

Department of Public Safety

	FY 2010 ACTUAL	FY 2011 ESTIMATE	FY 2012 APPROVED
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	2,091.8	2,081.8	2,139.8 ^{1/}
Personal Services	99,924,500	95,837,300	97,965,100
Employee Related Expenditures	51,317,500	51,377,200	52,163,500
Professional and Outside Services	575,700	1,485,700	1,485,700
Travel - In State	136,700	484,200	484,200
Travel - Out of State	84,900	192,500	192,500
Other Operating Expenditures	24,326,500	29,470,600	28,617,000
Equipment	3,331,400	3,390,500	3,573,900
OPERATING SUBTOTAL	179,697,200	182,238,000	184,481,900
SPECIAL LINE ITEMS			
GIITEM	17,678,700	20,991,300	21,301,400 ^{2/3/}
GIITEM Subaccount	0	0	2,090,300 ^{4/}
County Assistance	0	0	1,000,000 ^{4/}
Public Safety Equipment	0	0	2,390,000 ^{4/}
Motor Vehicle Fuel	3,927,300	3,935,500	3,935,500
DNA Testing	980,000	980,000	980,000 ^{5/}
Photo Radar Enforcement	10,246,200	11,062,500	0
AGENCY TOTAL	212,529,400	219,207,300	216,179,100^{6/7/8/}
FUND SOURCES			
General Fund	39,862,300	43,008,700	46,526,200
<u>Other Appropriated Funds</u>			
Automated Fingerprint Identification System Fund	2,969,500	3,011,400	3,008,600
Crime Laboratory Assessment Fund	4,833,300	872,500	868,000
Crime Laboratory Operations Fund	6,514,800	11,127,200	11,030,500
Criminal Justice Enhancement Fund	2,863,100	2,886,500	2,859,300
Deoxyribonucleic Acid (DNA) Identification System Fund	2,977,000	3,981,700	3,944,600
Gang and Immigration Intelligence Team Enforcement Mission Fund Subaccount	0	0	2,090,300
Highway Patrol Fund	18,193,200	18,676,600	18,522,300
Highway User Revenue Fund	78,626,200	79,215,700	119,961,000
Motorcycle Safety Fund	205,000	205,000	205,000
Parity Compensation Fund	2,199,500	1,823,300	1,817,900
Photo Enforcement Fund	10,246,200	11,062,500	0
Public Safety Equipment Fund	0	0	2,390,000
Risk Management Fund	278,700	296,200	1,446,300
Safety Enforcement and Transportation Infrastructure Fund	1,504,600	1,518,800	1,509,100
State Highway Fund	41,256,000	41,521,200	0
SUBTOTAL - Other Appropriated Funds	172,667,100	176,198,600	169,652,900
SUBTOTAL - Appropriated Funds	212,529,400	219,207,300	216,179,100
Other Non-Appropriated Funds	27,346,100	36,824,700	34,563,700
Federal Funds	47,869,400	54,238,900	28,597,900
TOTAL - ALL SOURCES	287,744,900	310,270,900	279,340,700

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.

Operating Budget

The budget includes \$184,481,900 and 1,986 FTE Positions in FY 2012 for the operating budget. These amounts consist of:

	<u>FY 2012</u>
General Fund	\$20,520,600
Automated Fingerprint Identification System (AFIS) Fund	3,008,600
Crime Laboratory Assessment Fund (CLAF)	868,000
Crime Laboratory Operations Fund (CLOF)	11,030,500
Criminal Justice Enhancement Fund (CJEF)	2,859,300
Deoxyribonucleic Acid (DNA) Identification System Fund	2,964,600
Highway Patrol Fund	18,291,000
Highway User Revenue Fund (HURF)	119,961,000
Motorcycle Safety Fund	205,000
Parity Compensation Fund	1,817,900
Risk Management Fund	1,446,300
Safety Enforcement and Transportation Infrastructure Fund (SETIF)	1,509,100

These amounts fund the following adjustments:

Shift Capitol Police from ADOA

The budget includes an increase of \$3,050,800 and 58 FTE Positions in FY 2012 to shift the Capitol Police from the Department of Administration to the Department of Public Safety (DPS) and to bring the Capitol Police Officers up to the appropriate DPS pay grades. These amounts consist of:

General Fund	1,889,200
Risk Management Fund	1,161,600

This change is included in the FY 2012 Consolidation Budget Reconciliation Bill (BRB) (Laws 2011, Chapter 27) and the General Appropriation Act.

- 1/ Includes 153.8 GF FTE Positions funded from Special Line Items in FY 2012.
- 2/ Of the \$21,301,400 appropriated to GIITEM, only \$2,603,400 shall be 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)
- 3/ Of the \$21,301,400 appropriated to GIITEM, \$9,327,000 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 law 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 and 4) taking strict enforcement action. Any change in the GIITEM mission or allocation of monies must 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)
- 4/ Laws 2011, Chapter 308 appropriation for FY 2012.
- 5/ Laws 2007, Chapter 261 appropriation for FY 2012, as reduced from \$3,520,000 to \$980,000 in Laws 2011, Chapter 33.
- 6/ General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.
- 7/ Any monies remaining in the Department of Public Safety joint account on June 30, 2012 shall 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)
- 8/ In addition to these amounts, a total of \$877,100 GF and \$4,355,200 OF is appropriated in FY 2012 for costs associated with an additional pay period. (Please see the Agency Detail and Allocations section.)

Shift Highway Funds to HURF

The budget includes an increase of \$41,521,200 from the Highway User Revenue Fund in FY 2012 and a corresponding State Highway Fund decrease. As a result, about half of the cost will be funded by monies that would otherwise have gone to local governments. The state realizes savings from the freed up State Highway Fund by redirecting \$23,588,500 of Vehicle License Tax monies to the General Fund.

Statewide Adjustments

The budget includes a decrease of \$(806,900) in FY 2012 for statewide adjustments. This amount consists of:

General Fund	318,200
AFIS Fund	(2,800)
CLAF	(4,500)
CLOF	(96,700)
CJEF	(27,200)
DNA Identification System Fund	(37,100)
Highway Patrol Fund	(154,300)
HURF	(775,900)
Parity Compensation Fund	(5,400)
Risk Management Fund	(11,500)
SETIF	(9,700)

(Please see the Agency Detail and Allocations section.)

Equipment Issues

Radio and Infrastructure Equipment Replacement

The budget continues \$677,300 for radio and infrastructure equipment replacement in FY 2012. This amount consists of:

General Fund	147,300
CJEF	53,800
HURF	357,200
State Highway Fund	119,000

These amounts are unchanged from FY 2011. The equipment to be replaced includes portable radios, mobile radios, base stations, and telecommunications infrastructure.

GIITEM

The budget includes \$21,301,400 and 153.8 FTE Positions from the General Fund in FY 2012 for the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM). These amounts fund the following adjustments:

Statewide Adjustments

The budget includes an increase of \$310,100 from the General Fund in FY 2012 for statewide adjustments.

The GIITEM Special Line Item is comprised of monies for the following GIITEM functions, including: 1) \$8,771,000 for gang enforcement, investigation, and interdiction, 2) \$9,327,000 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, 4) \$600,000 for crime analysts associated with the state gang intelligence database (GangNet). *Table 1* identifies the various functions, as well as their corresponding allocations.

Function/Purpose	FY 2012
Gang Enforcement & Investigation	\$ 8,771,000
DPS Immigration Personnel	9,327,000
Local Immigration Enforcement Grants	2,603,400 ^{1/}
GangNet Upgrade & Crime Analysts	600,000
TOTAL	\$21,301,400

^{1/} DPS also has prior year non-lapsing monies available for local efforts.

The Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2011, Chapter 33) shifted language governing the GIITEM local enforcement grants from a General Appropriation Act footnote to permanent law. 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 shall provide not less than 25% of the cost of services.

The bill allocates the first \$1,600,000 in local immigration enforcement grant monies to a county with more than 3 million 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 monies may be used for agreements with cities, counties, and other entities at a 3:1 match rate. The bill excludes Maricopa and Pinal County from the matching requirements and excludes Pima County officials from receiving funding. The Pima County exclusion was reversed by Laws 2011, Chapter 308.

Additionally, contracting law enforcement agencies must verify the legal status of suspected illegal aliens and gang members. The bill requires reporting to JLBC for any expenditures not identified in previous expenditure plans.

GIITEM Subaccount

Laws 2011, Chapter 308 appropriates \$2,090,300 from the GIITEM Fund in FY 2012 for equipment and supplies for Pinal County deputies and for border security.

Laws 2011, Chapter 308 created a \$13 criminal fee, \$4 of which is to be deposited into the GIITEM Fund Border Security and Law Enforcement Subaccount. These revenues are estimated to total \$1,390,000 in FY 2012. The monies in the GIITEM Subaccount are for border security personnel and equipment.

Additionally, Laws 2011, Chapter 308 redirected the monies normally deposited into the Arizona Criminal Justice Commission’s State Aid to Indigent Defense Fund, estimated at \$700,300, to the GIITEM Fund Border Security and Law Enforcement Subaccount in FY 2012.

These monies are to be provided directly to county sheriffs without approval by the respective Board of Supervisors. The GIITEM Subaccount is subject to legislative appropriation. (*Please see Additional Legislation for more information.*)

County Assistance

Laws 2011, Chapter 308 appropriates \$1,000,000 from the General Fund in FY 2012 for a county with more than 300,000 but less than 500,000 individuals (Pinal County) to purchase county sheriff equipment and supplies for border security. This is a one-time appropriation. (*Please see Additional Legislation for more information.*)

Public Safety Equipment

Laws 2011, Chapter 308 appropriates \$2,390,000 from the Public Safety Equipment Fund in FY 2012 for equipment and supplies for the department.

Laws 2011, Chapter 308 created a \$4 criminal fee that is to be deposited into the Public Safety Equipment Fund. These monies are to be used for safety equipment. The revenues are estimated to total \$2,390,000 in FY 2012. (*Please see Additional Legislation for more information.*)

Motor Vehicle Fuel

The budget includes \$3,935,500 in FY 2012 for Motor Vehicle Fuel. This amount consists of:

General Fund	3,704,200
Highway Patrol Fund	231,300

These amounts are unchanged from FY 2011.

The Motor Vehicle Fuel Special Line Item provides and tracks monies appropriated to DPS for motor vehicle fuel.

DNA Testing

The budget includes \$980,000 from the DNA Identification System Fund for DNA testing in FY 2012. This amount is unchanged from FY 2011.

Background – Laws 2007, Chapter 261 originally appropriated \$1,980,000 in FY 2008, \$2,980,000 in FY 2009, \$3,484,000 in FY 2010, \$3,440,000 in FY 2011, and \$3,520,000 in FY 2012 from the Arizona DNA Identification System Fund to fund the operating costs of the expanded testing provisions, as well as the design and construction of an expanded crime lab in Phoenix. To delay construction of a new parking garage, the revised FY 2009 budget, however, reduced the FY 2009 advance appropriation to \$980,000. The FY 2012 Criminal Justice BRB maintains spending at the \$980,000 level, where it has remained since FY 2009.

Photo Radar Enforcement

The budget includes no funding in FY 2012 for photo radar enforcement. This amount funds the following adjustments:

Statewide Adjustments

The budget includes an increase of \$2,300 from the Photo Enforcement Fund in FY 2012 for statewide adjustments.

Elimination of the Program

The budget includes a decrease of \$(11,064,800) from the Photo Enforcement Fund in FY 2012 for the elimination of the State Photo Radar Enforcement program. This reduction is due to DPS not extending the Photo Radar contract as of July 15, 2010.

Fund Transfers

The budget includes transfers from this agency's funds to the General Fund. (*Please see the Fund Transfers section at the back of this report for more details.*)

Additional Legislation

HURF and State Highway Fund Cap

The Criminal Justice BRB notwithstanding the statutory spending provisions for HURF and the State Highway Fund (A.R.S. § 28-6537 and A.R.S. § 28-6993).

Public Safety Equipment Fund Uses

The Criminal Justice BRB modifies statute to allow Public Safety Equipment Fund monies to be used for vehicles.

Ch. 308 GIITEM, Public Safety Equipment Fund, and Photo Radar Changes

Laws 2011, Chapter 308 created an additional \$13 surcharge to be assessed against all fines and penalties for criminal offenses and civil penalty imposed for a traffic violation, violation of the motor vehicle statutes, local ordinance relating to the stopping, standing or operating of a vehicle, or violation of the Game and Fish statutes in Title 17. The fees are divided amongst several beneficiaries with the Public Safety Equipment Fund receiving \$4, the GIITEM Fund Border Security and Law Enforcement Subaccount receiving \$4, the investigating authority responsible for bringing the case receiving \$4, and either the Justice Courts outside Maricopa County or the Justice Court Administration in Maricopa County receiving \$1. The fee deposits into the Public Safety Equipment Fund and the GIITEM Fund Border Security and Law Enforcement Subaccount are subject to appropriation.

The bill appropriates \$1,000,000 from the General Fund to DPS in FY 2012 for County Assistance. The monies are to be provided to Pinal County to purchase equipment and supplies for deputies for border security. Notwithstanding the new Chapter 308 allocation, the bill also stipulates that the first \$1,000,000 that would have otherwise been put into the GIITEM Fund Border Security and Law Enforcement Subaccount in FY 2012 will be diverted to the General Fund. This diversion serves to offset the General Fund appropriation.

The bill also redirects, from ACJC to the DPS GIITEM Subaccount, a 14.66% allocation of a 7% penalty assessment on fines, penalties and forfeitures imposed by the courts for criminal and civil motor vehicle violations and a 20.53% allocation of a 5% portion of fines and fees collected by the Supreme Court of Appeals. These monies are subject to appropriation, are to be distributed to county sheriffs for border security and are not subject to approval by the respective Board of Supervisors. The intent of Laws 2011, Chapter 308 is to redirect only new monies generated by these fines in FY 2012 and not monies currently in the fund balance. The revenues revert to the State Aid to Indigent Defense Fund in FY 2013.

Laws 2011, Chapter 308 also eliminates the state Photo Enforcement Program and State Photo Enforcement Fund.

The bill stipulates that individuals are not required to pay their photo enforcement fines if local governments choose to notify individuals through means other than formal service or certified mail. If the local government utilizes a Notice of Violation (NOV), they are required to notify the individual that there is no obligation to identify the driver or respond and that not responding may result in official service, which may result in an additional fee.

The bill also modifies Laws 2010, Chapter 266 to extend the date within which remaining Photo Enforcement Fund monies can be transferred to the Public Safety Equipment Fund by 1 year to June 30, 2012.