

**ANALYSIS OF THE NEW JERSEY BUDGET**

**DEPARTMENT  
OF LAW AND  
PUBLIC SAFETY**

**FISCAL YEAR**

**2004 - 2005**

# NEW JERSEY STATE LEGISLATURE

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This report was prepared by the Law and Public Safety Section of the Office of Legislative Services under the direction of the Legislative Budget and Finance Officer. The primary author was Kristin A. Brunner.

Questions or comments may be directed to the OLS Law and Public Safety Section (609-984-0231) or the Legislative Budget and Finance Office (609-292-8030).

# DEPARTMENT OF LAW AND PUBLIC SAFETY

Budget Pages..... C-15 to C-16; C-24 to C-25; C-32 to  
C-33; C-35 to C-38; D-257 to  
D-292

## Fiscal Summary (\$000)

	Expended FY 2003	Adjusted Appropriation FY 2004	Recommended FY 2005	Percent Change 2004-05
State Budgeted	\$565,365	\$544,701	\$538,417	(1.2)%
Federal Funds	130,474	191,631	199,052	3.9%
<u>Other</u>	<u>160,176</u>	<u>226,030</u>	<u>241,478</u>	<u>6.8%</u>
Grand Total	\$856,015	\$962,362	\$978,947	1.7%

## Personnel Summary - Positions By Funding Source

	Actual FY 2003	Revised FY 2004	Funded FY 2005	Percent Change 2004-05
State	6,835	7,042	7,313	3.8%
Federal	188	195	255	30.8%
<u>Other</u>	<u>1,796</u>	<u>1,825</u>	<u>2,117</u>	<u>16.0%</u>
Total Positions	8,819	9,062	9,685	6.9%

FY 2003 (as of December) and revised FY 2004 (as of September) personnel data reflect actual payroll counts. FY 2005 data reflect the number of positions funded.

## Introduction

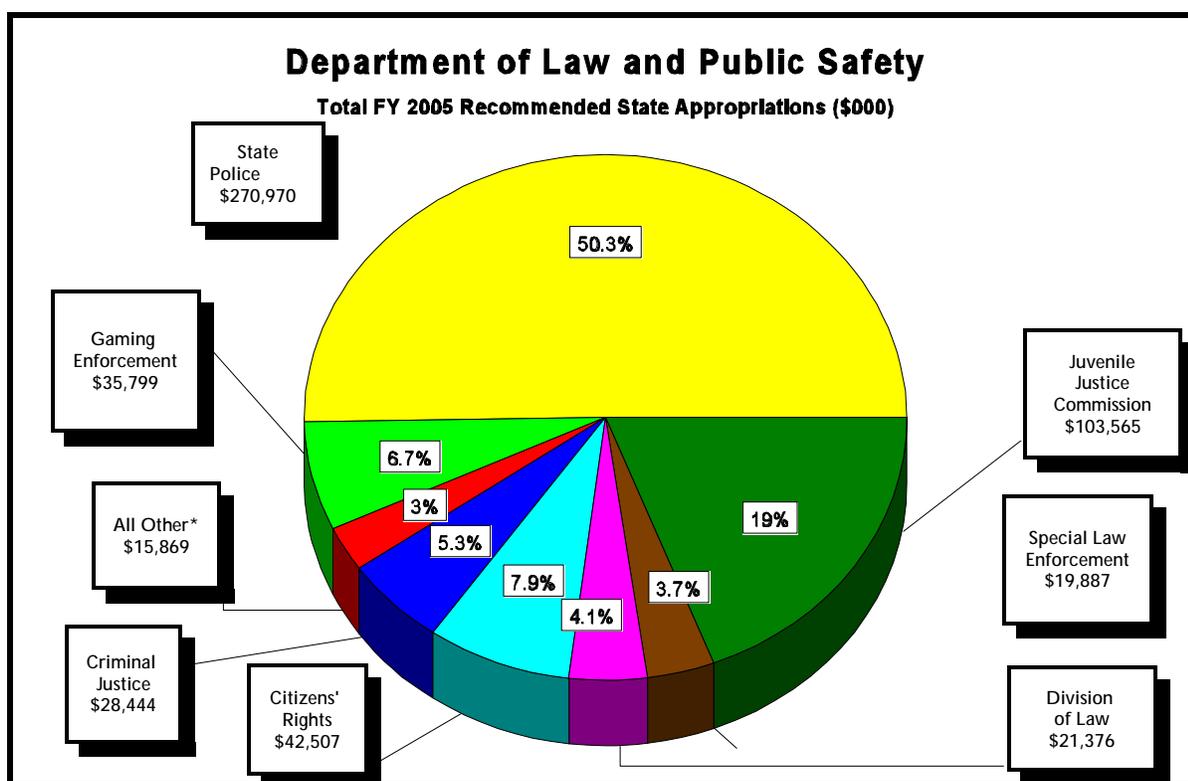
The Department of Law and Public Safety, under the supervision of the Attorney General, is responsible for statewide law enforcement and the prosecution of criminals. The department also provides legal services for State government, promotes highway traffic safety, provides emergency response services, administers marine traffic laws, ensures compliance with voter registration requirements and enforces public protection laws in consumer affairs, civil rights, alcoholic beverages, gaming, boxing and racing.

Six independent agencies are administratively located within the Department of Law and Public Safety. They are the Election Law Enforcement Commission, the Executive Commission on Ethical Standards, the State Athletic Control Board, the Victims of Crime Compensation Board, the Juvenile Justice Commission and the New Jersey Domestic Security Preparedness Task Force.

## Key Points

The Governor recommends a total State appropriation of \$538.4 million in FY 2005 for the Department of Law and Public Safety, a \$6.3 million, or 1 percent, decrease from the FY 2004 adjusted appropriation of \$544.7 million. The summary detail of changes is included in the Fiscal and Personnel Section of this analysis.

The FY 2005 budget recommends a telecommunications franchise fee on wireless telephone communications. The assessment in total would generate \$33 million annually to provide for enhanced 911 service as well as the ongoing costs for security and counter-terrorism. Specifically, this will provide \$8.9 million to enhance law enforcement services, purchase patrol cars, train new State Police recruits and support security details at the State's nuclear power plants.



\*The All Other category includes the Office of the Attorney General and the State Medical Examiner.

## Law Enforcement

### Division of State Police

- The recommended FY 2005 Direct State Services appropriation to the Division of State Police is \$270.7 million, a \$278,000 increase from the \$270.4 million FY 2004 adjusted appropriation.
- The budget recommends a total of \$4.1 million for State Police Recruit Training, an increase

## Key Points (Cont'd)

of \$2.8 million over FY 2004 funding. This funding is intended to complete a recruit class in progress, to fully fund a class to be admitted and graduate in FY 2005, and to commence a class late in FY 2005 for graduation in FY 2006. Together with funding from the toll road authorities to commence and graduate another class during FY 2005, this funding plan intends to add 400 troopers to offset a projected attrition of 100 troopers annually.

- The budget recommends a new appropriation of \$3 million in Direct State Services to purchase over 400 consent decree compliant State Police vehicles. This provides the initial payment for a three year line of credit totaling \$18 million.

## Special Law Enforcement Activities

### Division of Elections

- An appropriation of \$2.9 million is recommended for the Election Law Enforcement Commission (ELEC).
- The budget also recommends \$8.9 million from the Gubernatorial Elections Fund. This appropriation will provide public financing to qualifying candidates in the 2005 gubernatorial primary election at \$8.3 million and provide \$600,000 for administrative costs of managing the program.
- State aid to reimburse localities for the cost of extended polling place hours is recommended to decrease by \$3.3 million. Absent a change in statute, this implies either an unfunded mandate or another supplemental appropriation in FY 2005, as is projected for FY 2004, to fully fund this program.

## Juvenile Services

### Juvenile Justice Commission

- The Governor recommends an appropriation of \$103.6 million to the Juvenile Justice Commission (JJC) in FY 2004, a slight decrease from the \$103.7 million FY 2004 adjusted appropriation. Operating appropriations for the New Jersey Training School for Boys and the Juvenile Medium Security Center, totaling \$51.8 million, are virtually unchanged from FY 2004 levels. JJC Grants-in-Aid funding of \$18.4 million would increase by \$162,000 to provide a 1 percent cost of living adjustment in grants to community service providers.
- The budget does not recommend any funding to be provided for capital repairs or security enhancements.

### Victims of Crime Compensation Board

- The budget recommends Direct State Services appropriations of \$5.5 million to the Victims of Crime Compensation Board (VCCB) in FY 2005. This will allow VCCB to continue funding at the same levels of services as in FY 2004. The budget also anticipates the receipt of \$7 million in federal funds and \$4.2 million in other funds, for a total budget of \$16.7 million. In FY 2004, the VCCB will pay an estimated \$16.4 million in compensation

## Key Points (Cont'd)

to approximately 2,870 claimants.

## Central Planning, Direction and Management

### Office of the Attorney General

- The Governor continued the appropriation of \$250,000 for Smart-Growth Enforcement, to provide assistance to municipalities challenging developers who want to build in over-developed or protected areas.
- The Governor continued the appropriation for \$4.1 million to enhance the ability of the Office of Government Integrity, in concert with the Division of Criminal Justice, to uncover and prosecute public corruption.

## General Government Services

### Division of Law

- The budget recommends an appropriation of \$67.8 million for legal services from the Division of Law. Reimbursements from client agencies are provided to offset expenditures in the amount of \$48.4 million. This includes \$1.43 million in continued funding for the new Child Welfare Unit within the Division of Law, a component of the administration's efforts to upgrade the Department of Human Services' child protective services. This appropriation funds 14 deputy attorneys general and support staff to provide expanded legal representation in child abuse and neglect cases.
- The budget recommends \$2 million in continued funding for the new Office of the Child Advocate. This appropriation includes \$1.649 million for 29 full time employees and \$351,000 for office operations. The office oversees State agency responses to allegations of child abuse, monitors the Institutional Abuse Investigation Unit in the Department of Human Services, and is empowered to investigate, sue and take other steps to improve the child welfare system.

## BACKGROUND PAPERS

State Police: Recruiting, Retention and Retirement	p. 27
State Police: DNA Criminal Technology	p. 30

## Program Description and Overview

The Department of Law and Public Safety, under the direction of the Attorney General, is responsible for statewide law enforcement, the prosecution of criminals and statewide emergency response services. In addition, the department is charged with protecting citizens' civil and consumer rights, promoting highway traffic safety, regulating the alcoholic beverage, gaming and racing industries, and providing legal services and counsel to other State agencies.

Six independent agencies are administratively located within the Department of Law and Public Safety. These agencies include the following:

- Election Law Enforcement Commission (ELEC)  
Monitors the reporting of campaign contributions and expenditures and lobbyists' financial disclosures. ELEC administers the State's gubernatorial election public financing law.
- Executive Commission on Ethical Standards (ECES)  
Issues advisory opinions interpreting the New Jersey conflicts of interest law for State officers and employees, enforces the financial disclosure law, and also administers and enforces certain provisions of the Casino Control Act.
- Juvenile Justice Commission (JJC)  
Provides custody, care, treatment and rehabilitation for juvenile offenders in State institutions and community programs and administers grant programs to localities.
- Victims of Crime Compensation Board (VCCB)  
Assists crime victims through compensation for medical expenses and loss of earnings as well as providing a victim counseling service.
- New Jersey Domestic Security Preparedness Task Force  
Preserves, protects and maintains the domestic security of the State and develops, implements and manages comprehensive responses to possible terrorist attacks and technological disasters.
- State Athletic Control Board  
Protects participants and regulates public boxing and other combative sports exhibitions, events, performances and contests to ensure an effective and efficient system of control.

### *Office of the Attorney General*

The Office of the Attorney General (OAG) is responsible for the overall administration of the Department of Law and Public Safety. The Attorney General, as the State's chief law enforcement officer, oversees and directs the department's diverse law enforcement and prosecutorial activities. A number of department-wide financial, employee, and other management activities are centralized in the OAG. The department's central law library is also located in this office. For FY 2005, a Direct State Services appropriation of \$15.3 million is recommended for the OAG.

P.L.2001, c.246 appropriated \$2.7 million for the creation of the Counter-Terrorism Unit (CTU) in the Division of State Police. On January 24, 2002, Governor McGreevey established the Office of Counter-Terrorism (OCT), by Executive Order, to administer the State's counter-terrorism and preparedness efforts with the goals of identifying, deterring and detecting terrorist-related activities. The recommended FY 2005 budget authorizes \$2 million in Direct State Services and

## Program Description and Overview (Cont'd)

\$7.2 million for the OCT from revenues derived from the \$2 per day surcharge on vehicle rentals (budget language, page D-285).

P.L.2001, c.246 also established the New Jersey Domestic Security Preparedness Task Force to reinforce and expand the State's existing anti-terrorism efforts and to integrate them with preparedness measures taken by other levels of government and the private sector. Existing agencies with domestic security responsibilities include the Office of Counter-Terrorism, the Office of Emergency Management in the Division of State Police, the New Jersey National Guard and county and local emergency management organizations. Established in, but not of, the New Jersey Department of Law and Public Safety, the task force reports directly to the Governor.

The Office of Government Integrity/Fiscal Integrity Unit in the Office of the Attorney General is recommended to receive \$4.1 million to continue to fight public corruption. By order of the Attorney General this unit superseded the department's Office of the Inspector General, which was established in CY 2000 to detect and prevent waste, fraud, abuse, corruption and political or unethical conduct related to the expenditure of public funds. In addition, the Governor's budget recommends \$250,000 to fund Smart Growth Enforcement. These funds are continued to provide legal services to municipalities whose local budgets are not equipped to defend the State's smart growth policies.

### *Division of State Police*

The Division of State Police, with a force of 2,680 troopers, is responsible for statewide law enforcement, including road patrol, marine policing, major crime investigation, criminal history background checks, forensic sciences, electronic surveillance and Internet crime. The division also plans, maintains and coordinates emergency response statewide. To reinforce and expand the State's existing anti-terrorism efforts, P.L.2001, c.246 established a Counter-Terrorism Unit (CTU) in the New Jersey State Police.

A \$270.7 million Direct State Services appropriation is recommended for the Division of State Police, a \$278,000 increase from the \$270.4 million FY 2004 adjusted appropriation. There is no recommended Capital construction funding for FY 2005, down from the FY 2004 appropriation of \$3.8 million. The recommended FY 2005 budget also includes other funds totaling \$91.3 million and federal funds of \$106.1 million.

A total of \$4.1 is recommended for State Police Recruit Training. This funding would complete a recruit class already in progress, commence and graduate another full class, and commence a third class late in FY 2005 for graduation in FY 2006.

In FY 2005 an appropriation of \$3 million is recommended to purchase an additional 400 consent decree compliant State Police vehicles through a line of credit. The total for this purchase will be \$18 million over three fiscal years. Funding was made available in FY 2004 for 193 replacement vehicles. The Governor's budget indicates that between fiscal years 2004 and 2005 almost 600 new vehicles will be purchased to upgrade the existing State Police fleet.

### *Division of Criminal Justice*

Formed under the *Criminal Justice Act of 1970*, the Division of Criminal Justice investigates and prosecutes criminal activity and provides oversight and coordination of New Jersey's law enforcement community. The Division's Direct State Services funding recommendation for FY 2005 is \$27 million, a reduction of \$100,000 below FY 2004.

## Program Description and Overview (Cont'd)

State Aid for the Safe and Secure Neighborhoods Program, which remains level at \$1 million, provides grants for police officers' salaries and related services to approximately 165 municipalities. In addition, budget language (page D-269) would appropriate up to \$1.1 million from the Safe Neighborhoods Services Fund for the State match for the Criminal Justice Statewide Law Enforcement Federal grant. State aid of \$7 million added by the Legislature in FY 2004 for the Local Domestic Preparedness Equipment Grant Program is not recommended in FY 2005.

### *State Medical Examiner*

The Office of the State Medical Examiner oversees the investigation of violent or suspicious deaths and those which constitute a threat to public health within the State. The office also provides oversight and operational support for county medical examinations, including toxicology services to 15 counties. In FY 2005, the Medical Examiner's budget increases to \$7.6 million. Of this total, \$7 million would represent county reimbursements, with another \$600,000 in State funding, the same as FY 2004.

### *Division of Gaming Enforcement*

The Division of Gaming Enforcement investigates licensing applications of casino owners, employees and casino service industries, tests gaming devices, and monitors casino operations. The division's budget is funded by industry assessments through the Casino Control Fund. The division's recommended FY 2005 appropriation remains level at \$35.8 million.

### *Special Law Enforcement Activities*

The New Jersey Office of Highway Traffic Safety (OHTS) is responsible for developing State and local highway safety programs. A Direct State Services appropriation of \$338,000 is recommended for OHTS in FY 2005, an amount equal to its FY 2004 adjusted appropriation. Most OHTS funding comes from federal sources. The budget anticipates federal funding of \$11.6 million for the OHTS in FY 2004, a \$2.5 million decrease from the FY 2004 adjusted appropriation.

The Election Law Enforcement Commission (ELEC) is an agency in, but not of, the Department of Law and Public Safety. Its mission is to ensure that State campaign finance laws are enforced and that the public has access to information about political candidates. More than 22,500 disclosure reports were filed with ELEC in FY 2004 and 26,750 reports are expected to be filed in FY 2005. A Direct State Services appropriation of \$11.8 million is recommended for ELEC in FY 2005, a \$8.9 million increase from the FY 2003 adjusted appropriation. Increased funding from the Gubernatorial Elections Fund includes \$8.3 million in public financing to qualified candidates in the 2005 gubernatorial primary election and \$600,000 for the administrative costs of operating the program.

The Division of Alcoholic Beverage and Control (ABC) regulates the manufacture, distribution, sale and transportation of all alcoholic beverages in New Jersey. A \$1.2 million Direct State Services appropriation is recommended for the ABC. Budget language (page D-274) would continue to provide the division with revenues from fees and penalties.

The New Jersey Racing Commission is responsible for regulating horse racing and pari-mutuel wagering in New Jersey. The commission's budget is largely funded by the fees it charges for its services. These include: veterinary services; forensic testing and collections; providing officials for race events; supervising mutuel services; investigative services; and licensing racing participants. The FY 2005 budget provides no resources from State appropriations for the

## Program Description and Overview (Cont'd)

commission, but an increase is anticipated in revenues from Off-track betting and increased fees on the industry appropriated for commission operations.

P.L.2001, c.199 established an off-track wagering system for horse races run at tracks in this State and in other states where parimutuel wagering on simulcast horse races is permitted and established an account wagering system through which persons may wager on horse races by phone or other electronic means. Under a recent agreement between the New Jersey Thoroughbred Horsemen's Association and the Standardbred Breeders and Owners Association of New Jersey, there will be a total of 500 racing days in CY 2005.

The Division of Elections Management and Coordination is responsible for coordinating voter registration and elections. It certifies candidates for the primary and general elections, certifies election results, and examines and certifies voting equipment. In FY 2005 the Division recommends an appropriation of \$2.2 million. State Aid of \$3.7 million is recommended in FY 2005 to reimburse localities for the cost of extended polling place hours, a decrease of \$3.3 million which represents FY 2004 supplemental funding not being continued (this supplemental funding is necessary to fully fund this state aid program).

### *Juvenile Justice Commission*

Pursuant to P.L.1995, c.284, the Juvenile Justice Commission (JJC) was established to administer and coordinate a variety of juvenile custody, care and treatment programs that were formerly located in the department and in the Departments of Corrections and Human Services. The JJC operates four secure institutions housing offenders under the age of 19: a "boot camp" for nonviolent juvenile offenders, one county detention center, 16 noninstitutional residential programs and six day programs.

The Governor recommends an appropriation of \$103.6 million to the Juvenile Justice Commission (JJC) in FY 2005, including \$85.2 million in Direct State Services funding and \$18.4 million in Grants-in-Aid. The budget also anticipates the receipt of \$12.3 million in federal funds and \$38 million in other funds, for a total budget of \$153.9 million.

A Direct State Services appropriation of \$23.3 million is recommended for the New Jersey Training School for Boys (NJTSB). The budget also provides a \$28.5 million Direct State Services appropriation for the Juvenile Medium Security Center (JMSC) in Bordentown. The average daily population at NJTSB is projected to be 320, at an annual per capita cost of \$72,772. JMSC is projected to have 404 youth in secure facilities and 80 participants in Juvenile Boot Camp, with annual per capita costs of \$70,641.

### *Division of Law*

The Division of Law provides legal representation and counsel to other agencies and instrumentalities of State government. The division responds to pending state legal matters, including administrative hearings, appeals and cases in state and federal trial courts. The division's recommended State appropriation for FY 2004 totals \$69.8 million, including \$21.4 million in Direct State Services and \$48.4 million in reimbursements from client agencies for legal services.

A continued appropriation of \$1.43 million is recommended for the Child Welfare Unit, a component of the Administration's efforts to upgrade the Department of Human Services' child protective services, to fund deputy attorneys general and support staff providing expanded legal representation in child abuse and neglect cases.

## Program Description and Overview (Cont'd)

Continued funding of \$2 million is also recommended for the Child Advocate Agency, i.e. the Office of the Child Advocate. This independent office was established as a child protective agency with broad and substantial powers to oversee the child welfare system and the conduct of State agencies comprising that system.

### *Protection of Citizens' Rights*

The Division of Consumer Affairs protects the rights of the consumer, provides uniform enforcement of public protection laws and oversees the operation of the State professional boards. The 42 boards and committees regulate the activities of over 80 professions and occupations and license approximately 500,000 individuals. The costs associated with regulating these professionals are borne by the licensees through fees.

The Division on Civil Rights is charged with enforcing *the New Jersey Law Against Discrimination*. Its work is focused in three major areas: employment, housing and public accommodation discrimination. The division also administers the *New Jersey Family Leave Act* and the State's statute prohibiting discrimination in employment on public contracts. The division's recommended FY 2005 appropriation is \$5.2 million.

The Victims of Crime Compensation Board (VCCB) provides services and monetary compensation for nonreimbursable medical expenses and loss of earnings to those victimized by crime. In case of death, compensation may be provided for funeral expenses and to any dependents. The VCCB is supported through Direct State Services appropriations, penalties assessed on criminals, a 10 percent surcharge on items sold in the commissaries of State and county correctional facilities, and federal crime victim grants. A Direct State Services appropriation of \$5.5 million is continued to the VCCB in FY 2005. The budget also anticipates the receipt of \$7 million in federal funds and \$4.2 million in other funds, for a total budget of \$16.7 million. In FY 2004 the VCCB is expected to compensate approximately 2,870 claimants.

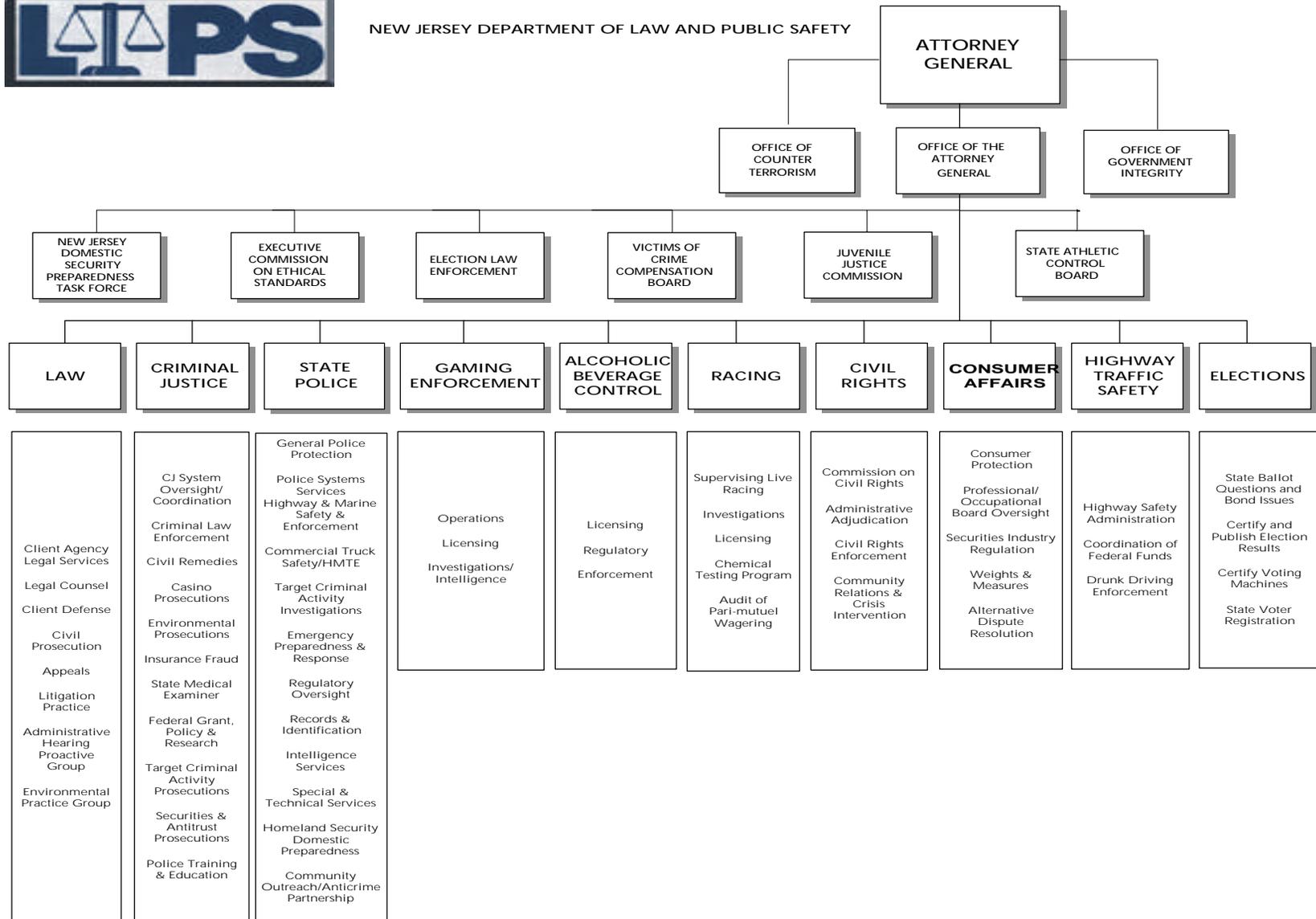
### *Summary*

In summary, the FY 2005 budget recommendation provides over \$978 million in funding for the Department of Law and Public Safety to continue to fulfill its wide range of functions. This budget continues recent enhancements to the department's mission by maintaining funding for the Child Welfare Unit, Child Advocate Agency and Smart Growth Enforcement. This budget will fund the growth of the Division of State Police by providing resources for approximately 400 State Police vehicles and four State Police recruit classes. No significant reductions are recommended that would hinder the department's ability to conduct basic functions at current levels.

Organization Chart



NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY



# Fiscal and Personnel Summary

## AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2003	Adj. Approp. FY 2004	Recom. FY 2005	Percent Change	
				2003-05	2004-05
<b>General Fund</b>					
Direct State Services	\$492,378	\$470,533	\$469,852	(4.6)%	(0.1)%
Grants-In-Aid	19,522	18,822	18,984	(2.3)%	0.9%
State Aid	8,291	15,109	4,820	(41.9)%	(68.1)%
Capital Construction	10,009	4,346	0	(100.0)%	(100.0)%
Debt Service	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$530,200</b>	<b>\$508,810</b>	<b>\$493,656</b>	<b>(6.9)%</b>	<b>(3.0)%</b>
<b>Property Tax Relief Fund</b>					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Revenue Fund</b>	<b>\$86</b>	<b>\$92</b>	<b>\$92</b>	<b>7.0%</b>	<b>0.0%</b>
<b>Casino Control Fund</b>	<b>\$35,079</b>	<b>\$35,799</b>	<b>\$35,799</b>	<b>2.1%</b>	<b>0.0%</b>
<b>Gubernatorial Elections Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,870</b>	<b>----</b>	<b>----</b>
<b>State Total</b>	<b>\$565,365</b>	<b>\$544,701</b>	<b>\$538,417</b>	<b>(4.8)%</b>	<b>(1.2)%</b>
<b>Federal Funds</b>	<b>\$130,474</b>	<b>\$191,631</b>	<b>\$199,052</b>	<b>52.6%</b>	<b>3.9%</b>
<b>Other Funds</b>	<b>\$160,176</b>	<b>\$226,030</b>	<b>\$241,478</b>	<b>50.8%</b>	<b>6.8%</b>
<b>Grand Total</b>	<b>\$856,015</b>	<b>\$962,362</b>	<b>\$978,947</b>	<b>14.4%</b>	<b>1.7%</b>

## PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2003	Revised FY 2004	Funded FY 2005	Percent Change	
				2003-05	2004-05
State	6,835	7,042	7,313	7.0%	3.8%
Federal	188	195	255	35.6%	30.8%
All Other	1,796	1,825	2,117	17.9%	16.0%
<b>Total Positions</b>	<b>8,819</b>	<b>9,062</b>	<b>9,685</b>	<b>9.8%</b>	<b>6.9%</b>

FY 2003 (as of December) and revised FY 2004 (as of September) personnel data reflect actual payroll counts. FY 2005 data reflect the number of positions funded.

## AFFIRMATIVE ACTION DATA

Total Minority Percent	26.2%	26.4%	27.3%	----	----
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**Significant Changes/New Programs (\$000)**

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2004</u>	<u>Recomm.</u> <u>FY 2005</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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**LAW ENFORCEMENT****Direct State Services**

<b>FY 2005 State Police Recruit Class</b>	<b>\$0</b>	<b>\$2,500</b>	<b>\$2,500</b>	<b>—</b>	<b>D-266</b>
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This represents funding to support one State Police recruit class. This funding will be offset by increased revenues in the same amount from the toll road authorities. This is one component of a plan to graduate 400 new troopers over the next 18-24 months, to offset annual attrition and to increase the force over the next two years.

<b>State Police Recruit Training</b>	<b>\$1,299</b>	<b>\$1,201</b>	<b>(\$98)</b>	<b>(7.5)%</b>	<b>D-266</b>
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The FY 2005 recommendation is pro-rated funding necessary to conclude a State Police recruit class which commenced in March 2004 and is scheduled to graduate in September 2004.

<b>Consent Decree Vehicles</b>	<b>\$2,800</b>	<b>\$5,800</b>	<b>\$3,000</b>	<b>107.1%</b>	<b>D-266</b>
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This \$3 million increase represents funding to purchase approximately 400 new vehicles through a line of credit. The total for this purchase will be \$18 million over three fiscal years. The FY 2005 increase will fund one-half the estimated annual cost of this acquisition.

<b>FY 2005 State Police Recruit Training</b>	<b>\$0</b>	<b>\$417</b>	<b>\$417</b>	<b>—</b>	<b>D-266</b>
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This reflects pro-rated funding for a State Police recruit class expected to commence late in FY 2005 and graduate in FY 2006.

<b>Additions Improvement and Equipment</b>	<b>\$14,415</b>	<b>\$8,502</b>	<b>(\$5,913)</b>	<b>(41.0)%</b>	<b>D-266</b>
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This reduction results from completing line of credit payments on previously acquired State Police vehicles.

**Significant Changes/New Programs (\$000) (Cont'd)**

<u>Budget Item</u>	<u>Adj. Approp. FY 2004</u>	<u>Recomm. FY 2005</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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**State Aid**

Statewide Local  
Domestic Preparedness  
Equipment Grant  
Program

	\$7,000	\$0	(\$7,000)	(100.0)%	D-267
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The Statewide Local Domestic Preparedness Equipment Grant program added by the Legislature in FY 2004 provides funding to local governments for equipment to meet homeland security efforts. Funds are distributed through an application process to the local police forces, fire departments and emergency services personnel. This aid is not recommended for in FY 2005.

**Capital Construction**

Hamilton Complex  
Troop "C" - Building  
Equipment and  
Furnishings

	\$3,846	\$0	(\$3,846)	(100.0)%	D-268
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This one-time FY 2004 appropriation funded the equipping and furnishing of the State Police Forensic Laboratory and Troop C Headquarters in Hamilton Township.

**Federal Funds**

Criminal Justice	\$38,178	\$55,178	\$17,000	44.5%	D-268
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The Justice Assistance Grant (JAG) to the Division of Criminal Justice is projected to increase by \$17 million. The JAG provides assistance to states and local governments for a broad range of activities to prevent and control crime and improve the criminal justice system. It effectively replaces the Edward Byrne Memorial Formula Grant Program and the Local Law Enforcement Block Grants (LLEBG) Programs.

**All Other Funds**

State Police Operations	\$91,601	\$104,171	\$12,570	13.7%	D-268
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Anticipated funding from the toll road authorities for the cost of State Police patrols would increase by about \$6.3 million. Receipts from noncriminal background checks are projected to increase by about \$5.4 million.

## Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2004</u>	<u>Recomm.</u> <u>FY 2005</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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## SPECIAL LAW ENFORCEMENT ACTIVITIES

Direct State Services

Election Law Enforcement (GEF)	\$0	\$8,870	\$8,870	—	D-273
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This increase is provided from the Gubernatorial Elections Fund. An appropriation of \$8.3 million provides for public financing of qualified candidates in the 2005 gubernatorial primary election and \$600,000 is provided for the administrative costs of operating the program.

State Aid

Extended Polling Place Hours	\$3,730	\$3,289	(\$3,289)	(46.9%)	D-273
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The original FY 2004 appropriation of \$3.8 million was adequate to cover Spring 2003 election costs attributable to State-mandated extension of polling hours and election workers' pay. Supplemental funding is projected to cover the amount needed for Fall 2004 election costs. The budget recommendation reflects the original FY 2004 appropriation, without the supplemental. Absent a change in statute, the FY 2005 recommendation would either result in an unfunded mandate or necessitate another supplemental appropriation to provide full funding of this program.

Federal Aid

Office of Highway Traffic Safety	\$14,055	\$11,588	(\$2,467)	(17.6)%	D-277
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This decrease in federal funding is representative of a non-reoccurring \$2.5 million in Safety Incentive Grants from FY 2004.

## DIVISION OF JUVENILE SERVICES

Grants-In-Aid

## Cost of Living Adjustments

Alternatives to Juvenile Incarceration Programs	\$0	\$24	\$24	—	D-277
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**Significant Changes/New Programs (\$000) (Cont'd)**

<u>Budget Item</u>	<u>Adj. Approp. FY 2004</u>	<u>Recomm. FY 2005</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Crisis Intervention/ State Com. Partnership	\$0	\$104	\$104	—	D-277
State Incentive Program	\$0	\$34	\$34	—	D-277

These increases represent a one percent cost of living adjustment for third party providers. There was no increase in FY 2004. These increases are consistent with those being recommended for providers under contract to other departments.

**Capital Construction**

Juvenile Justice Commission	\$500	\$0	(\$500)	(100.0)%	D-278
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No funding is recommended for capital construction for the JJC. The FY 2004 appropriation was earmarked for Suicide Prevention Improvements.

**Other Funds**

Juvenile Community Programs	\$22,870	\$25,671	\$2,801	12.2%	D-279
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This represents a projected increase in the State Facility Education Act (SFEA) funding, which is based on the number of eligible youth in the system that the program is expected to serve in FY 2005.

**PROTECTION OF CITIZENS' RIGHTS****Federal Funds**

Victims of Crime Compensation Board	\$4,850	\$7,000	\$2,150	44.3%	D-290
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The FY 2005 appropriation is an increase in federal funding of \$2.15 million from a Victims Compensation Award.

## Language Provisions

## LAW ENFORCEMENT

2004 Appropriations Handbook2005 Budget Recommendations

No comparable language.

p. B-270

Of the amount appropriated hereinabove for the Division of State Police, \$3,000,000 for State Police Vehicles, \$450,000 for Trooper Salaries for the FY 2005 State Police Recruit Class, as well as the full amount appropriated for Nuclear Facilities Security Detail and FY 2005 State Police Recruit Training are chargeable to receipts derived from the Wireless Communication and Cell Tower Assessment, pursuant to the passage of enabling legislation.

Explanation

The FY 2005 budget anticipates a new telecommunications franchise fee on wireless telephone communications. The assessment would generate a total of \$33 million annually to provide for enhanced 911 service as well as the ongoing costs for security and counter-terrorism. This language provides that \$8.9 million will be used to enhance law enforcement services, including \$3.9 million to purchase approximately 400 new patrol cars, training cost for new State Police recruits, support salaries for State Troopers and \$4.7 million to support security details at the State's nuclear power plants.

2004 Appropriations Handbook2005 Budget Recommendations

p. B-125

No comparable language.

Notwithstanding the provisions of section 15 of P.L. 1985, c.405 (C.49:3-66.1) to the contrary, the amounts appropriated hereinabove for the State Police Recruit Training, Consent Decree Vehicles, Telecommunications - 911 Call Takers and Computer Aided Dispatch maintenance are provided from the Securities Enforcement Fund program account, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

## Language Provisions (Cont'd)

This language provision charged certain expenses to revenue from the Securities Enforcement Fund in FY 2004, which were unusually high due to a large settlement. A similar provision is not recommended for FY 2005.



### 2004 Appropriations Handbook

No comparable language.

### 2005 Budget Recommendations

p. B-270

There is appropriated, an amount up to \$25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

### Explanation

This budget would authorize a program to encourage the provision of tips for information relating to terrorism, gang activities, weapons and drug offenses.



## Language Provisions (Cont'd)

### 2004 Appropriations Handbook

No comparable language.

### 2005 Budget Recommendations

p. D-274

The unexpended balances in the Help America Vote Act - State Match account as of June 30, 2004, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

The Help America Vote Act (HAVA) of 2002 is a federal law providing for federal funding to assist states in upgrading voting equipment and election procedures regulated by the Federal Election Commission. New Jersey is awaiting Title III federal funding which requires a five percent match to qualify under the HAVA. This language will allow the Department authority to carry forward HAVA - State Match funds until the balance can be expended.

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### 2004 Appropriations Handbook

No comparable language.

### 2005 Budget Recommendations

p. D-274

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General fund to the Gubernatorial Elections Fund such sums as may be required.

### Explanation

New Jersey provides funding for public financing to qualified candidates for gubernatorial primary elections. The recommended FY 2005 appropriation is \$8.3 million. This language ensures that funding will be adequate even though the balance in the Gubernatorial Elections Fund is insufficient.

## Language Provisions (Cont'd)

### 2004 Appropriations Handbook

No comparable language.

### 2005 Budget Recommendations

p. D-274

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts appropriated hereinabove to the Gubernatorial Elections Fund, there are appropriated up to \$600,000 for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

The FY 2005 budget recommends \$8.9 million from the Gubernatorial Elections Fund. \$8.3 million of this total is to provide funding for public financing to qualified candidates in the 2005 gubernatorial primary election. The language provides that the remaining \$600,000 will be appropriated for administrative purposes to pay for temporary staff to operate the Gubernatorial Public Finance Program in FY 2005.



### 2004 Appropriations Handbook

p. B-130

Notwithstanding the provisions of section 15 of P.L. 1985, c.405 (C.49:3-66.1) to the contrary, the amounts appropriated hereinabove for the Office of Counter-Terrorism is provided from the Securities Enforcement Fund program account, subject to the approval of the Director of the Division of Budget and Accounting.

### 2005 Budget Recommendations

No comparable language.

### Explanation

This language provision charged certain expenses to revenues from the Securities Enforcement Fund in FY 2004, which were unusually high due to a large settlement. A similar provision is not recommended for FY 2005.



## Language Provisions (Cont'd)

2004 Appropriations Handbook

## p. B-131

In addition to the **\$46,927,626** attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

2005 Budget Recommendations

## p. D-286

In addition to the **\$48,419,076** attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

This language change reflects the FY 2005 increase in anticipated reimbursements to the Division of Law, as the result of higher negotiated billing rates. The Division of Law derives a significant portion of its operating support from reimbursements it receives for legal services provided to other State agencies. The Governor's budget (page D-286) estimates these reimbursements at \$48,419,076 in FY 2005. This language would allow the division to spend any receipts received above this amount.

2004 Appropriations Handbook

No comparable language.

2005 Budget Recommendations

## p. D-287

Notwithstanding the provisions of any law or regulation to the contrary, revenues derived from penalties, cost recoveries, restitution or other recoveries to the State are appropriated to offset unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services incurred by the Division of Law related to litigation and acting on behalf of the State and State agencies. Such sums shall first be charged to any revenues derived from recoveries collected by the State but may also be provided from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

## Language Provisions (Cont'd)

### Explanation

This language provides that penalties, recoveries and other types of revenue arising from litigation involving state agencies represented by the Division of Law be redirected from current dedicated uses to instead offset unbudgeted extraordinary costs incurred by the division. According to the department, the division may not be fully reimbursed by other state agencies for unexpected costs of litigation. This language would thus provide a mechanism to provide adequate resources to offset these costs. This language also provides that if recoveries are insufficient, additional funding may be taken from the General Fund.

### 2004 Appropriations Handbook

No comparable language.

### 2005 Budget Recommendations

p. D-287

The unexpended balances as of June 30, 2004 in the Child Advocate Agency are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

This language will provide authority for the Child Advocacy Agency to carry forward any unexpended balances from FY 2004, the first year it received funding.

### 2004 Appropriations Handbook

p. B-137

Receipts derived from assessments under section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 2004 are appropriated for payment of claims of victims of crime pursuant to P.L. 1971, c. 317 (C. 52:4B-1 et seq.) and additional board operational costs up to \$1,175,000, subject to the approval of the Director of the Division of Budget and Accounting.

### 2005 Budget Recommendations

p. D-291

Receipts derived from assessments under section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 2004 are appropriated for payment of claims of victims of crime pursuant to P.L. 1971, c. 317 (C. 52:4B-1 et seq.) and additional board operational costs up to \$1,175,000, **and \$356,000 for the Boards Strategic IT Automation Initiative**, subject to the approval of the Director of the Division of Budget and Accounting.

## Language Provisions (Cont'd)

### Explanation

This language will authorize \$356,000 for a Strategic IT Automation Initiative which will provide the Victim Crime Compensation Board with technology upgrades.

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#### 2004 Appropriations Handbook

##### p. B-137

Notwithstanding the provisions of section 15 of P.L. 1985, c.405 (C.49:3-66.1) to the contrary, receipts in excess of the amount anticipated and the unexpended balances as of June 30, 2004, are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety **to provide State Police Recruit Training**, subject to the approval of the Director of the Division of Budget and Accounting.

#### 2005 Budget Recommendations

##### p. D-291

Notwithstanding the provisions of section 15 of P.L. 1985, c.405 (C.49:3-66.1) to the contrary, receipts in excess of the amount anticipated and the unexpended balances as of June 30, 2004, are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety, subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

This revision of language will eliminate funding for the State Police Recruit Training from excess receipts in the Securities Enforcement Fund, which were unusually high in FY 2004 due to a large settlement. The FY 2005 recommended budget provides increased funding for upcoming State Police Recruit classes, from other sources.

## Discussion Points

1. Federal enactments and federal budget proposals often significantly impact State programs and fiscal resources.
  - **Question:** What impact will the expectation of (a) increases or decreases in federal funding, or (b) new or revised federal mandates or matching requirements, have on the department's resources and activities in FY 2005? Please be specific with regard to the expected federal action and corresponding State or local impact.
2. The Governor's Budget includes new language that identifies up to \$15,800,000 from Child Welfare Reform to be transferred to the Department of Law and Public Safety and the Office of the Public Defender in accordance with the Child Welfare Reform Plan.
  - **Question:** What portion of these funds are intended for the Department of Law and Public Safety? Please provide a breakdown of how these funds will be allocated within the department. What services are expected to be provided by this funding?
3. New Jersey recently enacted P.L. 2003, c.183, the "DNA Testing Act" providing for an expansion of the list of crimes for which blood samples are collected for DNA testing. The department noted last year that the passage of this legislation would cause an initial spike of 120,000 cases and an additional 27,500 cases annually.
  - **Question:** Has a backlog from the large number of cases materialized? If so, how long should it take until the backlog is eliminated? What steps (such as contracting for testing) have been taken to reduce the backlog? What legal ramifications, if any, are caused by this backlog? What staffing changes, if any, have occurred in response to this law?
4. The Governor's budget recommends continued funding of \$250,000 to the Office of the Attorney General for Smart Growth Enforcement. Beginning in FY 2004 these funds were used to assist municipalities responding to lawsuits by developers seeking to build in over-developed or protected areas.
  - **Question:** Please describe how these resources have been used to date, including staffing and number of cases.
5. The Governor's budget recommends an appropriation of \$3 million in FY 2004-2005 toward the purchase of an additional 400 consent decree compliant State Police vehicles through a line of credit. The total for this purchase will be \$18 million over the next three fiscal years. Funding was made available in FY 2003-2004 for 193 replacement vehicles.
  - **Question:** What is the intended time frame for the State Police to receive the fully equipped vehicles? How many new vehicles will be replacing old vehicles? How many of these vehicles will be fuel efficient? How many of these vehicles will be marked as opposed to unmarked? Has the division developed a permanent replacement schedule for State Police vehicles?
6. The FY 2005 budget does not directly provide any capital funding for recommended repairs or renovations to the various juvenile justice institutions. Due to the minimal or non-existent funding in the past few years and the age of the various institutions, numerous facilities are continuing to deteriorate. The Governor's budget recommends \$16,947,000 for Statewide Fire, Life Safety and Renovation Projects.

## Discussion Points (Cont'd)

- **Question:** How does the commission plan to address the needs of the facilities requiring repairs? Are the juvenile justice institutions expected to receive any of the Statewide Fire, Life Safety and Renovation projects funding? If so, please describe what facilities will be receiving funds.

7. Recent reports have indicated that the State Police have devised a Security Plan which includes the purchase of helicopters for Medevac and to patrol the areas bridges, train lines, and airports. The Governor's budget does not refer to a security plan nor does it mention funding for new helicopters.

- **Question:** Please provide an overview of the new State Police Security Plan. What revenue sources will be generated to fund the plan? How does a State Police Security Plan complement the New Jersey Domestic Security Preparedness Act, the Office of Counter Terrorism and other current Homeland Security measures? Has New Jersey applied for federal funding to support the purchase of helicopters? If so, what source and what amount of federal funding would be available?

8. The Governor's budget recommends language that would provide up to \$25,000, from the General Fund, to pay for each award or each tip for information which thwarts crimes against New Jersey residents or property, as well as tips related to the identification of illegal guns, drugs and gangs.

- **Question:** Please provide a breakdown of how this language provision differs from the current procedures, if any. Why does the department need open-ended spending authority for providing rewards for tips? Will any advertising be conducted to promote this new program? Please provide information on how this program will be conducted.

9. New Jersey recently enacted P.L. 2003, c.314, establishing "Florence's Law." This act reduces the limits of blood alcohol concentration (BAC) that constitutes drunk driving to 0.08 percent from 0.1 percent. The federal government has statutorily encouraged each state to establish driving with a BAC of 0.08 percent or higher as its per se drunk driving offense. Any state that fails to pass such a law will lose a percentage of its federal highway funding.

- **Question:** What effect, if any, will this law have on the number of DUI arrests in New Jersey? How will federal highway funding be affected now that New Jersey has complied with federal mandates?

10. The new facility for State Police Multi-Purpose Building and State Police Troop "C" Headquarters/Communications Center was a project originated by the New Jersey Building Authority in 1999 and given approval by the Legislature in November of 2000 (ACR136). The facilities are reportedly completed with the official opening planned for the spring of 2004.

- **Question:** Provide an update of the facility, including a break down of current staff, equipment and resources. What is the final cost of this project?

11. The Governor's budget recommends funding of \$4.1 million to the Fiscal Integrity Unit/ Office of Governmental Integrity, the same level as the FY 2004, but \$1 million more than in FY 2003. These funds were to enhance the ability of the office to uncover and prosecute public corruption.

## Discussion Points (Cont'd)

- **Question:** Please describe how these resources have been used to date, including staffing and number of cases.

12. New Jersey developed a State plan to implement the Help America Vote Act (HAVA) that was filed with the Federal Election Commission on August 15, 2003. The plan was developed so that New Jersey would qualify for federal funding under the Help America Vote Act of 2002." The federal HAVA law provides for federal monies to assist states in upgrading voting equipment and election procedures.

- **Question:** Please describe any changes that have occurred to the State Plan since August 2003. What federal funding has New Jersey received since the inception of the plan? Please describe how state and federal resources have been used to date to implement the HAVA, please include a county-by-county breakdown.

13. The Governor's budget recommends continued funding of \$2 million for the Office of the Child Advocate. The Office of the Child Advocate is established to investigate, review, monitor and evaluate State agency responses to allegations of child abuse or neglect in New Jersey, and make recommendations for systemic and comprehensive reform. The Office of the Child Advocate is mandated to monitor, review and evaluate the Institutional Abuse Investigations Unit in the Department of Human Services and may establish a complaint hotline. The Office of the Child Advocate is deemed a child protective agency and has subpoena power, the power to sue state government, and may conduct public hearings. The independent Office of the Child Advocate was created by statute on September 26, 2003.

- **Question:** Please describe how the resources of the Office of the Child Advocate have been utilized, including staffing and investigations completed or in progress.

14. Newly recommended budget language would override general law and regulation to appropriate to the Division of Law revenues from "...penalties, cost recoveries, restitution or other recoveries..." in order to offset "...unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services..." arising from litigation in which the division is involved on behalf of State agencies. This language also authorizes supplemental appropriations from the General Fund for these costs.

- **Question:** Does the recommendation of this language anticipate problems with the adequacy of the Division of Law's budget, or seek to correct problems that have arisen from the absence of this language? Please describe two specific past instances where the absence of this language negatively affected the Division of Law or the department in representing the state in litigation matters. Has the absence of this language ever caused the division not to litigate matters, or to provide inadequate representation to state agencies? In order for revenue from penalties, restitution, etc. to be diverted from their current statutory use to the division under this language, would costs have to be both unbudgeted and extraordinary, or merely one or the other? In whom would the authority be vested to determine when costs are extraordinary and unbudgeted, thereby

triggering this language? Does this language expand or contract any judicial power to impose and direct the use of penalties, recoveries, etc. arising from litigation involving state agencies?

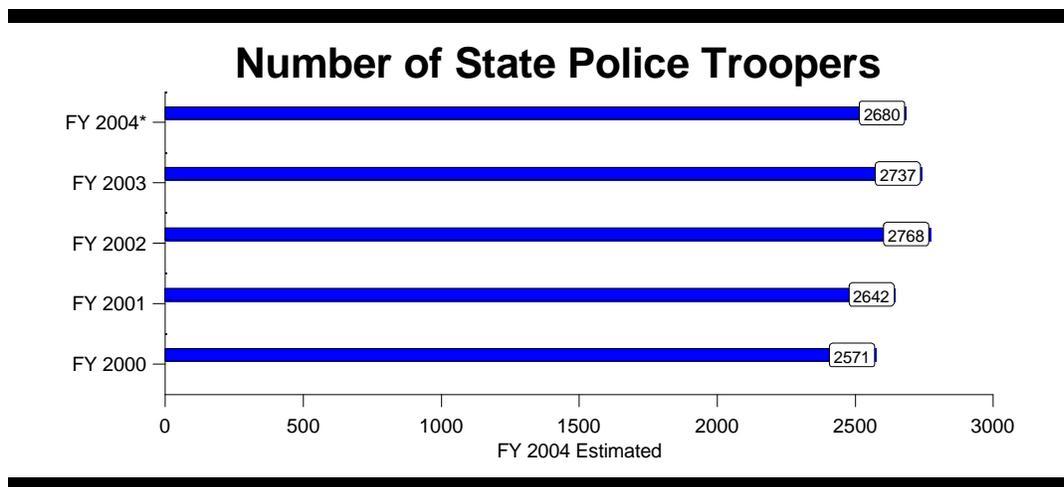
## Background Paper: State Police: Recruiting, Retention and Retirement

Budget Pages... C-15; D-264 to D-266

As of March 2004, there were 2680 State Police Troopers. Among the details to which a trooper may be assigned are: general road duty; various traffic details; security details; various criminal and intelligence assignments; training responsibilities; administration; special lab assignments (such as ballistics and forensics); Office of Emergency Management responsibilities; Community Partnership assignments; Records and Identification assignments and the Homeland Security Branch.

Troopers also perform law enforcement duties for all State departments and agencies.

These departments and agencies are responsible for the costs of the troopers assigned to them. Below are the various departments and agencies that fund enlisted personnel:

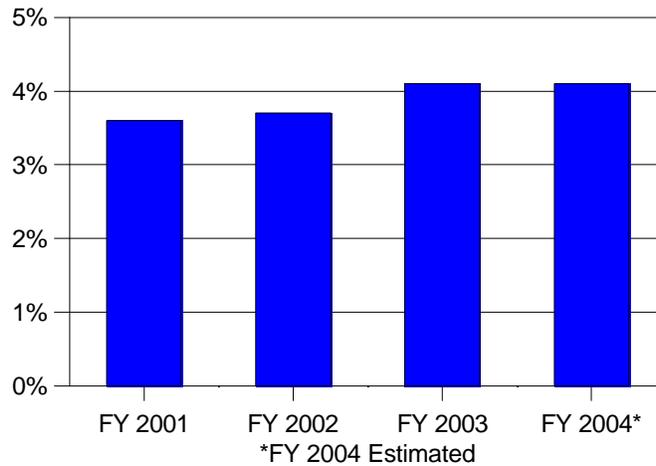


Agency	Funding Source
Parkway / Turnpike	New Jersey Turnpike Authority
AC Expressway	South Jersey Transit Authority
Document Fraud	Motor Vehicle Commission
Insurance Fraud	Insurance Industry ( through Banking and Insurance)
State Government Security	Joint Management Commission
State Aquarium	Joint Management Commission
Casino Investigations	Division of Gaming Enforcement
Sports Complex	New Jersey Sports and Exposition Authority
Commercial Carrier	International Registration Program
Diesel Emissions Unit	International Registration Program
Construction Unit	Department of Transportation
HazMat Training Enforcement Unit	Motor Carrier Safety Awareness Program
Motor Coach	Motor Carrier Safety Awareness Program

**Background Paper: State Police: Recruiting, Retention and Retirement (Cont'd)**

All troopers are required to complete an annual physical and qualify semi-annually with a firearm. Under the Consent Decree, on-going training in leadership, ethics, cultural awareness and search and seizure is required. Further, the Attorney General has mandated additional training in firearms, pursuit policy, blood borne pathogens, right to know / OSHA and CPR. Finally, supervisors are required to attend basic supervision, management and leadership courses.

**Trooper Departure Rate**



The division's goal is to retain its most qualified and professional personnel. Retirement is the primary reason for leaving the force. Troopers are eligible to retire after 25 years of service. Mandatory retirement for troopers is at 55 years of age. This fiscal year, 110 State troopers have departed from the force as of March 1, 2004.

R e c e n t technological advances have enhanced the

division's ability to solve crimes. Systems such as the Automated Fingerprint Identification System (AFIS) and deoxyribonucleic acid (DNA) identification have had a significant impact in this area. The division's use of the Management Awareness and Personnel Performance System (MAPPS) has improved internal communication and supervision. While these advances have improved the division's crime fighting capabilities, there is an on-going need for new troopers.

For FY 2005 the Governor recommends \$2.5 million, to support one State Police recruit class of 100 - 120 recruits to commence and graduate in FY 2005. This funding will be offset by increased revenues in the same amount from the toll road authorities. Another recommended appropriation of \$417,000 reflects pro-rated funding for a State Police recruit class expected to commence late in FY 2005 and graduate in FY 2006. Overall, recommended FY 2005 budget appropriations combined with "off-budget" toll road authority funding would fund four new recruit classes, with the goal of graduating 400 new troopers over the next 18-24 months, offsetting routine annual attrition and increasing the force.

New Jersey State Police (NJSP) Academy occupies 135 acres in Sea Girt, New Jersey and was established in 1885. The current 65,038 square foot structure is between 30 and 80 years old and houses administration, dorms, classrooms, a mess hall, and a gym. Treasury provides \$700,000 in the central rent account to cover various operating costs at Sea Girt for Department of Military and Veterans' Affairs, which is responsible for the upkeep of the grounds and maintenance, etc.

When recruiting troopers, the State Police strive to develop of a pool candidates that is both diverse and qualified. Approximately \$650,000 is appropriated annually for this recruiting. An average of 10 enlisted personnel are assigned to the State Police Recruiting Unit. Initially, a

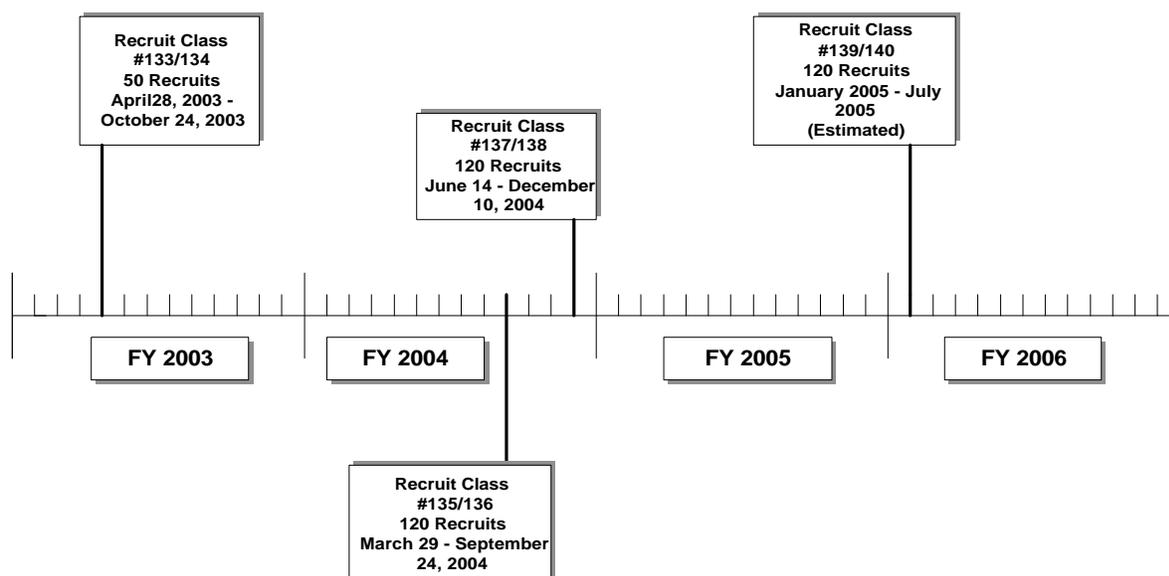
## Background Paper: State Police: Recruiting, Retention and Retirement (Cont'd)

potential recruit takes a written test. In June 2003, 3,384 candidates took this written test. Those who were successful continued in the process which includes a physical qualifying test, oral test, background investigation, psychological evaluation and a medical evaluation prior to academy training. There are no application fees for the potential recruit, nor are there recruiting referral bonuses.

The training lasts approximately 127 days over the course of 23 to 27 weeks, depending on holidays. The academy is residential; recruits are required to report for training each Monday at 6:00 a.m and are dismissed each Friday at approximately 6:00 p.m. The academy curriculum includes courses in criminal law, motor vehicle law, ethics and cultural diversity, firearms, physical training and self defense. In response to the federal Consent Decree, the curriculum was expanded to include courses in ethics and cultural awareness as well as laws of arrest, search and seizure. State mandated training includes proficiency in the use of firearms and familiarization with pursuit policy. The recruits must also pass examinations on the state criminal code and motor vehicle laws. The academy staff and administration are primarily concerned with providing the recruits with the knowledge and ability to safely and fairly serve New Jersey residents.

The estimated cost to train a recruit from fiscal year 1999 through fiscal year 2002 was \$18,000. For fiscal year 2003, those costs were re-evaluated, and the estimated cost per recruit was raised to \$25,000. The average pay for a recruit is \$12,400 and no bonuses are provided for completion of the process. From June 1998 through October 2003 (the 118<sup>th</sup> to 134<sup>th</sup> classes, 17 classes), 812 recruits entered the academy, and 673 of those graduated.

If a recruit does not complete the process there is an opportunity to reapply; however, reappointment is tied to the reason for the recruit's departure. For example, dismissal for rule violations or improper conduct would preclude reappointment, while a recruit who withdrew for injury or personal reasons would more than likely be reconsidered.



## Background Paper: DNA Criminal Technology

Budget Pages.... C-24; C-32; D-266 to D-269

### OVERVIEW

The collection and processing of DNA has expanded significantly over the last several years in New Jersey, as the original law has been repeatedly amended and supplemented. A substantial backlog in DNA analysis has developed as a result of the changes. A new source of dedicated funds is expected to increase funding for DNA analysis by over \$8 million annually.

### PROVISIONS OF DNA DATABASE AND DATABANK ACT OF 1994

The "DNA Database and Databank Act of 1994," P.L.1994, c. 136 (C.53:1-20.17 et seq.), originally established a DNA database and databank of adult sex offenders. Section 4 of the act required that blood samples be drawn for the purpose of DNA testing from persons convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact or an attempt to commit any of these sex offenses.

The act was expanded by P.L.1997, c.341 to require that blood samples be drawn from: (1) persons found not guilty by reason of insanity of one of these sex offenses and (2) juveniles adjudicated delinquent, or adjudicated not guilty by reason of insanity, for an act which, if committed by an adult, would constitute one of these sex offenses.

The Legislature expanded the act by passing P.L.2001, c. 118 to require the collection of DNA samples from persons who are convicted of other serious crimes. That law required that blood samples be drawn, or other biological samples be collected, from persons convicted of the following crimes: murder; manslaughter; second degree aggravated assault when the person attempts to cause or causes serious bodily injury to another or causes bodily injury while fleeing or attempting to flee a law enforcement officer; kidnaping, luring or enticing a child; engaging in sexual conduct which would impair or debauch the morals of a child, or an attempt to commit any of these crimes. This law also required that samples be drawn from persons found not guilty by reason of insanity for any of these offenses, as well as juveniles adjudicated delinquent or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute any of these offenses.

The act was further significantly expanded by P.L.2003, c.183 to require blood or biological samples to be drawn or collected from all persons convicted or found not guilty by reason of insanity of any crime. This includes all crimes of the first, second, third or fourth degree. Similar to previous enactments, the law also applies to juveniles adjudicated delinquent, or adjudicated delinquent by reason of insanity, for an act which, if committed by an adult, would constitute a crime. The law applies retroactively to adults and juveniles if they are imprisoned or confined or on probation or parole on the effective date of P.L.2003, c.183. The premise behind this law is that many criminals who commit property crimes, such as robbery or burglary, eventually gravitate to committing more serious crimes, such as sexual assault and murder.

### DNA ANALYSIS

New Jersey is part of the Combined DNA Indexing System (CoDIS), which is a national DNA data banking system run by the Federal Bureau of Investigation (FBI). Through this system, DNA collected at crime scenes, where the donor of the sample is believed to be the perpetrator of the crime, is compared against DNA profiles developed from convicted offender samples. Additionally, CoDIS assists in matching DNA profiles developed from recovered remains to families of missing

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persons, thus helping to identify the remains and bring closure to surviving family members.

The two main national indexes used to solve crimes are the Convicted Offender Index and the Forensic Index. The Convicted Offender Index contains the DNA profiles of qualified convicted offenders. The Forensic Index contains the DNA profiles developed from crime scene evidence. When an unknown profile from the Forensic Index matches a known profile in the Convicted Offender Index, an investigative lead placing the offender at the crime scene is established. Additionally, the Forensic Index can be searched against itself to link cases and identify serial criminals.

There are two methods of DNA analysis: nuclear and mitochondrial. Nuclear DNA analysis, done in both the Convicted Offender Index and the Forensic Index, is an examination of the short tandem repeats (STRs) (repeated tetra-nucleotide sequences) located at 13 loci (specific regions) of the genome. The high variability between individuals makes this technology very discriminating, except in the case of identical twins.

Mitochondrial DNA is extracted from the mitochondria of cells, rather than from the nucleus. As each cell has only one nucleus, but hundreds or thousands of mitochondria, mitochondrial DNA can sometimes be analyzed where there is an inadequate sample for nuclear DNA testing. This is very helpful in cases of very degraded or burned remains or if hair is recovered without sufficient root material suitable for nuclear DNA testing. Mitochondrial DNA testing is a sequencing of proteins found at regions determined to be variable across individuals. However, mitochondrial DNA is not unique to the individual, but is maternally inherited. Therefore, it is not as discriminating as nuclear DNA, but can still be very helpful in forensic testing and in identifying unknown remains. In the case of identifying unknown remains, the questioned sample can be compared to a control sample obtained from any maternal blood relative.

DNA analysis in this State is primarily conducted at the New Jersey State Police Lab in Hamilton. The lab is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB). This accreditation is a prerequisite for uploading State DNA profiles to the national DNA Indexing System, a component of the CoDIS System. This accreditation is difficult to obtain and nationally recognized. It should be noted that the lab has been selected as one of only four regional mitochondrial DNA laboratories nationally, and as such will be accredited to analyze mitochondrial DNA in approximately one year.

### COLLECTION OF DNA SAMPLES

The DNA Database and Databank Act requires that blood samples be drawn or biological samples collected from incarcerated persons in the place they are incarcerated. The sentencing court specifies a prison or jail at which blood or biological samples are to be drawn from persons who are not sentenced to a term of confinement. In the case of juveniles, blood samples are drawn at a prison or jail identification and classification bureau specified by the family court.

Under the act, tests are to be performed on the samples to analyze and type the genetic markers contained in the person's DNA. The results of the tests may be used for law enforcement identification purposes, to develop population databases, in forensic DNA analysis, to recover or identify human remains from mass disasters, in research, in judicial proceedings, for criminal defense and when required to receive federal funds. The Division of State Police in the Department of Law and Public Safety is responsible for the identification, analysis and storage of the DNA samples in a State databank. The division also is required to store, analyze, classify and file in a State database the DNA record of identification characteristic profiles of the DNA samples. This

## Background Paper: DNA Criminal Technology (Cont'd)

information also is to be forwarded to the FBI for inclusion in CoDIS.

Currently, DNA is extracted from blood samples. However, law enforcement is currently undergoing training in the "buccal swab" method, which involves taking saliva samples from a person's mouth. This method is more convenient, less invasive and less expensive than taking blood samples. Department of Corrections employees, Division of Parole employees, Juvenile Justice Commission employees and county wardens have been trained in the buccal swab method. Staff at the county jails and sheriff's officers also are trained. The buccal swab method will be used to collect samples from persons convicted of crimes of the first, second, third or fourth degree as currently required under the act. Over 20,000 buccal swab kits have been ordered for this purpose. Samples are now to be taken at the time of sentencing.

### BACKLOG IN DNA ANALYSIS

There is a large backlog in the analysis of DNA evidence in this State, as well as in many other states. Many of these cases involve "rape kits." A rape examination kit is a package of evidence taken from the scene of the rape, which might contain DNA.

The analysis of DNA cases occurs in two stages. First, local law enforcement agencies forward to the Criminalistics Unit of the State Police evidence that is collected from the crime scene, such as blood or semen samples. These samples have to be analyzed for the presence of usable DNA. Recent statistics indicate that there are over 600 such cases that currently need to be processed. The second area where there is a backlog is in the actual typing of DNA evidence in cases where DNA has been confirmed. Recent statistics indicate there are nearly 400 cases waiting to be typed. In addition to these cases, there also are numerous "no suspect" cases being held by local law enforcement agencies. These cases take less priority since authorities do not have an identified suspect in the case. Many of these cases are pending clearance for submission to the State Police. The length of time it takes to process a case varies by the priority it is given.

The current backlog in processing of DNA cases is attributable to the large increase in the number of DNA cases that need to be analyzed without an accompanying increase in resources, particularly personnel. The backlog of DNA cases are separated into two specific areas of analysis. First is the "Forensic Casework" backlog and second is the "Convicted Offender DNA sample" backlog.

### DNA STATE AND FEDERAL FUNDING

#### *State Funding*

Due to the enactment of P.L.2003, c.183, well over 100,000 new DNA cases will need to be analyzed. This new law provides for a \$2 surcharge on motor vehicle violations, including parking offenses, for five years. The revenue from this surcharge (less \$475,000 allotted to the Administrative Office of the Courts) is deposited in the New Jersey Forensic DNA Laboratory Fund. This surcharge is estimated to yield between \$8.2 and \$8.4 million dollars annually to be dedicated to the collection and analysis of DNA samples.

The following other special purpose appropriations have been provided to enhance DNA technology:

- **Megan's Law DNA Testing** - since FY 2000, the lab has received \$200,000 annually in

## Background Paper: DNA Criminal Technology (Cont'd)

special purpose funding to out source DNA testing and typing and for CoDIS expenditures;

- **Enhanced DNA Testing** - since FY 2002, the labs have received \$450,000 annually in special purpose funding to support five additional forensic scientific positions, supplies, equipment and proficiency testing and training and to obtain and retain ASCLD/Lab accreditation;
- **State Police DNA Lab Enhancement** - since FY 2003, the lab has received \$1.8 million annually in special purpose funding to: add 20 new positions; revise the titles of existing positions; obtain expert witness testimony from prior out sourced DNA casework; enhance ASCLD/LAB proficiency testing, calibration and training; and purchase Laboratory Information Management System(LIMS) equipment; and
- **State Police Forensic & Communications Equipment Hamilton Facility** - in FY 2004, the State Police received \$4.375 million in special purpose funding to support the line of credit payments on approximately \$12 million worth of scientific and communications equipment that was purchased for the new Hamilton facility (\$10.4 million for the lab and \$1.6 million for communications).

### *Federal Funding*

Over the last several years, the State has also received federal funding to enhance the State's DNA technology.

- **State Identification Systems** (SIS) grants provided additional resources to develop computerized identification systems and integrate those systems with the FBI's national identification databases. The first SIS grant for \$194,711 enabled validation of 13 Short Tandem Repeats (STR) to increase the efficiency of DNA casework and expand CoDIS. The second SIS grant for \$163,156 was used to perform STR's on DNA casework for nearly two years and to complete the installation and implementation of the CoDIS national database.
- **DNA Lab Improvement** grants provided STR technology updates and increased CoDIS capacity. The DNA Lab Improvement grant for \$297,381 allowed STR technology to be utilized in all DNA cases, including "no suspect" cases and to further fund expansion of CoDIS.
- **National Forensic Science Improvement Act** (NFSIA) provided funding to improve the quality and timeliness of forensic science services. Funding from the NFSIA totaling \$96,308 provided a Gas Chromatograph with Mass Selective Detector (GC-MSD) and computer accessories to improve analysis of fire debris samples.
- **No Suspect DNA Backlog Reduction Grant 2001** provided funding for a private laboratory to analyze 400 unscreened, no suspect, unsolved, open sexual assault cases.

In addition, the State has the following grant applications pending:

- **No Suspect DNA Backlog Reduction Grant 2003** (pending) would provide funding for a private laboratory to analyze 1,500 pre-screened, no suspect, unsolved, open sexual assault cases.
- **Convicted Offender Backlog Reduction Grant 2003** (pending) would provide funding for

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private laboratory costs to analyze 144,000 convicted offender samples.

In addition to the federal grants described above, the State receives federal funds under the Violence Against Women Act (VAWA), which is sub-granted by the State Office of Victim-Witness Advocacy (SOVWA). In 2002, VAWA awarded funds to pay for a private laboratory to analyze 123 sexual assault cases.

## OFFICE OF LEGISLATIVE SERVICES

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Individuals wishing information and committee schedules on the FY 2005 budget are encouraged to contact:

**Legislative Budget and Finance Office  
State House Annex  
Room 140 PO Box 068  
Trenton, NJ 08625  
(609) 292-8030 • Fax (609) 777-2442**