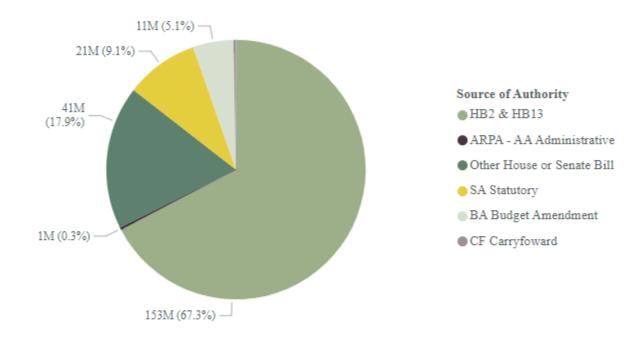
# **DEPARTMENT OF JUSTICE**

# **FYE 2024 Financial Report**

# **Total Appropriation Authority**

The total appropriation authority for the Department of Justice (DOJ) is shown in the pie chart below. HB 2 and HB 13 provide 67.3% 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	140,902,841	92.3%	
BA Budget Amendment	11,471,869	3,836,195	33.4%	
CF Carryfoward	693,261	439,017	63.3%	
Other House or Senate Bill	40,540,072	11,726,484	28.9%	
SA Statutory	20,671,086	17,957,256	86.9%	
ARPA	641,754	347,409	54.1%	
Total	226,600,336	175,209,202	77.3%	

## **Budget Amendments**

Through FYE 2024, the Department of Justice (DOJ) expended \$3.8 million or 33.4% of the \$11.5 million in budget amendment (BA) authority. The majority of this unexpended budget amendment authority will carry over to future fiscal years until the federal authorization expires. Most remaining authority within the DOJ

expires within the next two calendar years. The largest source of unexpended BA authority comes in the form of federal authority to support the Byrne State Crisis Intervention Program with less than \$100,000 of the \$1.4 million appropriation being expended. This authority expires in 2026. In total, state special revenues comprise 6.3% of BA authority while federal special revenues support the remaining 93.7% of authority. BA funding principally supports the following activities in the DOJ budget:

- State special revenue authority has been 57.9% expended and is mainly used to support 7.00 modified positions to aid with the 40.0% increase in fingerprint submissions, 70.0% increase in dispositions, and increases 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 32.4% expended and is primarily used for:
  - Montana Sexual Assault Kit Initiative (SAKI) program
  - o Providing responses to crimes against women, children, and the elderly
  - o Providing grants to victims of crime
  - Addressing criminal activities related to the manufacture and distribution of methamphetamine, opioids, and prescription drugs
  - o Addressing internet crimes against children
  - o Increasing DNA analysis, capacity enhancement, and backlog reduction

### **Carryforward**

Through FY 2024, the DOJ expended just under \$440,000 of the \$693,000 in total carryforward (CF) authority. Continued appropriations total \$426,000 from FY 2022 and \$267,000 from FY 2023, which were derived from 30.0% of the qualifying unexpended balances from those specific fiscal years. As outlined 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 at 59.9% and federal special revenue at 30.4%. All FY 2022 carryforward authority has been expended, and the department has until the end of FY 2025 to expend carryforward authority from FY 2023.

## Other Bills

Through FY 2024, the DOJ expended approximately \$11.7 million, or 28.9%, of the \$40.5 million provided to the department through a series of non-HB 2 legislation in the 2025 biennium. Authority is mainly comprised 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 <u>HB 10</u> for the new CARS system designed to replace MERLIN. FY 2024 expenditures total \$11.3 million
- \$400,000 in state special revenue authority from <u>SB 294</u> 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. This bill also 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. No authority was expended in FY 2024
- \$300,000 in state special revenue authority to the Board of Crime Control from <u>HB 362</u> which generally revised laws around crisis intervention team (CIT) training and established the requirement of a statewide coordinator to oversee the program. Approximately \$6,300 was expended

- \$150,000 in general fund authority from <u>SB 229</u> 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 expended almost \$32,000
- \$105,081 primarily in general fund authority from <u>HB 163</u> 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. The Department has expended \$47,000 through FYE 2024
- \$30,500 in state special revenue authority from <u>HB 18</u> for the department to establish a grant program to fund training opportunities for community-based missing persons response teams. No expenditures were recorded
- \$10,000 in general fund authority from <u>HB 904</u> for the department to implement commercial driver's license rulemaking and record checks. Approximately \$8,700 was expended

## **COVID-19 ARPA Authority**

Through the end of FY 2024, the DOJ had expended a little over \$347,000 or 54.1% 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 \$285,000. Remaining authority can be expended until the end of calendar year 2026
- \$91,200 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 by FYE 2024

#### **Statutory Appropriations**

The DOJ expended statutory appropriation (SA) authority of just over \$18.0 million, or 86.9%, of the total \$20.7 million in authority through the end of FY 2024. The primary budget and spending within the department's statutory accounts include the following:

- \$11.7 million for two statutory appropriations, distributions, and grants from 9-1-1 fees which were both fully expended
- \$4.1 million for the state's share of the costs of county attorneys, as required in 7-4-2502, MCA. This appropriation was 98.8% expended at \$4.0 million
- \$2.3 million for the 911 Next Gen project which saw a little over \$55,000 in expenditures. This program went through an RFP for a consultant. This RFP wasn't completed until midway through the fiscal year and is the reason for the lower expenditures in FY 2024. There is currently a RFP in the process to establish the NextGen 911 system statewide
- \$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 expended nearly \$1.8 million of this authority

### **Non-Budgeted Proprietary Funding**

Not shown in the total authority figure on Page 1, the department had \$1.8 million of non-budgeted proprietary funding in FY 2024 for a single proprietary program, Agency Legal Services (ALS). Through FYE, ALS had expended just over \$1.4 million, or approximately 77.0%, 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 during the month of June in FY 2024. 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	11,020,999	10,747,999	-273,000	
⊕ 03 MONTANA HIGHWAY PATROL	50,822,695	50,822,695	0	
⊕ 04 INA - INFORMATION TECHNOLOGY SYSTEM	0	0		•
⊕ 05 DIV OF CRIMINAL INVESTIGATION	17,713,236	17,713,236	0	
⊕ 07 GAMBLING CONTROL DIVISION	4,543,441	3,870,780	-672,661	
⊕ 08 FORENSIC SERVICES DIVISION	8,352,410	8,602,410	250,000	
⊕ 09 MOTOR VEHICLE DIVISION	23,859,773	24,447,773	588,000	
⊕ 10 CENTRAL SERVICES DIVISION	15,348,906	15,212,906	-136,000	
⊕ 19 POST COUNCIL	612,546	612,546		_
⊕ 20 MT LAW ENFORCEMENT ACADEMY	2,408,657	2,652,318	243,661	
⊕ 21 BOARD OF CRIME CONTROL	17,899,633	17,899,633	0	
Total	152,582,295	152,582,295	0	•
spenditure Type	HB 2 Budget	Modified Budget	Net Modifications	
61000 Personal Services	79,716,729	80,626,110	909,381	
62000 Operating Expenses	45,454,680	42,036,262	-3,418,418	
63000 Equipment & Intangible Assets	6,342,244	8,638,930	2,296,686	
65000 Local Assistance	25,001	25,001		
66000 Grants	12,291,895	12,277,859	-14,036	
67000 Benefits & Claims	840,269	853,095	12,826	
68000 Transfers-out	3,183,136	3,157,945	-25,191	
69000 Debt Service	4,728,341	4,967,093	238,752	
Total	152,582,295	152,582,295	0	
and Type	HB 2 Budget	Modified Budget	Net Modifications	
01 General	52,036,300	52,036,300	0	
02 State/Other Spec Rev	83,532,357	83,532,357	0	
03 Fed/Other Spec Rev	14,956,780	14,956,780	0	
06 Enterprise	2,049,893	2,049,893		·
06 Internal Service	6,965	6,965		
Total	152,582,295	152,582,295	0	

The figures above highlight modifications to the HB 2 budget that have occurred in June of FY 2024. During this timeframe, modifications were made which move authority between accounting levels and agency programs to

clean up expenditures and move some functionality among areas of the agency. The largest of these transfers are as follows:

- A series of three transfers which moved a total of \$517,000 in personal service authority and \$156,000 in operating expense authority from the Gambling Control Division (GCD) to other divisions. Large vacancies have occurred in the GCD in FY 2024 leading to unexpended personal services and all transferred authority was moved to operating expenses or equipment authority.
  - The Montana Law Enforcement Academy received \$197,000 in operating expense authority and \$41,000 in equipment authority
  - The Motor Vehicle Division received \$588,000 in operating expense authority. Additional authority over the amount transferred from the GCD was transferred from the Central Services Division
- A transfer of \$250,000 in operating expense authority from the Legal Service Division to the Forensic Sciences Division equipment budget for equipment purchases in the State Crime Lab

Additional modifications were done at FYE that moved authority around within different expenditure accounts in a specific division. The most notable of the modifications are the following:

- Within the MVD, two changes were done which moved \$2.1 million in operating expense authority and \$30,000 in equipment authority
  - o Approximately \$2.0 million was transferred to personal services
  - o Another \$182,000 was transferred to debt services to accurately record lease expenses
- Within the Montana Highway Patrol, \$550,000 in personal service authority and \$500,000 in operating expense authority were moved to equipment expenditures for FY 2024 expenditures

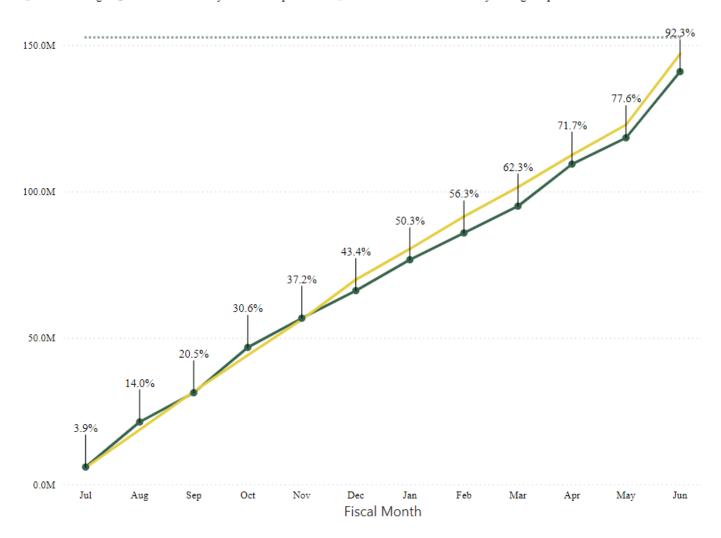
Other smaller modifications were done to tie out account balances and align expenditures with proper accounts.

#### **HB 2 Appropriation Authority**

The following chart shows the appropriated budget for the agency compared to expenditures through June 30, 2024.

# **Monthly Expenditures Compared to Historical Average**

● FY 2024 Budget ● Cumulative Monthly FY 2024 Expenditures ● Cumulative Historical Monthly Average Expended



Program Name	Modified Budget	Expended Budget	% Expended
⊕ 01 LEGAL SERVICES DIVISION	10,747,999	10,005,712	93.1%
⊕ 03 MONTANA HIGHWAY PATROL	50,822,695	50,084,765	98.5%
⊕ 04 INA - INFORMATION TECHNOLOGY SYSTEM	0		
⊕ 05 DIV OF CRIMINAL INVESTIGATION	17,713,236	17,264,964	97.5%
⊕ 07 GAMBLING CONTROL DIVISION	3,870,780	3,688,458	95.3%
⊕ 08 FORENSIC SERVICES DIVISION	8,602,410	8,595,449	99.9%
⊕ 09 MOTOR VEHICLE DIVISION	24,447,773	22,389,384	91.6%
⊕ 10 CENTRAL SERVICES DIVISION	15,212,906	14,164,674	93.1%
⊕ 19 POST COUNCIL	612,546	566,493	92.5%
⊕ 20 MT LAW ENFORCEMENT ACADEMY	2,652,318	2,652,272	100.0%
⊕ 21 BOARD OF CRIME CONTROL	17,899,633	11,490,671	64.2%
Total	152,582,295	140,902,841	92.3%

Expenditure Type	Modified Budget	Expended Budget	% Expended
Personal Services	80,626,110	81,146,497	100.6%
Operating Expenses	42,036,262	36,206,098	86.1%
Equipment & Intangible Assets	8,638,930	8,207,275	95.0%
⊕ Local Assistance	25,001	25,691	102.8%
⊕ Grants	12,277,859	8,806,288	71.7%
Benefits & Claims	853,095	741,668	86.9%
Transfers-out	3,157,945	1,010,760	32.0%
Debt Service	4,967,093	4,758,565	95.8%
Total	152,582,295	140,902,841	92.3%
Fund Type	Modified Budget	Expended Budget	% Expended
① 01 General	52,036,300	50,023,736	96.1%
⊕ 02 State/Other Spec Rev	83,532,357	80,510,651	96.4%
⊕ 03 Fed/Other Spec Rev	14,956,780	8,474,433	56.7%
⊕ 06 Enterprise	2,049,893	1,894,021	92.4%
⊕ 06 Internal Service	6,965		
Total	152,582,295	140,902,841	92.3%

The Department of Justice expended 92.3% of its \$152.6 million HB 2 modified budget in FY 2024. Overall, this is slightly lower than the average of the previous five fiscal years of 96.3%.

Personal services and operating expenses are the bulk of HB 2 appropriations in FY 2024 at 52.8% and 27.5% respectively. Corresponding expenditures through FY 2024 were more weighted towards personal services at 57.6% and operating expenses accounted for an additional 25.7%. Total personal services for FY 2024 were over expended by approximately \$520,000 or 1.6%. Operating expenses were only expended at 86.1%.

The budget for the Board of Crime Control (BOCC) budget was 64.2% expended. Due to the large amount of federal funding in the program, this relates to the process for, and timing of, administering grants, which tends to lag behind typical expenditures. The majority of authority for transfers and grants sits within the BOCC, reflecting low expenditures within these account categories as a result. This can be seen in expenditures of 71.7% for grant authority and 32.0% for transfer authority through FYE.

Operating expenses reflect the largest unexpended account category in FY 2024, and the largest unexpended balances can be found primarily within four separate divisions.

Operating expenses within the Montana Highway Patrol and Motor Vehicle Divisions are currently expended at 71.5% and 57.9% respectively and are, in part, due to a number of line-item appropriations related to maintenance costs for the MERLIN system and camera systems that were not fully expended. These appropriations total \$3.25 million with \$500,000 in expenses and are described in more detail within the line-item table below. The following table outlines the FY 2024 operating expense budget and expenditures for these four divisions:

Figure: DOJ FY 2024 Operating Expenses

	FY 2024	FY 2024	Remaining
Program	Budget	Expenses	Authority
03 Montana Highway Patrol	\$11,101,830	\$9,858,810	\$1,243,020
08 Forensic Services Division	1,854,624	1,332,902	521,722
09 Motor Vehicle Division	11,832,060	9,200,601	2,631,459
21 Board of Crime Control	1,150,816	473,457	677,359
Total	\$25,939,330	\$20,865,770	\$5,073,561

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. Appropriations listed as biennial can be spent in either year of the current biennium.

Program	Line Item	Line Item Designations	FY 2024 Amount	FY 2024 Expenditures
01 Legal Services Division	Litigation Funding	RST/Biennial/OTO	\$1,000,000	\$436,714
The 2023 Legislature provided \$	\$1,000,000 in FY 2024 for contitution	9		
	NRDP Contingency	RST/Biennial/OTO	\$500,000	\$387,665
The 2023 Legislature provided of	one-time-only general fund for the N		gram	
	SAO Prosecution Enhancement	•	\$117,140	\$76,571
	n of the State Attorney's Office Prose		ricted to ensure that th	e Department of Justice
	ies under 41-3-210 and to prosecute			
03 Montana Highway Patrol	* *	RST/Biennial/OTO	\$400,000	\$400,000
	one-time-only biennial funding for ed	quipment, including patrol ve	ehicles. This appropria	tion is restricted for its
designated use.				
	MHP Camera System	Biennial	\$700,000	-
	funding for a new in-car video system	n		
05 Division of Criminal	Human Trafficking Agent and	DCT	¢247.670	¢1.00.1.04
Investigation	Victim's Advocate	RST	\$317,678	\$160,164
	general fund authority for the addition	on of one crime investigator a	and one victims' advoc	cate in the Human
Trafficking Unit	Bar 1			
	DCI Enhancements to Combat	DCT	¢224.045	¢224.046
The DCI Enhangements to Comb	<b>Crime</b> provides two new position	RST	\$224,917	\$224,916
investigator	bat Crime provides two new position	s. One is a computer crime in	vestigator, and one is a	an eider justice criminai
09 Motor Vehicle Division	FAST Maintenance Costs	RST	\$2,550,000	\$500,000
The FAST annual maintenance of	costs are funded with \$1.55 million f	rom the Motor Vehicle Divisi	on Administration acc	ount provided in 61-3-112
	Vehicle Information Technology Sy			·
10 Central Services Division	Firewalls	RST/Biennial/OTO	\$90,000	\$90,000
The 2023 Legislature provided of	one-time-only general fund authority	to provide firewalls that pro	otect DOJ servers from	n cyber threats. This
appropriation is restricted for it	9			
	Server Replacement	RST/Biennial/OTO	\$2,000,000	\$1,188,514
	general fund authority to replace and			
	Authority for Victim Services	OTO	\$2,000,000	\$1,809,462
The 2023 Legislature provided of	one-time-only general fund authority	v to provide state support for	services to victims	

#### **Personal Services**

The following chart shows the filled and vacant FTE (Full Time Equivalents) within the agency at the end of FY 2024. Personal service appropriations in HB 2 for FY 2024 totaled \$80.6 million and were 101.6% expended.



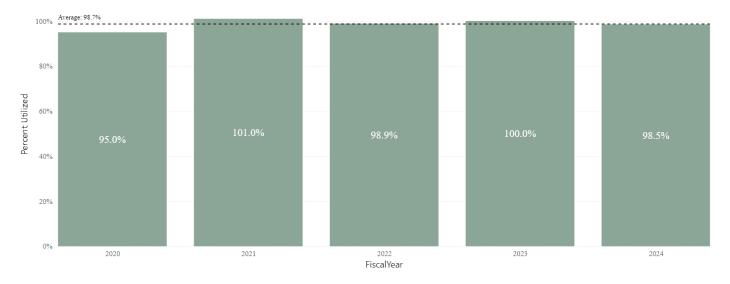
For FY 2024, the DOJ was budgeted for 846.15 FTE within HB 2. Of the total FTE, DOJ had 90.05 vacant FTE as of FYE, reflecting a vacancy rate of 10.6%. Compared to the data for the June IBC meeting, this is an increase of 11.40 vacant FTE.

The Montana Highway Patrol (MHP) continues experiencing the highest number of vacancies in FY 2024 with the division accounting for 51.00 FTE, or approximately 56.6%, of total agency vacancies. Within the MHP vacancies, 35.00 FTE corresponded to Highway Patrol officer and sergeant positions, and 12.00 FTE were for positions in the dispatch center where recruitment and retention continue to be difficult. Other areas currently experiencing vacancies include:

- Crime Investigators 5.00 FTE
- Assistant Attorney General positions 4.00 FTE

The department experienced turnover within 131 total positions in FY 2024. Of these positions, 88 left state employment, 22 retired, and the remaining 21 positions transferred to other agencies in state government.

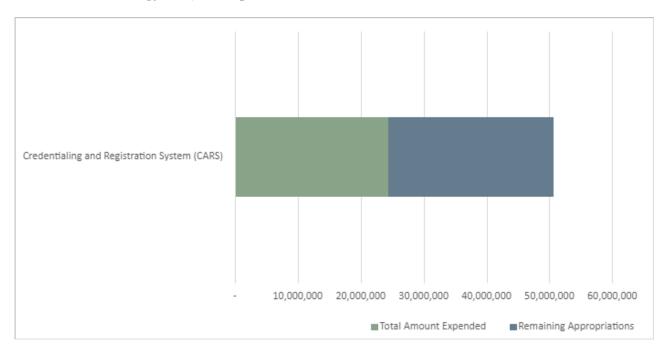
The chart below shows the hourly utilization percentage for the Department of Justice between July 1 and February 12 for each fiscal year when compared to the available hours for the same period. The DOJ has utilized 98.5% of budgeted hours available for the specified time period which is practically identical to the average of the five previous fiscal years of 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 0.30 FTE. As seen in that table, of the 90.05 FTE that were vacant at FYE, the majority have been vacant for a period of 12 months or under (since the beginning of FY 2024). Additionally, 6.00 FTE had been sitting vacant for a period of one year or more.

#### **OTHER ISSUES**

## **Information Technology Project Expenditures**



The DOJ is proceeding with a major information technology (IT) project related to the Credentialing 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 approximately \$40.0 million
- Expenditures through the end of FY 2024 related to the project were \$24.4 million
- The annual maintenance costs included in HB 2 for the 2025 biennium are nearly \$2.6 million, but expenditures of only \$500,000 were realized in FY 2024
- The project has a revised estimated completion date of March 2025

# **APPENDIX**

		Median	Market
Position Description	FTE	Months	Midpoint
		Vacant	(Hourly)
1100 Department of Justice	89.75	4.62	19.88
01 LEGAL SERVICES DIVISION	8.00	6.26	46.74
Assistant Attorney General	4.00	9.93	55.14
Lawyer Supervisor	1.00	0.07	54.8
Personal Staff - EO/Prof	2.00	7.02	
Public Relations Supervisor	1.00	4.66	38.6
03 MONTANA HIGHWAY PATROL	51.00	4.66	
Communications Technologist	1.00	4.10	30.1
Custodian 1	1.00	0.98	15.0
Emergency Dispatcher 1	12.00	2.62	21.3
Highway Patrol Captain	2.00	1.67	
Highway Patrol Officer 1	30.00	5.62	
Highway Patrol Sergeant	5.00	2.39	
04 INA - INFORMATION TECHNOLOGY SYSTE	2.00	2.33	38.8
IT Systems Analyst 2	1.00	0.07	41.1
Web Developer/SharePoint Spec	1.00	4.59	36.6
05 DIV OF CRIMINAL INVESTIGATION	7.75	4.46	36.5
Administrative Assistant	0.50	12.00	21.4
Assistant RAC	1.00	1.34	39.6
Crime Investigator	5.00	12.00	36.5
Fire Inspector	1.00	4.46	29.5
Intern	0.25	0.13	
07 GAMBLING CONTROL DIVISION	7.00	12.92	38.7
Compliance Investigator	2.00	17.97	35.2
Compliance Investigator 1	1.00	0.89	35.2
Compliance Investigator Superv	1.00	12.92	38.7
Law Enforcement Manager	1.00	36.89	47.3
Lawyer	1.00	7.87	55.1
Software Developer 3	1.00	25.77	45.8
08 FORENSIC SERVICES DIVISION	2.50	1.38	19.8
Evidence Technician 1	0.50	2.52	19.8
Fingerprint & Evidence Tech	2.00	0.84	19.8
09 MOTOR VEHICLE DIVISION	3.50	2.25	17.8
Lawyer 2	1.00	6.89	55.1
License Permit Technician 2	2.50	1.44	17.8
10 CENTRAL SERVICES DIVISION	7.00	3.05	46.8
Accountant	1.00	2.30	29.5
Accountant 1	1.00	4.92	23.1
Business Manager	1.00	5.05	62.8
Chief Financial Officer	1.00	0.07	56.3
Grants Contracts Coordinator 2	1.00	30.59	31.9
IT Manager	1.00	3.05	55.2
IT Systems Administrator 2	1.00	1.84	46.8
20 MT LAW ENFORCEMENT ACADEMY	1.00	5.11	20.3