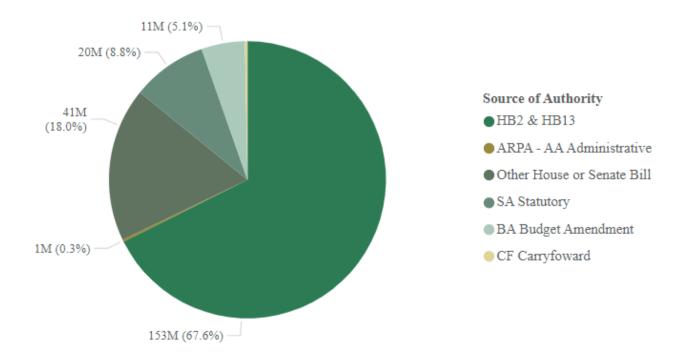
DEPARTMENT OF JUSTICE

(Spending report March 1, 2024 through May 31, 2024)

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 67.6% 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	118,331,229	77.6%	
BA Budget Amendment	11,436,438	3,242,103	28.3%	
CF Carryfoward	693,261	1,364	0.2%	
Other House or Senate Bill	40,540,072	8,064,851	19.9%	
SA Statutory	19,799,751	15,076,638	76.1%	
ARPA	641,754	300,951	46.9%	
Total	225,693,570	145,017,137	64.3%	

Budget Amendments

Through the end of May, the Department of Justice (DOJ) expended nearly \$3.2 million or 28.3% of the \$11.4 million in budget amendment authority. Total authority has increased by approximately \$200,000 since the

March meeting with new federal authority provided for the High Intensity Drug Trafficking Areas (HIDTA) programs which look to coordinate law enforcement, intelligence, and treatment/preventative initiatives. The majority of this unexpended budget amendment authority will carry over to future fiscal years until the period of authority has expired. Most remaining authority within the DOJ expires within the next two calendar years. 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 52.9% expended and is mainly used to support 7.00 modified FTE to aid with the 40.0% increase in fingerprint submissions, 70.0% increase in dispositions (70.0%), 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 26.7% 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
 - Addressing internet crimes against children
 - o Increasing DNA analysis, capacity enhancement, and backlog reduction

Carryforward

Through May, the DOJ has expended just over \$1,300 of the \$693,000 in total carryforward (CF) authority. Continued appropriations total \$426,000 from FY 2022 and \$267,209 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%. Remaining authority comes from the general fund and budgeted proprietary funds. All authority exists within operating expenditure categories.

Other Bills

Through May, the DOJ had expended approximately \$8.1 million, or 19.9%, 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 through May 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. At the end of May, no authority has been expended

- \$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. Currently, less than \$1,000 has been 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 has currently 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 \$34,000 through May 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 have yet been 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 \$9,000 has been expended

COVID-19 ARPA Authority

Through May of FY 2024, the DOJ had expended \$301,000 or 46.9% 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 \$238,000
- \$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 as of the end of May

Statutory Appropriations

The DOJ expended statutory appropriation (SA) authority of just over \$15.0 million, or 76.1%, of the total \$19.8 million in authority through May of FY 2024. The primary budget and spending within the department's statutory accounts include the following:

- \$10.8 million for two statutory appropriations, distributions, and grants from 9-1-1 fees and nearly \$8.9 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 98.8% expended at \$4.0 million
- \$2.3 million for the 911 Next Gen project which has seen a little over \$10,000 in expenditures
- \$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 nearly \$1.8 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 May, ALS had

expended nearly \$1.4 million, or approximately 74.6%, 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 March 1, 2024 through May 31, 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 Bud	get	Modified I	Budget	Net Modifications
□ Department of Justice			152,582,295	152	2,582,295	0
■ 01 LEGAL SERVICES DIVISION			11,082,077	11	,020,999	-61,078
■ 03 MONTANA HIGHWAY PATROL			50,822,695	50	,822,695	0
■ 04 INA - INFORMATION TECHNOLOGY S	YSTEM		0		0	
■ 05 DIV OF CRIMINAL INVESTIGATION			17,948,121	17	7,713,236	-234,885
■ 07 GAMBLING CONTROL DIVISION			4,576,051		1,543,441	
■ 08 FORENSIC SERVICES DIVISION			8,352,410		3,352,410	•
■ 09 MOTOR VEHICLE DIVISION			23,859,773		3,859,773	
■ 10 CENTRAL SERVICES DIVISION			15,255,218		,348,906	
⊞ 19 POST COUNCIL			612,546	-	612,546	•
■ 20 MT LAW ENFORCEMENT ACADEMY			2,173,772	2	2,408,657	
■ 21 BOARD OF CRIME CONTROL			17,899,633		7,899,633	•
Total			152,582,295		2,582,295	
		1	,,		, ,	
spenditure Type	HB 2 Bud	lget	Modified Bud	get Net M	Iodification	s
61000 Personal Services		79,481,940	79,71	6,729	234,	789
62000 Operating Expenses		45,476,407	45,45	4,680	-21,	727
63000 Equipment & Intangible Assets		6,304,314		2,244	37,	930
65000 Local Assistance		25,001		5,001		
66000 Grants		12,291,895		1,895		
67000 Benefits & Claims		840,269		0,269		
68000 Transfers-out		3,396,198	-	3,136	-213,	
69000 Debt Service		4,766,271		8,341	-37,	
Total		152,582,295	152,58	2,295		0
Fund Type		HB 2 Bud	get 1	Modified Bu	dget 1	Net Modifications
⊕ 01 General		:	52,036,300	52,0	036,300	0
02 State/Other Spec Rev			33,532,357	83,5	532,357	0
03 Fed/Other Spec Rev			14,956,780	14,9	956,780	
06 Enterprise			2,049,893	2,0	049,893	
06 Internal Service			6,965		6,965	
Total		1 1/	52,582,295	152.6	582,295	0

The figures above highlight modifications to the HB 2 budget that have occurred between March 1 and May 31 of FY 2024. During this timeframe, the following modifications were made which move authority between accounting levels and agency programs:

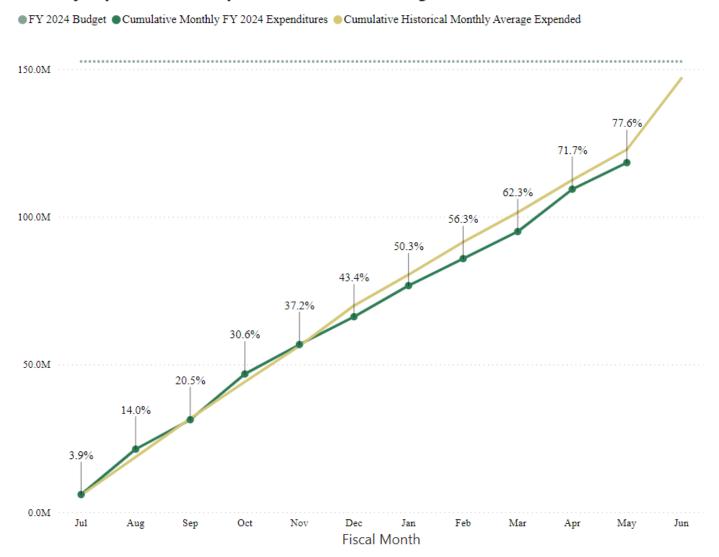
• A change which moved \$235,000 from the Division of Criminal Investigation (DCI) to the Montana Law Enforcement Academy (MLEA). The department performed a reorganization earlier in the

- interim to take the MLEA out of the DCI and make it a standalone program. This change moves authority for the MLEA to its correct location
- A change which moved \$204,000 in transfer authority to personal service authority for an MOU requesting personal service support from the Justice Information Technology Services Division to the Motor Vehicle Division. This is in support of the MERLIN system
- A change which moved 1.00 FTE and nearly \$94,000 in personal service authority from the State Attorney's Office to the Central Services Division
- A change which moved 1.00 FTE and remaining \$32,600 in personal service authority for FY 2024 for this position from the Gambling Control Division to the Legal Services Division for the repurposing of the position

HB 2 Appropriation Authority

The following chart shows the appropriated budget for the agency compared to expenditures through May 31, 2024.

Monthly Expenditures Compared to Historical Average



Program Name	Modified Budget	Expended Budget	% Expended
⊕ 01 LEGAL SERVICES DIVISION	11,020,999	8,111,999	73.6%
⊕ 03 MONTANA HIGHWAY PATROL	50,822,695	41,253,545	81.2%
⊕ 04 INA - INFORMATION TECHNOLOGY SYSTEM	0		
⊕ 05 DIV OF CRIMINAL INVESTIGATION	17,713,236	14,861,201	83.9%
⊕ 07 GAMBLING CONTROL DIVISION	4,543,441	3,320,050	73.1%
⊕ 08 FORENSIC SERVICES DIVISION	8,352,410	6,592,196	78.9%
⊕ 09 MOTOR VEHICLE DIVISION	23,859,773	19,750,065	82.8%
⊕ 10 CENTRAL SERVICES DIVISION	15,348,906	11,985,752	78.1%
⊕ 19 POST COUNCIL	612,546	513,419	83.8%
⊕ 20 MT LAW ENFORCEMENT ACADEMY	2,408,657	2,225,612	92.4%
⊕ 21 BOARD OF CRIME CONTROL	17,899,633	9,717,390	54.3%
Total	152,582,295	118,331,229	77.6%
Expenditure Type Personal Services Operating Expenses Equipment & Intangible Assets Local Assistance Grants Benefits & Claims Transfers-out Debt Service	79,716,729 45,454,680 6,342,244 25,001 12,291,895 840,269 3,183,136 4,728,341	71,753,008 30,096,913 4,299,931 25,691 7,637,790 646,112 715,695 3,156,090	90.0% 66.2% 67.8% 102.8% 62.1% 76.9% 22.5% 66.7%
Total	152,582,295	118,331,229	77.6%
Fund Type	Modified Budget	Expended Budget	% Expended
01 General	52,036,300	42,756,601	82.2%
02 State/Other Spec Rev	83,532,357	66,764,014	79.9%
03 Fed/Other Spec Rev	14,956,780	7,305,410	48.8%
06 Enterprise	2,049,893	1,505,204	73.4%
06 Internal Service	6,965		
Total	152,582,295	118,331,229	77.6%

The Department of Justice expended 77.6% of its \$152.6 million HB 2 modified budget through May 31, 2024. Overall, this is slightly lower than the average of the previous five fiscal years of 80.5% but is fairly comparable given the point in the fiscal year.

Personal services and operating expenses are the bulk of HB 2 appropriations in FY 2024 at 52.2% and 29.8% respectively. Corresponding expenditures through May of FY 2024 have been slightly more weighted towards personal services at 60.6% and operating expenses have accounted for an additional 25.4%.

The majority of programs and expenditure accounts are following expected trends, but a few areas exist where expenditures are lower than anticipated. First, the Board of Crime Control budget is 54.3% 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 also

sits within the board reflecting low expenditures within these account categories as a result, 62.1% for grant authority and 22.5% for transfer authority through May.

Operating expenses reflect a lower percentage expended through May, and the largest unexpended balances can be found primarily within three 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 have not yet seen much in the way of expenditures. These appropriations total \$3.25 million with \$500,000 in expenses and are described in more detail within the line-item table below. The unspent \$1.0 million restricted appropriation for litigation has not been expended and also explains lower spending in operating expenses within the Legal Services Division. This single appropriation accounts for nearly 29.2% of the division's FY 2024 operating expense budget. The next table shows the extent of operating expenses within these three programs.

	FY 2024	FY 2024	Remaining
Program	Budget	Expenses	Authority
01 Legal Services Division	3,427,000	1,908,158	1,518,842
03 Montana Highway Patrol	11,601,830	8,292,972	3,308,859
09 Motor Vehicle Division	13,540,060	7,836,129	5,703,931

Lastly, the Gambling Control Division has under expended in personal services due to the number of vacancies being experienced in the division. Currently, the division has a 15.0% vacancy rate.

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.

The 2023 Legislature provided \$1,000,000 in FY 2024 for constitutional challenges to state laws NRDP Contingency RST/Biennial/OTO \$500,000 \$229,303 The 2023 Legislature provided one-time-only general fund for the Natural Resource Damage Program SAO Prosecution Enhancement RST/OTO \$117,140 \$61,596 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, MCA, 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 05 Division of Criminal Investigation Victim's Advocate RST \$317,678 \$104,645 The 2023 Legislature provided general fund authority for the addition of one crime investigator and one victim's advocate in the Human Trafficking Unit DCI Enhancements to Combat Crime RST \$224,917 \$159,240 The DCI Enhancements to Combat Crime provides two new positions. One is a computer crime investigator, and one is an elder justice criminal investigator	Program	Line Item	Line Item Designations	FY 2024 Amount	FY 2024 Expenditures
NRDP Contingency RST/Biennial/OTO \$500,000 \$229,303 The 2023 Legislature provided one-time-only general fund for the Natural Resource Damage Program SAO Prosecution Enhancement RST/OTO \$117,140 \$61,596 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, MCA, and to prosecute child sexual abuse cases	01 Legal Services Division	Litigation Funding	RST/Biennial/OTO	\$1,000,000	-
The 2023 Legislature provided one-time-only general fund for the Natural Resource Damage Program SAO Prosecution Enhancement RST/OTO \$117,140 \$61,596 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, MCA, and to prosecute child sexual abuse cases 1	The 2023 Legislature provided S				
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Personal Services

The following chart shows the filled and vacant FTE (Full Time Equivalents) within the agency as of May 1, 2024. Personal service appropriations in HB 2 for FY 2024 total \$79.7 million and are 90.0% expended.



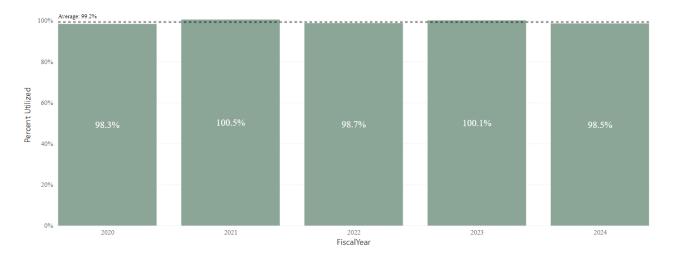
For FY 2024, the DOJ is currently budgeted for 846.15 FTE within HB 2. Of the total FTE, DOJ had 78.64 vacant FTE as of May 1, reflecting a vacancy rate of 9.3%. Compared to the data for the March meeting, this is a decrease of 9.20 vacant FTE.

The Montana Highway Patrol (MHP) continues experiencing the highest number of vacancies in FY 2024 with the division accounting for 39.09 FTE, or approximately 49.7%, of total agency vacancies. Within the MHP vacancies, 26.09 FTE correspond to Highway Patrol officer and sergeant positions, and 9.00 FTE are positions in the dispatch center where recruitment and retention continue to be difficult. Other areas currently experiencing vacancies include:

- Crime Investigators 4.00 FTE
- Assistant Attorney General positions 3.00 FTE
- License Permit Technicians 4.00 FTE
- Compliance Investigators 2.50 FTE

The department has experienced turnover within 131 total positions through May 1 of FY 2024. Of these positions, 88 left state employment, 22 retired, and the remaining 21 positions transferred to other agencies in state government.

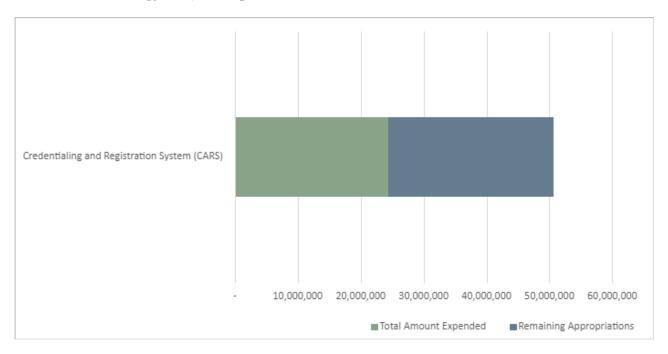
The chart below shows the hourly utilization percentage for the Department of Justice between July 1 and February 12 for each fiscal year when compared to the available hours for the same period. The DOJ has utilized 98.5% of budgeted hours available for the specified time period which is practically identical to the average of the five previous fiscal years of 99.2%.



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 3.00 FTE. As seen in that table, of the 78.64 FTE that were vacant on May 1, the majority have been vacant for a period of 10 months or under (since the beginning of FY 2024). Additionally, 5.25 FTE had been 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 April 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
- The project has a revised estimated completion date of March 2025

APPENDIX

Position Classification	FTE	Median Months Vacant	Market Midpoint (Hourly)
Department of Justice	75.34	4.52	21.31
01 LEGAL SERVICES DIVISION	6.00	7.48	19.33
Assistant Attorney General	3.00	10.00	55.14
Personal Staff - EO/Prof	2.00	5.02	
Public Relations Supervisor	1.00	2.66	38.65
03 MONTANA HIGHWAY PATROL	36.09	4.59	
Communications Technologist	1.00	2.10	30.11
Emergency Dispatcher 1	7.00	5.34	21.31
Highway Patrol Lieutenant	1.00	10.98	
Highway Patrol Major	1.00	0.36	
Highway Patrol Officer 1	23.09	4.56	
Highway Patrol Sergeant	3.00	3.57	
04 INA - INFORMATION TECHNOLOGY SYSTEM	3.00	2.59	30.17
Asset Manager	1.00	0.36	30.17
GIS Specialist 1	1.00	4.72	27.48
Web Developer/SharePoint Spec	1.00	2.59	36.64
05 DIV OF CRIMINAL INVESTIGATION	7.75	10.00	36.55
Administrative Assistant	0.50	10.00	21.48
Compliance Investigator	1.00	6.79	35.23
Crime Investigator	4.00	10.00	36.55
Fire Inspector	1.00	2.46	29.58
Intern	0.25	15.93	
Training & Compliance Agent	1.00	3.90	36.55
07 GAMBLING CONTROL DIVISION	6.00	16.20	42.28
Compliance Investigator	2.00	15.97	35.23
Compliance Investigator Superv	1.00	10.92	38.76
Law Enforcement Manager	1.00	34.89	47.37
Lawyer	1.00	5.87	55.14
Software Developer 3	1.00	23.77	45.80
08 FORENSIC SERVICES DIVISION	1.50	1.93	28.22
Evidence Technician 1	0.50	0.52	19.88
Forensic Scientist 2	1.00	3.34	36.55
09 MOTOR VEHICLE DIVISION	3.50	0.82	17.87
License Permit Technician 2	2.50	0.59	17.87
Program Specialist	1.00	4.89	36.25
10 CENTRAL SERVICES DIVISION	8.00	2.98	40.20
Accountant 1	1.00	2.92	23.11
Administrative Assistant 2	1.00	28.59	18.15
Budget Analyst 2	1.00	0.82	33.52
Business Manager	1.00	3.05	62.81
IT Manager	1.00	1.05	55.24
IT Security Specialist 3	1.00	2.59	48.26
IT Systems Administrator 2	1.00	3.97	46.88
Onboarding and Security Spc	1.00	3.97	25.33
20 MT LAW ENFORCEMENT ACADEMY	1.00	3.11	20.30
21 BOARD OF CRIME CONTROL	2.50	2.20	31.98
Accountant 2	1.00	2.20	29.57
Administrative Specialist 2	0.50	10.00	34.41
Grants Contracts Coordinator 2	1.00	0.36	31.98