

## Department of Public Safety

	FY 2015 ACTUAL	FY 2016 ESTIMATE	FY 2017 APPROVED
<b>OPERATING BUDGET</b>			
<i>Full Time Equivalent Positions</i>	1,907.7	1,907.7	1,956.7 <sup>1/</sup>
Personal Services	98,717,900	98,384,600	100,873,200
Employee Related Expenditures	69,383,000	79,321,300	81,935,600
Professional and Outside Services	1,853,000	2,198,200	2,198,200
Travel - In State	489,300	497,100	497,100
Travel - Out of State	376,000	330,000	330,000
Other Operating Expenditures	28,375,700	32,376,400	32,516,900
Equipment	9,913,900	10,074,400	10,074,400
<b>OPERATING SUBTOTAL</b>	<b>209,108,800</b>	<b>223,182,000</b>	<b>228,425,400</b> <sup>2/</sup>
<b>SPECIAL LINE ITEMS</b>			
ACTIC	0	1,450,000	1,450,000
Border Strike Task Force Ongoing	0	0	6,778,800 <sup>3/</sup>
Border Strike Task Force One-Time	0	0	18,600,000 <sup>3/</sup>
Border Strike Task Force Local Support	0	0	1,261,700 <sup>3/4/5/</sup>
GIITEM	20,762,000	22,172,900	22,584,300 <sup>2/6/7/</sup>
GIITEM Subaccount	2,113,600	2,390,000	2,390,000
Law Enforcement Officer Virtual Training	0	0	2,100,000 <sup>8/</sup>
Public Safety Equipment	2,534,400	2,890,000	2,890,000
Motor Vehicle Fuel	3,134,300	5,454,600	5,454,600
Civil Air Patrol	0	0	150,000
Sexual Assault Kit Testing	0	0	500,000 <sup>9/</sup>
<b>AGENCY TOTAL</b>	<b>237,653,100</b>	<b>257,539,500</b>	<b>292,584,800</b> <sup>10/11/</sup>
<b>FUND SOURCES</b>			
General Fund	85,779,000	93,374,800	121,195,700
<u>Other Appropriated Funds</u>			
Automated Fingerprint Identification System Fund	2,820,600	2,910,500	2,910,200
Automation Operations Fund	287,500	0	0
Automobile Theft Authority Fund	0	0	3,000,000
Concealed Weapons Permit Fund	966,100	1,391,400	3,489,000
Crime Laboratory Assessment Fund	871,300	870,300	870,200
Crime Laboratory Operations Fund	13,306,500	14,660,600	13,597,300
Criminal Justice Enhancement Fund	2,873,400	2,864,400	2,860,500
Deoxyribonucleic Acid (DNA) Identification System Fund	6,013,800	6,297,300	4,969,600
Drug and Gang Prevention Resource Center Fund	0	0	1,000,000
Gang and Immigration Intelligence Team Enforcement Mission Border Security and Law Enforcement Subaccount	2,113,600	2,390,000	2,527,700
Highway Patrol Fund	18,908,700	20,397,100	24,113,100
Highway User Revenue Fund	89,255,000	96,409,200	96,006,100
Motorcycle Safety Fund	205,000	205,000	205,000
Parity Compensation Fund	1,950,100	2,115,500	2,129,400
Public Safety Equipment Fund	2,534,400	2,893,000	2,893,700
Risk Management Revolving Fund	1,233,700	1,228,100	1,263,700
Safety Enforcement and Transportation Infrastructure Fund - Department of Public Safety Subaccount	1,090,500	1,559,100	1,551,800
State Aid to Indigent Defense Fund	700,000	700,000	700,000
State Highway Fund	6,743,900	7,273,200	7,301,800
SUBTOTAL - Other Appropriated Funds	151,874,100	164,164,700	171,389,100
<b>SUBTOTAL - Appropriated Funds</b>	<b>237,653,100</b>	<b>257,539,500</b>	<b>292,584,800</b>

	FY 2015 ACTUAL	FY 2016 ESTIMATE	FY 2017 APPROVED
Other Non-Appropriated Funds	37,785,600	41,860,200	41,860,200
Federal Funds	35,168,700	52,467,000	46,016,300
<b>TOTAL - ALL SOURCES</b>	<b>310,607,400</b>	<b>351,866,700</b>	<b>380,461,300</b>

**AGENCY DESCRIPTION** — The Department of Public Safety (DPS) is responsible for the enforcement of state criminal laws and traffic regulations. In addition to the Highway Patrol, DPS operates and maintains statewide communications systems, state crime laboratories and an automated fingerprint identification network, and performs aviation missions, special investigations, and other law enforcement activities.

- 1/ Includes 184.8 GF FTE Positions funded from Special Line Items in FY 2017.
- 2/ The operating lump sum appropriation and GIITEM line item include \$4,440,000 from the state General Fund, \$215,800 from the Arizona Highway Patrol Fund and \$30,900 from the Risk Management Revolving Fund for a 3% aggregate pay full-year pay adjustment for sworn officer positions. The appropriated amount also includes \$156,400 from the state General Fund for a 3% aggregate pay full-year pay adjustment for civilian employees of the Highway Patrol division. On or before August 1, 2016, the department shall report its pay adjustment plan to the Joint Legislative Budget Committee. (General Appropriation Act footnote)
- 3/ Before the expenditure of any monies appropriated in FY 2017 in the Border Strike Task Force Ongoing, Border Strike Task Force One-Time and Border Strike Task Force Local Support line items, the department shall submit an expenditure plan for these line items to the Joint Legislative Budget Committee for review. (General Appropriation Act footnote)
- 4/ Of the \$1,261,700 appropriated for Border Strike Task Force Local Support, \$761,700 shall be used to fund local law enforcement officer positions within the Border Strike Task Force. Any city, town, county or other entity that enters into an agreement with the department to participate in the Border Strike Task Force shall provide at least 25% of the cost of the services, and the department shall provide not more than 75% of Personal Services and Employee-Related Expenditures for each agreement or contract. The department may fund all capital-related equipment. (General Appropriation Act footnote)
- 5/ Of the \$1,261,700 appropriated for Border Strike Task Force Local Support, \$500,000 shall be used for grants to cities, towns or counties for costs associated with the prosecution and imprisonment of individuals charged with drug trafficking, human smuggling, illegal immigration and other border-related crimes. (General Appropriation Act footnote)
- 6/ Of the \$22,584,300 appropriated to GIITEM, only \$2,603,400 is deposited in the GIITEM Fund established by A.R.S. § 41-1724, and is appropriated for the purposes of that section. The \$2,603,400 is exempt from the provisions of A.R.S. § 35-190, relating to the lapsing of appropriations. This state recognizes that states have inherent authority to arrest a person for any immigration violation. (General Appropriation Act footnote, as adjusted for statewide allocations)
- 7/ Of the \$22,584,300 appropriated to GIITEM, \$10,029,400 shall be used for 100 Department of Public Safety GIITEM personnel. The additional staff shall include at least 50 sworn Department of Public Safety positions to be used for immigration enforcement and border security and 50 Department of Public Safety positions to assist GIITEM in various efforts, including:
- 1) Strict enforcement of all federal laws relating to illegal aliens and arresting illegal aliens.
  - 2) Responding to or assisting any county sheriff or attorney in investigating complaints of employment of illegal aliens.
  - 3) Enforcing Arizona's law known as the Legal Arizona Workers Act, strict enforcement of Arizona's SB 1070, Arizona's "Support Our Law Enforcement and Safe Neighborhoods Act", investigating crimes of identity theft in the context of hiring illegal aliens and the unlawful entry into the country.
  - 4) Taking strict enforcement action.
- Any change in the GIITEM mission or allocation of monies shall be approved by the Joint Legislative Budget Committee. The department shall submit an expenditure plan to the Joint Legislative Budget Committee for review before expending any monies not identified in the department's previous expenditure plans. (General Appropriation Act footnote, as adjusted for statewide allocations)
- 8/ The Law Enforcement Officer Virtual Training line item includes \$2,100,000 for virtual training for law enforcement officers. This amount shall be awarded to a contractor using a competitive bid process. The virtual training shall include the use of a simulator that:
- 1) Has the ability to display, and for the trainee to engage with, characters and scenario content simultaneously across at least a 300 degree screen environment.
  - 2) Has the ability to accurately replicate real-world ballistic characteristics of a projectile in flight.
  - 3) Is equipped with transducers to recreate sound vibrations.
  - 4) Includes a stress component, including the use of a wireless device capable of delivering an adjustable electric impulse, during training engagements.
- The Department of Public Safety shall make the use of a virtual law enforcement simulator available for other law enforcement agencies in this state without a fee or charge. (General Appropriation Act footnote)
- 9/ The Department of Public Safety shall submit a report for review by the Joint Legislative Budget Committee before spending any monies from the Sexual Assault Kit Testing line item. The report shall include a plan for the allocation of the line item monies, the number of sexual assault kits in backlog by jurisdiction and the amounts and recipients of federal monies for the testing of sexual assault kits received directly by jurisdiction or distributed by the department. It is the intent of the Legislature that the department account for federal grant monies received by individual counties and municipalities when determining an allocation plan for the Sexual Assault Kit Testing line item. (General Appropriation Act footnote)
- 10/ General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.
- 11/ Any monies remaining in the Department of Public Safety joint account on June 30, 2017 revert to the funds from which they were appropriated. The reverted monies shall be returned in direct proportion to the amounts appropriated. (General Appropriation Act footnote)

## Operating Budget

The budget includes \$228,425,400 and 1,771.9 FTE Positions in FY 2017 for the operating budget. These amounts consist of:

	<b>FY 2017</b>
General Fund	\$70,324,400
Automated Fingerprint Identification System (AFIS) Fund	2,910,200
Concealed Weapons Permit Fund	1,389,000
Crime Laboratory Assessment Fund (CLAF)	870,200
Crime Laboratory Operations Fund (CLOF)	13,597,300
Criminal Justice Enhancement Fund (CJEF)	2,726,200
Deoxyribonucleic Acid (DNA) Identification System Fund	4,969,600
Highway Patrol Fund	23,814,700
Highway User Revenue Fund (HURF)	95,368,400
Motorcycle Safety Fund	205,000
Parity Compensation Fund	2,129,400
Public Safety Equipment Fund	3,700
Risk Management Revolving Fund	1,263,700
Safety Enforcement and Transportation Infrastructure Fund (SETIF) DPS Subaccount	1,551,800
State Highway Fund	7,301,800

These amounts fund the following adjustments:

### Cost Shift

The budget includes an increase of \$2,300,000 from the Highway Patrol Fund and an offsetting decrease of \$(1,300,000) from the DNA Identification System Fund and \$(1,000,000) from CLOF in FY 2017 for a cost shift. These monies were shifted to backfill lower-than-anticipated revenues in both the DNA Identification System Fund and CLOF. There is no net impact to the department's appropriation as a result of this shift.

### Moving Program Shift

The budget includes an increase of \$136,200 and 1 FTE Position from the General Fund in FY 2017 for the transfer of the Moving Truck Violation Enforcement program from the Department of Weights and Measures. Of this amount, \$53,500 is a one-time appropriation to fund a consultant to help DPS address any consolidation or programmatic issues associated with the transfer. The Moving Truck Violation Enforcement program allows for the investigation and potential resolution of complaints, based on flat-rate moving estimates, levied against moving companies by consumers.

### Pay Raise

The budget includes an increase of \$4,524,700 in FY 2017 for a 3% pay raise to all sworn officers and civilian staff

within the Highway Patrol Division. This amount consists of:

General Fund	4,278,000
Highway Patrol Fund	215,800
Risk Management Revolving Fund	30,900

### PSPRS Rate Increase

The budget includes an increase of \$1,390,800 in FY 2017 for an increase in the Public Safety Personnel Retirement System (PSPRS) employer contribution rate. This amount consists of:

Concealed Weapons Permit Fund	2,500
CLAF	2,100
CJEF	8,300
Highway Patrol Fund	1,285,300
Parity Compensation Fund	24,200
Risk Management Revolving Fund	10,300
State Highway Fund	58,100

These monies fund an increase in the DPS employer contribution rate from 76.00% in FY 2016 to 77.96% in FY 2017.

### Statewide Adjustments

The budget includes a decrease of \$(808,300) in FY 2017 for statewide adjustments. This amount consists of:

General Fund	(157,500)
AFIS Fund	(300)
Concealed Weapons Permit Fund	(4,900)
CLAF	(2,200)
CLOF	(63,300)
CJEF	(12,200)
DNA Identification System Fund	(27,700)
Highway Patrol Fund	(85,100)
HURF	(403,100)
Parity Compensation Fund	(10,300)
Public Safety Equipment Fund	700
Risk Management Revolving Fund	(5,600)
SETIF DPS Subaccount	(7,300)
State Highway Fund	(29,500)

*(Please see the Agency Detail and Allocations section.)*

## ACTIC

The budget includes \$1,450,000 in FY 2017 for the operation of the Arizona Counter Terrorism Information Center (ACTIC). This amount consists of:

General Fund	750,000
State Aid to Indigent Defense Fund	700,000

These amounts are unchanged from FY 2016.

The FY 2017 Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2016, Chapter 119) continues to notwithstanding statute to allow DPS to expend monies from the State Aid to Indigent Defense Fund for ACTIC operating expenses.

Created in FY 2005, ACTIC is a joint effort between federal, state, and local law enforcement agencies to combat terrorism, gang violence, and other crimes through information sharing. The salaries of participants are funded by their respective agencies, but DPS pays for the operational costs of the 40,000 square foot building in which ACTIC is housed. These monies fund those costs.

**Border Strike Task Force Ongoing**

The budget includes \$6,778,800 and 48 FTE Positions from the General Fund in FY 2017 for creating the Border Strike Task Force (BSTF).

The FY 2017 General Appropriation Act provides funding for the establishment of a BSTF within DPS. The BSTF was initially established in September 2015 through the reallocation of 56 sworn officers from DPS’ Southern Narcotics and Canine Districts. The monies in this line item will allow for the hiring of an additional 37 sworn officer positions, 2 pilots, and 9 support staff. Of the 37 sworn officer positions, 23 will be exclusively dedicated to the BSTF and 14 will patrol the highways of the border counties as part of DPS’ Highway Patrol Division. The 2 pilots will operate an existing King Air plane that DPS acquired through the Federal 1033 Surplus program and a helicopter to be purchased with funds from the BSTF One-Time line item. Both will provide support to the BSTF and surveillance of criminal activity along the border.

At its June 16, 2016 meeting, the Joint Legislative Budget Committee gave a favorable review to the DPS expenditure plan for the BSTF Ongoing line item. The plan included funding for 37 FTE Positions including 25 BSTF positions (18 sworn officers and 7 support staff), 11 Highway Patrol sworn officers, and 1 paramedic/trooper position, as well as operating costs for canine units, vehicle maintenance, surveillance equipment, and an airplane hangar lease.

The BSTF is a multi-agency law enforcement task force that targets drug and human trafficking organizations and activities along the Arizona-Mexico border.

**Border Strike Task Force One-Time**

The budget includes \$18,600,000 in FY 2017 for the initial one-time costs of the BSTF. This amount consists of:

General Fund	14,600,000
Automobile Theft Authority Fund	3,000,000
Drug and Gang Prevention Resource Center Fund	1,000,000

The FY 2017 General Appropriation Act provides funding for one-time costs of the newly-established BSTF within DPS. These monies will be used for the purchase of patrol vehicles, a helicopter, surveillance equipment, officer weapons, safety equipment, radios, cameras, scopes, and other equipment necessary for the operation of the BSTF. The FY 2017 Criminal Justice BRB notwithstanding statute to allow DPS to expend monies from the Automobile Theft Authority Fund and Drug and Gang Prevention Resource Center Fund for costs associated with the BSTF. *(Please see the Automobile Theft Authority narrative for more information on the Automobile Theft Authority Fund.)*

At its June 16, 2016 meeting, the Joint Legislative Budget Committee gave a favorable review to the DPS expenditure plan for the BSTF One-Time line item. The plan included funding for a new twin-engine helicopter, a communication “master site,” surveillance equipment for an existing King Air airplane, 38 law enforcement vehicles, Tri-Band radios for Highway Patrol officers in the 4 southern Highway Patrol Districts and new BSTF officers, improvements to an airplane hangar in Tucson, public safety equipment, canine units, and a contingency set-aside for cost overruns. The favorable review included the following provisions requiring DPS to:

- Report back to the Committee regarding the amount and plans for proceeds that are received as the result of the sale of an existing single-engine helicopter that will be replaced by the new twin-engine helicopter.
- Report on the utilization of the contingency set-aside and provide for review a plan for how monies will be allocated if DPS chooses to utilize them for anything other than what was reviewed.
- Prepare for review any modification to the expenditure plan that would result in the purchase of an airplane hangar.

**Border Strike Task Force Local Support**

The budget includes \$1,261,700 from the General Fund in FY 2017 for the first-time costs of BSTF Local Support.

The BSTF is a multi-agency task force established to target drug and human trafficking organizations and activities along the Arizona-Mexico border. Of the \$1,261,700 total appropriation, \$761,700 shall be used to fund 75% of the costs for 8 local law enforcement officers that will participate in the BSTF. The participating local law enforcement agency will be responsible for providing a 25% match to these amounts. The remaining \$500,000 shall be used for grants to local governments for the prosecution and imprisonment of individuals that are charged with drug trafficking, human smuggling, illegal immigration and other border-related crimes.

At its June 16, 2016 meeting, the Joint Legislative Budget Committee deferred reviewing the DPS expenditure plan for the BSTF Local Support line item until more information could be received.

**GIITEM**

The budget includes \$22,584,300 and 136.8 FTE Positions in FY 2017 for the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM). This amount consists of:

General Fund	22,446,600
GIITEM Border Security and Law Enforcement Subaccount	137,700

These amounts fund the following adjustments:

**Pay Raise**

The budget includes an increase of \$318,400 from the General Fund in FY 2017 for a 3% pay raise to all sworn officers and civilian staff within the Highway Patrol Division.

**PSPRS Rate Increase**

The budget includes an increase of \$137,700 from the GIITEM Border Security and Law Enforcement Subaccount in FY 2017 for an increase in the Public Safety Personnel Retirement System (PSPRS) employer contribution rate. These monies fund an increase in the DPS employer contribution rate from 76.00% in FY 2016 to 77.96% in FY 2017. The FY 2017 Criminal Justice BRB notwithstanding statutory expenditure restrictions for the GIITEM Border Security and Law Enforcement Subaccount thus allowing DPS to expend monies from the fund for the PSPRS rate increase.

**Statewide Adjustments**

The budget includes a decrease of \$(44,700) from the General Fund in FY 2017 for statewide adjustments.

The GIITEM line item is comprised of monies for the following GIITEM functions, including: 1) \$9,351,500 for gang enforcement, investigation, and interdiction; 2) \$10,029,400 for at least 50 sworn DPS positions to be used for immigration enforcement and border security and up to 50 DPS positions to expand GIITEM’s public awareness, investigation, and intelligence efforts; 3) \$2,603,400 for local gang and immigration enforcement grants; and 4) \$600,000 for crime analysts associated with the state gang intelligence database (GangNet).

Monies deposited in the GIITEM Fund can be used for employer sanctions, smuggling, gang, and immigration enforcement. Local grants are distributed to county sheriffs and do not require further approval by the county board of supervisors. The local entity provides at least 25% of the cost of services.

Current statute allocates the first \$1,600,000 in local immigration enforcement grant monies to a county with more than 3,000,000 people (Maricopa County) and the next \$500,000 to a county with less than 500,000 people but more than 300,000 people (Pinal County).

The remaining \$503,400 may be used for agreements with cities, counties, and other entities at a 3:1 match rate. Maricopa and Pinal County are excluded from the matching requirements.

A.R.S. § 41-1724C requires DPS to distribute the monies in the GIITEM Fund as soon after July 1 of every year as practicable. Prior to distribution, DPS must submit an expenditure plan to JLBC for review regarding any monies not identified in the previous expenditure plans. *(Please see Table 3 in the Other Issues section for more information on actual expenditures.)*

**GIITEM Subaccount**

The budget includes \$2,390,000 from the GIITEM Border Security and Law Enforcement Subaccount in FY 2017 for the GIITEM Subaccount, to be used for equipment and supplies for border security. This amount is unchanged from FY 2016.

The GIITEM Border Security and Law Enforcement Subaccount receives \$4 of a \$13 criminal fee. These revenues are estimated to total \$2,306,200 in FY 2017. The monies in the GIITEM Subaccount are for border security personnel and public safety equipment. The monies are to be provided directly to county sheriffs without approval by the respective Board of Supervisors. The authorizing legislation does not specify any particular distribution by county.

The FY 2017 Criminal Justice BRB also continues to require DPS to submit to the JLBC for review an expenditure plan for the GIITEM Subaccount for the coming fiscal year. At its June 16, 2016 meeting, the JLBC gave a favorable review to the proposed GIITEM Subaccount expenditure plan for FY 2017. The plan includes \$500,000 for detention liaison officers, \$490,000 for county sheriff deputies and municipal police department officers to augment the GIITEM Task Force’s border district unit, \$350,000 for the Pima County Border Crimes Unit, and \$1,050,000 for grants to county sheriffs for border security. *(Please see Table 3 in the Other Issues section for more information on actual expenditures.)*

**Law Enforcement Officer Virtual Training**

The budget includes \$2,100,000 from the Concealed Weapons Permit Fund in FY 2017 for one-time funding of Law Enforcement Officer Virtual Training.

The budget includes a footnote that requires the virtual training equipment procured by DPS to do all of the following:

- Have the ability to display characters and scenario content simultaneously across an at least 300 degree screen environment with which the trainee can engage.
- Accurately replicate real-world ballistic characteristics of a projectile in flight.
- Be equipped with transducers to recreate sound vibrations.
- Include a stress component that includes a wireless device capable of delivering adjustable electric impulses.

The footnote also requires DPS to make the equipment available to all law enforcement agencies in the state without assessing a fee or charge.

The FY 2017 Criminal Justice BRB notwithstanding the statutory expenditure restrictions of the Concealed Weapons Permit Fund to allow DPS to expend monies to procure law enforcement officer virtual training equipment.

This line item provides one-time funding for the purchase of virtual training equipment for law enforcement officers.

**Public Safety Equipment**

The budget includes \$2,890,000 from the Public Safety Equipment Fund in FY 2017 to equip DPS officers. This amount is unchanged from FY 2016.

The Public Safety Equipment Fund receives \$4 of a \$13 surcharge on fines, violations and penalties for criminal offenses and civil motor vehicle violations. In addition, DPS receives another \$4 of the surcharge if its officer issued the citation. These revenue sources are subject to appropriation.

Additionally, the fund receives the first \$1,200,000 collected from an assessment of up to \$1,500 on driving under the influence (DUI) offenses. This \$1,200,000 is not subject to appropriation.

The Public Safety Equipment line item monies can be used to purchase vehicles, protective armor, electronic stun devices and other safety equipment.

**Motor Vehicle Fuel**

The budget includes \$5,454,600 in FY 2017 for Motor Vehicle Fuel. This amount consists of:

General Fund	4,384,200
CJEF	134,300
Highway Patrol Fund	298,400
HURF	637,700

These amounts are unchanged from FY 2016.

The Motor Vehicle Fuel line item centralizes monies appropriated to DPS for motor vehicle fuel. In addition to \$3,134,300 in Motor Vehicle Fuel line item monies expended in FY 2015, DPS expended \$660,900 from the General Fund and \$1,107,800 from non-appropriated monies for fuel from other parts of the DPS budget in FY 2015.

**Civil Air Patrol**

The budget includes \$150,000 from the General Fund in FY 2017 for funding of the Civil Air Patrol (CAP). Monies in this line item are used to partially offset the costs of operations and maintenance of aircraft used by CAP to aid in search and rescue and other emergency missions.

State funding for CAP goes back to at least FY 1953 when the Arizona Department of Civil Air Patrol was created by Laws 1952, Chapter 38. In 1970 a court decision required

the state to shift funding for CAP to a line item which was first included in the Arizona Department of Aeronautics, then the Arizona Department of Transportation, and finally the Department of Emergency and Military Affairs (DEMA). Prior to this year's appropriation, CAP last received state funding in FY 2008 in DEMA's budget in the amount of \$54,700.

### **Sexual Assault Kit Testing**

The budget includes \$500,000 from the General Fund in FY 2017 for one-time funding of Sexual Assault Kit Testing.

A recent survey conducted by the Maricopa County Attorney's Office revealed a backlog of at least 2,300 sexual assault kits currently housed in municipal crime labs in Maricopa County. The monies in this line item will allow DPS to provide funding to local governments for the testing of sexual assault kits in backlog and will provide funding for DPS to input information derived from the testing of these kits into the national Combined DNA Index System database.

A footnote in the FY 2017 General Appropriation Act requires DPS to provide an expenditure plan for these monies to the JLBC for review prior to expenditure. The expenditure plan must also detail the number of sexual assault kits in backlog and the amounts and recipients of federal monies for the testing of sexual assault kits by jurisdiction.

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### **Other Issues**

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### **Additional Legislation**

#### **HURF Cap**

The FY 2017 Criminal Justice BRB continues to notwithstanding the statutory spending provisions for HURF allowing DPS to spend more than the statutory cap of \$10,000,000.

#### **SETIF Revenues**

The FY 2017 Government BRB (Laws 2016, Chapter 121) creates the DPS Subaccount within SETIF and allocates 45% of all SETIF revenues to the subaccount. The remaining 55% in SETIF revenues are deposited into the newly-created Department of Transportation Subaccount. (Please see the Arizona Department of Transportation narrative for more information.)

### **Long-Term Budget Impacts: HURF Funding**

The budget continues the previously approved \$30.0 million HURF shift in FY 2017. The FY 2015 budget reduced HURF funding from \$119.3 million to \$89.3 million and backfilled the reduction with a commensurate amount of General Fund monies. This reduction allowed for the additional \$30.0 million distribution from HURF entirely to local governments. Under permanent law, increased HURF funds are typically split evenly between local distributions and state highway construction.

The FY 2015 Revenue BRB, however, allocated the \$30.0 million entirely to local jurisdictions as follows: 33.231% to counties, 48.097% to cities and towns, 5.247% to cities with a population larger than 300,000 individuals, and 13.425% to counties with a population of more than 800,000 individuals. These monies were distributed among local jurisdictions in the same proportions as the local share of regular HURF allocations. The impact of this shift is displayed in *Table 1*.

The FY 2015 Revenue BRB continued the FY 2015 \$30.0 million distribution to local governments in FY 2016 and increased the level to \$60.0 million in FY 2017. However, the FY 2016 Revenue BRB (Laws 2015, Chapter 10) reduced the FY 2017 shift from the previously-approved \$60.0 million to \$30.0 million. The FY 2017 Revenue BRB (Laws 2016, Chapter 125) continues this \$30.0 million shift in FY 2018.

The FY 2017 Revenue BRB also includes an additional \$30.0 million in one-time General Fund monies that will be allocated directly to counties, cities, and towns in percentages reflecting the current non-state distribution of HURF revenues. This appropriation in addition to the previously mentioned \$30.0 million HURF shift effectively holds local governments harmless in FY 2017 for the \$119.2 million that was initially appropriated to DPS from HURF in FY 2014 prior to the HURF shift. (Please see the *Highway User Revenue Fund Analysis section of the Arizona Department of Transportation narrative for more information.*)

The HURF appropriation to DPS increased by \$7.2 million in FY 2016 due to HURF funding its proportional share of the PSPRS employer contribution rate increase. In FY 2016 the PSPRS employer contribution rate increased from 57.81% to 76.0%. HURF funds approximately 47% of PSPRS positions within DPS, and as a result, HURF monies were utilized to fund 47% of the total fund costs associated with the PSPRS rate increase.

HURF receives revenues from transportation-related licenses, fees, and taxes such as the motor vehicle fuel

tax, vehicle license tax, vehicle registration, and driver's licenses. A.R.S. § 28-6537 and A.R.S. § 28-6993 cap the amount of highway user revenue monies distributed to DPS at \$10.0 million per year for both HURF and the State Highway Fund (the latter being a beneficiary of the HURF distribution formula). A series of session law provisions have notwithstanding these caps in most years since FY 2002, but in FY 2012 this provision was eliminated for the State Highway Fund. *Table 2* reflects DPS expenditures from HURF and the State Highway Fund. (Please see ADOT Capital section for more information on the HURF distribution formula.)

**Table 1**  
**Annual Impact of HURF Shift Proposal on Beneficiaries**  
(\$ in millions)

<u>Beneficiaries</u>	<u>\$ Increase</u>	<u>Revised Total</u>
Cities	16.0 <sup>1/</sup>	396.2
Counties	10.0	246.8
Controlled Access	4.0 <sup>2/</sup>	98.4
State Highway Construction	0.0	37.7
<b>Total</b>	<b>30.0</b>	<b>779.1</b>

<sup>1/</sup> Includes \$1.6 million for Phoenix, Tucson, and Mesa.  
<sup>2/</sup> These monies are for distribution to Maricopa and Pima Counties.

**Table 2**  
**HURF and State Highway Fund Expenditures**  
(\$ in millions)

<u>Fiscal Year</u>	<u>HURF</u>	<u>State Highway Fund</u>	<u>Total</u>
2002	36.4	25.2	61.6
2003	54.4	28.3	82.7
2004	48.7	30.2	78.9
2005	52.2	32.7	84.9
2006	64.0	42.2	106.2
2007	10.0	10.0	20.0
2008	10.0	52.0	62.0
2009	84.9	41.1	126.0
2010	78.6	41.3	119.9
2011	79.2	41.5	120.7
2012	123.2	0.0	123.2
2013	119.1	6.7	125.8
2014	119.2	6.7	125.9
2015	89.3	6.7	96.0
2016	96.4	7.3	103.7
2017	96.0	7.3	103.3

**Table 3**

**State Immigration Enforcement Assistance to Local Governments**

**DPS GIITEM Local Immigration Enforcement Grant Expenditures <sup>1/</sup>**

Agency	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
	Actual	Actual	Actual	Actual	Estimate	Estimate
Pima County Sheriff's Department	-	-	-	-	-	-
Phoenix Police Department	342,100	-	-	-	-	-
Border Detention Liaison Officers (See Chart Below)	441,400	-	-	-	-	-
Border County Officers (See Chart Below)	350,700	-	-	-	-	-
Maricopa County Sheriff's Office	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000 <sup>2/</sup>
DPS Expenditures in Support of Local Grants	695,800	327,900	428,600	131,700	503,400	-
Pinal County Sheriff's Department	500,000	500,000	500,200	500,000	500,000	500,000 <sup>2/</sup>
<b>TOTAL</b>	<b>\$3,930,000</b>	<b>\$2,427,900</b>	<b>\$2,528,800</b>	<b>\$2,231,700</b>	<b>\$2,603,400</b>	<b>\$2,100,000</b>

**Year of Appropriation of Funding**

FY 2011 <sup>3/</sup>	1,517,000	-	-	-	-	-
FY 2012	2,413,000	189,300	-	-	-	-
FY 2013	-	2,238,600	363,100	-	-	-
FY 2014	-	-	2,165,700	-	-	-
FY 2015	-	-	-	2,231,700	-	-
FY 2016	-	-	-	-	2,603,400	-
FY 2017	-	-	-	-	-	2,603,400
<b>TOTAL</b>	<b>\$3,930,000</b>	<b>\$2,427,900</b>	<b>\$2,528,800</b>	<b>\$2,231,700</b>	<b>\$2,603,400</b>	<b>\$2,603,400</b>

**Detention Liaison Officer Grants <sup>4/</sup>**

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
	Actual	Actual	Actual	Actual	Estimate	Estimate
Cochise County Sheriff's Office	\$33,100	\$39,800	\$5,500	\$40,500	\$40,600	\$37,500
Graham County Sheriff's Office	21,100	31,200	15,200	-	37,300	-
Maricopa County Sheriff's Office	-	-	-	44,100	41,300	89,200
Pima County Sheriff's Office	43,900	44,500	56,700	91,900	94,000	87,300
Pinal County Sheriff's Office	46,300	58,700	-	40,000	46,300	47,700
Santa Cruz County Sheriff's Office	18,600	-	24,800	30,400	30,000	-
Yuma County Sheriff's Office	41,000	42,400	35,800	43,200	45,300	-
Department of Corrections	237,400	180,400	263,000	205,400	230,200	238,300
<b>Total</b>	<b>\$441,400</b>	<b>\$397,000</b>	<b>\$401,000</b>	<b>\$495,500</b>	<b>\$565,000</b>	<b>\$500,000</b>

Table 3 (Continued)

<u>Border County Officers 4/</u>	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Benson Police	\$63,700	\$63,000	\$36,300	-	-	-
Cochise County Sheriff's Office	-	-	-	41,600	77,000	191,600
Coolidge Police	46,600	62,900	66,200	44,300	56,000	64,200
Douglas Police	123,700	124,800	102,600	115,000	120,000	-
Eloy Police	-	-	-	-	-	56,400
Oro Valley Police	62,200	54,800	47,300	63,300	48,000	66,700
Pinal County Sheriff's Office	54,500	45,700	89,700	-	64,000	-
San Luis Police	-	-	-	-	-	56,400
Somerton Police	-	-	-	-	-	44,500
Yuma County Sheriff's Office	-	-	47,900	56,100	60,000	-
Unallocated	-	-	-	-	-	10,200
<b>Total</b>	<b>\$350,700</b>	<b>\$351,200</b>	<b>\$390,000</b>	<b>\$320,300</b>	<b>\$425,000</b>	<b>\$490,000</b>
<b>Border Security and Law Enforcement Grants 4/</b>						
Apache County Sheriff's Office	-	-	\$11,600	\$11,500	\$12,000	\$70,000
Cochise County Sheriff's Office	-	-	20,800	20,900	500,000	70,000
Coconino County Sheriff's Office	-	-	-	-	22,000	70,000
Gila County Sheriff's Office	-	-	8,400	8,600	10,000	70,000
Graham County Sheriff's Office	-	-	-	-	18,500	70,000
Greenlee County Sheriff's Office	-	-	-	1,700	2,000	70,000
La Paz County Sheriff's Office	-	-	3,200	3,300	3,500	70,000
Maricopa County Sheriff's Office	-	-	627,700	629,400	100,000	70,000
Mohave County Sheriff's Office	-	-	32,200	32,500	33,000	70,000
Navajo County Sheriff's Office	-	-	16,900	17,300	18,000	70,000
Pima County Sheriff's Department	-	-	156,600	158,900	50,000	70,000
Pinal County Sheriff's Office	-	-	61,100	62,800	100,000	70,000
Santa Cruz Sheriff's Office	-	-	7,500	7,900	34,000	70,000
Yavapai County Sheriff's Office	-	-	33,600	34,000	35,000	70,000
Yuma County Sheriff's Office	-	-	-	33,400	112,000	70,000
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$979,600</b>	<b>\$1,022,200</b>	<b>\$1,050,000</b>	<b>\$1,050,000</b>

GIITEM Subaccount Expenditures 5/6/18/9/10/

<u>Agency</u>	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Pima County Sheriff	\$500,000	\$500,000	\$350,000	\$350,000	\$350,000	\$350,000
General Fund Repayment	1,000,000	-	-	-	-	-
Border Detention Liaison Officers (See Chart Above)	-	397,000	401,000	495,500	565,000	500,000
Border County Officers (See Chart Above)	-	351,200	390,000	320,300	425,000	490,000
Border Security and Law Enforcement Grants (See Chart Above)	-	-	979,600	1,022,200	1,050,000	1,050,000
<b>TOTAL</b>	<b>\$1,500,000</b>	<b>\$1,248,200</b>	<b>\$2,120,600</b>	<b>\$2,188,000</b>	<b>\$2,390,000</b>	<b>\$2,390,000</b>

Table 3 (Continued)

County Assistance <u>11/</u>						
Agency	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Pinal County Sheriff	\$1,000,000	-	-	-	-	-
<b>TOTAL</b>	<b>\$1,000,000</b>	-	-	-	-	-
Border Strike Task Force Local Support <u>12/</u>						
Agency	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Unallocated	-	-	-	-	-	\$1,261,700
<b>TOTAL</b>	-	-	-	-	-	<b>\$1,261,700<sup>13/</sup></b>
County Attorney Immigration Enforcement Distributions <u>12/14/</u>						
Agency	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual
Maricopa County Attorney	\$200,000	\$200,000	\$200,000	\$200,000	-	-
Maricopa County Sheriff	500,000	500,000	-	-	-	-
Pima County Attorney	97,687	97,687	97,687	97,687	-	-
Pima County Sheriff	97,687	97,687	-	-	-	-
Pinal County Attorney	37,447	37,447	37,447	37,447	-	-
Pinal County Sheriff	37,447	37,447	37,447	37,447	-	-
Yavapai County Attorney	21,030	21,030	21,030	21,030	-	-
Yavapai County Sheriff	21,030	21,030	-	-	-	-
Mohave County Attorney	19,949	19,949	19,949	19,949	-	-
Mohave County Sheriff	19,949	19,949	-	-	-	-
Yuma County Attorney	19,507	19,507	19,507	19,507	-	-
Yuma County Sheriff	19,507	19,507	-	-	-	-
Cochise County Attorney	13,089	13,089	-	-	-	-
Cochise County Sheriff	13,089	13,089	-	-	-	-
Coconino County Attorney	13,396	13,396	-	-	-	-
Coconino County Sheriff	13,396	13,396	13,396	-	-	-
Navajo County Attorney	10,708	10,708	10,708	-	-	-
Navajo County Sheriff	10,708	10,708	-	-	-	-
Apache County Attorney	7,127	7,127	7,127	7,127	-	-
Apache County Sheriff	7,127	7,127	-	-	-	-
Gila County Attorney	5,341	5,341	5,341	-	-	-
Gila County Sheriff	5,341	5,341	-	-	-	-
Santa Cruz County Attorney	4,726	4,726	4,726	-	-	-
Santa Cruz County Sheriff	4,726	4,726	-	-	-	-
Graham County Attorney	\$3,709	\$3,709	-	-	-	-
Graham County Sheriff	3,709	3,709	-	-	-	-
La Paz County Attorney	2,042	2,042	2,042	2,042	-	-
La Paz County Sheriff	2,042	2,042	-	-	-	-
Greenlee County Attorney	841	841	-	-	-	-
Greenlee County Sheriff	841	841	-	-	-	-
Unallocated	-	-	736,793	781,777	-	-
<b>TOTAL</b>	<b>\$1,213,200</b>	<b>\$1,213,200</b>	<b>\$1,213,200</b>	<b>\$1,213,200</b>	<b>\$0</b>	<b>\$0</b>

- 1/ Funded from non-lapsing \$2.6 million General Fund appropriation, which is part of a \$22.6 million total GIITEM General Fund appropriation to DPS in FY 2017. Beginning in FY 2011, statute allocated the first \$1.6 million to the Maricopa County Sheriff's Office and the next \$500,000 to the Pinal County Sheriff's Office.
- 2/ FY 2017 figures represent statutory appropriations only. Remaining allocations are to be determined.
- 3/ Includes \$1,003,200 in other GIITEM SLI monies in FY 2011.
- 4/ Funding for the Detention Liaison Officer Grants and the Border County Officers in FY 2012 is included in the annual \$2.6 million General Fund appropriation for Local Immigration Enforcement Grants. In FY 2013 - FY 2016 the monies were allocated from the GIITEM Subaccount. Funding for the Border Security and Law Enforcement Grants is provided from the GIITEM Subaccount.
- 5/ Initially funded from a \$2.1 million GIITEM Fund appropriation in FY 2012. Laws 2011, Chapter 308 created a \$13 surcharge on criminal fines and penalties and civil motor vehicle violations, \$4 of which is to be deposited into the GIITEM Fund Border Security and Law Enforcement Subaccount. These revenues totaled \$2,270,200 in FY 2015. The monies in the GIITEM Subaccount are for border security personnel and equipment. Additionally, the bill redirected the monies normally deposited into the Arizona Criminal Justice Commission's State Aid to Indigent Defense Fund, which totaled \$659,300, to the GIITEM Fund Border Security and Law Enforcement Subaccount in FY 2012. This did not continue in FY 2013.
- 6/ Laws 2011, Chapter 308 required that the first \$1,000,000 in criminal fee revenue received by the GIITEM Fund Border Security and Law Enforcement Subaccount in FY 2012, be used to repay the General Fund for a commensurate appropriation to the Pinal County Sheriff's Office in FY 2012.
- 7/ As required by Laws 2013, 1st Special Session, Chapter 5, the Joint Legislative Budget Committee (JLBC) reviewed DPS' FY 2014 GIITEM Subaccount expenditure plan on October 29, 2013.
- 8/ As required by Laws 2014, Chapter 12, JLBC reviewed DPS' FY 2015 GIITEM Subaccount expenditure plan on June 19, 2014.
- 9/ As required by Laws 2015, Chapter 17, JLBC reviewed DPS' FY 2016 GIITEM Subaccount expenditure plan on June 18, 2015.
- 10/ As required by Laws 2016, Chapter 119, JLBC reviewed DPS' FY 2017 GIITEM Subaccount expenditure plan on June 16, 2016.
- 11/ Funded from a one-time \$1,000,000 General Fund appropriation. The monies were used to purchase and maintain a helicopter. The funding was not continued in FY 2013.
- 12/ Funded by a General Fund appropriation.
- 13/ Amount represents appropriated amount to DPS in FY 2017. JLBC has not reviewed DPS' expenditure plan as of June 2016.
- 14/ Funding for this line item was not continued in FY 2016.
- 15/ The FY 2012, FY 2013, and FY 2014 budgets required ADOA to distribute \$200,000 to the County Attorney of a county with a population of 2,000,000 or more persons and \$500,000 to the County Sheriff of a county with a population of 2,000,000 or more persons. The FY 2014 distribution to a County Sheriff in a county with a population of 2,000,000 or more was returned pursuant to a court order. With JLBC approval, the remaining monies can be distributed to County Attorneys and County Sheriffs of counties with populations of less than 2,000,000 persons. At their April 10, 2014 meeting, the JLBC gave approval to ADOA's FY 2014 expenditure plan to distribute monies proportionate to population. ADOA's proposal did not allocate funding to any county which did not plan to expend the funds. As a result, ADOA did not distribute \$212,689 of the \$1,213,200 FY 2014 appropriation. JLBC's approval included a provision that ADOA distribute the monies if subsequently requested to do so by a county attorney or sheriff not currently scheduled to receive funds. ADOA did not seek JLBC approval of its FY 2012 or FY 2013 distribution.
- 16/ The initial plan as approved at the December 17, 2014 meeting of the JLBC allocated all but \$281,800 of the \$1,213,200 appropriation. Subsequent to the meeting, the \$500,000 allocation to the Maricopa County Sheriff's Office was returned due to a court order resulting in a total of \$781,800 in unallocated funds.
- 17/ The FY 2016 budget eliminated the County Attorney Immigration Enforcement line item appropriation.