

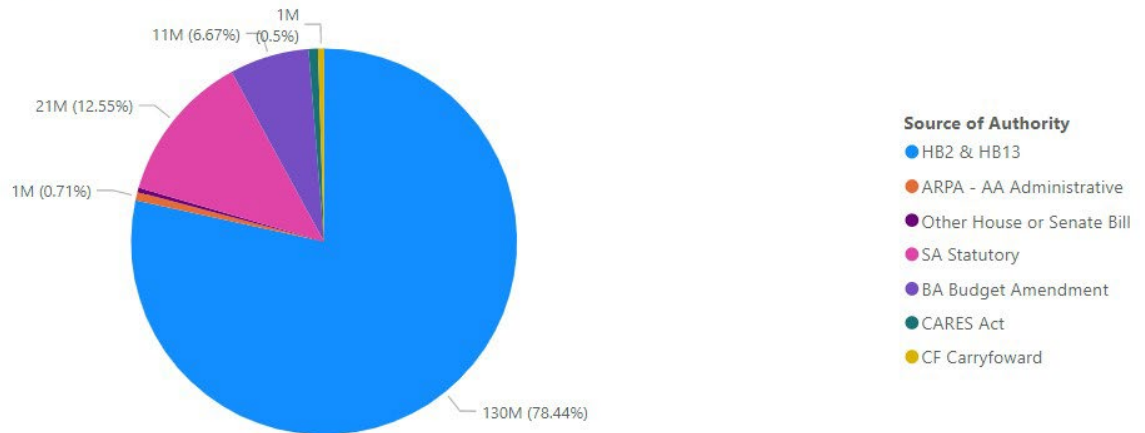
# DEPARTMENT OF JUSTICE

(Spending report July 1, 2021 through February 28, 2022)

## TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the agency is shown in the pie chart below. HB 2 and HB 13 provide 78.4% 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	Percent Expended
HB2 & HB13	129,802,296	73,884,423	56.9%
BA Budget Amendment	11,030,435	1,540,185	14.0%
CF Carryforward	825,415		
Other House or Senate Bill	595,002	284,283	47.8%
SA Statutory	20,771,196	12,744,127	61.4%
CARES	1,295,953	634,115	48.9%
ARPA	1,169,008	4,959	0.4%
<b>Total</b>	<b>165,489,304</b>	<b>89,092,093</b>	<b>53.8%</b>

Report Period

- ☐ Jul
- ☐ Aug
- ☐ Sep
- ☐ Oct
- ☐ Nov
- ☒ Dec
- ☒ Jan
- ☒ Feb
- ☐ Mar
- ☐ Apr
- ☐ May
- ☐ Jun

## Budget Amendments

Through February, the Department of Justice (DOJ) expended \$1.5 million, or 14.0%, of the \$11.0 million in budget amendment (BA) authority. The BA authority is funded 6.7% with state special revenues and 93.3% with federal special revenues. From the total BA authority, \$9.3 million was continued from FY 2021. DOJ BA authority was increased by \$5.4 million of federal funding with the transfer of the Board of Crime Control into the department. The following is a summary of the primary DOJ budget amendment authority and the related expenditures:

- \$5.4 million of federal special revenue authority and \$400,277 of expenditures in the Board of Crime Control. For more information on these budget amendments, see the Board of Crime Control section beginning on page 8 of this report

- \$2.9 million of federal special revenue authority and \$493,052 of expenditures in the Division of Criminal Investigation to address criminal activities related to the manufacture and distribution of methamphetamine, opioids, and prescription drugs. Of these expenditures, 28.2% were related to internet crimes against children
- \$911,795 of federal special revenue authority and \$261,094 of expenditures in the Forensic Services Division for DNA analysis capacity enhancement and backlog reduction. From the total expenditures, 80.8% were related to activities to reduce DNA backlogs in the program
- \$414,869 of state special revenue authority and \$159,628 of expenditures related to the criminal records and identification services (CRIS) system. The system disseminates criminal history records to law enforcement agencies and the public. From total expenditures, 99.9% supported personal services costs for work on the CRIS

## **Carryforward**

DOJ has \$825,415 of carryforward authority in FY 2022, which is derived from 30.0% of the qualifying unexpended balances of FY 2020 and FY 2021 appropriations. The authority is funded with 64.0% state special revenue, 24.0% general fund, 11.8% federal special revenue, and 0.1% enterprise fund. The agency has not expended any of this authority through February.

## **Other Bills**

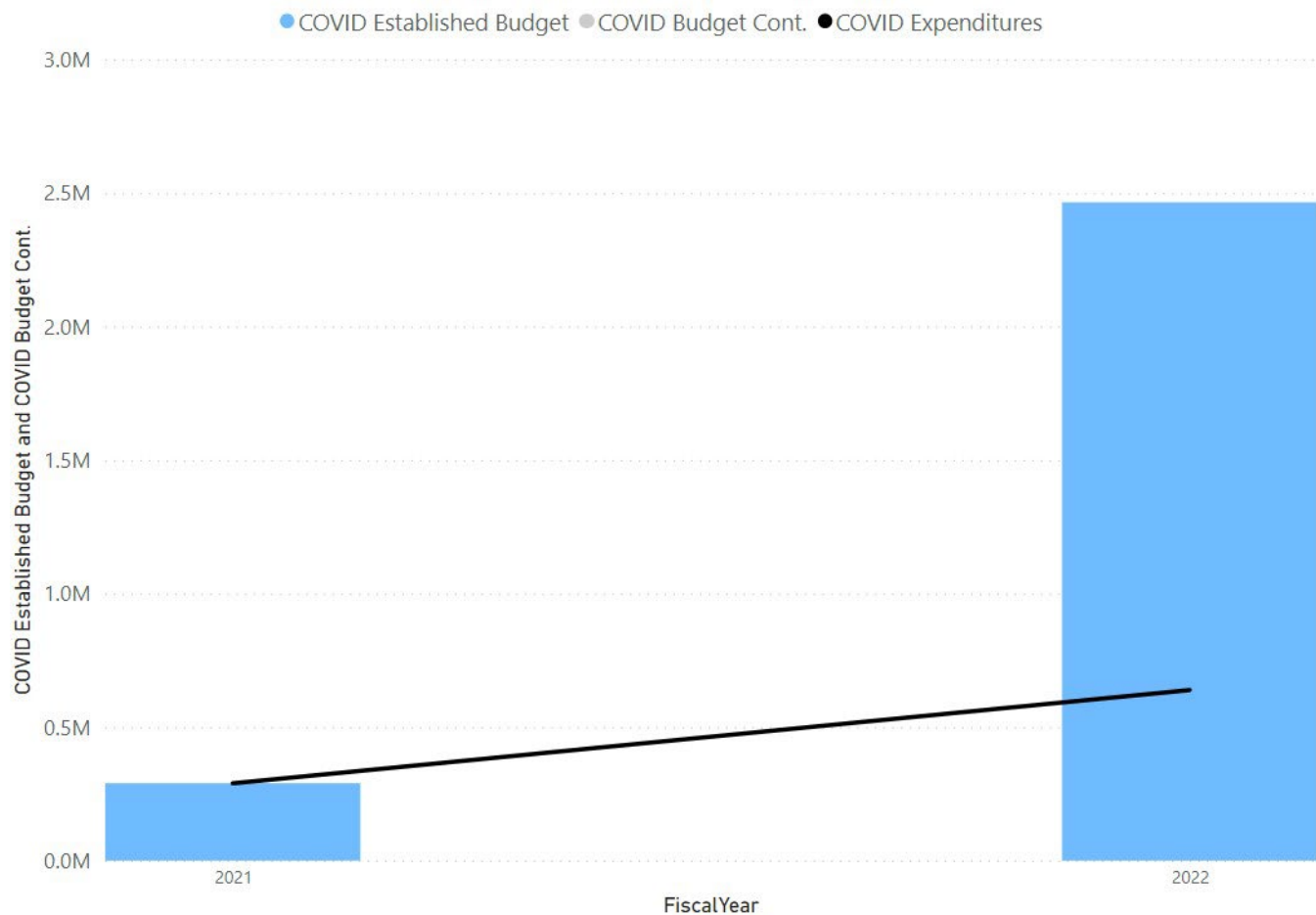
In FY 2022 DOJ has \$595,002 of authority from four non-HB 2 house or senate bills. The total authority is funded with 16.0% general fund and 84.0% state special revenue. Expenditures related to this authority were \$284,283. The detail of the other bills authority and related expenditures include:

- \$450,000 – state special revenue authority from HB 701, generally revise marijuana laws, that includes:
  - \$150,000 – in the Board of Crime Control Division for crisis interdiction team training
  - \$300,000 – in the Central Services Division for grants to train drug sniffing dogs in the K9 program (\$280,000 of expenditures)
- \$50,000 – state special revenue authority for grant funding in the Division of Criminal Investigation from HB 98, extending the termination of the missing indigenous persons task force (no expenditures)
- \$75,000 – general fund authority in the Board of Crime Control Division in HB 696, generally revise crisis intervention training laws, to provide specialized training to help law enforcement officers to recognize and respond to individuals with mental illness or behavioral health problems (no expenditures)
- \$20,000 – general fund authority in the Division of Criminal Investigation from HB 35, establish a missing persons review commission, with \$4,283 of expenditures

### **COVID-19 Authority**

The following chart is provided to allow the legislature to examine the funding that is available to the agency for COVID-19 impacts.

COVID Established Budget, COVID Continuing Budget, and COVID Expenditures by Fiscal Year



In FY 2022, DOJ has appropriations and allocations of COVID-19 funding amounting to \$2.5 million and has expended \$644,034 of the authority. Details of the authority and expenditures through February are as follows:

- \$1.3 million of authority in the Board of Crime Control
  - The authority supports grants for responding to, preparing, or preventing the spread of the Coronavirus
  - \$639,075, or 99.2% of total COVID-19 expenditures were made for this purpose
- \$354,008 of authority in the Legal Services Division
  - The Department of Public Health and Human Services allocated ARPA authority to the Legal Services Division for an elder justice prosecutor to focus on the exploitation of vulnerable adults
  - \$4,959 of COVID-19 expenditures
- \$815,000 of authority in the Division of Criminal Investigation
  - This allocation of ARPA funds address the increase of violent crime in Billings
  - There has not been expenditures from this authority

## **Statutory Appropriations**

DOJ expended statutory appropriation authority of \$12.7 million, or 61.4%, of the total \$20.8 million of authority in FY 2022 on six different statutory appropriations. The primary statutory appropriation budget and spending through February includes:

- \$3.6 million for the state's share of the costs of county attorneys, as required in 7-4-2502, MCA. This appropriation is funded with general fund. Spending was \$2.9 million
- \$13.0 million for the distributions and grants from 9-1-1 fees, as required in 10-4-304, MCA. The appropriations, 75.0% for distributions to local and tribal government entities that host public safety answering points (911 call centers) and 25.0% for grants to private telecommunications providers that host the sites of answering points, was transferred into the DOJ budget in FY 2022. The statutory appropriations are funded with state special revenues. The agency spent \$5.0 million on distributions and \$2.0 million on grants
- \$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 agency expended \$1.6 million of this authority
- \$1.7 million for a transfer to the Highway Patrol retirement account, as required by 19-6-404, MCA. This appropriation is funded with general fund. Spending was \$1.1 million
- \$220,514 for crime victim's compensation, as required in 53-9-113, MCA, which was extended by the 2021 Legislature to be effective through FY 2027. The appropriation is funded with state special revenues derived from the crime victim's compensation account. Spending was \$214,761

## **Non-Budgeted Proprietary Funding**

Not shown in the total authority figure on Page 1, the department has \$1.7 million of non-budgeted proprietary funding in FY 2022 for a single proprietary program, Agency Legal Services (ALS). The program expended \$980,192, or 58.1% of the authority. Expenditures were exclusively related to the legal services within DOJ. From the total expenditures, 89.2% of the costs are in personal services to provide legal, hearing examiner, and investigative services to state agency clients on a contract basis. ALS attorneys and investigators bill clients for their services, case-related, and incidental costs. ALS has 17.00 FTE that are funded from the revenues generated from services.

## 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 through February 28, 2022. 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.

### Legislative Budget Compared to Modified Budget - HB 2 Only

Agency Name	December Modified Budget	March Modified Budget	Net Modifications
<input type="checkbox"/> <b>Department of Justice</b>	<b>129,802,296</b>	<b>129,802,296</b>	<b>0</b>
BOARD OF CRIME CONTROL	15,580,420	15,580,420	0
CENTRAL SERVICES DIVISION	2,887,168	2,887,168	
DIV OF CRIMINAL INVESTIGATION	16,755,643	16,756,284	641
FORENSIC SERVICES DIVISION	7,258,216	7,258,216	
GAMBLING CONTROL DIVISION	4,471,597	4,471,597	
INFORMATION TECHNOLOGY SYSTEM	5,594,781	5,594,781	
LEGAL SERVICES DIVISION	8,480,609	8,479,968	-641
MONTANA HIGHWAY PATROL	46,492,631	46,492,631	
MOTOR VEHICLE DIVISION	22,281,231	22,281,231	0
<b>Total</b>	<b>129,802,296</b>	<b>129,802,296</b>	<b>0</b>

Acct & Lvl 1 DESC	December Modified Budget	March Modified Budget	Net Modifications
<input type="checkbox"/> 61000 Personal Services	71,165,775	71,165,775	
<input type="checkbox"/> 62000 Operating Expenses	39,019,220	39,029,220	10,000
<input type="checkbox"/> 63000 Equipment & Intangible Assets	4,613,234	4,613,234	
<input type="checkbox"/> 65000 Local Assistance	25,000	25,000	
<input type="checkbox"/> 66000 Grants	10,072,272	10,057,272	-15,000
<input type="checkbox"/> 67000 Benefits & Claims	774,048	774,048	
<input type="checkbox"/> 68000 Transfers-out	3,132,136	3,137,136	5,000
<input type="checkbox"/> 69000 Debt Service	1,000,611	1,000,611	

Fund Type	December Modified Budget	March Modified Budget	Net Modifications
<input type="checkbox"/> 01 General	33,906,924	33,906,924	
<input type="checkbox"/> 02 State/Other Spec Rev	79,114,862	79,114,862	0
<input type="checkbox"/> 03 Fed/Other Spec Rev	14,838,362	14,838,362	0
<input type="checkbox"/> 06 Enterprise	1,935,170	1,935,170	
<input type="checkbox"/> 06 Internal Service	6,978	6,978	

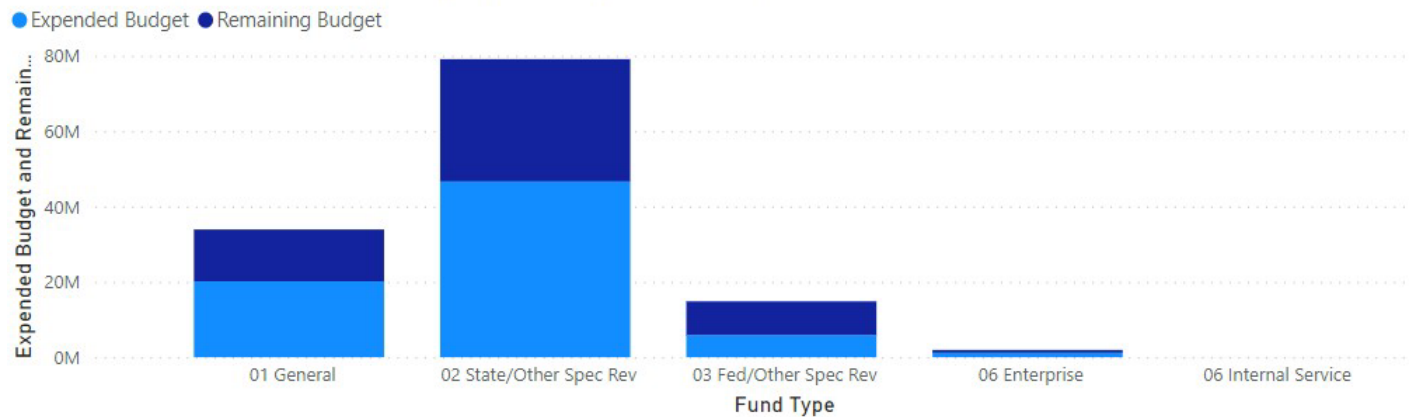
The figure above highlights modifications to the HB 2 budget that have occurred between December 2021 and February 2022. These modifications are then added to the modified budget presented at the December Interim Budget Committee (IBC) meeting. Between December and February, DOJ made the following modifications to the HB 2 budget:

- \$641 of federal special revenue funded operating expenses authority from the Legal Services Division to the Division of Criminal Investigation to correct a budget allocation of Medicaid funds that could only be used in that program
- \$15,000 of federal special revenue funded grant authority in the Board of Crime Control Division was reallocated to operating expenses and transfers-out to provide a payment on a memorandum-of-understanding with the DOJ

## HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through February 28, 2022.

Expended Budget and Remaining Budget by Fund Type - HB 2 Only



acclv1_descr	Modified Budget	Expended Budget	Percent Expended
Personal Services	71,165,775	43,569,214	61.2%
Operating Expenses	39,029,220	20,935,804	53.6%
Equipment & Intangible Assets	4,613,234	3,084,104	66.9%
Local Assistance	25,000	23,674	94.7%
Grants	10,057,272	4,832,590	48.1%
Benefits & Claims	774,048	342,305	44.2%
Transfers-out	3,137,136	413,798	13.2%
Debt Service	1,000,611	682,934	68.3%

Program Name	Modified Budget	Expended Budget	Percent Expended
BOARD OF CRIME CONTROL	15,580,420	6,419,071	41.2%
CENTRAL SERVICES DIVISION	2,887,168	1,858,733	64.4%
DIV OF CRIMINAL INVESTIGATION	16,756,284	10,304,414	61.5%
FORENSIC SERVICES DIVISION	7,258,216	4,000,500	55.1%
GAMBLING CONTROL DIVISION	4,471,597	2,327,362	52.0%
INFORMATION TECHNOLOGY SYSTEM	5,594,781	2,955,795	52.8%
LEGAL SERVICES DIVISION	8,479,968	5,160,150	60.9%
MONTANA HIGHWAY PATROL	46,492,631	28,782,245	61.9%
MOTOR VEHICLE DIVISION	22,281,231	12,076,151	54.2%
<b>Total</b>	<b>129,802,296</b>	<b>73,884,423</b>	<b>56.9%</b>

Through February, DOJ expended \$73.9 million, or 56.9%, of the modified HB 2 budget for FY 2022. The figure at the top of this page explains the HB 2 funding. The DOJ HB 2 budget is funded with 26.1% general fund, 61.0% state special revenue, 11.4% federal special revenue, and 1.5% proprietary (enterprise) funds. The spending was funded with 63.2% state special revenue and 27.3% general fund. In the FY 2022 budget, federal special revenues increased with the transfer of Board of Crime Control (Board) to the DOJ.

Expenditures through February were 56.9% of the modified budget, lower than the five-year annual average of 59.3% of the budget, and lower than expenditures in the same period of FY 2021, 62.7%. The low rate of spending in the Board of Crime Control, at 41.2%, is one of the reasons that total spending is lower than the historic averages. Another change from the historic averages occurs in the personal services where the historic comparison is 63.9% to the FY 2022 proportion of 61.2%.



Spending in the department has been weighted to personal services, accounting for 59.0% of total HB 2 expenditures. The Montana Highway Patrol Division (MHP) records the highest level of personal services, with a budget of \$30.3 million (42.6% of total DOJ personal services) and expenditures of \$18.1 million (41.6% of personal services costs). The MHP expended 59.8% of the personal services budget, which compares to a five-year average of 62.1% and is lower than the costs in FY 2021, 62.7%. The reduced personal services spending in MHP is partially explained by 25.00 FTE vacancies as measured on February 1, 2022. According to DOJ, vacancies of MHP officers is expected to be reduced following the law enforcement training scheduled in April. For more information see the Personal Services Section of this report.

The 2021 version of HB 2 contained a line item of \$62,500 each fiscal year in the 2023 biennium providing the Forensic Science Division with funding to outsource sexual assault kit testing. There have been no expenditures associated with this appropriation, and DOJ is waiting for the vendor to be approved/certified to test Montana specific DNA. DOJ anticipates having the appropriation committed by fiscal year-end.

## Personal Services

The following chart shows the filled and vacant FTE within the agency as of February 1, 2022.



In FY 2022, the DOJ is budgeted for 819.56 FTE, an increase of 27.40 FTE over the budgeted FTE in FY 2021. The increase in the number of FTE occurred with the transfer of 17.50 FTE in the Board of Crime Control from the Department of Corrections. Of the total FTE, DOJ had 75.67 positions vacant as of February 1, for a point-in-time vacancy rate of 9.2%.

According to the State Human Resources data, 25.00 FTE or 33.0% of the agency's vacancies were in the Montana Highway Patrol Division. The vacancies within the Montana Highway Patrol Division equal 8.0% of the budgeted staff. The position type most impacted by vacancies is the highway patrol officer 1, where there were 13.00 vacant FTE positions, or 6.7% of the vacancies. As mentioned above, DOJ expects to reduce vacancies in highway patrol officers after the training in April. In the 2021 session, the legislature provided highway patrol officers with a 4.6% salary increase, as based on a new salary survey, which started in FY 2022. Currently, the salary increases are being negotiated with the union. DOJ mentions that they also have higher than usual vacancies in the dispatch center.

## Next Steps for Personal Services Reporting

In upcoming Quarterly Financial Reports, the LFD will begin the process of a more comprehensive look at personal services. The LFD will compare two executive “snapshots” -- July 2020 and July 2022. The analysis will identify adjustments adopted by the legislature in 2021 and modifications made by the agencies, within the confines of budget law.

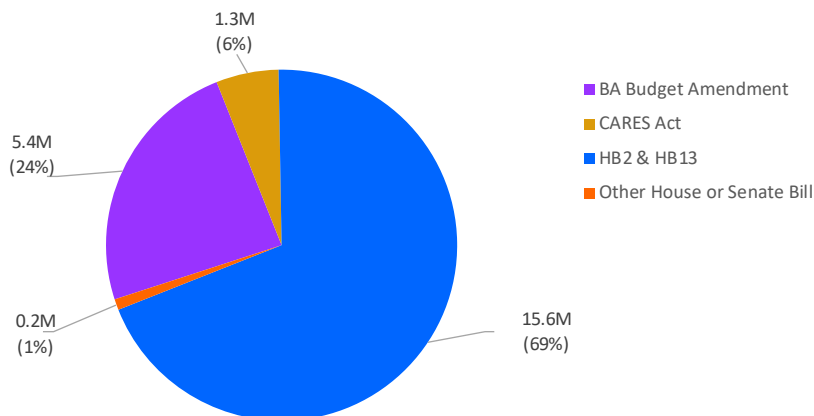
The September Quarterly Financial Report will provide the complete comparison from July 2020 to July 2022. Ultimately, the analysis will result in a description of all the components that will be part of the executive’s decision package one (DP 1) 2025 biennium budget request. This work will prepare legislators for budget deliberations in the 2023 session. For a review of how DP 1 works and snapshot components, please read this [short brochure](#) from 2019.

## Board of Crime Control – Program Highlight

For purposes of budgeting, the Board of Crime Control (BOCC) is included as a program in the DOJ budget. However, BOCC is an autonomous entity in programmatic management. This section, a subset of the data provided in the DOJ report, will focus on the BOCC total and HB 2 budgets.

### Total Appropriation Authority

The figure below provides the total BOCC budget and expenditures between July 1, 2021 and February 28, 2022. As shown in the figure below, HB 2 authority makes up 69.3% of the total budget authority. Note: components of the BOCC budget are also included in the headings associated with the DOJ budget.



Source of Authority	Modified Budget	Expended Budget	Percent Expended
BA Budget Amendment	5,390,698	400,277	7.4%
CARES Act	1,295,953	634,115	48.9%
HB2 & HB13	15,580,420	6,419,071	41.2%
Other House or Senate Bill	225,000	0	0.0%
<b>Grand Total</b>	<b>22,492,071</b>	<b>7,453,463</b>	<b>33.1%</b>

The authority in BOCC makes up 13.6% of the total DOJ authority. Through a combination of HB 2, budget amendments, and COVID-19 funding the BOCC budget makes up 72.6% of the federal special revenue funding in DOJ.



The BOCC budget was included in the Department of Corrections (DOC) in the 2021 biennium. Prior to that, BOCC had a stand-alone budget for a number of biennia.

### Budget Amendments

Budget amendments (BA) in BOCC are \$5.4 million and make up 48.9% of the BA authority in DOJ. The BA's are funded exclusively with federal special revenue. Through February, BOCC expended \$400,277 of the total authority to develop effective responses in crimes against women, children, and the elderly and the provision of grants to victims of crime. From the expenditures, 42.5% of the spending was in the form of transfers to communities across the state to the processing of sexual assault cases.

### Cares Act

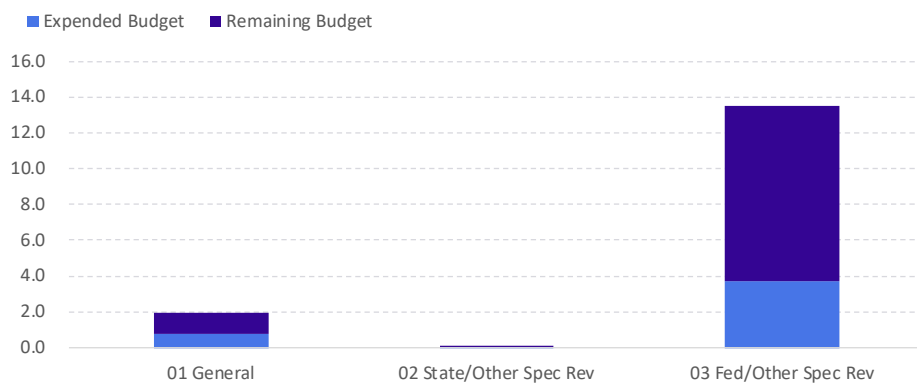
While not explicitly shown in the COVID-19 Authority figure on page 3, BOCC was directly provided CARES Act budget authority, of which \$1.3 million was continued from FY 2021. Through February, the full amount of expenditures shown in figures above as CARES Act authority, \$634,115 was expended through BOCC and 97.3% of the expenditures were distributed as grants to city, county, and tribal detention facilities or jails to prevent, prepare for, and respond to coronavirus.

### Other Bills

BOCC has \$225,000 of authority within its budget that came through HB 701 and HB 696. Through February, there have been no expenditures from these sources of authority. For more information, see the Other Bills section of this report.

### HB 2 Appropriation Authority

**Expended Budget and Remaining Budget by Fund Type - HB 2 Only**



AccLv1	Modified Budget	Expended Budget	Percent Expended
61000 Personal Services	1,679,981	962,379	57.3%
62000 Operating Expenses	1,059,441	221,664	20.9%
63000 Equipment & Intang	12,909	0	0.0%
66000 Grants	9,937,272	4,832,525	48.6%
68000 Transfers-out	2,890,817	402,503	13.9%
<b>Total</b>	<b>15,580,420</b>	<b>6,419,071</b>	<b>41.2%</b>

The BOCC HB 2 budget of \$15.6 million is equivalent to 12.0% of the DOJ HB 2 budget and is funded with 12.5% general fund, 0.8% state special revenue, and 86.7% federal special revenue.

For a number of years, up to FY 2017, BOCC was budgeted as a stand-alone agency. This entity is used to provide a historic analysis of spending, with FY 2013 through FY 2017 considered. Through February the spending in BOCC, at 41.2% of the modified HB 2 budget, is higher than the historic average of 36.0%. Historically the BOCC has expended an average of 55.6% of the HB 2 budget authority in a full year. One area where FY 2022 spending is reduced from the historic average is in operating expenses, where spending averaged 39.3% of the budget. The driver of the higher level of expenditures is in grants where the historic average is 38.4%.

#### Personal Services

In FY 2022, the BOCC is budgeted for 17.50 FTE. On February 1, the program had 0.50 vacant FTE positions. The vacant position is described as a grants contracts coordinator and the position has been vacant 142 days.