to accurately record lease expenditures per GASB accounting requirements
- A change which moved \$250,000 from operating expenses to personal services to allow for personnel costs associated with the new incident response related to the Natural Resource Damage Program

Additionally, the department made several changes moving authority between programs within the department. These largest of these changes are as follows:

- A change moving \$3.9 million in operating expense authority to the Central Services Division (CSD) from all other divisions to align all restricted SITSD funding under one division in the department
- The movement of 1.00 FTE and associated \$130,000 in personal service authority from the CSD to the Legal Services Division. This is an administrative position that is being repurposed and used in the State Attorney’s Office due to the reorganization of the CSD described below

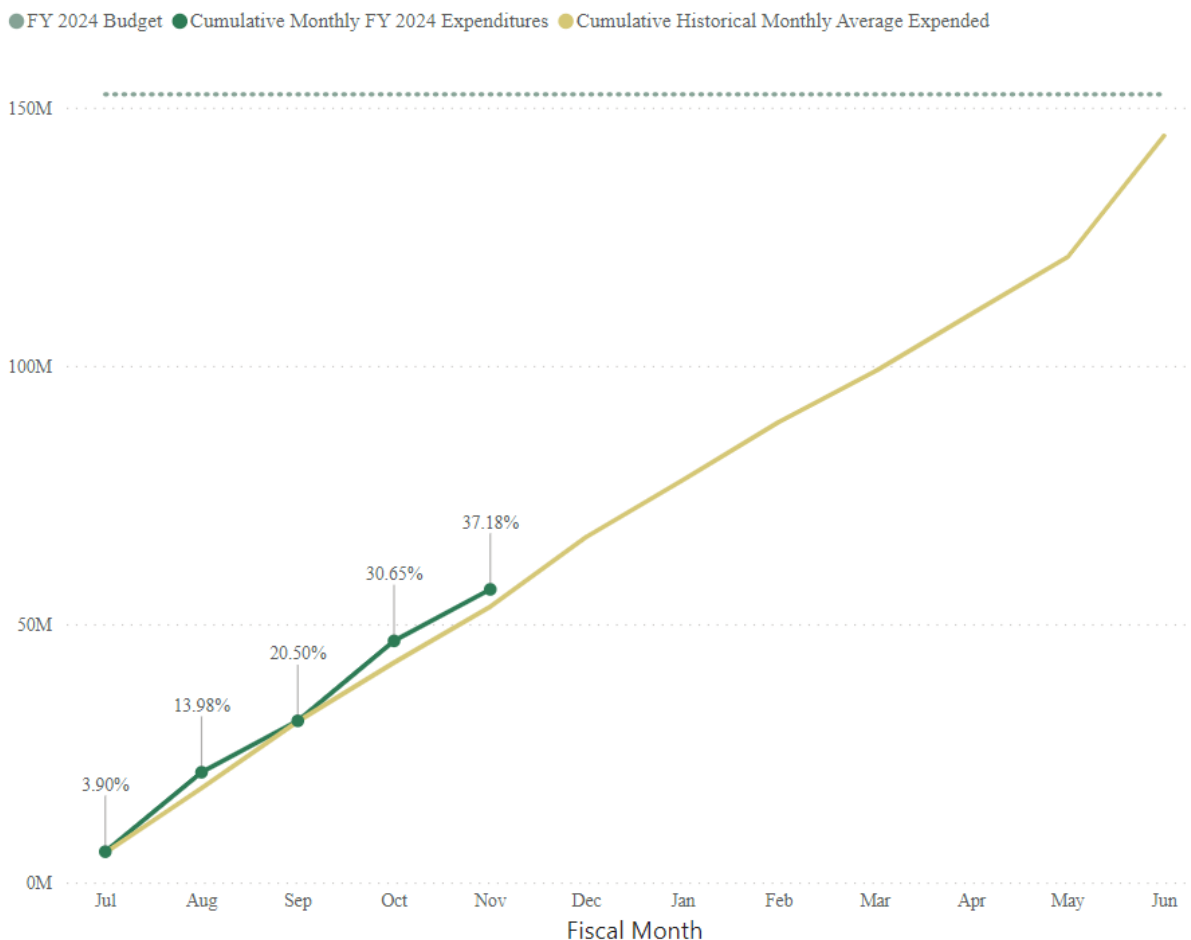
- A change moving an elder exploitation prosecutor position adopted by the 2023 Legislature from the Legal Services Division to the Division of Criminal Investigation as the position was originally established in the wrong program

Lastly, the department has performed two reorganizations in FY 2024 which changed the makeup of the department. The first reorganization was done in order to combine the CSD and Information Technology Services Division into one program. All functions from the two divisions will remain the same in the new program. The next reorganization was done in order to move the POST council out of the Division of Criminal Investigation into a standalone attached entity to the DOJ and to fund the council from the Montana Law Enforcement Academy state special revenue account for the 2025 biennium.

HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through November 30, 2023.

Monthly Expenditures Compared to Historical Average



Fund Type	Modified Budget	Expended Budget	% Expended
⊕ 01 General	52,036,300	21,022,910	40.4%
⊕ 02 State/Other Spec Rev	83,532,357	32,317,843	38.7%
⊕ 03 Fed/Other Spec Rev	14,956,780	2,922,023	19.5%
⊕ 06 Enterprise	2,049,893	470,213	22.9%
⊕ 06 Internal Service	6,965	0	0.0%
Total	152,582,295	56,732,989	37.2%

Expenditure Type	Modified Budget	Expended Budget	% Expended
⊕ Personal Services	79,503,987	31,680,772	39.8%
⊕ Operating Expenses	45,695,510	16,148,110	35.3%
⊕ Equipment & Intangible Assets	6,304,314	3,679,151	58.4%
⊕ Local Assistance	25,001	0	0.0%
⊕ Grants	12,291,895	2,993,169	24.4%
⊕ Benefits & Claims	803,181	241,910	30.1%
⊕ Transfers-out	3,192,136	211,592	6.6%
⊕ Debt Service	4,766,271	1,778,286	37.3%
Total	152,582,295	56,732,989	37.2%

Program Name	Modified Budget	Expended Budget	% Expended
⊕ 01 LEGAL SERVICES DIVISION	11,082,077	3,905,287	35.2%
⊕ 03 MONTANA HIGHWAY PATROL	50,837,695	20,470,513	40.3%
⊕ 04 INA - INFORMATION TECHNOLOGY SYSTEM	0	0	NaN
⊕ 05 DIV OF CRIMINAL INVESTIGATION	20,145,959	8,006,181	39.7%
⊕ 07 GAMBLING CONTROL DIVISION	4,576,051	1,489,881	32.6%
⊕ 08 FORENSIC SERVICES DIVISION	8,352,410	2,901,264	34.7%
⊕ 09 MOTOR VEHICLE DIVISION	23,859,773	9,100,358	38.1%
⊕ 10 CENTRAL SERVICES DIVISION	15,216,151	6,608,893	43.4%
⊕ 19 POST COUNCIL	612,546	198,994	32.5%
⊕ 21 BOARD OF CRIME CONTROL	17,899,633	4,046,448	22.6%
Total	152,582,295	56,727,819	37.2%

The Department of Justice expended 37.2% of its \$152.6 million HB 2 modified budget through November 30, 2023. Overall, this is slightly higher than the 5-year Olympic average of 35.0% (the Olympic average is the average of the percent expended for the most recently completed seven years with the exclusion of the highest and lowest numbers during this time period).

Personal services and operating expenses are the bulk of HB 2 appropriations in FY 2024 at 52.1% and 30.0% respectively, and corresponding expenditures through November 2023 follow similar trends with personal services accounting for 55.8% and operating expenses accounting for 28.5%.

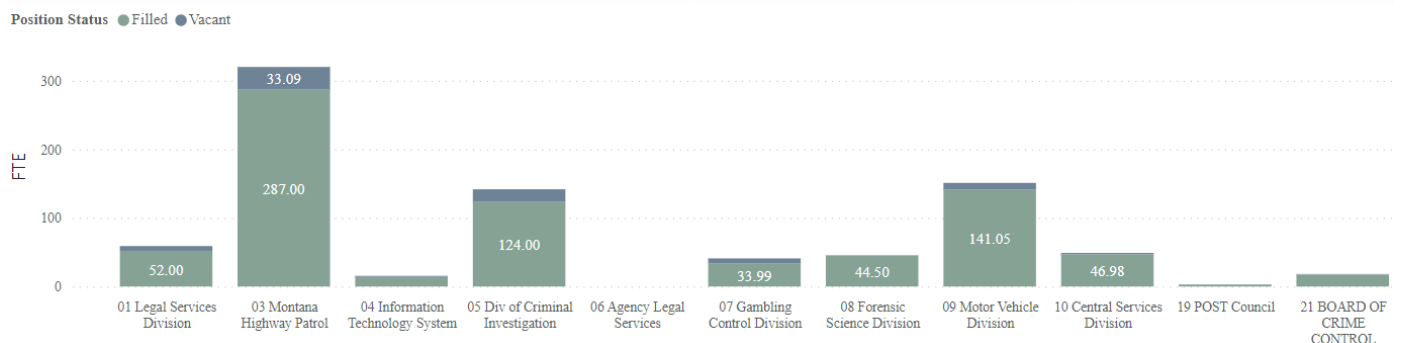
A few areas exist where expenditures are either higher or lower than anticipated. First, the Board of Crime Control budget is 22.6% expended. This relates to the process for, and timing of, administering grant funding which tends to lag behind typical expenditures. Additionally, appropriations for equipment have been expended at a higher rate of 58.4% because most of the funding for equipment has been spent in a short period to obtain equipment or IT upgrades.

Additionally, the 2023 Legislature approved a series of line-item appropriations to the DOJ for the 2025 biennium. The following table outlines these appropriations by program including the appropriation amount, current expenditures from the appropriation, and any restrictions/contingencies associated with the appropriation:

Program	Line Item	Line Item Designations	FY 2024 Amount	FY 2024 Expenditures
01 Legal Services Division	Litigation Funding	RST/Biennial/OTO	\$1,000,000	-
The 2023 Legislature provided \$1,000,000 in FY 2024 for constitutional challenges to state laws				
	NRDP Contingency	RST/Biennial/OTO	\$500,000	\$74,418
The 2023 Legislature provided one-time-only general fund for the Natural Resource Damage Program				
	SAO Prosecution Enhancement	RST/OTO	\$117,140	-
The funding for the new position of the State Attorney's Office Prosecution Enhancement is restricted to ensure that the Department of Justice meets its statutory responsibilities under 41-3-210 and to prosecute child sexual abuse cases				
03 Montana Highway Patrol	Equipment	RST/Biennial/OTO	\$400,000	\$400,000
The 2023 Legislature provided one-time-only biennial funding for equipment, including patrol vehicles. This appropriation is restricted for its designated use.				
	MHP Camera System	Biennial	\$700,000	-
The 2023 Legislature provided funding for a new in-car video system				
04 Justice Information Technology Services				
Division	Firewalls	RST/Biennial/OTO	\$90,000	\$90,000
The 2023 Legislature provided one-time-only general fund authority to provide firewalls that protect DOJ servers from cyber threats. This appropriation is restricted for its designated use				
	Server Replacement	RST/Biennial/OTO	\$2,000,000	\$868,870
The 2023 Legislature provided general fund authority to replace and upgrade servers, which were at the end of their useful life				
05 Division of Criminal Investigation	Human Trafficking Agent and Victim's Advocate	RST	\$317,678	-
The 2023 Legislature provided general fund authority for the addition of one crime investigator and one victims' advocate in the Human Trafficking Unit				
	DCI Enhancements to Combat Crime	RST	\$224,917	\$32,096
The DCI Enhancements to Combat Crime provides two new positions. One is a computer crime investigator, and one is an elder justice criminal inv				
09 Motor Vehicle Division	FAST Maintenance Costs	RST	\$2,550,000	\$500,000
The FAST annual maintenance costs are funded with \$1.55 million from the Motor Vehicle Division Administration account provided in 61-3-112 and \$1.0 million from the Motor Vehicle Information Technology System account provided in 61-3-550				
21 Board of Crime Control	Authority for Victim Services	OTO	\$2,000,000	\$593,333
The 2023 Legislature provided one-time-only general fund authority to provide state support for services to victims				

Personal Services

The following chart shows the filled and vacant FTE within the agency as of November 1, 2023. Personal service appropriations in HB 2 for FY 2024 total \$79.5 million and are 39.8% expended.

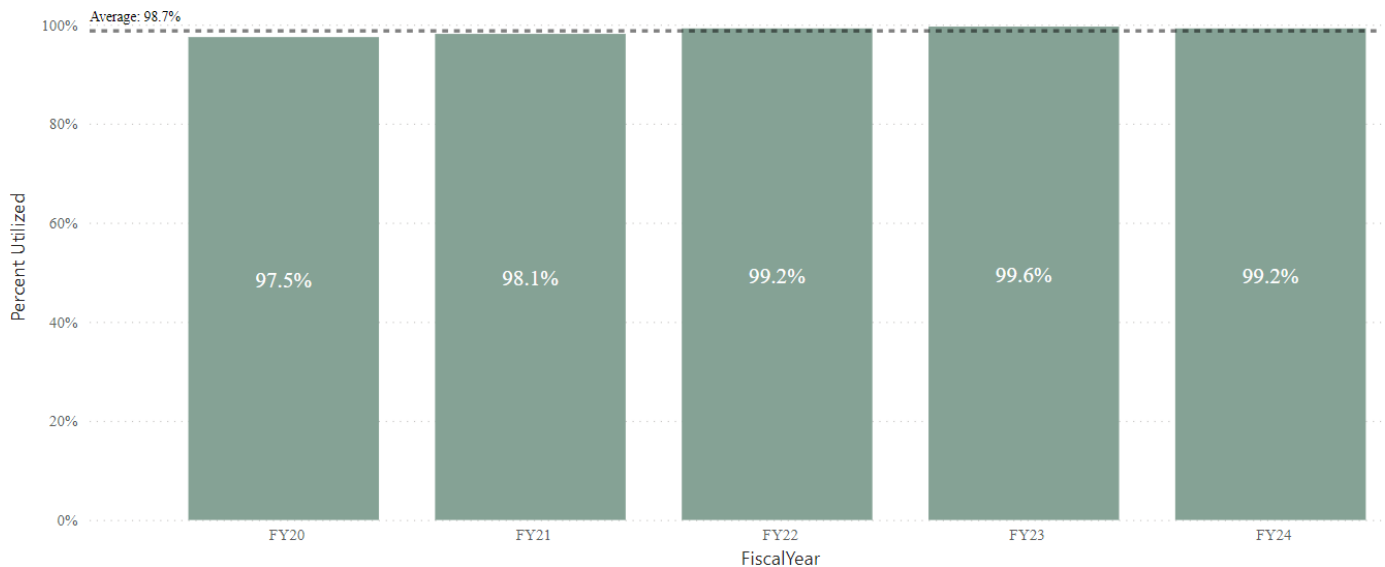


For FY 2024, the DOJ is currently budgeted for 843.85 FTE within HB 2. Of the total FTE, DOJ had 79.84 vacant FTE as of November 2023, reflecting a vacancy rate of 8.0%.

The Montana Highway Patrol (MHP) and Division of Criminal Investigation (DCI) are experiencing the highest number of vacancies in FY 2024 with both divisions accounting for 48.84 FTE, or 61.2% of total agency vacancies. Within the MHP vacancies, 24.09 FTE correspond to Highway Patrol positions, and 7.00 FTE are positions in the dispatch center where recruitment and retention continue to be difficult. Within the Division of Criminal Investigation, 6.00 FTE related to crime investigator positions are currently vacant.

The department has experienced turnover within 58 total positions through November of FY 2024. Of these positions, 39 left state employment, 11 retired, and the remaining 8 positions transferred to other agencies in state government.

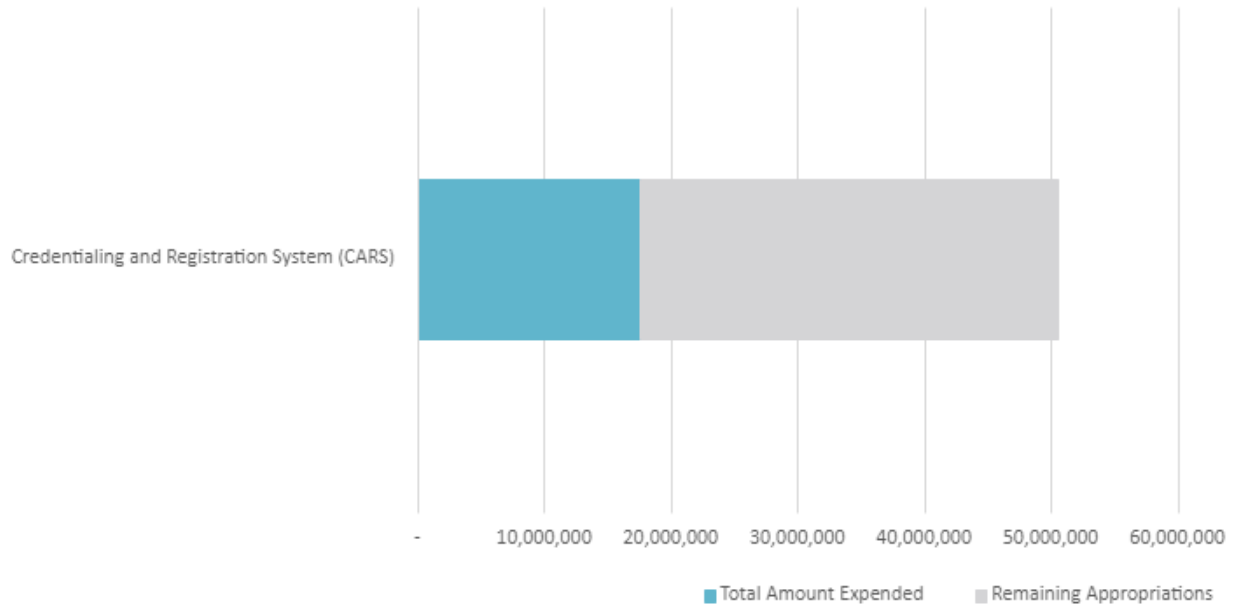
The chart below shows the hourly utilization percentage for the Department of Justice between July 1 and November 1 for each fiscal year when compared to the available hours for the same period. The DOJ has utilized 99.2% of budgeted hours available for the specified time period which closely follows the average of the five previous fiscal years (98.7%).



Additionally, the appendix below includes a chart showing the vacant FTE in each division, the number of months each position has been vacant and the midpoint hourly pay rate. The data used to create the vacant positions report below was pulled at a slightly different time than the data used in the above charts, which is why the number of vacant positions differs by 2.00 FTE. As seen in that table, of the 79.84 FTE that were vacant on November 1, 56.09 FTE have been vacant for four months or less. Additionally, 5.50 FTE had been vacant for over one year.

OTHER ISSUES

Information Technology Project Expenditures



DOJ is proceeding with a major information technology (IT) project related to the Credentiaing and Registration System (CARS) which replaces the MERLIN IT system. The following information relates to the project:

- Currently established authority for the project totals \$50.5 million which includes appropriations from HB 10 of the 2023 session totaling \$40.0 million
- Expenditures through November of FY 2024 related to the project were \$17.5 million
- The annual maintenance costs included in HB 2 for the 2025 biennium are nearly \$2.6 million
- The project has a revised estimated completion date of March 2025

APPENDIX

Position Classification	FTE	Median Months Vacant	Market Midpoint
Department of Justice	77.84	3.61	\$21.31
01 Legal Services Division	7.00	4.03	
Assistant Attorney General	4.00	4.03	\$27.57
Lawyer Supervisor	1.00	26.07	
Legal Secretary 1	1.00	3.61	\$25.51
Personal Staff - EO/Prof	1.00	3.70	
03 Montana Highway Patrol	31.09	3.07	
Emergency Dispatcher 1	7.00	7.28	\$21.31
Highway Patrol Lieutenant	1.00	5.02	
Highway Patrol Officer	1.00	2.00	
Highway Patrol Officer 1	16.09	2.56	
Highway Patrol Sergeant	6.00	3.34	
04 Information Technology System	1.50	29.97	\$50.52
IT Manager	1.00	27.90	\$55.24
Software Developer 3	0.50	32.03	\$45.80
05 Div of Criminal Investigation	17.75	4.03	\$36.35
Administrative Assistant	0.50	4.03	\$21.48
Administrative Specialist	1.00	3.34	\$34.41
Assistant Attorney General	1.00	2.20	\$55.14
Compliance Investigator	1.00	0.82	\$35.23
Crime Analyst	1.00	7.64	\$34.52
Crime Investigator	6.00	4.03	\$36.55
Intern	0.25	9.97	
Law Enforcement Manager	1.00	0.82	\$39.66
Program Manager	2.00	2.54	\$43.78
Program Specialist 1	4.00	4.95	\$27.86
07 Gambling Control Division	7.00	15.51	\$35.23
Compliance Investigator	2.00	10.00	\$35.23
Compliance Investigator Super	1.00	4.95	\$38.76
Crime Investigator	1.00	27.97	\$34.52
Law Enforcement Manager	1.00	28.92	\$47.37
Personal Staff - EO/Prof	1.00	3.11	
Software Developer 3	1.00	17.80	\$45.80
08 Forensic Science Division	1.00	1.21	\$19.88
Fingerprint & Evidence Tech	1.00	1.21	\$19.88
09 Motor Vehicle Division	10.00	1.02	\$17.87
Administrative Support Sup	1.00	0.98	\$36.25
Customer Service Clerk	1.00	2.00	\$13.63
License Permit Technician 2	6.00	0.82	\$17.87
License Permit Technician Sup	1.00	2.23	\$17.87
Program Manager	1.00	1.28	\$51.21
10 Central Services Division	2.00	0.25	\$31.02
IT Systems Support 2	2.00	0.25	\$31.02
21 Board of Crime Control	0.50	4.03	\$34.41
Administrative Specialist 2	0.50	4.03	\$34.41