



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #425

### Transfer Narcotics Enforcement Funding and Positions to Criminal Investigation (Justice)

[LFB 2011-13 Budget Summary: Page 273, #8]

#### CURRENT LAW

The funding and positions provided to the Department of Justice (DOJ) for narcotics enforcement are separately tracked for budgetary purposes. These positions and funding may only be utilized for narcotics enforcement.

#### GOVERNOR

Delete base funding and positions allocated to narcotics enforcement totaling \$9,531,100 and 67.0 positions annually (\$2,513,800 GPR and 20.0 GPR positions, \$2,018,500 FED and 14.0 FED positions, and \$4,998,800 PR and 33.0 PR positions annually). Provide an offsetting \$9,531,100 and 67.0 positions annually to the Division of Criminal Investigation (\$2,513,800 GPR and 20.0 GPR positions, \$2,018,500 FED and 14.0 FED positions, and \$4,998,800 PR and 33.0 PR positions annually). The bill would eliminate the specific allocation of funding and positions for narcotics enforcement, and instead allocate these resources more broadly for criminal investigation.

#### DISCUSSION POINTS

1. Under 2003 Act 33, the Division of Narcotics and Dangerous Drugs under DOJ was eliminated as a cost-saving measure and re-created as the Narcotics Bureau under the Division of Criminal Investigation (DCI). Under Act 33, however, the funding and position authority provided by the Legislature to the Narcotics Bureau continued to be separately tracked for budgetary purposes.

2. Under the provisions of the 2005-07 biennial budget bill, the Governor approved a series of offsetting transfers within the same appropriation, which collectively would have

implemented a budgetary restructuring of the agency. An aspect of this restructuring would have been that the funding and position authority provided by the Legislature to the Narcotics Bureau would no longer have been separately identifiable for budgetary purposes.

3. However, the Joint Committee on Finance modified the budgetary restructuring of the agency to ensure that the funding and position authority associated with the Department's Narcotics Bureau remained separately identifiable for budgetary purposes. As a result, under 2005 Act 25 the Narcotics Bureau was appropriated funding and positions distinct from the rest of DCI. This remained the case under 2009 Act 28.

4. In February of 2009, the Attorney General announced a reorganization of DCI. As a part of that reorganization, the Narcotics Bureau was eliminated as a separate bureau. However, DOJ remains obligated to utilize the resources provided to the former Narcotics Bureau for narcotics enforcement as the Legislature specifically designated these resources for this purpose.

5. Department staff indicates that, "Because of the backup responsibilities that all DCI staff are required to perform, employees can (and often do) work in a number of different areas depending on the workload need. The Department cannot divide narcotics activities from the rest of DCI activities under the current organizational structure." In light of the DCI reorganization that has been undertaken by the Department, and in order to provide DOJ more flexibility in how it utilizes resources provided to DCI, the Committee could consider approving the recommendation. The Department indicates that, "All funding and positions are and will continue to be fully utilized." [Alternative 1]

6. On the other hand, the Legislature has separately budgeted narcotics resources to DOJ, first to the Division of Narcotics and Dangerous Drugs, and then to the Narcotics Bureau. The Legislature likely appropriated funding and positions separately for narcotics enforcement to maintain oversight over the anti-drug effort. As a result, the Committee could consider maintaining current law. Under this alternative, the Department might have to modify its DCI organization to accommodate this legislative directive. [Alternative 2] Under the bill, prior to this recommendation \$9,531,100 (all funds) and 67.0 positions annually are specifically budgeted for narcotics enforcement. Under Alternative 2 these resources could not be utilized for another purpose.

## **ALTERNATIVES**

1. Approve the Governor's recommendation to eliminate the specific allocation of funding and positions for narcotics enforcement, and instead allocate these resources more broadly for criminal investigation.

2. Delete provision. Under this alternative, funding and position authority provided to DOJ for narcotics enforcement would continue to be separately tracked for budgetary purposes.

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