



# Justice and Public Safety Subcommittee 2013-15 Fiscal Biennium Budget Highlights

Fiscal Brief

August 30, 2013

The North Carolina General Assembly House and Senate Appropriations Subcommittees on Justice and Public Safety (JPS Subcommittee) 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).

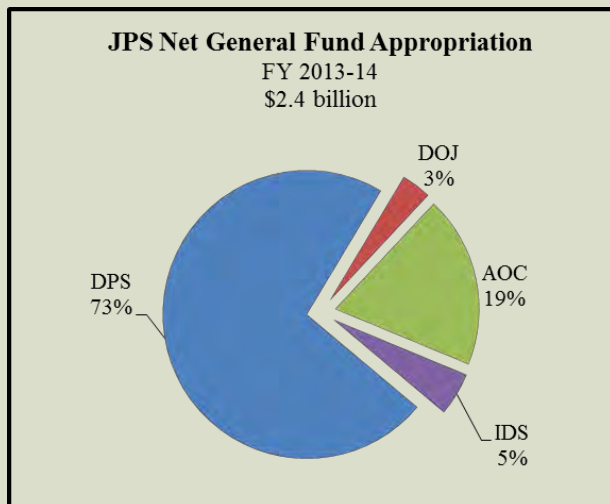
### Actual and Enacted Expenditures and Receipts<sup>1</sup>

	<u>Actual FY 2011-12</u>	<u>Actual FY 2012-13</u>	<u>Enacted FY 2013-14</u>	<u>Enacted FY 2014-15</u>
<b>Expenditures</b>	2,674,655,081	2,594,746,231	2,663,593,381	2,627,024,636
<b>Less: Receipts</b>	345,007,790	304,330,364	294,918,188	286,918,188
<b>Net General Fund Appropriations</b>	\$2,329,647,291	\$2,290,415,867	\$2,368,675,193	\$2,340,106,448
<b>Positions (FTE)</b>	32,904.6	32,813.0	32,089.1	32,189.1

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

### Budget Overview

The enacted FY 2013-14 Net General Fund Appropriation for the Justice and Public Safety Subcommittee Agencies is \$2.4 billion. This is a reduction of 0.17 percent from the FY 2013-14 Continuation Budget. The General Fund Appropriation funds 32,089 full-time equivalent positions (FTE).<sup>1</sup> The chart below shows the subcommittee budget by agency.



<sup>1</sup> Does not reflect positions that may be eliminated as part of general operating reductions.

S.L. 2013-360, Appropriations Act of 2013 (S.B. 402), as amended by S.L. 2013-363, Modifications/2013 Appropriations Act (H.B. 112), appropriates \$2.37 billion for the four Justice and Public Safety (JPS) agencies. Legislative adjustments reduced the budget for JPS \$4.1 million in FY 2013-14. In FY 2014-15, the budget has been reduced by \$46.5 million. The Joint Conference Committee Report included several facility closures, provided expansion funds to meet increasing demands for services, and fully funded the completion of the Voice Interoperability Plan for Emergency Responders (VIPER) system. This Fiscal Brief provides a summary of the adjusted FY 2013-14 budget for JPS.

### Facility Closures

S.L. 2013-360, Appropriations Act of 2013, closed five prisons, one youth development center, and two youth detention centers.

### Adult Correction Facilities

The prison population has been decreasing steadily and is currently back to 2006 levels. The decline is due in part to changes made by S.L. 2011-192, Justice Reinvestment Act (JRA). Under JRA, only misdemeanants with sentences longer than 180 days



are housed in prisons. Misdemeanants with shorter sentences are confined to local jails. Previously, misdemeanants with sentences longer than 90 days were housed in prison. This change, coupled with a general decrease in the crime rate, has significantly reduced the projected prison population, allowing for the closure of five prisons. The following prisons will be closed during the 2013-14 fiscal year:

- Bladen Correctional Center
- Duplin Correctional Center
- Robeson Correctional Center
- Wayne Correctional Center
- Western Youth Institution (16-22 year olds)

These closures will result in the elimination of approximately 685 full-time equivalent (FTE) positions.

#### *Juvenile Justice Facilities*

Since 2001, the number of juveniles committed to a youth development center (YDC) has declined by 67 percent, primarily because of changes to the Juvenile Code, an increased emphasis on community-led intervention, and a general decline in the crime rate. The steady decline in YDC commitments has reduced the need for long-term, secure facilities for juveniles. Since 2011, three YDC facilities have been closed: Edgecombe, Samarkand, and Swannanoa. S.L. 2013-360, Appropriations Act of 2013, closes Lenoir YDC effective October 1, 2013. Lenoir YDC is a 32-bed facility built in 2007 that costs approximately \$3.7 million per year to operate (\$115,668 per bed). This closure will result in the elimination of 66 FTE positions. Once the facility is closed, the total operating capacity at the remaining five YDCs will be 277 beds.

The declining population of delinquent juveniles has also reduced the need for youth detention facilities. S.L. 2013-360, Appropriations Act of 2013, closed two detention facilities: Buncombe Detention Center and Richmond Detention Center. The Buncombe Detention facility has been closed for several years while awaiting renovation. Juveniles sent to Buncombe Detention were being housed in a portion of the old Swannanoa YDC. A total of 39 beds and 56 FTE positions have been eliminated by these closures. Following these closures there will be 204 beds available in State- and county-run detention facilities.

#### **Expansion Funds**

The increasing need for services required expansion funds for three out of the four JPS agencies. S.L. 2013-360, Appropriations Act of 2013, funded a total of 183 new FTE positions (175 Probation and Parole Officers and eight staff positions at the Parole Commission) in DPS by FY 2014-15. These positions are necessary to manage the increasing caseloads resulting from changes made by JRA. In DOJ, 19 new FTE positions are funded in FY 2013-14 to handle the backlog of toxicology cases in the State Crime Laboratory. The backlog is a result of the U.S. Supreme Court decision in *Melendez-Diaz v. Massachusetts* which requires forensic analysts to provide live testimony in court. Finally, AOC received additional funds to address the increasing need for foreign language interpreters and magistrates to assist people in both civil and criminal court.

#### **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 allows first responders from various agencies (police, fire, rescue, hospitals, State agencies, etc.) to communicate with one another during an emergency. VIPER is a partnership between the State and the first responders: the State pays for the towers (the backbone of the system) while the first responder agencies pay for the radios. The system is currently at full capacity, serving 65,388 users from 260 agencies.

#### *Technology Upgrade*

Many of the first responder agencies used federal grant funds to purchase their radios, but have been unable to get onto VIPER because the current system is at capacity. There are approximately 3,100 unfilled requests for user IDs to access the system.

S.L. 2013-360, Appropriations Act of 2013 (S.B. 402), appropriated \$25 million in FY 2013-14 to fund an upgrade of the system to P-25 digital communications standard. The upgrade will double the number of first responders that can access the system, fulfilling all outstanding requests and ensuring capacity to accommodate more in the future.



### *Tower Construction*

The VIPER plan requires 242 tower sites for statewide coverage. To date, 202 sites have been completed. Of the remaining 40, 13 are federally funded. S.L. 2013-360, Appropriations Act of 2013, appropriates \$7 million beginning in FY 2014-15 to complete the remaining 27 State-funded sites. Tower construction is expected to be completed by FY 2016-17.

### *Operations and Maintenance*

The Continuation Budget appropriated \$2.6 million for ongoing operation and maintenance costs for the VIPER system. These funds pay for 24 FTE positions and operating expenses such as vehicles, equipment, and insurance. The staffing level has not changed since 2007 when only 50 tower sites existed. S.L. 2013-360, Appropriations Act of 2013, appropriated an additional \$2.8 million in FY 2013-14 to fund 13 new FTE positions and the increased operating costs for the new towers.

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**Actual and Certified Expenditures and Receipts by Agency**

**Administrative Office of the Courts**

	Actual <u>FY 2011-12</u>	Actual <u>FY 2012-13</u>	Enacted <u>FY 2013-14</u>	Enacted <u>FY 2014-15</u>
Expenditures	456,494,845	460,714,043	458,379,551	457,879,551
Less: Receipts	1,722,148	1,579,493	1,453,299	1,453,299
Net General Fund Appropriations	\$454,772,697	\$459,134,550	\$456,926,252	\$456,426,252
Positions (FTE)	5,819.4	5,809.3	5,831.3	5,831.3

**Indigent Defense Services**

	Actual <u>FY 2011-12</u>	Actual <u>FY 2012-13</u>	Enacted <u>FY 2013-14</u>	Enacted <u>FY 2014-15</u>
Expenditures	125,350,682	127,671,853	128,158,783	124,386,624
Less: Receipts	14,248,164	13,349,220	13,029,360	13,029,360
Net General Fund Appropriations	\$111,102,518	\$114,322,633	\$115,129,423	\$111,357,264
Positions (FTE)	470.1	511.1	507.9	507.9

**Department of Justice**

	Actual <u>FY 2011-12</u>	Actual <u>FY 2012-13</u>	Enacted <u>FY 2013-14</u>	Enacted <u>FY 2014-15</u>
Expenditures	121,388,184	120,709,687	123,932,262	126,515,065
Less: Receipts	40,945,586	46,175,679	44,206,139	44,206,139
Net General Fund Appropriations	\$80,442,598	\$74,534,008	\$79,726,123	\$82,308,926
Positions (FTE)	1,239.4	1,235.4	1,258.4	1,258.4

**Department of Public Safety<sup>1</sup>**

	Actual <u>FY 2011-12</u>	Actual <u>FY 2012-13</u>	Enacted <u>FY 2013-14</u>	Enacted <u>FY 2014-15</u>
Expenditures	1,971,421,370	1,885,650,647	1,953,122,785	1,921,243,396
Less: Receipts	288,091,892	243,225,971	236,229,390	231,229,390
Net General Fund Appropriations	\$1,683,329,478	\$1,642,424,676	\$1,716,893,395	\$1,690,014,006
Positions (FTE)	25,349.7	25,257.2	24,491.5	24,591.5

<sup>1</sup> Amounts shown for the Department of Public Safety for FY 2011-12 are the sum of Department of Correction, Department of Juvenile Justice and Delinquency Prevention, and Department of Crime Control and Public Safety budgets for that year.



Change in FTE, FY 2013-14

	Vacant	Filled	Receipts	New	Transfers	Net Change
<b><u>Justice and Public Safety</u></b>						
AOC	-	-	-	22.0	-	22.0
IDS	(2.8)	(0.5)	-	-	-	(3.3)
DOJ	-	-	(1.0)	19.0	-	18.0
DPS	(114.8)	(809.9)	-	109.0	-	(815.7)
<b>Total JPS</b>	<b>(117.6)</b>	<b>(810.4)</b>	<b>(1.0)</b>	<b>150.0</b>		<b>(779.0)</b>