

Department of Public Safety

	FY 2011 ACTUAL	FY 2012 ESTIMATE	FY 2013 APPROVED
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	2,081.8	2,139.8	1,903.7 ^{1/}
Personal Services	93,404,900	94,407,700	96,066,100
Employee Related Expenditures	49,294,300	53,377,500	63,463,200
Professional and Outside Services	664,600	1,390,400	1,390,400
Travel - In State	256,000	483,800	483,800
Travel - Out of State	144,000	192,500	192,500
Other Operating Expenditures	31,564,600	30,353,300	30,212,000
Equipment	6,132,700	4,390,100	6,345,300
OPERATING SUBTOTAL	181,461,100	184,595,300	198,153,300
SPECIAL LINE ITEMS			
GIITEM	18,359,600	21,316,500	21,370,600 ^{2/3/}
GIITEM Subaccount	0	2,090,300 ^{4/}	2,390,000
County Assistance	0	1,000,000 ^{4/}	0
Public Safety Equipment	0	2,390,000 ^{4/}	2,390,000
Motor Vehicle Fuel	3,908,900	3,935,500	3,935,500
DNA Testing	980,000	980,000 ^{5/}	0
Photo Radar Enforcement	3,761,000	0	0
AGENCY TOTAL	208,470,600	216,307,600^{6/}	228,239,400^{7/8/9/}
FUND SOURCES			
General Fund	42,000,100	46,557,300	45,524,000
<u>Other Appropriated Funds</u>			
Automated Fingerprint Identification System Fund	2,699,300	3,009,600	3,009,700
Crime Laboratory Assessment Fund	664,100	869,900	870,300
Crime Laboratory Operations Fund	10,098,600	11,071,200	14,702,100
Criminal Justice Enhancement Fund	2,886,500	2,870,200	2,872,200
Deoxyribonucleic Acid (DNA) Identification System Fund	3,981,700	3,960,200	5,470,800
Gang and Immigration Intelligence Team Enforcement Mission Border Security and Law Enforcement Subac	0	2,090,300	2,390,000
Highway Patrol Fund	17,785,900	18,542,700	19,282,500
Highway User Revenue Fund	79,215,700	119,961,000	119,961,000
Motorcycle Safety Fund	20,400	205,000	205,000
Parity Compensation Fund	1,485,300	1,817,900	1,819,300
Photo Enforcement Fund	3,761,000	0	0
Public Safety Equipment Fund	0	2,390,000	2,390,000
Risk Management Fund	832,000	1,453,200	1,452,300
Safety Enforcement and Transportation Infrastructure Fund	1,518,800	1,509,100	1,510,200
State Highway Fund	41,521,200	0	6,780,000
SUBTOTAL - Other Appropriated Funds	166,470,500	169,750,300	182,715,400
SUBTOTAL - Appropriated Funds	208,470,600	216,307,600	228,239,400
Other Non-Appropriated Funds	34,463,200	38,655,600	37,509,100
Federal Funds	46,709,400	45,677,300	33,646,600
TOTAL - ALL SOURCES	289,643,200	300,640,500	299,395,100

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 \$198,153,300 and 1,766.9 FTE Positions in FY 2013 for the operating budget. These amounts consist of:

	<u>FY 2013</u>
General Fund	\$20,449,200
Automated Fingerprint Identification System (AFIS) Fund	3,009,700
Crime Laboratory Assessment Fund (CLAF)	870,300
Crime Laboratory Operations Fund (CLOF)	14,702,100
Criminal Justice Enhancement Fund (CJEF)	2,872,200
Deoxyribonucleic Acid (DNA) Identification System Fund	5,470,800
Highway Patrol Fund	19,051,200
Highway User Revenue Fund (HURF)	119,961,000
Motorcycle Safety Fund	205,000
Parity Compensation Fund	1,819,300
Risk Management Fund	1,452,300
Safety Enforcement and Transportation Infrastructure Fund (SETIF)	1,510,200
State Highway Fund	6,780,000

These amounts fund the following adjustments:

Statewide Adjustments

The budget includes a decrease of \$(59,400) in FY 2013 for statewide adjustments. This amount consists of:

General Fund	(87,400)
AFIS Fund	100
CLAF	400
CLOF	8,100
CJEF	2,000
DNA Identification System Fund	3,000
Highway Patrol Fund	12,800
Parity Compensation Fund	1,400
Risk Management Fund	(900)
SETIF	1,100

^{1/} Includes 136.8 GF FTE Positions funded from Special Line Items in FY 2013.

^{2/} Of the \$21,370,600 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 \$21,370,600 appropriated to GIITEM, \$9,362,700 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/} 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.)

^{7/} General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.

^{8/} Any monies remaining in the Department of Public Safety joint account on June 30, 2013 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)

^{9/} In addition to these amounts, the General Appropriation Act included one-time FY 2013 adjustments for a state employee health insurance payment holiday and employee retention payments. These specific adjustments will be allocated to individual agencies at a later time. (Please see the General Provisions section.)

(Please see the Agency Detail and Allocations section.)

DNA Testing Backlog

The budget includes an increase of \$2,487,600 from the DNA Identification System Fund in FY 2013 for the operational costs of the DPS Crime Lab. These monies will allow DPS to fill vacant Crime Lab positions and to reduce the current case backlog.

FTE Reduction

The budget includes a decrease of (219.1) unfunded FTE Positions in FY 2013. This amount consists of:

General Fund	(26.0)
AFIS Fund	(0.5)
CLAF	(0.6)
CLOF	(11.8)
CJEF	(3.6)
DNA Identification System Fund	(4.5)
Highway Patrol Fund	(23.5)
HURF	(142.8)
Parity Compensation Fund	(2.4)
Risk Management Fund	(1.3)
SETIF	(2.1)

(Please see Other Issues for more information.)

Officer Retirement

The budget includes an increase of \$9,174,600 in FY 2013 to offset an increase in the employer contribution rate for the Public Safety Personnel Retirement System (PSPRS). This amount consists of:

CLOF	3,622,800
Highway Patrol Fund	727,000
State Highway Fund	4,824,800

Highway Patrol Vehicle Replacement

The budget includes an increase of \$1,955,200 from the State Highway Fund in FY 2013 for the replacement of Highway Patrol vehicles. This amount is estimated to allow DPS to purchase up to 39 new vehicles at a cost of \$50,100 per vehicle or 56 used vehicles at a cost of \$34,900 per vehicle.

This amount is in addition to \$1,352,700 from the State Highway Fund in FY 2013 already included in the budget. This amount is estimated to allow DPS to purchase 27 new vehicles.

Radio and Infrastructure Equipment Replacement

The budget continues \$677,300 for radio and infrastructure equipment replacement in FY 2013. 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 2012. The equipment to be replaced includes portable radios, mobile radios, base stations, and telecommunications infrastructure.

GIITEM

The budget includes \$21,370,600 and 136.8 FTE Positions from the General Fund in FY 2013 for the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM). These amounts fund the following adjustments:

Statewide Adjustments

The budget includes an increase of \$54,100 from the General Fund in FY 2013 for statewide adjustments.

FTE Reduction

The budget includes a decrease of (17) unfunded FTE Positions from the General Fund in FY 2013.

The GIITEM Special Line Item is comprised of monies for the following GIITEM functions, including: 1) \$8,804,500 for gang enforcement, investigation, and interdiction, 2) \$9,362,700 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.

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.

Table 1

Allocation of GIITEM Funding

<u>Function/Purpose</u>	<u>FY 2013</u>
Gang Enforcement & Investigation	\$ 8,804,500
DPS Immigration Personnel	9,362,700
Local Immigration Enforcement Grants	2,603,400 ^{1/}
GangNet Upgrade & Crime Analysts	600,000
TOTAL	\$21,370,600

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

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 monies 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.

GIITEM Subaccount

The budget includes \$2,390,000 from the GIITEM Border Security and Law Enforcement Subaccount in FY 2013 for the GIITEM Subaccount for equipment and supplies for border security. This amount funds the following adjustments:

Elimination of One-Time Changes

The budget includes an increase of \$299,700 from the GIITEM Border Security and Law Enforcement Subaccount in FY 2013 for an estimated increase in revenues to the GIITEM Border Security and Law Enforcement Subaccount.

In FY 2012, there was a one-time transfer of the first \$1,000,000 of revenues from the Subaccount to the General Fund to offset \$1,000,000 of County Assistance spending. The elimination of this transfer will increase revenues to the Subaccount by \$1,000,000 annually. Additionally, in FY 2012 the Subaccount received a one-time deposit of \$700,300 from monies that are normally deposited into the Arizona Criminal Justice Commission’s State Aid to Indigent Defense Fund. Due to their one-time nature, these transfers are not continued in FY 2013 resulting in a net increase of \$299,700 in new revenues to the Subaccount in FY 2013.

The GIITEM Border Security and Law Enforcement Subaccount receives \$4 of a \$13 criminal fee. These revenues are estimated to total \$2,390,000 in FY 2013. The monies in the GIITEM Subaccount are for border security personnel and equipment. The monies are to be

provided directly to county sheriffs without approval by the respective Board of Supervisors.

The Criminal Justice BRB (Laws 2012, Chapter 302) clarifies that all appropriated monies in the GIITEM Border Security and Law Enforcement Subaccount are to be distributed to local entities by the end of the fiscal year.

County Assistance

The budget includes no funding in FY 2013 for County Assistance. These amounts fund the following adjustments:

Elimination of One-Time Funding

The budget includes a decrease of \$(1,000,000) from the General Fund in FY 2013 for the elimination of one-time funding.

Laws 2011, Chapter 308 appropriated \$1,000,000 from the General Fund to DPS in FY 2012 for County Assistance. The monies were provided to Pinal County to purchase equipment and supplies for deputies for border security. The bill also directed the first \$1,000,000 that would have otherwise been put into the GIITEM Border Security and Law Enforcement Subaccount in FY 2012 to the General Fund. This diversion served to offset the General Fund appropriation.

Public Safety Equipment

The budget includes \$2,390,000 from the Public Safety Equipment Fund in FY 2013 for Public Safety Equipment. This amount is unchanged from FY 2012.

The Public Safety Equipment Fund receives \$4 of a \$13 criminal fee. These monies are to be used for safety equipment. The revenues are estimated to total \$2,390,000 in FY 2013.

The Criminal Justice BRB permanently allows appropriated monies from the Public Safety Equipment Fund monies to be used for vehicles. Previously, only non-appropriated monies in the fund could be used to purchase vehicles.

Motor Vehicle Fuel

The budget includes \$3,935,500 in FY 2013 for Motor Vehicle Fuel. This amount consists of:

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

These amounts are unchanged from FY 2012.

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

DNA Testing

The budget includes no funding in FY 2013 for DNA testing. This funds the following adjustment:

Elimination of Funding

The budget includes a decrease of \$(980,000) from the Arizona DNA Identification System Fund in FY 2013 for the expiration of funding included in Laws 2007, Chapter 261.

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. Each year since FY 2009, budget legislation maintained spending at the \$980,000 level.

Additional Legislation

CLOF Uses

The Criminal Justice BRB permanently allows CLOF monies to be used for operational costs of DPS.

Department of Public Safety Sunset

Laws 2012, Chapter 315 extends the sunset date of the DPS from July 1, 2012 to July 1, 2022.

HURF Cap

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

Photo Enforcement Fund Distribution

The Criminal Justice BRB requires that any remaining Photo Enforcement Fund balance after July 1, 2012 be deposited into the General Fund.

Other Issues

Reduce Vacant FTE Positions

The FY 2013 budget reduced FTE ceilings for large agencies with a significant number of unfunded, unfilled positions. Although there were variations, the general policy was to reduce the vacancy factor to 10% for agencies with more than 100 FTE Positions. The budget for the Department of Public Safety includes a reduction of (43) GF and (193.1) OF FTE Positions in FY 2013 for this policy, incorporated into the figures above.

Attorney General Charge

Laws 2012, Chapter 302, the FY 2013 Criminal Justice Budget Reconciliation Bill (BRB), revises the mechanism for agencies to pay their Attorney General prorata charges. Prior to FY 2013, agencies paid a percent of their personal services to the Attorney General as part of a statewide allocation of that department's expenses. This prorata charge was separate from any funding arrangement contained in an agency's intergovernmental agreement with the Attorney General.

The Criminal Justice BRB eliminated the prorata personal services charge. An agency's General Fund appropriation will no longer be charged for Attorney General services. The prorata Non-General Fund charge has been converted into a flat dollar amount as annually specified by the General Appropriations Act. Section 134 of the General Appropriations Act specifies a statewide FY 2013 Non-General Fund charge of \$1,906,400 for Attorney General services. The Department of Public Safety share of this Non-General Fund charge will be \$677,400. Agencies will pay this charge from their appropriated and non-appropriated non-General Fund sources; the Criminal Justice BRB requires agencies to report to JLBC by September 1 annually the specific funds used.