

COBI 2017 / Executive Offices and Criminal Justice ▾ / Agencies ▾

Overview

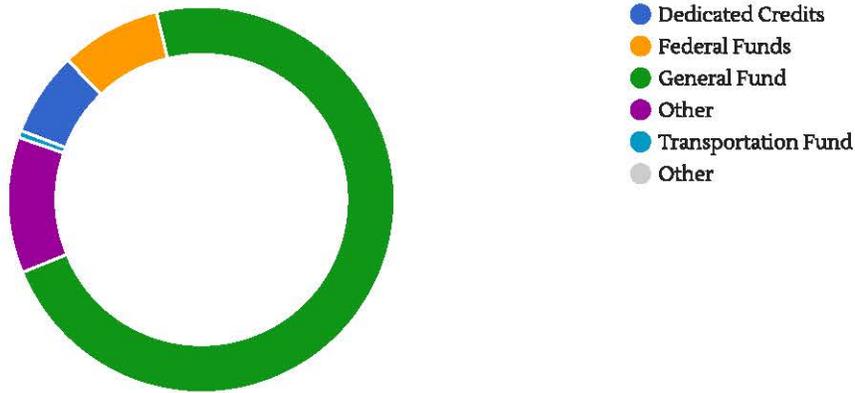
The Executive Offices and Criminal Justice (EOCJ) Subcommittee reviews and makes recommendations to the budgets of the Elected Offices and state criminal justice agencies and other entities to the Executive Appropriations Committee (EAC) and the Legislature. The EOCJ Subcommittee meets principally during each annual General Session for a series of meetings and also during the interim as needed.

There are eleven entities assigned to the Executive Offices and Criminal Justice Subcommittee for budget review and recommendation:

- Governor
- Attorney General
- State Auditor
- State Treasurer
- Department of Corrections (UDC)
- Board of Pardons and Parole
- Division of Juvenile Justice Services (DJJS)
- Courts (Judicial Branch)
- Guardian Ad Litem (GAL)
- Department of Public Safety (DPS)
- Utah Communications Authority (UCA)

Total funding for the Subcommittee was \$826 million for FY 2016 Actual, \$949 million for FY 2017 Revised Estimate, and \$911 million for FY 2018 Appropriated. The major source of funding is from the General Fund with other sources of funding coming from Restricted Accounts, Dedicated Credits (fees), and Federal Funds. Among other uses, the major use of funds is personnel costs for State correctional officers, Utah Highway Patrol officers, Division of Juvenile Justice staff, State Attorney General Office attorneys, and Driver License Division staff.

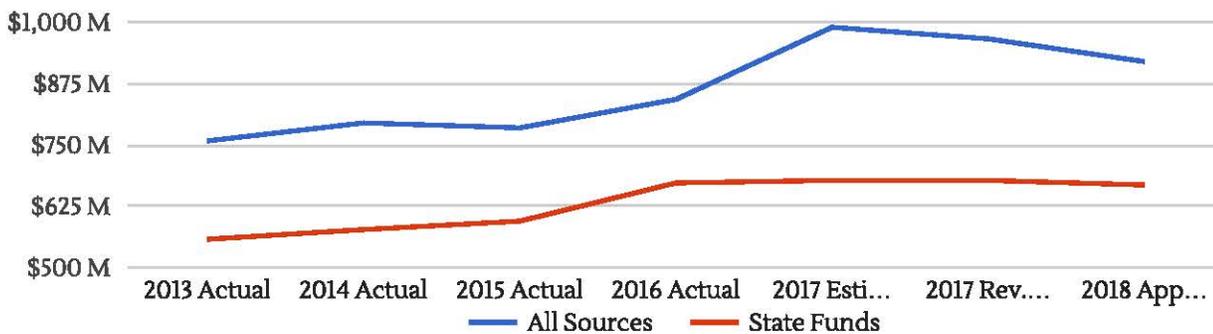
Included in this publication (COBI) is the related budget information of each of the agencies assigned to the EOCJ Subcommittee.



\$919.09 M

2018 Appropriated

Funding History



Issues

Base Budget



Beginning Base Budget Recommendation

The Legislative Fiscal Analyst recommends a Fiscal Year 2018 starting base budget of \$969,759,200 from all sources for Executive Offices and Criminal Justice. This is a 4.7 percent reduction from Fiscal Year 2017 revised appropriations from all sources. The total includes \$667,873,300 from the General/Education Funds, a reduction of 1.4 percent from revised Fiscal Year 2017 appropriations.

Funding Items

Description

One-Time

Ongoing

+ Current Year Ongoing Appropriation	\$0	\$979,392,100
+ Nonlapsing Balances	\$5,647,300	(\$5,712,200)
+ Tobacco Settlement Fund - End of Strategic Contribution Payments	\$0	(\$181,600)
+ Variable Fund Adjustment	(\$1,360,000)	(\$8,026,400)
Total	\$4,287,300	\$965,471,900

Base Budget Considerations



Funding Items

Description

One-Time

Ongoing

✘ 2nd Judicial District Court Judgeship

\$0

(\$433,000)

Amount reflects the estimated cost of one judgeship - including one judge and 2 court clerks. Based on the Courts' judicial weighted caseload metric (total hours needed/ available hours per judicial officer), for FY 2016, the courts report 16.7 authorized judicial positions versus 15.2 judicial hours needed - a difference of 1.5 additional needed positions. Judges are currently assigned to judicial districts designated in statute. By defintion, in order to change the number of judges in a judicial district the Legislature would have to make a statutory change.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$433,000)

✘ 3rd Judicial District Court Juvenile Judgeship

\$0

(\$433,000)

Amount reflects the estimated cost of one judgeship - including one judge and 2 court clerks. Based on the Courts' judicial weighted caseload metric (total hours needed/ available hours per judicial officer), for FY 2016, the courts report 11.0 authorized judicial positions versus 9.4 judicial hours needed - a difference of 1.6 additional needed positions. Judges are currently assigned to judicial districts designated in statute. By defintion, in order to change the number of judges in a judicial district the Legislature would have to make a statutory change.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$433,000)

✘ Attorney General Efficiencies

\$0

(\$380,000)

The Office of Attorney General is involved in a pass through program to fund the Boy's and Girl's Club. If the state is interested in being involved in additional programs there are other budgets, besides the Attorney General's Office, they should be a part of.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$380,000)

✘ Attorney General Personnel Reduction

\$0 (\$322,000)

Because 82% of the Attorney General budget is personnel, any budget cuts will involve cutting jobs. I propose the reduction of a three FTE equaling \$322,000.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$322,000)

✘ Capitol Hill Security - Salvage Vehicles

(\$100,000) \$0

This amount reflects the salvage value of 6-7 vehicles for the Highway patrol at the Capitol for those vehicles not on active patrol at the capitol. Typically vehicles are allowed for personal use by the Department for deterrance purposes. Several vehicles are not used currently for that purpose, rather they are presumeably used for commuting purposes by individual troopers and do not realistically serve a deterrance function at the capitol.

Financing Source	One-Time	Ongoing
General Fund	(\$100,000)	\$0

✘ Corrections Efficiencies/Nonlapsing Balance

(\$1,726,000) \$0

This item reflects unspent funds/nonlapsing balance within the Department that could be used for other state priorities. The Department reports that a portion of this planned for certain purposes such as for renovations and equipment.

Financing Source	One-Time	Ongoing
General Fund	(\$1,726,000)	\$0

✘ County Incentive Grant Reduction

\$0 (\$44,400)

In General Session 2015 the legislature passed the Juvenile Reinvestment Initiative and provided funding for grants for local pilot programs to focus more on restorative justice. During the Legislative Fiscal Analyst yearly budget cut exercise, the Commission on Criminal and Juvenile Justice suggested a small cut to the grant money. This reduction simply reduces the amount of county incentive grant money by 2%.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$44,400)

✘ Courts Nonlapsing Balance and Efficiencies

(\$200,000) \$0

This reflects \$250,000 of efficiencies and nonlapsing balance at the close of FY 2016 that the Courts report are unobligated. This funding could be used for state priorities.

Financing Source	One-Time	Ongoing
General Fund	(\$200,000)	\$0

✘ Current Expense and Other Purchases

(\$250,000) \$0

Courts report a temporary drop in current expense costs and therefore budgeted funding for this could be used for other priorities. Current Expense purchases include various costs such as such as supplies, certain equipment, contractual payments and other short term costs.

Financing Source	One-Time	Ongoing
General Fund	(\$250,000)	\$0

✘ Domestic Violence Reallocation to CJC's

\$0 \$156,600

Statute requires that .5% of the collected surcharge from criminal charges should go to the Attorney General for the training of municipal and county attorneys in prosecution of domestic violence. Currently this funding for the GFR Domestic Violence is going unused. Most CJC cases are from domestic abuse and it is a logical connection to appropriate to CJC's from the restricted account. Current statute states the Attorney General's Offices is to use the fund to educate local prosecutors in domestic violence prosecution. Currently, this requirement is not being fulfilled and historically has not been enough money to completely fulfill its purpose. This allocation requires a bill to change the language of the code, removing this requirement.

Financing Source	One-Time	Ongoing
Domestic Violence (GFR)	\$0	\$156,600

✘ Eliminate Transfer to DHS/DSAMH

(\$1,000,000) \$0

JJS had proposed transferring \$1,000,000 in one-time nonlapsing balance to the DHS/Division of Substance Abuse & Mental Health to be used for mental health early intervention services to address the unmet substance abuse and mental health needs of youth in their communities, prior to coming to State's custody. This was not addressed in the Governor's Budget recommendations. As a result, it is available to offer as a portion of the 2% budget cut scenario.

Financing Source	One-Time	Ongoing
Beginning Nonlapsing	(\$1,000,000)	\$0

✘ Extradition budget reduction

\$0 (\$43,900)

Over the last 3 fiscal years the extradition budget has developed a buffer in total expenses due to the drop in the number of extraditions and the stabilization of the average cost of an extradition. This budget reduction assumes that this trend will continue through FY18.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$43,900)

✘ Federal Medical Assistance Percentage (FMAP) Adjustment - JJS

\$0 \$15,800

FMAP represents the federal share of the programmatic costs for Medicaid and federal Title IV-E programs from the Social Security Act. Title IV-E funds are used to support foster care and adoption assistance. The federal government utilizes a formula to determine its annual percent of FMAP. The projected FMAP rate for State Fiscal Year 2018 for Utah is 70.17 percent. This represents a 0.185 percent increase from the State Fiscal Year 2017 FMAP rate. It will free up an additional \$15,800 in General Fund in Division of Juvenile Justice Services no longer needed to keep Medicaid funded programs at the same level in FY 2018 because of the increase in FMAP.

Financing Source	One-Time	Ongoing
General Fund	\$0	\$15,800

✘ Governor's Reallocation

(\$1,000,000) \$0

The Governor identified \$1,000,000 in his budget to be reallocated for other purposes. Presumably, this funding could be used for other legislative budget priorities.

Financing Source	One-Time	Ongoing
General Fund	(\$1,000,000)	\$0

✘ Gunnison Prison Operation Costs

(\$1,047,700) \$0

In July 2016, the Subcommittee moved to have any unspent and unobligated funds found in the Fiscal Note and Budget Item Follow-Up Report put on a list for potential reallocation - this satisfies that requirement for Gunnison Prison Operations Item. The amount reflects the estimate of savings as a result of delayed hiring of staff at the newly opened Gunnison pod. As background, the Legislature appropriated a net \$3,100,000 for FY 2016 for operations costs for the new West 1 unit in Central Utah Correctional Facility (CUCF) in Gunnison, Utah. West 1 is a 192-bed housing unit funded during the 2014 Legislative session. This additional capacity was planned for expected increases in prison populations and also flexibility under the assumption that the prison would be relocated at some future date and better allow for movement of inmates between the county jails, the Draper prison and the Gunnison prison sites during the relocation transition. Specifically, the Legislature appropriated \$8,000,000 General Fund ongoing with a one-time \$4,900,000 reduction in FY 2016. Funding for operations include staffing, non-personnel expenses and start-up costs leading up to the opening of the facility.

Financing Source	One-Time	Ongoing
General Fund	(\$1,047,700)	\$0

✘ H.B. 348 - Justice Reinvestment Act Delay

(\$2,314,900) \$0

In July 2016, the Subcommittee moved to have any unspent and unobligated funds found in the Fiscal Note and Budget Item Follow-Up Report put on a list for potential reallocation - this item and amount satisfies that requirement for House Bill 348 Justice Reinvestment Act item of the report. The amount reflects the estimate of savings as a result of delayed hiring of staff at the newly opened Gunnison pod. The Department of Corrections and the Board of Pardons and Parole report unspent/unobligated funds at \$2,304,900 (\$1,726,000 in their Program and Operations line item and \$540,000 in their Clinical Services line item) and \$10,000 respectively. As background, in addition to the passage of adult criminal justice reform in House Bill 348 from the 2015 General Session, the Legislature appropriated \$13,980,000 in funds to various state agencies to address recidivism within the state criminal justice system. Affected areas include incarceration, penalties and sentencing guidelines, probation and parole, controlled substance offenses, vehicle offenses, and substance abuse and mental health treatment.

Financing Source	One-Time	Ongoing
General Fund	(\$2,314,900)	\$0

✘ HB 377 Grandparent Rights Amendments - Veto

(\$29,800) (\$29,800)

Funding reflects estimate in the fiscal note of additional workload and ongoing costs as a result of House Bill 377, Grandparent Rights Amendments from the 2016 General Session. Although the bill passed the Legislature, the bill was vetoed by the Governor but not the funding. Because the bill is not enacted, the State Courts and Guardian ad Litem will not experience any additional costs as a result of the bill. Total funding was \$29,800 from the General Fund beginning in FY 2017 for both the Courts (\$24,000 judge/clerk time and jury expenses) and Guardian ad Litem (\$5,800 for attorney representation).

Financing Source	One-Time	Ongoing
General Fund	(\$29,800)	(\$29,800)

✘ Helicopter Salvage

(\$500,000) \$0

The Department of Public Safety reports that they currently have a helicopter unfit to fly whose parts could be resold at a salvage rate. This amount reflects a conservative estimate of the amount the Department could recover through proceeds from the sale of these parts.

Financing Source	One-Time	Ongoing
General Fund	(\$500,000)	\$0

✘ Indigent Defense Commission - Personnel Savings

\$0 (\$10,000)

Projected salary expenses for the Indigent Defense Commission staff will allow this ongoing reduction take place

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$10,000)

✘ Jail Contracting Nonlapsing Balance

(\$3,074,700) \$0

This reflects a portion of the unused funds for the Jail Contracting line item. Savings accumulated as a result of fewer overall state inmates including inmates being sent to county jails as a part of the jail contracting program.

Financing Source	One-Time	Ongoing
General Fund	(\$3,074,700)	\$0

✘ Jail Reimbursement Percentage Reduction

\$0 (\$279,300)

This will reduce the amount of money disbursed to county jails by 2 percent on a prorated basis. Jail reimbursement is a high burden to the state and is a hotly debated topic among legislators. However, a reduction of this size will only slightly affect each county, making it a valuable piece to examine for proper levels of spending.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$279,300)

✘ JJS Mental Health Rate Overestimate

\$0 (\$119,200)

A 2015 General Session appropriation of \$298,500 ongoing General Fund for Mental Health Services Rate increases in the Division of Juvenile Justice Services (DJJS) was intended "to allow DJJS to increase the rates paid to mental health care providers. Combined with an increase from the prior fiscal year for the same purpose, the payment rate is now equal to that of Medicaid. The intent of the appropriated increases was to improve retention of more qualified mental health professionals and thereby improve outcomes for DJJS youth." The original cost estimate was \$298,500. DJJS indicated it used \$179,300 to increase selected rates. This leaves a difference of \$119,200 ongoing General Fund. See page 16 of the report, Fiscal Note and Budget Item Follow-up Report" found at: <https://le.utah.gov/interim/2016/pdf/00003034.pdf>

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$119,200)

✘ JPEC Compensation Reduction

\$0 (\$9,700)

Recent changes in Judicial Performance Evaluation Council (JPEC) personnel combined with planned hiring will allow this ongoing reduction to take place.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$9,700)

✘ Parole Violator Center Balances

(\$1,027,800) \$0

This amount reflects the portion of the Parole Violator Center funding for the retrofit/renovation of the facility went unspent. However the Legislature passed intent language in 2015 to guide the use of unspent fund, "The Legislature intends that the Division of Facilities and Construction Management transfer \$993,600 from the Capital Projects Fund to the Department of Corrections - Programs and Operations to be held by the Department of Corrections until such time as needed to help purchase a new prison site. This funding comes from surplus money that was transferred from Corrections to DFCM in previous years for the retrofit of the Fortitude Parole Violator Center." The Subcommittee could feasibly use funding for other purposes as technically the intent language expired at the end of FY 2015 or could transfer funding to DFCM as prescribed to lower the overall cost of the purchase of the prison.

Financing Source	One-Time	Ongoing
General Fund	(\$1,027,800)	\$0

✘ Potential Alternative Funding DPS Aero Bureau

\$0 (\$266,300)

The Aero Bureau is not a statutorily required operation which may serve state interests but largely serves local law enforcement and therefore may not reach the prioritization level of other statutorily required operations and those that directly serve the state's interests. This amount reflects half of the ongoing General Fund portion for the Bureau and could potentially be funded through other mechanisms such as a fee for backcountry hikers/skiers, a premium that local law enforcement pays for service, or some other funding mechanism. Depending on the funding mechanism it could require a statutory change.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$266,300)

✘ Provo Courthouse (O&M) Cost Delay

(\$549,100) \$0

This item reflects the delay in Operations & Maintenance (O&M) costs for the Provo Courthouse scheduled to open 6/30/2018. This reflects a full year of O&M savings for this facility. Since the Legislature only budgets for the next year out in appropriations bills, this must be addressed year-to-year until within the 1-year time frame and the cost is realized.

Financing Source	One-Time	Ongoing
General Fund	(\$549,100)	\$0

✘ Reduction in Jail Contracting Costs

\$0 (\$1,120,000)

Total overall prison populations, both inmates housed at state prison facilities and county jails, have recently declined and have followed similar projections to what was estimated Justice Reinvestment Initiative report/recommendations (Commission on Criminal Justice (CCJJ) recommendations based off of the PEW findings in their assessment of the state adult correctional system). This item is the amount projected by the Department and the Governor to reflect what their long-term Jail Contracting needs will be. The amount reflects about 60 total beds. Total current funding for Jail Contracting equates to about 1,697 beds for one fiscal year on average. This proposal would reduce capacity to about 1,638 beds assuming the standard \$52/day/prisoner rate.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$1,120,000)

✘ Reduction in Treasury Office Spending

\$0 (\$7,500)

"Postage and Mailing" and "Printing and Binding" costs are natural reductions that should occur due to the implementation of the new electronic document management system. "Office Supplies" and "Small Office Equipment" spending was identified by the department as areas that they can tighten their belt without experiencing a change in operations.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$7,500)

✘ Replace General Fund w/ DPS Restricted Account

(\$2,000,000) \$0

This is an amount that could be transferred from the Driver License line item nonlapsing balance (of which funds from the Transportation Fund Restricted - Public Safety Account make up the large majority) to be used to supplant General Fund within the Department of Public Safety main line item. As a result, this same amount of General Fund could be used for other legislative priorities.

Financing Source	One-Time	Ongoing
General Fund	(\$2,000,000)	\$0

✘ S&P Subscription Elimination

\$0 (\$13,700)

This is a subscription cut to S&P Global that they use to inform their investment decisions. The office currently has subscriptions to Bloomberg, Moody's, and S&P and figure if a cut is necessary, their subscription to S&P is the least valuable area in their budget. A cut to this subscription would reduce information while making investment decisions on state funds.

Financing Source	One-Time	Ongoing
General Fund	\$0	(\$13,700)

✘ State Auditor Nonlapsing Balances

(\$455,000) \$0

Since the year 2013, the Auditor has consistently lapsed over \$500,000 in state funds. This recommendation is an effort to recover those funds so that they are no longer encumbered through an appropriation where they are not used, and allow the legislature to choose if there are other, more productive, uses.

Financing Source	One-Time	Ongoing
Beginning Nonlapsing	(\$455,000)	\$0

✘ Weber School District - Roy Cone Program

(\$191,000) \$0

This funding item is for the Roy Cone program in Weber School District. The money was appropriated one-time through the Governor's Office in 2014, but was misapplied to a different program. This one-time appropriation is to provide the full funding the program received from the Legislature.

Financing Source	One-Time	Ongoing
General Fund	(\$191,000)	\$0

Total

(\$15,466,000) (\$2,695,400)

Total General Session Appropriation



Additional Issues

- Courts (19)
- State Treasurer (5)
- Governor's Office (39)
- Attorney General (16)
- Office of the State Auditor (2)
- Public Safety (41)
- Juvenile Justice Services (8)
- Corrections (19)
- Board of Pardons and Parole (1)
- Restricted Account Transfers - EOCJ (7)
- Rev Transfers - EOCJ (1)
- Utah Communications Authority (4)

Performance

Additional Performance Measures

- Courts (13)
- State Treasurer (10)
- Governor's Office (25)
- Attorney General (2)
- Office of the State Auditor (10)

Public Safety (17)
Juvenile Justice Services (12)
Board of Pardons and Parole (3)

Background

Total funding history for all agencies within the Executive Offices and Criminal Justice Appropriation Subcommittee can be found by fiscal year in the annual Appropriations Reports. Below are the appropriations reports by fiscal year with the relevant pages for the Subcommittee cited:

1. All appropriations reports: <http://le.utah.gov/asp/lfa/lfareports.asp?src=LFAAR>

2. Most recent appropriations reports:

- **FY 2016-17** (pp. 79-127): <http://le.utah.gov/interim/2016/pdf/00002225.pdf>
- **FY 2015-16** (pp. 75-116): <http://le.utah.gov/interim/2015/pdf/00002450.pdf>
- **FY 2014-15** (pp. 75-116): <http://le.utah.gov/interim/2014/pdf/00003542.pdf>

Statute



Budgetary Procedures Act

Financials

Appropriations Type:

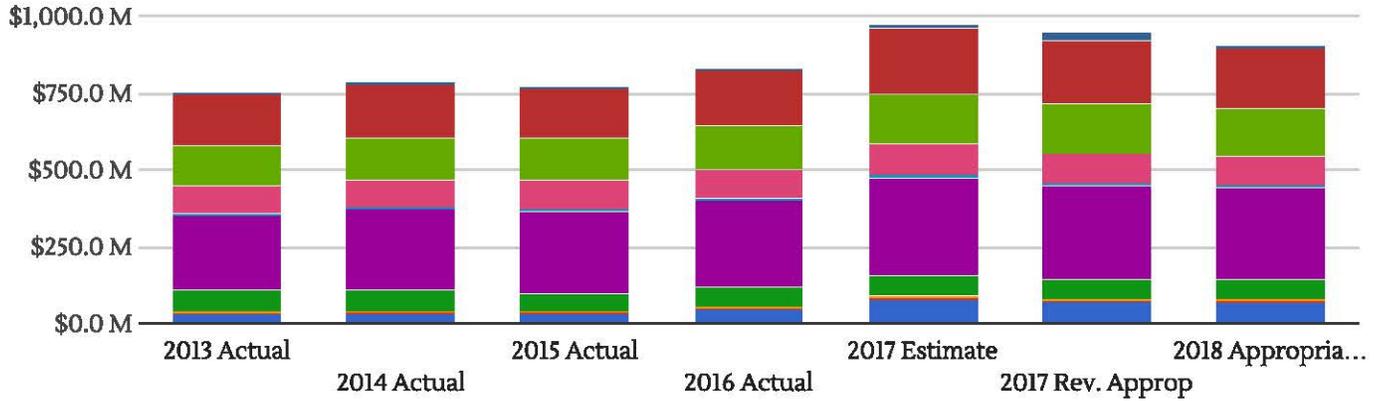
Operating and Capital Budgets

Display By:

- Agency
- Funding Source
- Expenditure Category

Show Table

Appropriation History by Agency



Show Budget Information | Show FTEs, Vehicles, WPU, ISF Info, etc.

Agency	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Estimate
Governor's Office	31,904,200	32,418,300	31,556,800	46,637,800	79,069,800
Office of the State Auditor	5,001,000	4,926,000	5,439,600	5,324,500	5,383,100
State Treasurer	2,648,100	2,716,700	3,096,100	2,932,700	3,916,100
Attorney General	67,916,400	73,365,700	59,283,700	64,248,900	68,455,900
Corrections	245,606,300	260,522,000	266,937,800	282,706,100	320,122,700
Board of Pardons and Parole	3,779,300	3,831,200	4,169,200	4,442,400	5,038,900
Juvenile Justice Services	90,872,500	92,959,100	94,320,000	95,873,400	102,430,100
Courts	129,839,000	133,120,100	138,148,400	143,666,300	160,098,400
Public Safety	169,558,000	173,391,600	165,830,300	180,306,200	214,398,500
Utah Communications Authority	0	0	0	0	13,064,100
Total	747,124,800	777,250,700	768,781,900	826,138,300	971,977,600