



# GOVERNOR'S OFFICE – COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE  
STAFF: STEVEN ALLRED

BUDGET BRIEF

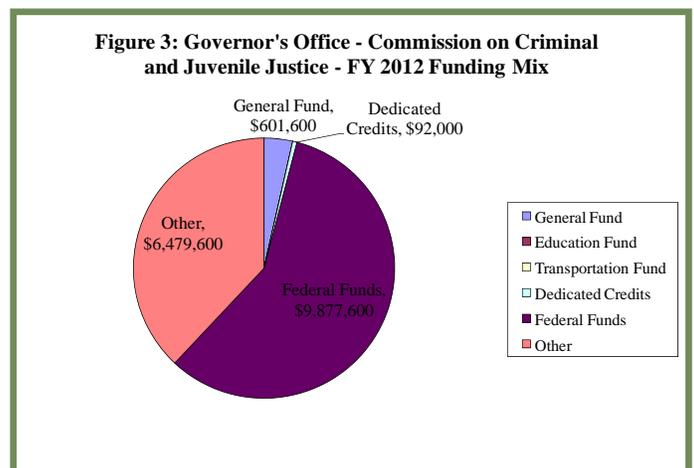
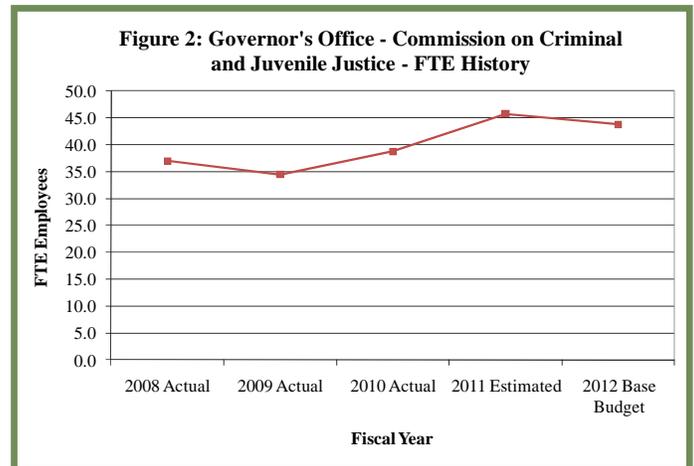
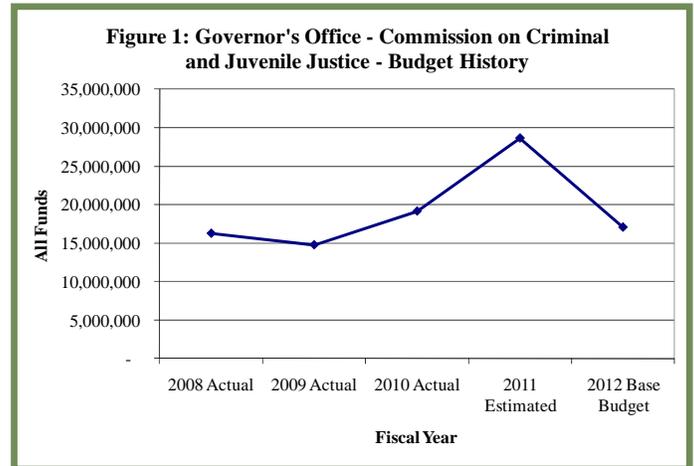
## SUMMARY

The Commission on Criminal and Juvenile Justice (CCJJ) reports directly to the Governor. Established in 1983, the commission's statutory purpose is to:

- promote broad philosophical agreement concerning the objectives of the criminal justice, juvenile justice, and substance abuse systems in Utah;
- provide a mechanism for coordinating the functions of the various branches and levels of government concerned with criminal and juvenile justice to achieve those objectives;
- coordinate statewide efforts to reduce crime and victimization in Utah; and
- accomplish other duties stated in law.

The CCJJ line item consists of nine programs. They are:

1. CCJJ Commission – manages state and federal criminal and juvenile justice grant programs and provides analysis, accountability recommendations, and supervision of criminal justice grant monies. Provides an annual criminal justice plan. Total FY 2011 appropriation is \$16.4 million, of which \$5.6 is from federal ARRA funds, \$7.1 million from other federal funds, and \$93,500 from the General Fund.
2. Crime Victim Reparations - provides financial assistance to victims of violent crime, including short-term assistance with needs such as medical bills, mental health counseling, funeral and burial in homicide cases, and relocation. Total FY 2011 appropriation is \$7.8 million, of which \$1.1 million is from federal ARRA funds, \$5 million from other federal funds, and \$1.6 million from a surcharge on criminal fines.
3. Extraditions – pays the travel-related costs of prisoner extraditions from other states and countries to Utah. Total FY 2011 appropriation is \$314,200, of which \$278,200 is a surcharge on criminal fines and \$36,000 is Dedicated Credits collected from restitution from extradited offenders.



4. Substance Abuse Advisory Council (USAVE) - the council provides leadership and promotes collaboration for Utah's efforts to address issues related to drugs. Total FY 2011 appropriation is \$129,300, all from a surcharge on criminal fines.
5. Sentencing Commission - establishes sentencing and release guidelines and recommends sentencing and release policy for both juvenile and adult offenders. Total FY 2011 appropriation is \$132,300, all from a surcharge on criminal fines.
6. Gang Reduction Grant - gives funding emphasis to reducing gang related crime through community programs. Total FY 2011 appropriation is \$211,600, all from a surcharge on criminal fines.
7. Crime Reduction Assistance Program – uses funds from liquidated assets seized as a result of illegal activities to assist state and local government units in carrying out specific projects that offer a high probability of reducing illegal narcotics and prescription drug abuse. Total FY 2011 appropriation is \$500,000, all from the General Fund Restricted – Criminal Forfeiture Restricted Account.
8. Sexual Exploitation of Children – provides grants to approved education programs to prevent the sexual exploitation of children. Total FY 2011 appropriation was \$210,200, all from the General Fund.
9. Judicial Performance Evaluation Commission (JPEC) – collects and analyzes data on the performance of all city, county and state judges in Utah. JPEC uses this information to prepare reports on the performance of judges standing for retention election. Total FY 2011 appropriation is \$343,200, all from the General Fund.

**ISSUES AND RECOMMENDATIONS**

***Federal Stimulus (ARRA) Appropriation***

The Legislature has maintained tight control on appropriations from federal American Recovery and Reinvestment Act (ARRA) funds. Every agency that received an ARRA appropriation has received intent language requiring that any ARRA funds spent above the appropriated amount would reduce the agency's General Fund appropriation by the same amount.

CCJJ expects to have resources from two ARRA grant programs in FY 2012. They are:

10. The 2009 JAG – ARRA grant program, established to help maintain criminal justice services and jobs that would have been lost due to budget cuts. CCJJ has requested \$1,538,500 for FY 2012.
11. The 2009 VAWA – ARRA grant, established to assist agencies to maintain services and jobs that would have been lost due to budget cuts. All funded projects assist the criminal justice system in enhancing the response to crimes against women. CCJJ has requested \$160,000 for FY 2012.

See Issue Brief entitled, “Elected Offices – Federal Funds” for more detail.

***Restricted Funds***

The Analyst recommends four appropriations increases from restricted funds.

1. *State Asset Forfeiture Grant Program.* Since 2004 state law has required law enforcement agencies to deposit all cash from forfeitures in the Criminal Forfeiture Restricted Account. CCJJ is required to grant these funds for drug enforcement, treatment, and education projects. Each year CCJJ tries to award all available funds to drug task forces, local narcotics enforcement, and drug courts. However, restricted funds require an appropriation before they can be spent. In recent years, deposits have grown, exceeding CCJJ's annual appropriation of \$500,000. The Analyst recommends a supplemental

appropriation of \$320,000 in FY 2011, and an ongoing appropriation increase of \$250,000 in FY 2012, from the Criminal Forfeiture Restricted Account.

2. *Extradition Funding.* The Extraditions Program is primarily funded from the Crime Victim Reparations Fund (\$278,200) and Dedicated Credits (\$36,000 collected from restitution from extradited offenders). Travel costs have risen beyond available resources. In FY 2009 and FY 2010 the agency used nonlapsing balances from elsewhere in the line item to fund the excess. The agency has requested an ongoing appropriation increase of \$60,000 in FY 2012. The Analyst recommends the Legislature approve an ongoing appropriation increase of \$60,000 from the Crime Victim Reparations Fund in FY 2012.

3. *Reparations Officer.* The victim compensation program assists innocent victims of violent crimes with specific out of pocket crime-related expenses such as funeral/burial, medical, and counseling. The last reparations officer increase occurred in FY 2003 when CVR received 6,353 applicants. In the last two years, CVR received an average of 7,380 applicants per year. If the trend continues, CVR will receive almost 7,700 applicants in FY 2012. CVR has absorbed the workload through a federal grant to train volunteers to help, and shifting workload. This has helped, but in the last two years the workload has increased to where processing times have nearly doubled. Each Reparations Officer carries caseloads of 2,000 to over 3,000. The agency has requested an ongoing appropriation increase of \$63,700 in FY 2012. The Analyst recommends the Legislature approve an ongoing appropriation increase of \$63,700 from the Crime Victim Reparations Fund in FY 2012.

4. *Restitution Recovery Unit.* The Office of Crime Victim Reparations is requesting authorization to create a 2 FTE unit within the office to monitor, enforce, and collect restitution from convicted criminals for reparations paid to their victims. Presently CVR does not have the resources to identify, monitor, enforce, and collect claims. In the past ten years, the office has received an average of 5% to 6% of the reparations awarded. This leaves significant potential for a recovery unit to increase accountability of criminals, increase revenues, and be self-funded. Further, each state dollar that goes to victims is matched by \$0.60 from the federal VOCA grant. The agency proposes a five-year project with specific benchmarks set each year, namely to increase collections to 7% in FY 2012, 10% in FY 2013, 15% in FY 2014, 20% in FY 2015, and 25% in FY 2016. Such results would increase funding by \$280,000 by FY 2013. The Analyst recommends the Legislature approve an ongoing appropriation increase of \$201,400 from the Crime Victim Reparations Fund in FY 2012.

### ***Intent Language***

The Analyst recommends the following intent language to make CCJJ's FY 2011 unexpended appropriations nonlapsing at the end of FY 2011:

*Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Commission on Criminal and Juvenile Justice in Item 5 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011.*

### **BUDGET DETAIL TABLE**

The following table shows the budget history for CCJJ. To eliminate the structural imbalance and as directed by the Executive Appropriations Committee, the "FY 2012 Base Budget" column includes 93% of FY 2011 ongoing General and Education Fund appropriations across-the-board. Targeted budget changes, reflecting policymaker direction, will likely replace the pro-rata reductions shown here.

Governor's Office - Commission on Criminal and Juvenile Justice

Sources of Finance	FY 2010	FY 2011	Changes	FY 2011	Changes	FY 2012*
	Actual	Appropriated		Revised		Base Budget
General Fund	769,700	646,900	0	646,900	(45,300)	601,600
General Fund, One-time	(2,600)	0	0	0	0	0
Federal Funds	8,212,000	12,121,200	0	12,121,200	(2,243,600)	9,877,600
American Recovery and Reinvestment A	4,360,300	6,730,800	0	6,730,800	(6,730,800)	0
Dedicated Credits Revenue	81,200	92,000	0	92,000	0	92,000
GFR - Law Enforcement Services	0	619,000	0	619,000	0	619,000
GFR - Criminal Forfeiture Restricted Ac	500,000	500,000	0	500,000	0	500,000
GFR - Law Enforcement Operations	2,365,200	1,800,000	0	1,800,000	0	1,800,000
Crime Victim Reparations Fund	3,716,200	3,560,600	0	3,560,600	0	3,560,600
Beginning Nonlapsing	2,361,100	0	2,584,900	2,584,900	(2,584,900)	0
Closing Nonlapsing	(2,584,900)	0	0	0	0	0
Lapsing Balance	(637,300)	0	0	0	0	0
<b>Total</b>	<b>\$19,140,900</b>	<b>\$26,070,500</b>	<b>\$2,584,900</b>	<b>\$28,655,400</b>	<b>(\$11,604,600)</b>	<b>\$17,050,800</b>
<b>Programs</b>						
CCJJ Commission	9,398,000	16,402,000	965,500	17,367,500	(9,724,000)	7,643,500
Crime Reduction Assistance Program	740,800	500,000	127,100	627,100	(127,100)	500,000
Crime Victim Reparations	7,565,900	7,827,700	448,900	8,276,600	(762,100)	7,514,500
Extraditions	348,200	314,200	59,200	373,400	(59,200)	314,200
Gang Reduction Grant Program	190,000	211,600	59,400	271,000	20,600	291,600
Judicial Performance Evaluation Commi	329,900	343,200	271,800	615,000	(284,700)	330,300
Sentencing Commission	132,900	132,300	0	132,300	0	132,300
Sexual Exploitation of Children	304,700	210,200	653,400	863,600	(668,100)	195,500
Substance Abuse Advisory Council	130,500	129,300	(400)	128,900	0	128,900
<b>Total</b>	<b>\$19,140,900</b>	<b>\$26,070,500</b>	<b>\$2,584,900</b>	<b>\$28,655,400</b>	<b>(\$11,604,600)</b>	<b>\$17,050,800</b>
<b>Categories of Expenditure</b>						
Personnel Services	3,090,000	3,400,800	(95,100)	3,305,700	11,200	3,316,900
In-state Travel	41,900	24,600	32,000	56,600	(29,200)	27,400
Out-of-state Travel	344,400	332,600	61,000	393,600	(55,700)	337,900
Current Expense	839,200	718,500	515,200	1,233,700	(406,700)	827,000
DP Current Expense	153,000	105,000	376,400	481,400	(366,600)	114,800
Other Charges/Pass Thru	14,672,400	21,489,000	1,695,400	23,184,400	(10,757,600)	12,426,800
<b>Total</b>	<b>\$19,140,900</b>	<b>\$26,070,500</b>	<b>\$2,584,900</b>	<b>\$28,655,400</b>	<b>(\$11,604,600)</b>	<b>\$17,050,800</b>
<b>Other Data</b>						
Budgeted FTE	38.8	42.0	3.8	45.8	(2.0)	43.8
Actual FTE	38.2	0.0	0.0	0.0	0.0	0.0

\*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

Notwithstanding the numbers in the table, the subcommittee's list included a General Fund reduction of \$64,700, which equates to 10% of the FY11 ongoing General Fund in this line item, and 0.2% of all funds.

**SUMMARY OF RECOMMENDATIONS**

The Analyst recommends the Legislature:

1. Adopt the base budget shown in the budget detail table, pending targeted budget changes.
2. Approve the federal stimulus (ARRA) appropriation discussed on page 2.
3. Approve the restricted fund increases discussed on page 3.
4. Approve the intent language on page 3.