

ANALYSIS OF THE NEW JERSEY BUDGET

**DEPARTMENT
OF LAW AND
PUBLIC SAFETY**

FISCAL YEAR

2011 - 2012

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 Brunner Santos.

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-6 to C-7; C-14; C-22 to C-23; C-28;
D-233 to D-264; H-7; H-13 to H-14;
H-16

Fiscal Summary (\$000)

	Expended FY 2010	Adjusted Appropriation FY 2011	Recommended FY 2012	Percent Change 2011-12
State Budgeted	\$651,362	\$560,408	\$555,367	(.9%)
Federal Funds	\$126,170	\$221,824	\$195,301	(12.0%)
<u>Other</u>	<u>\$221,435</u>	<u>\$219,675</u>	<u>\$218,612</u>	<u>(.5%)</u>
Grand Total	\$998,967	\$1,001,907	\$969,280	(3.3%)

Personnel Summary - Positions By Funding Source

	Actual FY 2010	Revised FY 2011	Funded FY 2012	Percent Change 2011-12
State	6,024	5,690	5,655	(.6%)
Federal	177	155	151	(2.6%)
<u>Other</u>	<u>2,710</u>	<u>2,470</u>	<u>2563</u>	<u>3.8%</u>
Total Positions	8,911	8,315	8,369	.6%

FY 2010 (as of December) and revised FY 2011 (as of January) personnel data reflect actual payroll counts. FY 2012 data reflect the number of positions funded.

Link to Website: <http://www.njleg.state.nj.us/legislativepub/finance.asp>

Highlights

Law Enforcement

- The FY 2012 Governor's Budget includes a State Police recruit training class which is estimated to commence in October 2011 and is expected to graduate 100 new State Troopers. The funding (\$3 million) is provided in accordance with the New Jersey Emergency Medical Service Helicopter Response Act (C.39:3-8.2). Upon graduation, salaries for the State Troopers will be funded out of the State Police Operations Account (\$2.126 million).
- This FY 2012 budget reflects the anticipated acquisition of four new MedEvac helicopters: two in FY 2011 and two in FY 2012. Thereafter four helicopters in the current fleet will be sold: two in FY 2011 and two in FY 2012. It is expected that the sale of each of the four helicopters will generate \$3.5 million. Funding for the purchase of the helicopters is authorized by the New Jersey Emergency Medical Service Helicopter Response Act (C.39:3-8.2). The funds from the sale of the helicopters, as per budget language (p. D-246), are to be appropriated for the purpose of offsetting the Division of State Police's salary expenses.

Gaming Enforcement

- The FY 2012 budget includes an increased appropriation of \$4.52 million from the Casino Control Fund to the Division of Gaming Enforcement (DGE). This budget increase reflects the provisions of P.L. 2011, c.19 which transfers significant regulatory functions of the Casino Control Commission (CCC) to the DGE.
- The additional funding will provide for an increase in DGE staff of 55 full time employees and associated support costs. According to the Department of Law and Public Safety, this shift will establish a more efficient regulatory structure by eliminating duplication between CCC and DGE.
- The DGE was established in 1977 under the Casino Control Act (N.J.S.A. 5:12-1 et seq.) to ensure the integrity of the casino gaming industry. Oversight by the DGE includes licensure, investigations, inspections, audits, and criminal and regulatory prosecutions.

Office of Insurance Fraud

- The FY 2012 budget recommendation includes a \$1.65 million (14.7%) increase in funding for Insurance Fraud Prosecution Services within the Division of Criminal Justice for criminal cases (p. D-244). The increase can be attributed to the restoration and continuation of funding for the County Prosecutors Reimbursement program. The increase in expenditures is matched by an equivalent increase in anticipated revenue from the Insurance Fraud Prevention assessment (page C-14).
- The County Prosecutors Reimbursement Program is administered by the Office of the Insurance Fraud Prosecutor (OIFP) in the Department of Law and Public Safety, but is funded through the Insurance Fraud Prevention assessment collected by the Department of

Highlights (Cont'd)

Banking and Insurance (DBI) and transferred to the Department of Law and Public Safety pursuant to section 46 of P.L.1998, c.21 (C.17:33A-30). The program was established pursuant to section 44 of P.L.1998, c.21 (C.17:33A-28) to provide reimbursement to the County Prosecutors' offices for their activities undertaken in connection with investigating and prosecuting insurance fraud.

- Pursuant to P.L.2010, c.21 the former Division of Insurance Fraud Prevention (DIFP), was renamed and reconstituted as the Bureau of Fraud Deterrence. The former division was originally established under the DBI, but its functions were transferred to the Department of Law and Public Safety pursuant to Reorganization Plan No. 007-1998. The new Bureau is located in DBI and consists of all civil investigators formerly assigned to the OIFP, other than those assigned to the Case Screening, Litigation and Analytical Support Unit, and those additional administrative and clerical support personnel transferred from the OIFP to the Bureau.
- The OIFP was established in the Department of Law and Public Safety, pursuant to section 32 of the "Automobile Insurance Cost Reduction Act" (AICRA), P.L.1998, c.21 (C.17:33A-16). P.L.2010, c.32 provided that the OIFP retain responsibility for all criminal prosecutions and investigations of fraud, including the County Prosecutors Reimbursement Program.

Juvenile Justice Commission

- The FY 2012 recommended appropriation for the Juvenile Justice Commission (JJC) is \$117.7 million, a decrease of \$2.7 million. This recommended decrease is made up of the following: the elimination of Sick Leave Injury (SLI) (\$1.296 million) which will be replaced with Workers Compensation benefits as needed; the continuation of the secure care reconfiguration from FY 2011 (\$828,000); salary attrition savings from eight positions in FY 2012 (\$400,000); and a decrease in State matching funds for anticipated federal grants (\$150,000).
- The Juvenile Detention Alternative Initiative programs have reduced the number of juveniles entering the JJC. In response to this decline, in FY 2011, JJC reconfigured its facilities which provided a savings in the form of reduced staffing requirements. In FY 2012 a reduction of \$3.22 million is anticipated in State Facilities Education Act funding. The JJC implemented a reduction in force of 66 members of educational staff on January 1, 2011 to account for the reduced juvenile population. The personnel reduction included supervisors, full-time substitute teachers, and teaching assistants. JJC currently employs 250 full-time teachers who provide services to juveniles in both secure care and community programs.

Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2010	Adj. Approp. FY 2011	Recom. FY 2012	Percent Change	
				2010-12	2011-12
<u>General Fund</u>					
Direct State Services	\$572,984	\$500,829	\$491,273	(14.3%)	(1.9%)
Grants-In-Aid	\$21,099	\$17,248	\$17,248	(18.3%)	0.0%
State Aid	\$8,533	\$0	\$0	(100.0%)	0.0%
Capital Construction	\$1,565	\$0	\$0	(100.0%)	0.0%
Debt Service	\$0	\$0	\$0	0.0%	0.0%
Sub-Total	\$604,181	\$518,077	\$508,521	(15.8%)	(1.8%)
<u>Property Tax Relief Fund</u>					
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%
Sub-Total	\$0	\$0	\$0	0.0%	0.0%
<u>Gubernatorial Elections Fund</u>	\$9,486	\$0	\$0	(100.0%)	0.0%
<u>Casino Revenue Fund</u>	\$92	\$92	\$92	0.0%	0.0%
<u>Casino Control Fund</u>	\$37,603	\$42,239	\$46,754	24.3%	10.7%
State Total	\$651,362	\$560,408	\$555,367	(14.7%)	(0.9%)
<u>Federal Funds</u>	\$126,170	\$221,824	\$195,301	54.8%	(12.0%)
<u>Other Funds</u>	\$221,435	\$219,675	\$218,612	(1.3%)	(0.5%)
Grand Total	\$998,967	\$1,001,907	\$969,280	(3.0%)	(3.3%)

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2010	Revised FY 2011	Funded FY 2012	Percent Change	
				2010-12	2011-12
State	6,024	5,690	5,655	(6.1%)	(0.6%)
Federal	177	155	151	(14.7%)	(2.6%)
All Other	2,710	2,470	2,563	(5.4%)	3.8%
Total Positions	8,911	8,315	8,369	(6.1%)	0.6%

FY 2010 (as of December) and revised FY 2011 (as of January) personnel data reflect actual payroll counts. FY 2012 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

Total Minority Percent	28.1%	30.1%	30.1%	---	---
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Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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PUBLIC SAFETY AND CRIMINAL JUSTICEDirect State Services – General Fund

Salaries and Wages Total	\$208,330	\$196,631	(\$11,699)	(5.6%)	D-242
State Police - Salaries and Wages	\$180,652	\$169,053	(\$11,599)	(6.4%)	
Criminal Justice - Salaries and Wages	\$27,191	\$27,096	(\$ 95)	(.3%)	
State Medical Examiner – Salaries and Wages	\$487	\$482	(\$ 5)	(1.0%)	

According to the Department of Law and Public Safety (DLPS), the FY 2012 total reduction of \$11.699 million from salaries and wages results from several components of change as follows:

- Division of State Police salary cost reductions of \$11.599 million from attrition, consisting of: \$399,000 from civilian employees who left during FY 2011; \$3.7 million from projected civilian and enlisted employee attrition during FY 2012; and \$8.6 million in additional attrition, in unspecified proportions between FY 2011 and FY 2012 service ending dates. According to the DLPS, this last savings component is specifically reallocated to State Police's non-salary accounts.
- A salary increase of \$1.1 million to State Police is recommended to restore FY 2011 one-time reductions in State matching funds (\$500,000) and promotional testing (\$600,000).
- The Division of Criminal Justice and the State Medical Examiner recognize a \$100,000 savings representing the annualization of FY 2011 attrition savings.

Materials and Supplies	\$5,713	\$11,799	\$ 6,086	106.5%	D-242
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According to the department, this FY 2012 recommended budget increase of \$6 million reflects the reallocation of salary savings in the Division of State Police to non-salary accounts, to restore those accounts to prior year spending levels.

Services Other Than Personal	\$3,394	\$6,492	\$ 3,098	91.3%	D-242
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According to the department, this FY 2012 recommended budget increase of \$3.1 million reflects the reallocation of salary savings in the Division of State Police to non-salary accounts, to restore those accounts to prior year spending levels.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Gaming Enforcement (Casino Control Fund) Total	\$42,239	\$46,754	\$4,515	10.7%	
Salaries and Wages (Casino Control Fund)	\$36,725	\$40,586	\$3,861	10.5%	D-242
Services Other Than Personal (Casino Control Fund)	\$1,231	\$1,631	\$ 400	32.5%	D-242
Additions, Improvements and Equipment (Casino Control Fund)	\$379	\$633	\$ 254	67.0%	D-243

This budget increase reflects the impact of the provisions of P.L. 2011, c.19 which revises regulation of the casino industry and shifts certain regulatory responsibilities from the Casino Control Commission to the Division of Gaming Enforcement. Staff growth corresponding to these expanded duties is projected at 55.

Additions, Improvements and Equipment	\$5,998	\$3,102	(\$2,896)	(48.3%)	D-243
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This reduction reflects discontinuation of FY 2011 funding for a one time purchase of Digital In-Vehicle (DIVR) recording equipment for trooper vehicles for \$2.896 million. The Digital In-Vehicle Recording system captures motor vehicle stops which download wirelessly to a station server and match up incidents automatically with the video clips. This allows critical incidents to be sent to the Central Repository Digital Video server for retention and review purposes in less than a minute.

Federal Funds

State Police Operations	\$61,838	\$30,150	(\$31,688)	(51.2%)	D-244
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The anticipated reduction of \$31.688 million in federal funding is a direct result of elimination of the following programs: FEMA Flood Grants (\$24.300 million); Port Security Grants (\$5.110 million); Community Oriented Policing (\$1.100 million); Hazard Mitigation Grant (\$1 million); and Cold Case – National Institute of Justice Grants (\$278,000).

There is no new program funding anticipated in FY 2012, however, there are a few programs anticipating an increase in funding for FY 2012: Incident Command (\$1.5 million); Paul Coverdell National Forensic Science Improvement Grant (\$500,000); and a Solving Cold Cases Grant (\$310,000).

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Office of Highway Traffic Safety	\$39,108	\$36,739	(\$2,369)	(6.1%)	D-249

The anticipated reduction of \$2.4 million in federal funding for the Office of Highway Traffic Safety is the result of a decrease in anticipated funding from Safety Belt Performance Grants (\$1.5 million) and the elimination of a \$1 million grant focused on Racial Profiling Prevention. Additionally, there are anticipated increases in federal grants for State Traffic Safety Information Systems (\$76,000) and Motorcycle Safety (\$55,000).

All Other Funds

All Other Funds – Criminal Justice	\$21,229	\$22,879	\$ 1,650	7.8%	D-244
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Of the \$22.879 million appropriation recommended in FY 2012, an increase of \$1.650 million is a reflection of increased funding for the Department of Law and Public Safety for Insurance Fraud Operations allocated from the Department of Banking and Insurance (DBI). Pursuant to P.L.2010, c.21, insurance fraud enforcement duties are divided between the Division of Criminal Justice (DCJ) (criminal investigation and prosecution) and DBI's Bureau of Fraud Deterrence (civil enforcement). Also, the DCJ allocates insurance fraud funding to county prosecutors, which accounts for the FY 2012 increase.

JUVENILE JUSTICE COMMISSION**Direct State Services**

Salaries and Wages	\$79,795	\$77,271	(\$2,524)	(3.2%)	D-252
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This FY 2012 recommended decrease is made up of the following: the elimination of Sick Leave Injury (SLI) (\$1.296 million) which will be replaced with Workers Compensation benefits as needed; the continuation of the secure care reconfiguration which eliminated ten custodial officers from FY 2011 (\$828,000); and salary attrition savings from eight administrative positions in FY 2012 (\$400,000).

Juvenile Justice – State Matching Funds	\$472	\$322	(\$ 150)	(31.8%)	D-253
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The Governor's budget reduction is due to a FY 2011 surplus in the State Matching Funds of \$150,000 which will be carried forward into FY 2012. The remaining amount will meet the anticipated FY 2012 matching federal requirements.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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Federal Funds

Juvenile Community Programs	\$2,850	\$3,107	\$ 257	9.0%	D-254
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This FY 2012 anticipated federal award increase reflects changes in the following accounts: Juvenile Accountability Incentive Block Grant \$1.129 million (an increase of \$74,000); Title I – Part D Neglected and Delinquent \$1.339 million (an increase of \$206,000); and IDEA – Handicapped \$458,000 (a decrease of \$23,000).

Administration and Support Services	\$1,634	\$1,559	(\$ 75)	(4.6%)	D-254
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This FY 2012 reduction is due to a decrease in anticipated Juvenile Justice Delinquency Prevention formula grants received by the Juvenile Justice Commission.

All Other Funds

JJC Other Funds - Total	\$31,729	\$28,505	(\$3,224)	(10.2%)	D-254
Juvenile Community Programs	\$22,375	\$18,063	(\$4,312)	(19.3%)	D-254
Institutional Care and Treatment	\$9,354	\$10,442	\$ 1,088	11.6%	D-254

This FY 2012 reduction of \$3.224 million is the result of an anticipated decrease in State Facilities Education Act (SFEA) funding. The Juvenile Justice Commission implemented a reduction in force of 66 members of the educational staff on January 1, 2011 based on the reduced juvenile population. This accounts for the decrease of education funding. The personnel reduction included supervisors, full-time substitute teachers, and teaching assistants. JJC currently employs 250 full-time teachers.

CENTRAL PLANNING, DIRECTION AND MANAGEMENT**Direct State Services**

Salaries and Wages	\$8,491	\$8,239	(\$ 252)	(3.0%)	D-256
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This FY 2012 reduction reflects the annualization of FY 2011 attrition savings within the Office of the Attorney General.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Affirmative Action and Equal Employment Opportunity	\$129	\$0	(\$ 129)	(100.0%)	D-256

This FY 2012 recommendation eliminates the funding for the special purpose item in the Office of the Attorney General, annualizing the FY 2011 reduction to Affirmative Action and Equal Employment Opportunity (AA/EEO). According to the Department of Law and Public Safety, the AA/EEO program will continue, with the costs being absorbed through the Law and Public Safety budget.

Federal Funds

Homeland Security and Preparedness	\$75,364	\$82,666	\$ 7,302	9.7%	D-256
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The FY 2012 recommendation reflects an anticipated increase to the following two federal grant programs: Homeland Security Grant, an increase of \$2.942 million to \$26.747 million and Urban Area Security Initiative, an increase of \$9.967 million to \$47.260 million.

Additionally, there are two federal grant programs expected to be eliminated: Emergency Operation Center (\$5.347 million) and Operation Stonegarden (\$187,000).

All Other Funds

Administration and Support Services	\$3,410	\$2,062	(\$1,348)	(39.5%)	D-256
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This FY 2012 decrease of \$1.348 million is a reflection of an anticipated decrease in Forfeiture Program revenue from \$2.348 million in FY 2011 to \$1 million in FY 2012.

PROTECTION OF CITIZEN'S RIGHTS**All Other Funds**

Consumer Affairs	\$21,244	\$23,161	\$ 1,917	9.0%	D-263
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The bulk of the FY 2012 increase in the Consumer Affairs account reflects an increase in Securities Enforcement Fund revenues (to \$10,585,000, an increase of \$1,785,000) that are allocated to the Securities Bureau's operating budget.

In total, FY 2012 Securities Enforcement Fund revenues are estimated at \$23.98 million, compared to \$25.3 million in FY 2011. The amount of revenue allocated to the General Fund in FY 2012 decreases by \$3.1 million, partly as a result of this larger allocation for Bureau expenses.

Significant Language Changes

Division of Criminal Justice

Revision

2011 Handbook: p. B-133
2012 Budget: p. – D-245

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed ~~\$7,200,000~~ \$8,000,000 are appropriated for State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

This language increases the allocation from \$7.2 million to \$8 million, an \$800,000 increase, from motor vehicle registration surcharge revenue for State Police vehicle acquisition. The statute references "New Jersey Emergency Medical Service Helicopter Response Act (C.39:3-8.2)" which dedicates a \$3 motor vehicle registration surcharge toward the New Jersey Emergency Medical Service Helicopter Response Program Fund. This language provides an increased allocation in FY 2012 for State Police vehicles overriding, in part, statutorily prescribed uses of the fund's resources.



Central Planning, Direction and Management

New Language

2011 Handbook: p. N/A
2012 Budget: p. D-257

Notwithstanding the provisions of any law or regulation to the contrary, in order to provide flexibility in administering the amounts provided for the Emergency Operations Center and Hamilton TechPlex Maintenance programs, such sums as may be necessary can be transferred to support operations, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

This new language provides flexibility to the Executive to transfer funds for Emergency Operations Center and Hamilton TechPlex Maintenance programs. Currently any transfer of funds over \$50,000 requires legislative concurrence. This language would eliminate the need for prior legislative approval for shifts of funds between these accounts.



EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Significant Language Changes (Cont'd)

Central Planning, Direction and Management

New Language

2011 Handbook: p. N/A
2012 Budget: p. D-257

In addition to the amount hereinabove appropriated for the Office of Homeland Security and Preparedness, such additional sums as may be required are appropriated for the purposes of providing state matching funds for federal grants related to homeland security and such amounts may be transferred to other departments and State agencies for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

This new language provides authority to the Executive to appropriate matching funds for the Office of Homeland Security and Preparedness.



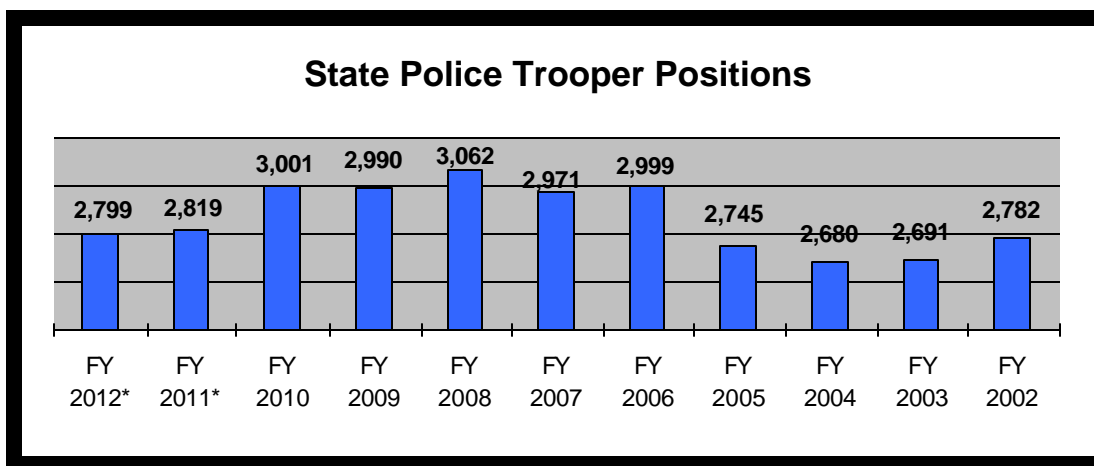
EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Background Paper: State Police Recruiting

Budget Pages.... D-233, D-242 to D-245

The Governor's FY 2012 budget includes funding to train one new class of State Police recruits in FY 2012 commencing October 2011. According to the Department of Law and Public Safety (DLPS), \$3 million to fund the recruit class will be appropriated in accordance with the New Jersey Emergency Medical Service Helicopter (EMSH) Act under subsection a. of Section 1 of P.L.1992, c.87 (C.39:3-8.2).

As of April 2011, the enlisted staffing level of the State Police was 2,847 members. From July 1, 2010 to April 1, 2011, the division lost 154 enlisted members to retirement, disability, death, and/or termination and expects to lose another 28 by the end of FY 2011. The Division of State Police estimates, assuming normal attrition, a decline in force strength level to 2,799 State Troopers by close of FY 2012. As of April 1, 2011, there were 298 State Troopers eligible to retire on or before July 1, 2012. Of that cohort, 162 members are eligible on or before July 1, 2011. Although these members are eligible, there is no guarantee that they will leave the force during this time period.



* Governor's Recommended Budget reflects the department's anticipated force strength at the close of FY 2012 and FY 2011.

Although the budget provides for a recruit class in FY 2012, there were no recruit classes in FY 2010 or FY 2011, thus the number of troopers is expected decline from its peak level in FY 2008. Assuming that the scheduled FY 2012 recruit class adds 100 troopers to the force, then attrition of 120 troopers is projected by the end of FY 2012.

In FY 2012, the total projected funding for EMSH Act purposes in the DLPS is \$31.21 million. This is based on \$24.123 million in revenue in accordance with the EMSH Act, \$5.185 million projected carry forward from FY 2011, and \$1.902 million in Additions, Improvements and Equipment from Direct State Services to support a line of credit payment for helicopters. The funding in FY 2012 is recommended to be allocated as follows: Helicopter Line of Credit Payment (\$9.137 million), MedEvac Operations (\$6 million), State Police FY 2012 Recruit Training (\$3 million), Vehicle Line of Credit Payments (\$7.986 million), State Police Salaries (\$4.837 million), and Facility Rental (\$250,000).

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Individuals wishing information and committee schedules on the FY 2012 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**