

# DEPARTMENT OF JUSTICE

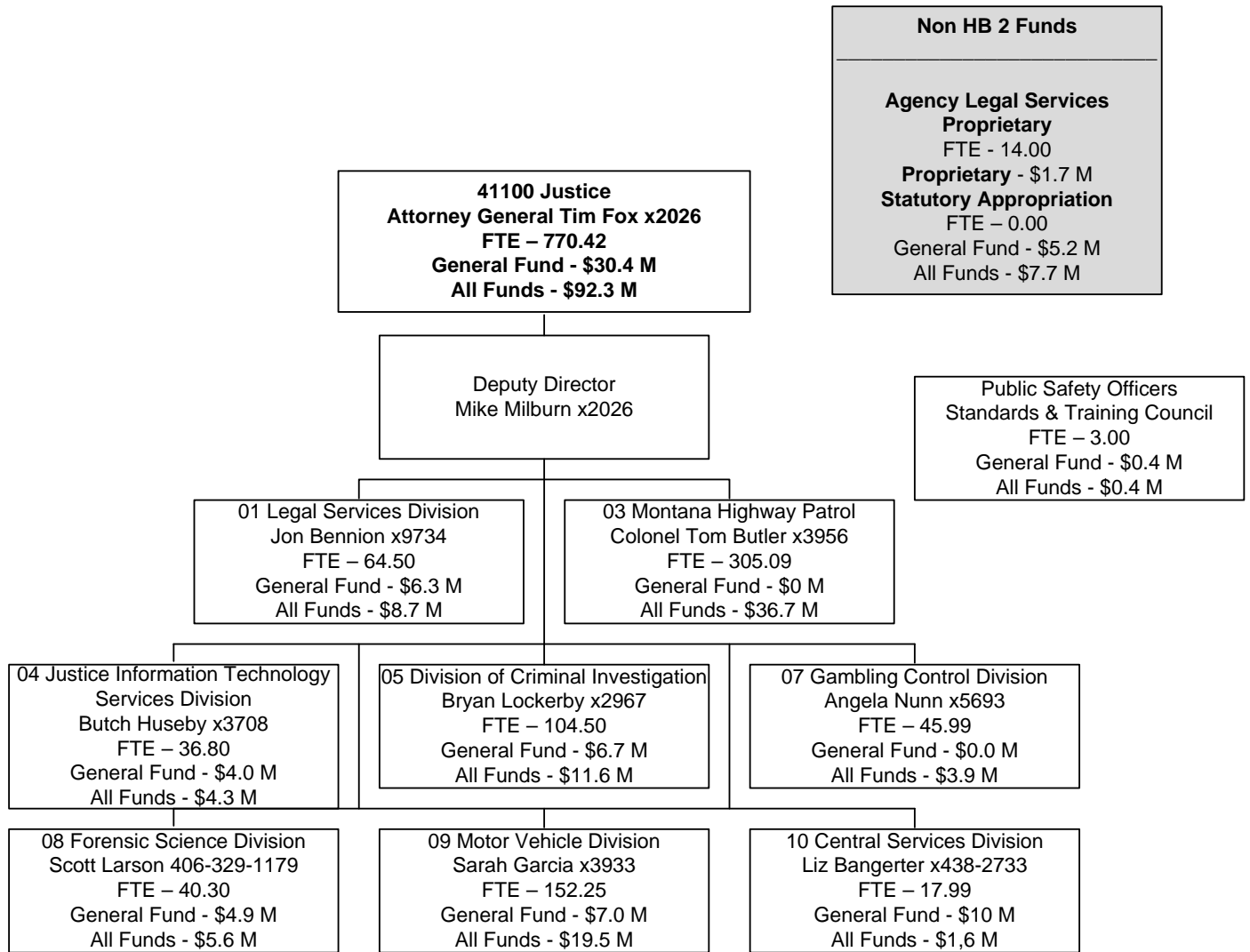
An Agency Profile Prepared by the  
Legislative Fiscal Division

November 2018



# INTRODUCTION

The mission of the Department of Justice (DOJ) is to pursue activities and programs that seek to ensure and promote the public interest, safety, and well-being through leadership, advocacy, education, regulation, and enforcement.



## HOW SERVICES ARE PROVIDED

The Legal Services Division (LSD) provides:

- Legal research and analysis for the Attorney General
- Legal counsel for state government officials, bureaus, and boards
- Legal assistance to local governments and Indian tribes
- Legal assistance, training, and support for county prosecutors
- Assistance to victims of crime, including compensation payments

Within the Legal Services Division are several bureaus and offices including:

- The Prosecution Services Bureau assists local county attorneys by providing training and assisting in the prosecution of complex criminal cases, particularly homicide cases

- The Appellate Services Bureau handles appeals of criminal matters, including death penalty cases, and represents the state in federal court when constitutional challenges are made to a criminal conviction
- The Civil Services Bureau defends the state in constitutional challenges and coordinates appeals of civil cases that involve the state
- The Child Protection Unit handles child abuse and neglect cases around Montana
- The Office of Consumer Protection advocates on behalf of Montana Consumers, investigates consumer complaints and enforces consumer protection laws
- The Office of Victim Services (OVS) works to elevate the status of victims and their rights and responds to the needs of crime victims in Montana

Montana Highway Patrol is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic crashes. The patrol provides 24-hour seven-day-a-week communication and radio dispatch for the highway patrol and other state agencies.

Information Technology Services Division provides a full range of information technology and criminal justice services for the department including system development and maintenance of motor vehicle titling and registration systems, driver license and history system, criminal history record information system and the Sexual and Violent Offender Registry. The Criminal Justice Information Network (CJIN) links law enforcement and criminal justice agencies with information sources at local, state, and national levels.

Division of Criminal Investigation investigates crimes, provides for fire safety inspections, and provides officer training including operation of the Montana Law Enforcement Academy. Investigators conduct criminal investigations of homicide, fraud, robbery, assault, corruption, arson, organized crime, computer crime, dangerous drug activity, and other felony crimes. The division also has specialized criminal investigation units for workers' compensation, public assistance, Medicaid, legislative audit and computer crime fraud.

Gambling Control Division has criminal justice authority and conducts routine field inspections and investigations related to gambling activities. In addition to collecting and distributing licensing fees for gambling machines and activities, the division is responsible for collecting the gambling tax assessed on the net proceeds of gambling activities, and investigative functions relating to alcoholic beverage licensing and tobacco enforcement. An appointed gaming advisory council of nine members provides advisory services to the department.

Forensic Science Division, which includes the state crime lab in Missoula, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis of specimens. The division tests firearms, tool marks, hair, fibers, body fluids, and tissues. The laboratory also analyzes blood and urine samples, and provides the certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

Motor Vehicle Division is responsible for examination and licensure of motor vehicle drivers, maintenance of driver and motor vehicle records, titling and registration of vehicles, inspection and verification of vehicle identification numbers, and licensure and compliance control of motor vehicle dealers and manufacturers.

Central Services Division provides the administrative, personnel, budgetary, accounting, and fiscal support for the department. This division also administers payment of the state contribution toward county attorney costs.

POST (Peace Officers Standards and Training Council) is administratively attached to the Department of Justice and establishes basic and advanced qualifications and training standards for employment of Montana's public safety officers.

## SOURCES OF SPENDING AUTHORITY

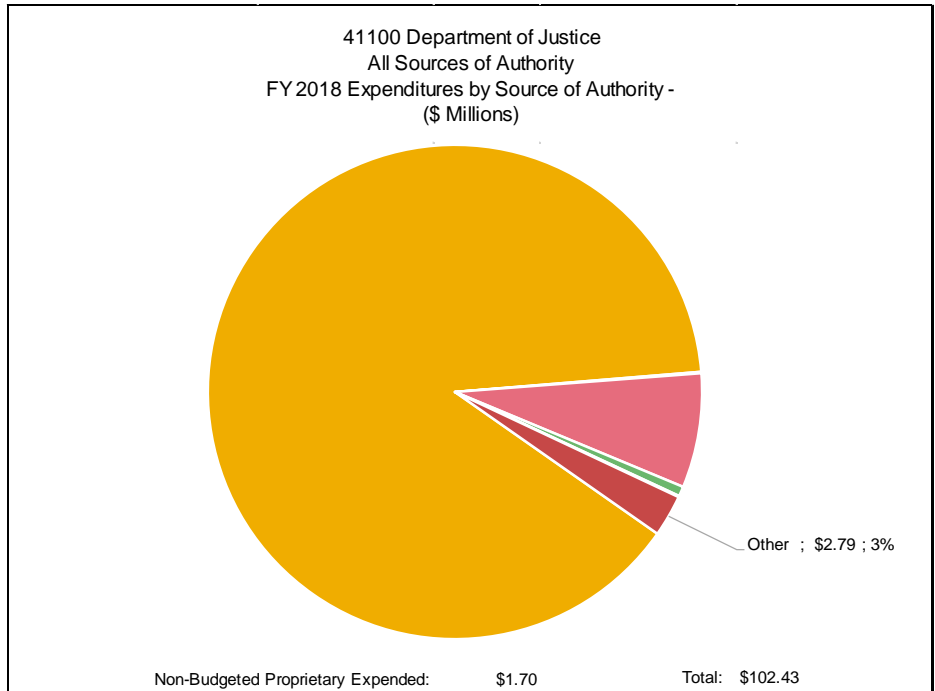
The following chart shows the expenditures by source of authority for the Department of Justice in FY 2018. The majority of the authority came from HB 2. In FY 2018 DOJ expended \$0.1 million in one-time-only state special revenue for county IT efficiencies.

In FY 2018, DOJ expended \$7.7 million in statutory appropriations including:

- County attorney payroll - \$3.5 million
- Montana Highway Patrol (MHP) retirement funds - \$1.7 million
- Local government share of video gambling machine permits - \$1.8 million
- Crime victim restitution - \$0.4 million
- State and federal forfeitures - \$0.2 million

HB 22 provided state special revenue for DOJ to participate in litigation involving any out-of-state utility or regulatory commission that addresses the planning for the future of coal-fired generation facilities, DOJ expended \$80,000 in FY 2018.

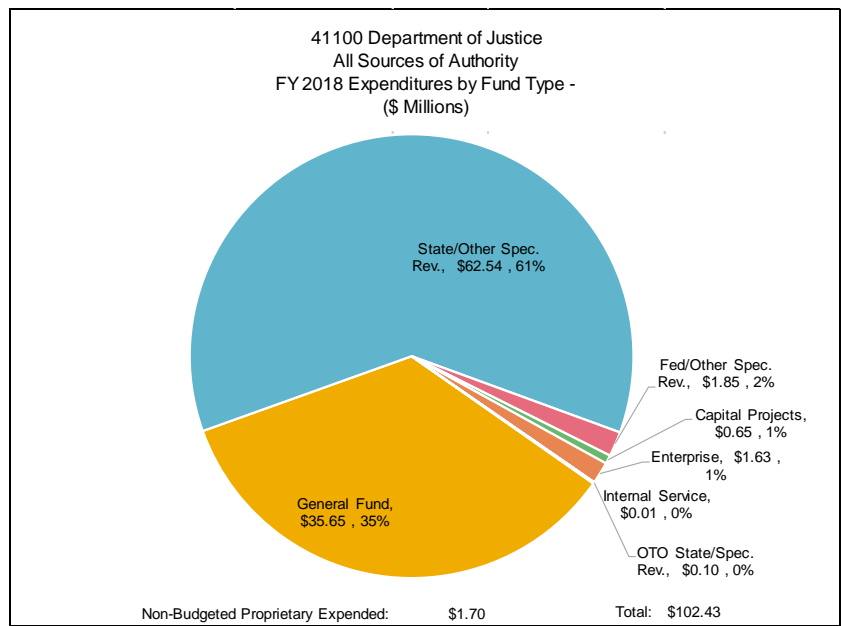
Other expenditures the use of carry forward authority of \$1.6 million, mainly for equipment and operating expenses, and \$0.9 million for budget amendments that were continued from the previous biennium.



Authority	FYE Budget
HB2 & Pay Plan	\$ 91.14
OTO Authority	\$ 0.10
Statutory Appropriation	\$ 7.66
Budget Amendments	\$ 0.66
Other House and Senate Bills	\$ 0.08
Other	\$ 2.79

## FUNDING

The following chart shows how Department of Justice expenditures were funded in FY 2018 from all sources of authority by fund type.

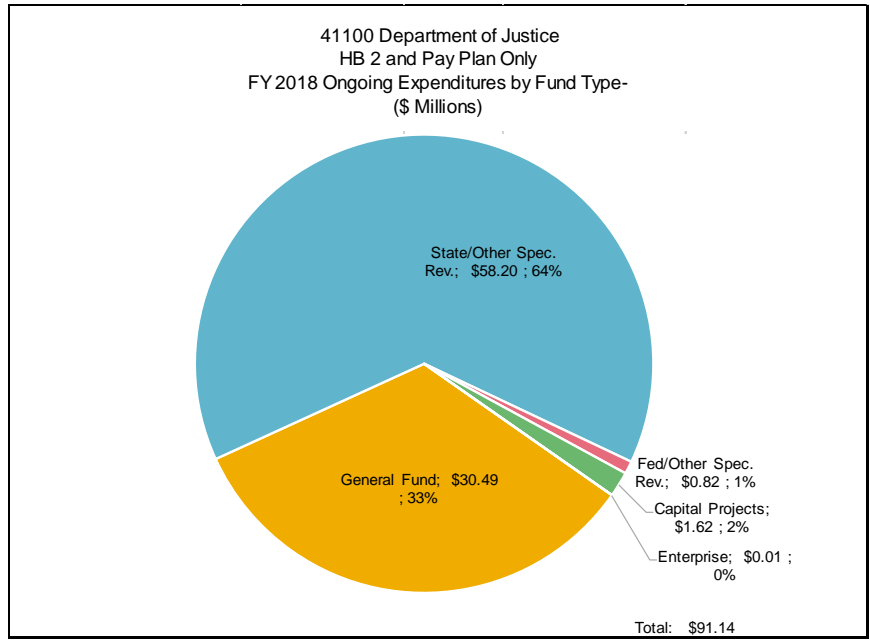


In addition to providing support for programs within the Department of Justice, general fund supports statutory appropriations for MHP retirement and county attorney payroll.

State special revenues include the:

- Montana Highway Patrol administration account that had expenditures of \$28.9 million. Funding for the account is mainly derived from the gas and diesel fuel taxes
- Highway patrol recruitment and retention account that had expenditures of \$8.8 million. A \$10 fee on vehicle registration provides the funding
- Vehicle insurance verification and license plate operating account that had expenditures of \$5.1 million. A fee on vehicle registrations provides the funding
- Gambling license fee account that had \$4.6 million in expenditures. The funding is generated through gambling licensing fees
- Highway non-restricted account. The account, with funding generated through taxes on gas and diesel fuel, had expenditures of \$4.3 million in FY 2018
- Motor vehicle division administration account that had \$2.5 million in expenditures. The funding is derived from a 3.0% administrative assessment on vehicle registration fees
- Criminal justice information network (CJIN) that had expenditures of \$2.1 million. The Attorney General assesses participating county, city, or other law enforcement agencies that connect to CJIN
- Montana Law Enforcement Academy account that had expenditures of \$1.8 million. Statute requires that \$16.50 of the fee for temporary registration permits issued by DOJ be deposited into the account
- Consumer education settlement account, with expenditures of \$1.5 million, is funded through settlements of consumer protection litigation
- Motor vehicle technology system account funded through an administrative fee for filing liens or security interests on vehicle titles or issuing new titles once the lien is satisfied. A portion of the fees provide funding for the state special revenue account with the remainder deposited into the general fund. The Motor Vehicle Division expended \$1.0 million from the account in FY 2018

The following chart shows how Department of Justice expenditures were funded in FY 2018 from HB2 and pay plan by fund type.

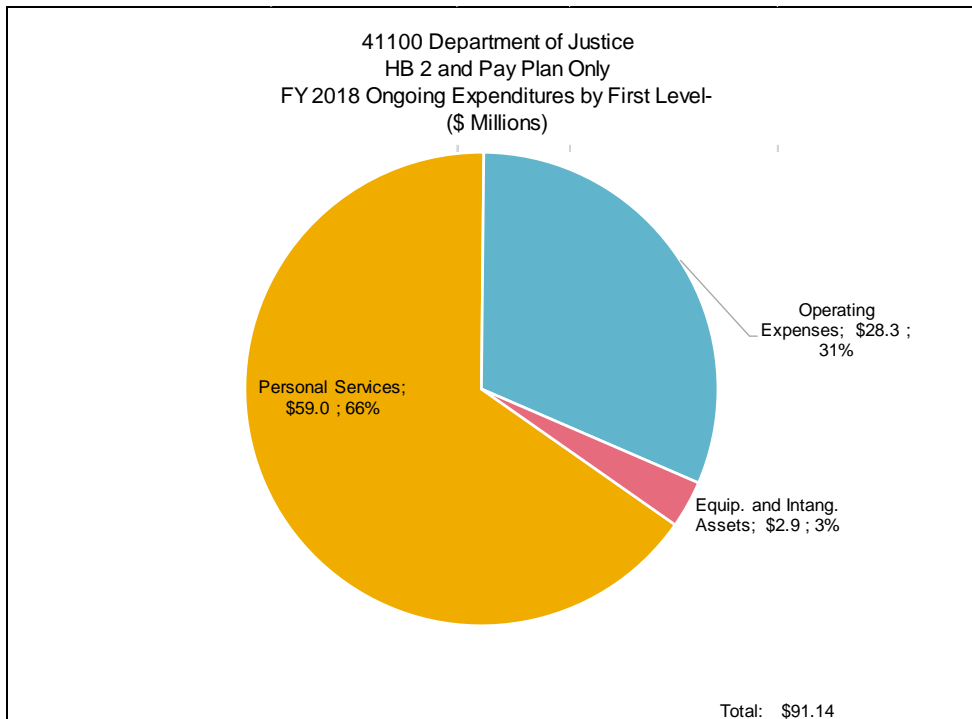


General fund supports the Legal Services Division, Information Technology Services Division, Division of Criminal Investigation, Forensic Services Division, Motor Vehicle Division, Central Services Division, and the Public Safety Officer Standards and Training Program (POST).

State special revenues provide all of the support for the Montana Highway Patrol and the majority of the support for the Gambling Control Division, and the Motor Vehicle Division.

**EXPENDITURES**

The next chart depicts how the HB2 and pay plan authority was spent in FY 2018.



Expenditures for salaries and benefits for the staff working within the Department of Justice make up the majority of the expenditures. Operating expenses associated with computer technology, including operation of CJIN, make up a large portion of the expenditures.

## HOW THE 2019 LEGISLATURE CAN EFFECT CHANGE

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following basic elements that drive costs.

The department's expenditures are largely for personal services and operating costs. Items that impact these costs are most likely to result in significant change. The legislature might also impact expenditure levels through actions that increase or decrease the work to be completed by the department such as statutory changes in motor vehicle registration, drivers licensing, gambling laws, criminal statutes, victim's assistance, or consumer protection laws.

## MAJOR COST DRIVERS

The major Department of Justice cost drivers are shown in the following table.

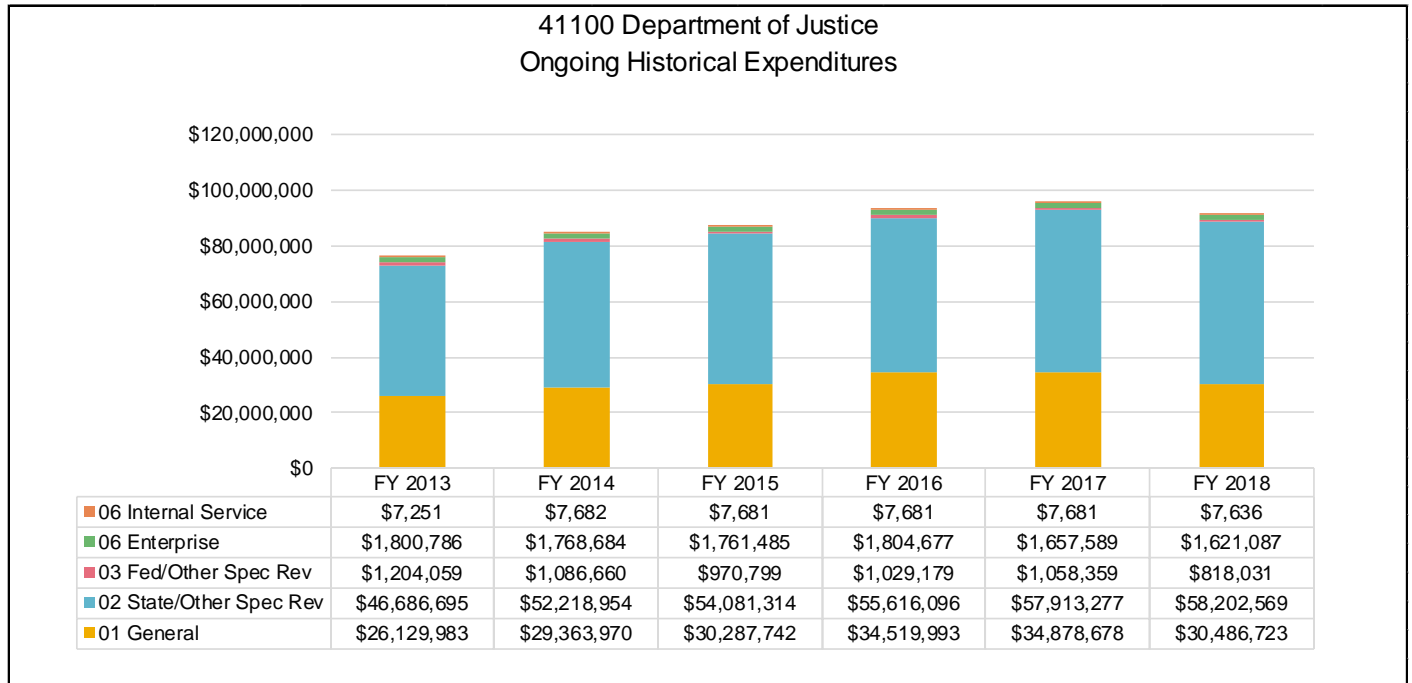
Driver	FY 2008	FY 2018	Significance of Data
Attorney General opinions	3	2	Legal Services Division workload
Crashes reported to (note 1)	10,046	14,067	Montana Highway Patrol workload
Vehicle miles traveled (note 1)	5,542,857	6,029,833	Montana Highway Patrol staff and fuel costs
Civil fingerprint based background checks (note 1)	20,483	35,544	Division of Criminal Investigation workload
Criminal history online public record searches	72,140	140,605	Division of Criminal Investigation workload
Number of cases	5,208	9,125	Forensic Sciences Division workload
New non-commercial drivers licenses issued	41,778	37,378	Motor Vehicle Division workload
Non-commercial drivers license renewals	97,291	87,044	Motor Vehicle Division workload
New commercial drivers licenses issued	9,561	6,541	Motor Vehicle Division workload
Commercial drivers license renewals	1,364	7,071	Motor Vehicle Division workload

\*Note 1- 2008 data integrity not ensured so CY 2009 presented.



# FUNDING/EXPENDITURE HISTORY, AUTHORITY USED TO ESTABLISH THE BUDGET BASE

The following table shows historical changes in the agency's base budget authority. Major growth is in general fund and due primarily to legislative pay plan funding.



## **MAJOR LEGISLATIVE CHANGES IN THE LAST TEN YEARS**

The 2017 Legislature enacted HB 650 to establish several new state special revenue accounts and the established fees to fund the new accounts to support DOJ's programs including the medical examiner account, the motor vehicle division account, the highway patrol administration account, and the court-appointed special advocate account. The bill also increased temporary vehicle registration fees and required the additional fees be deposited into a state special revenue fund to support the Montana Law Enforcement Academy

The 2011 Legislature:

- Enacted SB 361 which allowed video line games in licensed establishments
- Delayed implementation of the vehicle insurance verification system until January 1, 2013 in HB 367
- Changed the driver's license format to include resident address in HB 195

The 2009 Legislature created a requirement for an online vehicle insurance verification system, with an implementation date set for January 10, 2010, in SB 508.

The 2007 Legislature:

- Moved the Peace Officers Standards and Training Council (POST) from the Board of Crime Control to the Department of Justice in SB 273
- Made internet phishing a crime in HB 630
- Added state contributions for 50.0% of county attorney's salaries in HB 12

For more information, please visit the agency website: <https://dojmt.gov/>.