



Justice and Public Safety Subcommittee FY 2012-13 Budget Highlights

Fiscal Brief

October 2012

The North Carolina General Assembly House and Senate Appropriations Subcommittees on Justice and Public Safety (JPS) determine the budget for four State agencies: the Administrative Office of the Courts (AOC), the Office of Indigent Defense Services (OIDS), the Department of Public Safety (DPS) and the Department of Justice (DOJ).

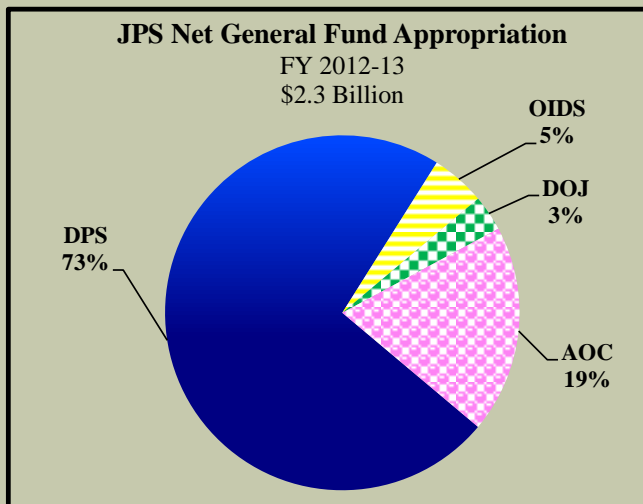
Actual and Enacted Expenditures and Receipts¹

	<u>Actual</u> <u>FY 2009-10</u>	<u>Actual</u> <u>FY 2010-11</u>	<u>Actual</u> <u>FY 2011-12</u>	<u>Enacted</u> <u>FY 2012-13</u>
Expenditures	2,388,939,701	2,396,257,566	2,674,655,081	2,577,946,268
Less: Receipts	261,406,023	276,648,151	345,007,790	295,709,360
Net General Fund Appropriations	\$2,127,533,678	\$2,119,609,415	\$2,329,647,291	\$2,282,236,908
Positions (FTE)	31,128.1	31,823.8	32,904.6	32,853.5

¹ Department or Division level budget and FTE information is provided in tables at the end of this budget brief.

Budget Overview

The enacted FY 2012-13 Net General Fund Appropriation for the Justice and Public Safety Subcommittee Agencies is \$2.3 billion. This is a reduction of 1.77 percent from the FY 2012-13 Certified Budget. The General Fund Appropriation funds 32,853.5 full-time equivalent positions (FTE).¹ The chart below shows the subcommittee budget by agency.



¹ Does not reflect positions that may be eliminated as part of management flexibility reserves.

S.L. 2012-142, Modify 2011 Appropriations Act (H.B. 950), as amended by S.L. 2012-145, Modifications/2012 Appropriations Act Corrections (S.B. 187), appropriates \$2.3 billion for the four Justice and Public Safety (JPS) agencies. Legislative adjustments to the FY 2012-13 budget for JPS agencies reduced spending by \$41.2 million. The Joint Conference Committee Report included language authorizing the creation of probation/parole positions, management flexibility cuts for three of the JPS agencies, closure of a youth development center, and partial funding for a contract extension for the Voice Interoperability Plan for Emergency Responders (VIPER). The budget also restored funding for the Family Court program in the Administrative Office of the Courts and transferred three programs to and from other agencies. This Fiscal Brief provides a summary of the adjusted FY 2012-13 budget for JPS.

Probation/Parole Officer Positions

S.L. 2011-192, Justice Reinvestment Act (JRA), increased the number of offenders eligible for post-release supervision, which may increase the probation/parole caseload by more than 14,000 offenders. Section 14.2A of S.L. 2012-142, Modify 2011 Appropriations Act (H.B. 950) authorizes the Department of Public Safety (DPS) to reclassify

vacant positions as probation/parole officer, parole case analyst, or judicial service coordinator positions. DPS estimates that approximately 182 new positions will be needed over the next two years as offenders sentenced under JRA complete their sentence and are released. DPS had 2,590 vacant positions as of May 31, 2012.

Management Flexibility Reductions

Three of the four JPS agencies were required to take a management flexibility reduction:

- Dept. of Public Safety - \$26.3 m (1.5%)
- Dept. of Justice - \$1.6 m (2.0%)
- Administrative Office of the Courts - \$5 m (1.2%)

Management flexibility reductions allow agencies to determine what recurring reductions to implement to meet a certain threshold amount. Reductions can include eliminating positions or closing facilities. However, Section 14.3A of S.L. 2012-142, Modify 2011 Appropriations Act (H.B. 950), prohibits DPS from eliminating any district level State Highway Patrol troopers, closing Bladen Correctional Center, or reducing community program funding in the Divisions of Adult Correction or Juvenile Justice. Section 15.5 of the same act prohibits the Department of Justice from eliminating State Crime Lab positions.

Youth Development Center Closure

Since 1998, changes to the Juvenile Code, an increased emphasis on community-led intervention, and a general decline in the crime rate have led to a 77% reduction in the number of juveniles committed to a youth development center (YDC). The steady decline in YDC commitments has reduced the need for long-term, secure facilities for juveniles. Last year, three facilities were closed (Camp Woodson, Samarkand YDC, and Swannanoa YDC). S.L. 2012-142, Modify 2011 Appropriations Act (H.B. 950) closes Edgecombe YDC effective January 1, 2013. Edgecombe YDC is a 32-bed facility built in 2007 that costs approximately \$3.8 million per year to operate (\$137,742 per bed¹). This closure will result in the elimination of 57 full-time equivalent (FTE) positions. In addition, the General Assembly transferred ten FTE positions to the other 32-bed YDCs to increase

¹ Although Edgecombe YDC is a 32-bed facility, the Division of Juvenile Justice only uses 28 beds. The per bed expenditure is the FY 2011-12 budget divided by 28 beds.

operating capacity at those facilities. Once those transfers are made, the total operating capacity at the remaining six YDCs will be 321 beds.

Voice Interoperability Plan for Emergency Responders (VIPER)

Since 2004, the State Highway Patrol has been coordinating the creation of a Voice Interoperability Plan for Emergency Responders (VIPER). The VIPER system provides interoperable emergency communications between first responders. The plan requires 242 VIPER tower sites for statewide coverage. To date, 189 towers have been completed and 30 are under construction, and 64,412 law enforcement, fire, and emergency medical services (EMS) from federal, State, and local agencies are on the VIPER network.

In April 2012, the Governor authorized the use of \$54.6 million from the Department of Public Safety's FY 2011-12 budget to extend the State's contract with Motorola to complete the remaining 23 VIPER towers and to upgrade the VIPER system to allow more users. The funds were primarily lapsed salary from vacant positions in the Division of Adult Correction. These funds would have reverted to the General Fund at the end of the year had they not been encumbered by the contract.

Section 6.3 of S.L. 2012-142, Modify 2011 Appropriations Act (H.B. 950) requires DPS to revert the \$54.6 million it had transferred for the Motorola contract extension and limits expenditures for VIPER tower construction and equipment to \$10 million in the fiscal biennium (FY 2011-13). \$10 million is appropriated in the Reserve section of the Joint Conference Committee Report for this purpose.

Continuation Review of Family Court

S.L. 2011-145, 2011 Appropriations Act, required the Administrative Office of the Courts to conduct a review of the Family Court Program operated in 13 districts throughout the State. Funding for Family Court was made non-recurring for FY 2012-13. S.L. 2012-142, Modify 2011 Appropriations Act (H.B. 950), restored the recurring appropriation for Family Courts.

Program Transfers

Three programs were transferred into or out of JPS agencies. First, the Young Offenders Forest



Conservation (BRIDGE) Program in DPS was transferred to the Department of Agriculture and Consumer Services. Second, the Geodetic Survey program was transferred from the Department of Environment and Natural Resources into DPS where it will be housed within the Emergency Management Section of the Division of Law Enforcement. Finally, the Managed Care Section of the Department of Justice was transferred to the Department of Insurance.

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Actual and Certified Expenditures and Receipts by Agency

Administrative Office of the Courts

	Actual FY 2009-10	Actual FY 2010-11	Actual FY 2011-12	Enacted FY 2012-13 ¹
Expenditures	469,730,869	460,391,361	456,494,845	442,527,947
Less: Receipts	3,110,513	2,285,163	1,722,148	9,721,147
Net General Fund Appropriations	\$466,620,356	\$458,106,198	\$454,772,697	\$432,806,800
Positions (FTE)	6,354.0	6,288.7	5,819.4	5,863.4

Office of Indigent Defense Services

	Actual FY 2009-10	Actual FY 2010-11	Actual FY 2011-12	Enacted FY 2012-13
Expenditures	142,147,359	130,059,357	125,350,682	123,143,498
Less: Receipts	12,136,766	15,388,581	14,248,164	10,394,765
Net General Fund Appropriations	\$130,010,593	\$114,670,776	\$111,102,518	\$112,748,733
Positions (FTE)	487.8	492.3	470.1	470.1

Department of Justice

	Actual FY 2009-10	Actual FY 2010-11	Actual FY 2011-12	Enacted FY 2012-13 ²
Expenditures	124,287,596	120,813,860	121,388,184	120,378,452
Less: Receipts	38,158,715	36,421,334	40,945,586	46,181,818
Net General Fund Appropriations	\$86,128,881	\$84,392,526	\$80,442,598	\$74,196,634
Positions (FTE)	1,303.2	1,323.7	1,239.4	1,218.4

¹ Administrative Office of the Courts receipts for FY 2012-13 include \$6.69 million in settlement funds that will be received by the Conference of District Attorneys from the national mortgage settlement (U.S. v. Bank of America).

² Department of Justice receipts for FY 2012-13 include \$7.65 million in settlement funds that will be received by the Department from the national mortgage settlement (U.S. v. Bank of America).



Department of Public Safety¹

	Actual FY 2009-10	Actual FY 2010-11	Actual FY 2011-12 ²	Enacted FY 2012-13
Expenditures	1,652,773,877	1,684,992,988	1,971,421,370	1,891,896,371
Less: Receipts	208,000,032	222,553,073	288,091,892	229,411,630
Net General Fund Appropriations	\$1,444,773,845	\$1,462,439,915	\$1,683,329,478	\$1,662,484,741
Positions (FTE)	22,983.1	23,719.1	25,349.7	25,301.6

Change in FTE, FY 2012-13³

	Vacant	Filled	Receipts	New	Transfers	Net Change
Justice and Public Safety						
AOC ⁴	-	44.0	-	-	-	44.0
OIDS	-	-	-	-	-	-
DOJ	-	-	(17.0)	-	(4.0)	(21.0)
DPS	-	(57.0)	-	2.0	6.9	(48.1)
Total JPS	-	(13.0)	(17.0)	2.0	2.9	(25.1)

¹ Amounts shown for the Department of Public Safety for FY 2009-10 and FY 2010-11 are the sum of Department of Correction, Department of Juvenile Justice and Delinquency Prevention, and Department of Crime Control and Public Safety budgets for those years.

² Increase in FY 2011-12 is due to transfer of Highway Patrol funding and positions from Highway Fund support to General Fund support.

³ Changes to full-time equivalent positions do not reflect positions that may be eliminated as part of management flexibility reserves.

⁴ Administrative Office of the Courts 44.0 filled positions are full-time equivalent positions in the Family Court Program. That program was put on Continuation Review in S.L. 2011-145, 2011 Appropriations Act. Full funding was restored in S.L. 2012-142, Modify 2011 Appropriations Act.