

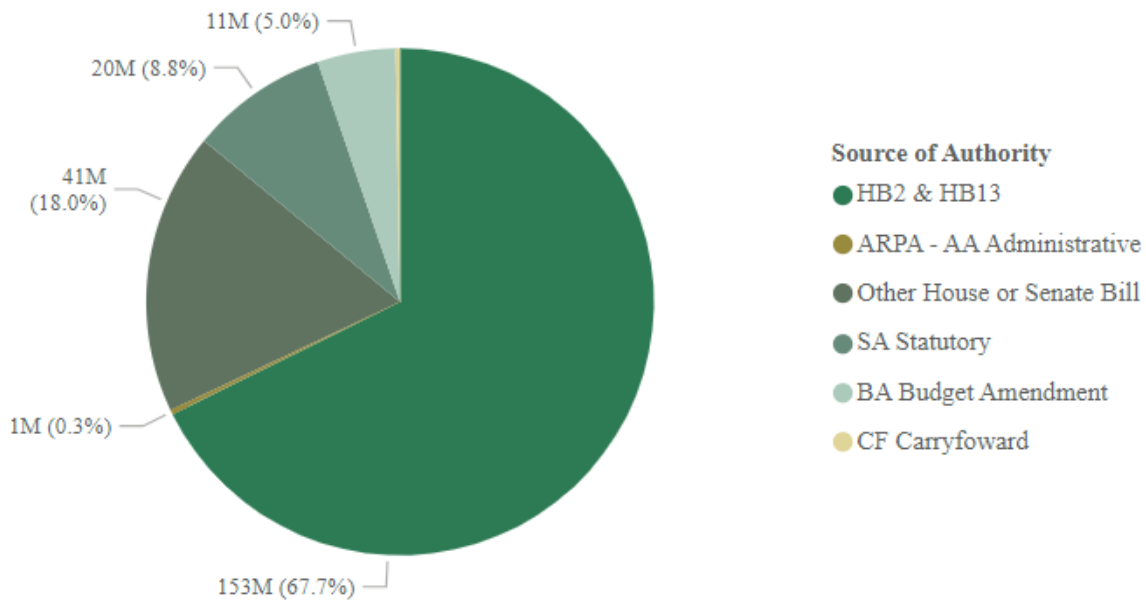
# DEPARTMENT OF JUSTICE

(Spending report December 1, 2023 through February 29, 2024)

## 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 67.7% 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	85,835,831	56.3%
BA Budget Amendment	11,209,305	2,292,399	20.5%
CF Carryforward	632,390		
Other House or Senate Bill	40,540,072	7,836,900	19.3%
SA Statutory	19,799,751	10,948,153	55.3%
ARPA	641,754	209,441	32.6%
<b>Total</b>	<b>225,405,566</b>	<b>107,122,724</b>	<b>47.5%</b>

## Budget Amendments

Through February, the Department of Justice (DOJ) expended nearly \$2.3 million or 20.5% of the \$11.2 million in budget amendment authority. Total authority has been increased by approximately \$3.4 million since the December IBC meeting. The most notable increase in authority comes in the form of \$2.1 million federal special revenue to support the 2023 Montana Sexual Assault Kit Initiative (SAKI) aimed at improving responsiveness and ending rape kit backlogs.

In total, state special revenues comprise 6.4% of BA authority while federal special revenues support the remaining 93.6% of authority. BA funding principally supports the following activities in the DOJ budget:

- State special revenue authority has been 39.9% expended 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 19.7% expended and is primarily used for:
  - Montana SAKI program
  - 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 February, the DOJ has not yet expended any of the \$632,000 in carryforward (CF) authority from FY 2022 appropriations, which was derived from 30.0% of the qualifying unexpended balances from that fiscal year. 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 58.9% and federal special revenue at 33.4%. Remaining authority comes from the general fund and budgeted proprietary funds. All authority exists within operating expenditure categories.

## **Other Bills**

Through February, the DOJ had expended approximately \$7.8 million, or 19.3%, of the \$40.5 million provided to the department through a series of non-HB2 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 HB 10 for the new CARS system designed to replace MERLIN. FY 2024 expenditures through February total almost \$7.8 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. 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 February, 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
- \$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 February

- \$105,081 primarily in 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. The Department has expended \$4,500 through February 2024
- \$30,500 in state special revenue authority from HB 18 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 HB 904 for the department to implement commercial driver's license rulemaking and record checks. Approximately \$6,500 has been expended

### **COVID-19 ARPA Authority**

Through February of FY 2024, the DOJ had expended \$209,000 or 32.6% 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 \$146,700
- \$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 February

### **Statutory Appropriations**

The DOJ expended statutory appropriation (SA) authority of just over \$10.9 million, or 55.3%, of the total \$19.8 million in authority through February 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 \$5.9 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 74.1% expended at \$3.0 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 February, ALS had expended almost \$986,000 or approximately 54.3% 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 December 1, 2023 through February 29, 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	11,082,077	11,082,077	
⊕ 03 MONTANA HIGHWAY PATROL	50,837,695	50,822,695	-15,000
⊕ 04 INA - INFORMATION TECHNOLOGY SYSTEM	0	0	
⊕ 05 DIV OF CRIMINAL INVESTIGATION	20,145,959	17,948,121	-2,197,839
⊕ 07 GAMBLING CONTROL DIVISION	4,576,051	4,576,051	
⊕ 08 FORENSIC SERVICES DIVISION	8,352,410	8,352,410	
⊕ 09 MOTOR VEHICLE DIVISION	23,859,773	23,859,773	0
⊕ 10 CENTRAL SERVICES DIVISION	15,216,151	15,255,218	39,067
⊕ 19 POST COUNCIL	612,546	612,546	
⊕ 20 MT LAW ENFORCEMENT ACADEMY		2,173,772	2,173,772
⊕ 21 BOARD OF CRIME CONTROL	17,899,633	17,899,633	0
<b>Total</b>	<b>152,582,295</b>	<b>152,582,295</b>	<b>0</b>

Expenditure Type	HB 2 Budget	Modified Budget	Net Modifications
⊕ 61000 Personal Services	79,503,987	79,481,940	-22,047
⊕ 62000 Operating Expenses	45,695,510	45,476,407	-219,103
⊕ 63000 Equipment & Intangible Assets	6,304,314	6,304,314	
⊕ 65000 Local Assistance	25,001	25,001	
⊕ 66000 Grants	12,291,895	12,291,895	0
⊕ 67000 Benefits & Claims	803,181	840,269	37,088
⊕ 68000 Transfers-out	3,192,136	3,396,198	204,062
⊕ 69000 Debt Service	4,766,271	4,766,271	0
<b>Total</b>	<b>152,582,295</b>	<b>152,582,295</b>	<b>0</b>

Fund 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	
<b>Total</b>	<b>152,582,295</b>	<b>152,582,295</b>	<b>0</b>

The figures above highlight modifications to the HB 2 budget that have occurred between December 1 and February 29 of FY 2024. During this time frame, the following modifications were made which move authority between accounting levels and agency programs:

- A change which moved \$204,000 in operating expense authority to transfer-out 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 \$29,000 from personal services and operating expenses to benefit and claims. This federal authority is allowed for the payment of victim benefits

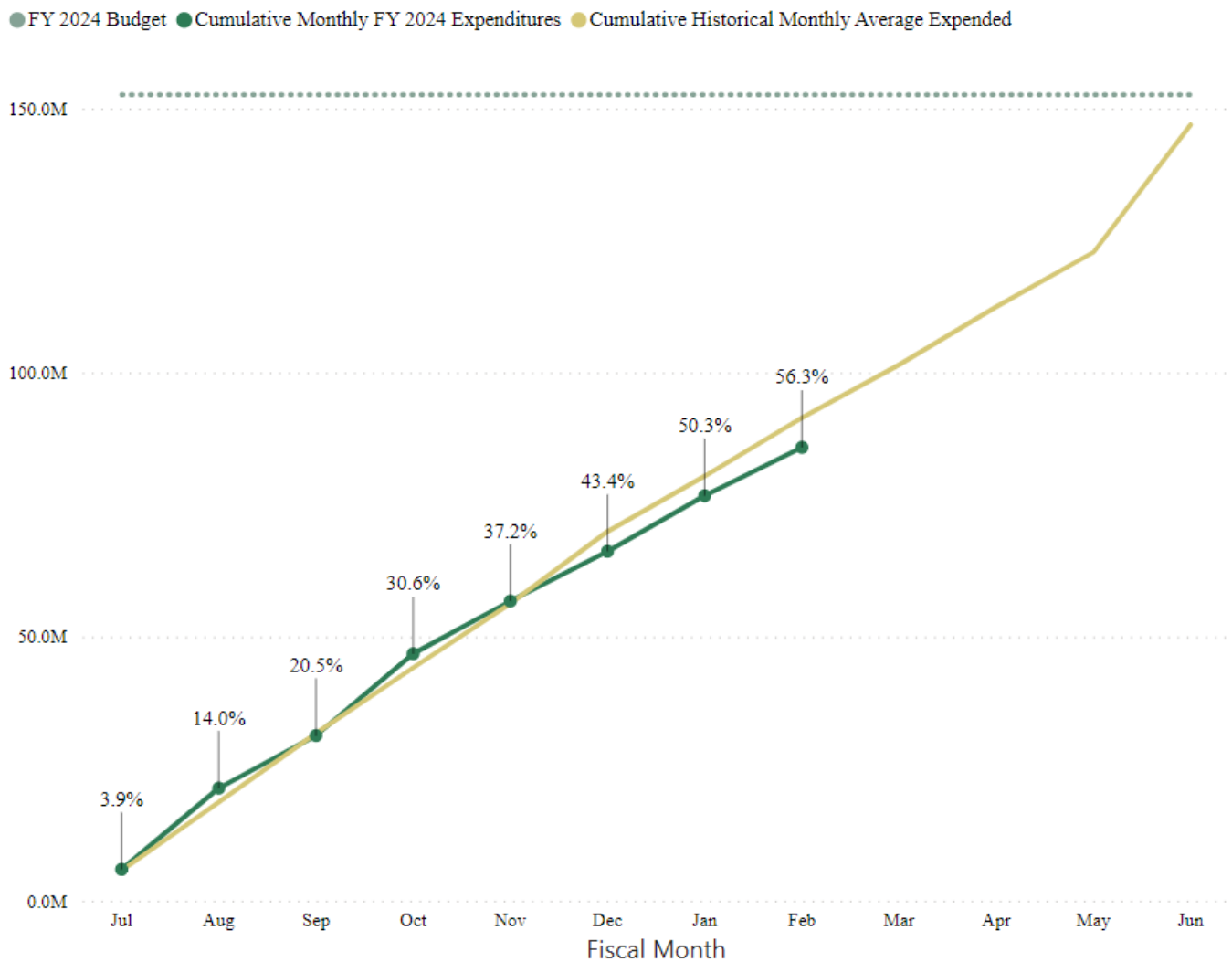
- A change which transferred \$24,000 in personal service funding and 1.00 FTE from the Division of Criminal Investigation to the Central Services Division
- A change which moved \$15,000 in operating expenses from the Montana Highway Patrol to the Central Services Division for recruitment purposes

Additionally, the department has made one additional reorganization since the December meeting. This change removed the Montana Law Enforcement Academy as an entity under the Division of Criminal Investigation and created a new separate program for the academy. Appropriations associated with the reorganization total nearly \$2.2 million, and the functionality of the academy has not been changed.

## HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through February 29, 2024.

### Monthly Expenditures Compared to Historical Average



Program Name	Modified Budget	Expended Budget	% Expended
⊕ 01 LEGAL SERVICES DIVISION	11,082,077	5,748,143	51.9%
⊕ 03 MONTANA HIGHWAY PATROL	50,822,695	30,335,765	59.7%
⊕ 04 INA - INFORMATION TECHNOLOGY SYSTEM	0		
⊕ 05 DIV OF CRIMINAL INVESTIGATION	17,948,121	10,597,828	59.0%
⊕ 07 GAMBLING CONTROL DIVISION	4,576,051	2,380,207	52.0%
⊕ 08 FORENSIC SERVICES DIVISION	8,352,410	4,636,873	55.5%
⊕ 09 MOTOR VEHICLE DIVISION	23,859,773	13,916,885	58.3%
⊕ 10 CENTRAL SERVICES DIVISION	15,255,218	9,057,876	59.4%
⊕ 19 POST COUNCIL	612,546	315,196	51.5%
⊕ 20 MT LAW ENFORCEMENT ACADEMY	2,173,772	1,611,979	74.2%
⊕ 21 BOARD OF CRIME CONTROL	17,899,633	7,235,078	40.4%
<b>Total</b>	<b>152,582,295</b>	<b>85,835,831</b>	<b>56.3%</b>

Expenditure Type	Modified Budget	Expended Budget	% Expended
⊕ Personal Services	79,481,940	50,352,538	63.4%
⊕ Operating Expenses	45,476,407	22,455,273	49.4%
⊕ Equipment & Intangible Assets	6,304,314	3,995,080	63.4%
⊕ Local Assistance	25,001		
⊕ Grants	12,291,895	5,633,473	45.8%
⊕ Benefits & Claims	840,269	430,359	51.2%
⊕ Transfers-out	3,396,198	416,893	12.3%
⊕ Debt Service	4,766,271	2,552,215	53.5%
<b>Total</b>	<b>152,582,295</b>	<b>85,835,831</b>	<b>56.3%</b>

Fund Type	Modified Budget	Expended Budget	% Expended
⊕ 01 General	52,036,300	31,291,560	60.1%
⊕ 02 State/Other Spec Rev	83,532,357	48,576,559	58.2%
⊕ 03 Fed/Other Spec Rev	14,956,780	5,171,352	34.6%
⊕ 06 Enterprise	2,049,893	796,359	38.8%
⊕ 06 Internal Service	6,965		
<b>Total</b>	<b>152,582,295</b>	<b>85,835,831</b>	<b>56.3%</b>

The Department of Justice expended 56.3% of its \$152.6 million HB 2 modified budget through February 29, 2024. Overall, this is slightly lower than the average of the previous five fiscal years of 59.9% but is comparable given the point in the fiscal year.

Personal services and operating expenses are the bulk of HB 2 appropriations in FY 2024 at 52.1% and 30.0% respectively. Corresponding expenditures through February of FY 2024 have been slightly more weighted towards personal services at 58.6% and operating expenses have accounted for an additional 26.2%.

The majority of programs and expenditure accounts are being expended similarly to historical trends, but a few areas exist where expenditures are either higher or lower than anticipated. First, the Board of Crime Control budget is 40.4% 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 as a result.

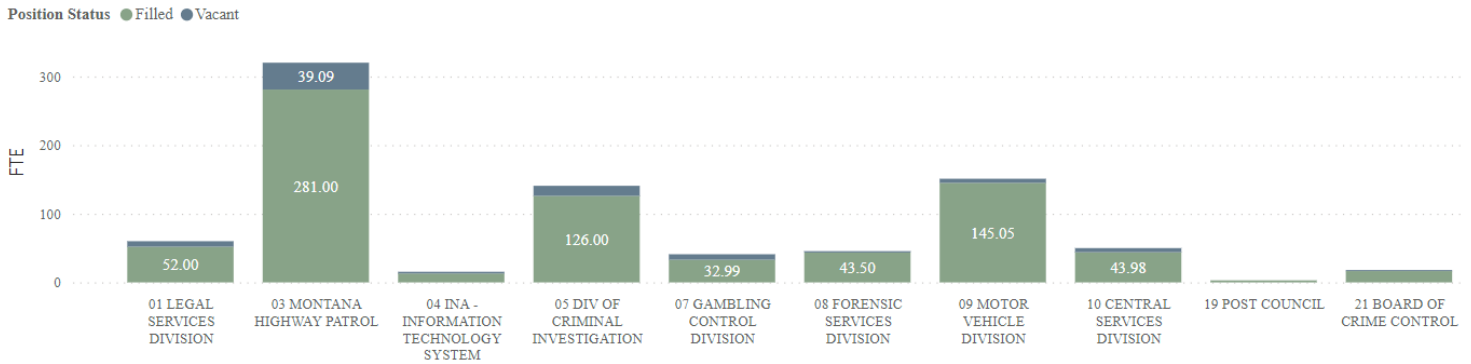
Operating expenses reflect a slightly lower percentage expended due to a number of line-item appropriations related to litigation and camera systems that have not yet been used. These appropriations total \$1.7 million and are described in more detail within the table below. Additionally, \$500,000 of the nearly \$2.6 million in authority for maintenance costs supporting the new CARS system have been expended. The restricted appropriation for litigation that has not been expended also explains lower spending in the Legal Services Division.

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.

<b>Program</b>	<b>Line Item</b>	<b>Line Item Designations</b>	<b>FY 2024 Amount</b>	<b>FY 2024 Expenditures</b>
<b>01 Legal Services Division</b>	<b>Litigation Funding</b>	<b>RST/Biennial/OTO</b>	<b>\$1,000,000</b>	<b>-</b>
The 2023 Legislature provided \$1,000,000 in FY 2024 for constitutional challenges to state laws				
	<b>NRDP Contingency</b>	<b>RST/Biennial/OTO</b>	<b>\$500,000</b>	<b>\$122,990</b>
The 2023 Legislature provided one-time-only general fund for the Natural Resource Damage Program				
	<b>SAO Prosecution Enhancement</b>	<b>RST/OTO</b>	<b>\$117,140</b>	<b>\$25,747</b>
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				
<b>03 Montana Highway Patrol</b>	<b>Equipment</b>	<b>RST/Biennial/OTO</b>	<b>\$400,000</b>	<b>\$400,000</b>
The 2023 Legislature provided one-time-only biennial funding for equipment, including patrol vehicles. This appropriation is restricted for its designated use.				
	<b>MHP Camera System</b>	<b>Biennial</b>	<b>\$700,000</b>	<b>-</b>
The 2023 Legislature provided funding for a new in-car video system				
<b>05 Division of Criminal Investigation</b>	<b>Human Trafficking Agent and Victim's Advocate</b>	<b>RST</b>	<b>\$317,678</b>	<b>\$68,780</b>
The 2023 Legislature provided general fund authority for the addition of one crime investigator and one victims' advocate in the Human Trafficking Unit				
	<b>DCI Enhancements to Combat Crime</b>	<b>RST</b>	<b>\$224,917</b>	<b>\$103,374</b>
The DCI Enhancements to Combat Crime provides two new positions. One is a computer crime investigator, and one is an elder justice criminal investigator				
<b>09 Motor Vehicle Division</b>	<b>FAST Maintenance Costs</b>	<b>RST</b>	<b>\$2,550,000</b>	<b>\$500,000</b>
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				
<b>10 Central Services Division</b>	<b>Firewalls</b>	<b>RST/Biennial/OTO</b>	<b>\$90,000</b>	<b>\$90,000</b>
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				
	<b>Server Replacement</b>	<b>RST/Biennial/OTO</b>	<b>\$2,000,000</b>	<b>\$868,870</b>
The 2023 Legislature provided general fund authority to replace and upgrade servers, which were at the end of their useful life				
<b>21 Board of Crime Control</b>	<b>Authority for Victim Services</b>	<b>OTO</b>	<b>\$2,000,000</b>	<b>\$1,442,404</b>
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 February 12, 2024. Personal service appropriations in HB 2 for FY 2024 total \$79.5 million and are 63.4% expended.



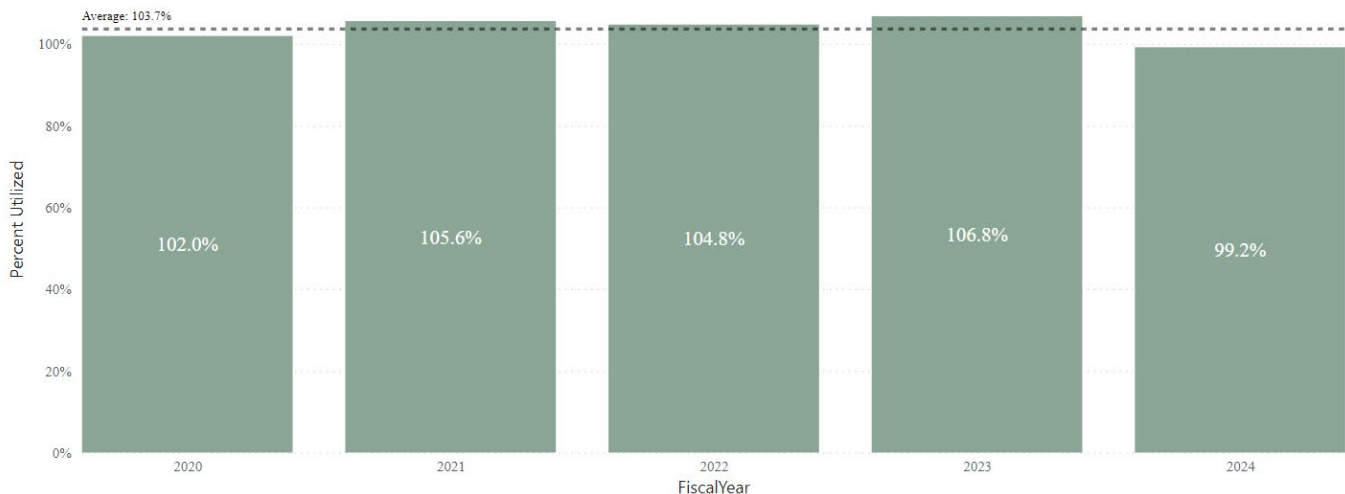
For FY 2024, the DOJ is currently budgeted for 844.85 FTE within HB 2. Of the total FTE, DOJ had 87.84 vacant FTE as of February 12, reflecting a vacancy rate of 10.4%. Compared to the data for the December meeting, this is an increase of 8.00 vacant FTE.

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 53.84 FTE or approximately 61.3% of total agency vacancies. Within the MHP vacancies, 22.09 FTE correspond to Highway Patrol positions, and 10.00 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. Other areas currently experiencing vacancies include:

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

The department has experienced turnover within 96 total positions through February 12 of FY 2024. Of these positions, 63 left state employment, 18 retired, and the remaining 15 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 99.2% of budgeted hours available for the specified time period which is slightly below the average of the five previous fiscal years of 103.7%.

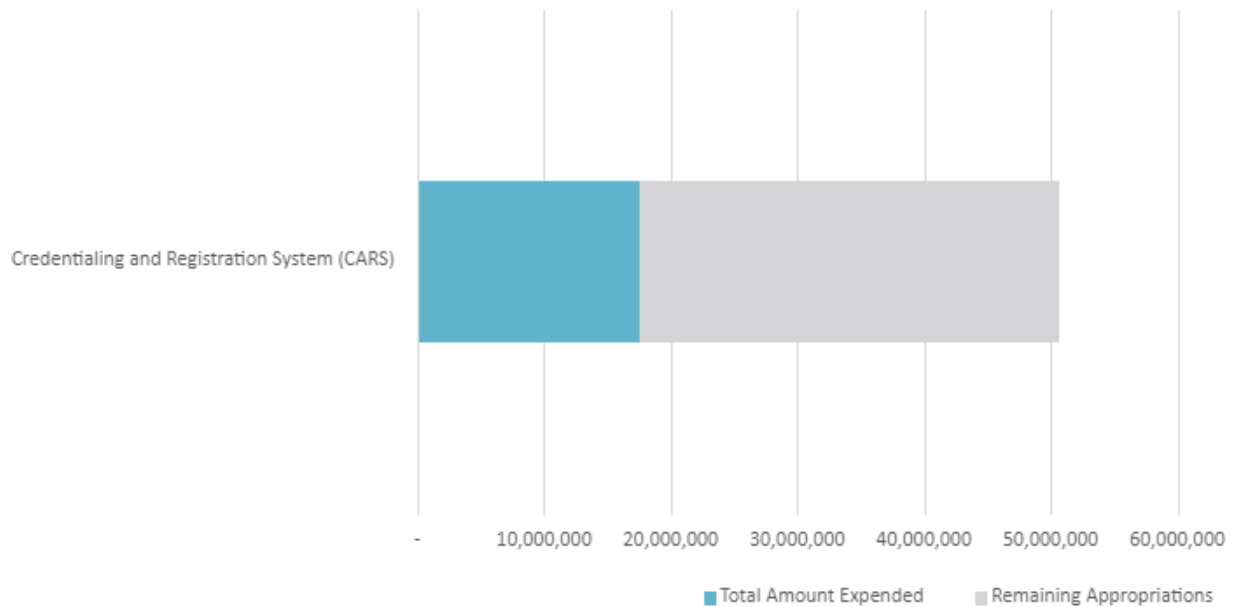




Additionally, the appendix below includes a chart showing the vacant FTE in each division, the number of months each position has been vacant and the midpoint hourly pay rate. The data used to create the vacant positions report below was pulled at a slightly different time than the data used in the above charts, which is why the number of vacant positions differs by 4.00 FTE. As seen in that table, of the 87.84 FTE that were vacant on February 1, 65.09 FTE had been vacant for a period of under 7 months (since the beginning of FY 2024). As can be seen in the table, 5.75 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 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 \$40.0 million
- Expenditures through February FY 2024 related to the project were \$23.8 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)
<b>Department of Justice</b>	<b>83.84</b>	<b>3.87</b>	<b>21.31</b>
<b>01 LEGAL SERVICES DIVISION</b>	<b>7.00</b>	<b>6.62</b>	<b>25.51</b>
Assistant Attorney General	4.00	4.98	55.14
Legal Secretary 1	1.00	6.62	25.51
Personal Staff - EO/Prof	2.00	4.25	
<b>03 MONTANA HIGHWAY PATROL</b>	<b>38.09</b>	<b>3.87</b>	
Custodian 1	1.00	1.54	15.01
Emergency Dispatcher 1	9.00	5.77	21.31
Highway Patrol Lieutenant	1.00	8.03	
Highway Patrol Officer	1.00	5.02	
Highway Patrol Officer 1	22.09	3.41	
Highway Patrol Sergeant	3.00	0.62	
Records Assistant 1	1.00	0.16	19.90
<b>04 INA - INFORMATION TECHNOLOGY SYSTEM</b>	<b>2.50</b>	<b>30.92</b>	<b>49.32</b>
Database Administrator 3	1.00	1.77	49.32
IT Manager	1.00	30.92	55.24
Software Developer 3	0.50	35.05	45.80
<b>05 DIV OF CRIMINAL INVESTIGATION</b>	<b>13.75</b>	<b>5.21</b>	<b>36.55</b>
Accounting Technician 2	1.00	0.16	20.30
Administrative Assistant	0.50	7.05	21.48
Compliance Investigator	1.00	3.84	35.23
Crime Investigator	6.00	7.05	36.55
Intern	0.25	12.98	
IT Systems Support 1	1.00	1.08	25.33
Legal Assistant	1.00	1.44	25.51
Program Manager	1.00	4.07	51.21
Program Specialist 1	1.00	7.05	27.86
Training & Compliance Agent	1.00	0.95	36.55
<b>07 GAMBLING CONTROL DIVISION</b>	<b>8.00</b>	<b>13.25</b>	<b>37.00</b>
Compliance Investigator	2.00	13.02	35.23
Compliance Investigator Superv	1.00	7.97	38.76
Crime Investigator	1.00	30.98	34.52
Law Enforcement Manager	1.00	31.93	47.37
Lawyer	1.00	2.92	55.14
Personal Staff - EO/Prof	1.00	6.13	
Software Developer 3	1.00	20.82	45.80
<b>08 FORENSIC SERVICES DIVISION</b>	<b>2.00</b>	<b>1.43</b>	<b>37.60</b>
Forensic Scientist 2	1.00	0.39	36.55
Forensic Scientist Manager	1.00	2.46	38.64
<b>09 MOTOR VEHICLE DIVISION</b>	<b>6.00</b>	<b>1.07</b>	<b>17.87</b>
Field Support Specialist	2.00	(0.02)	17.28
License Permit Technician 2	3.00	1.11	17.87
Program Specialist	1.00	1.93	36.25
<b>10 CENTRAL SERVICES DIVISION</b>	<b>5.00</b>	<b>1.02</b>	<b>31.02</b>
Human Resources Generalist 3	1.00	2.46	37.50
IT Systems Administrator 2	1.00	1.02	46.88
IT Systems Support 2	1.00	0.10	31.02
Onboarding and Security Spc	1.00	1.02	25.33
Program Specialist 1	1.00	25.64	27.86
<b>21 BOARD OF CRIME CONTROL</b>	<b>1.50</b>	<b>3.57</b>	<b>34.30</b>
Administrative Specialist 2	0.50	7.05	34.41
Business Analyst 2	1.00	0.10	34.19