



## Legislative Fiscal Bureau

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May 11, 2005

Joint Committee on Finance

Paper #120

### **Transfer of Grant Programs to the Office of Justice Assistance (DOA -- Office of Justice Assistance, Corrections -- Juvenile Corrections, and Justice)**

[LFB 2005-07 Budget Summary: Page 43, #1, Page 45, #3, Page 136, #5, and Page 322, #9]

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#### **CURRENT LAW**

**County, County-Tribal and Tribal Law Enforcement Grant Programs.** The Department of Justice (DOJ) administers a county-tribal law enforcement grant program. A county is eligible to participate in the program if: (1) the county has one or more federally-recognized Indian reservations within or partially within its boundaries; (2) the county enters into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program; (3) the county and tribe develop and annually submit a joint program plan to DOJ for approval by December 1 of the year prior to the year funding is sought; and (4) for second and subsequent year funding, the county and tribe submit with the joint program plan a report on the performance of law enforcement activities on the reservation in the previous fiscal year. Base funding for DOJ's grant program is \$785,100 PR annually, including \$708,400 PR annually for grants.

A county is also eligible to participate in a separate county law enforcement services grant program administered by DOA's Office of Justice Assistance (OJA) if the county: (1) borders one or more federally-recognized Indian reservations; (2) has not established a cooperative county-tribal law enforcement program under DOJ's grant program with each such tribe or band; (3) demonstrates a need for grant-eligible law enforcement services; and (4) applies for a grant and submits a proposed plan showing how the funds will be used to support law enforcement services. Base funding for this grant program is \$250,000 PR annually.

A tribe is eligible to participate in a second, related program also administered by OJA: the tribal law enforcement assistance grant program. The tribe must submit an application that

includes a proposed plan for expenditure of the grant funds. OJA is required to develop criteria and procedures in administering this program. In evaluating the grant applications, OJA considers: (1) the demonstrated need for law enforcement operations and services by the tribe; (2) the feasibility of the proposed plan for addressing that need; (3) the extent to which resources are otherwise unavailable; and (4) the extent to which a tribe has provided, or has attempted to provide, full compensation to local government units for services provided to the tribe. Base funding for this program is \$700,000 PR annually.

All three of these law enforcement grant programs are funded from tribal gaming revenues.

**Community Intervention Grant Program.** A community intervention grant program, administered by the Department of Corrections, awards annual grants totaling \$3,750,000 GPR to counties for early intervention services for first-time juvenile offenders and for intensive community-based intervention services for seriously chronic juvenile offenders.

Funding is distributed to eligible counties based on a statutory formula that calculates each county's allocation on the basis of data for the previous two years, as follows:

- 33% of the funds must be allocated on the basis of juvenile arrests for Part I violent crimes (murder, forcible rape, robbery and aggravated assault);
- 34% of the funds must be allocated on the basis of juvenile arrests for all Part I crimes (violent crime plus serious property crimes); and
- 33% of the funds are allocated on the basis of juvenile correctional placements.

In order to be eligible to receive community intervention program funds, a county must submit a plan to Corrections that ensures that the county targets the funding to appropriate programs. The plan must include measurable objectives and an evaluation of the preceding year's activities.

## **GOVERNOR**

**County, County-Tribal and Tribal Law Enforcement Grant Programs.** Make the following changes to the current county, county-tribal and tribal law enforcement grant programs:

*Program Transfer from DOJ.* Provide \$1,037,600 PR and 1.0 PR position annually under OJA to reflect: (1) the transfer of the cooperative county-tribal law enforcement grant program and associated staff support from DOJ (\$787,600 PR and 1.0 PR position annually); and (2) an increase of \$250,000 PR annually provided to the transferred program.

Revise the grantee eligibility provisions of the transferred program to provide that, in addition to counties that have a reservation of a federally-recognized Indian tribe within or

partially within its boundaries, counties that share a border with such a reservation would now also be eligible to participate under the grant program. This eligibility provision is currently a feature of the separate OJA county law enforcement services grant program, which would be eliminated under the Governor's recommendations.

*OJA County Law Enforcement Services Grant Program Repeal.* Repeal the county law enforcement services grant program and its appropriation under OJA and delete \$250,000 PR annually in base level grant funding.

*OJA Tribal Law Enforcement Grant Program Funding Increase.* Provide \$350,000 PR annually of increased grant funding for the tribal law enforcement grant program under OJA.

*Transition Provisions.* On the general effective date of the biennial budget act, transfer the assets and liabilities, tangible personal property, and contracts of DOJ primarily related to its county-tribal law enforcement grant program, as determined by the Secretary of DOA, to OJA. Specify that all incumbent employees of DOJ having duties primarily related to its county-tribal law enforcement grant program, as determined by the Secretary of DOA, would be transferred to OJA. Provide that: (1) all transferred employees would retain the same rights and employee status in OJA that they enjoyed in DOJ immediately prior to the transfer; and (2) no transferred employee who had attained permanent status in his or her classified position would be required to serve a new probationary period. Specify that the pending matters, and rules and orders of DOJ primarily related to its county-tribal law enforcement grant program, as determined by the Secretary of DOA, would become the pending matters, rules and orders of OJA.

There would be a net fiscal change associated with these transfers and consolidations of \$350,000 PR annually, funded from additional tribal gaming allocations.

**Community Intervention Grant Program.** Transfer the administration of the community intervention grant program, reallocate \$3,750,000 GPR annually of base level funding, and renumber an associated GPR annual appropriation to reflect the transfer of the program from Corrections to OJA.

Provide that on the general effective date of the biennial budget act, the assets and liabilities of Corrections primarily related to the community intervention program, as determined by the Secretary of DOA, would become assets and liabilities of DOA. Stipulate that the tangible personal property, pending matters, contracts and contract responsibilities relating to the community intervention program would also be transferred to DOA. Specify that the existing rules and orders relating to the program would remain in effect until their specified expiration date or until modified or rescinded by DOA.

There would be no net fiscal change associated with this program transfer.

## DISCUSSION POINTS

1. This paper examines the Governor's recommendation to transfer two additional grant programs to the existing complement of federal and state-funded grant programs administered by the Office of Justice Assistance. This review entails a consideration of: (a) the original purposes for which OJA was established; (b) how those original purposes have been revised and expanded in the intervening years; (c) how the Legislature has attempted to exercise some direction over these changes; (d) whether OJA's current functions are consistent with the Office's original purposes or represent duplications of other state agencies' functions; and (e) in light of this review, whether the transfers proposed in the bill should be authorized or whether alternative realignments should be considered.

2. The Office of Justice Assistance was created on October 1, 1987, pursuant to the 1987-89 biennial budget act and was attached administratively to DOA. OJA was established to replace the former Council on Criminal Justice, which had also been attached to DOA. That legislation provided that OJA would be responsible for: (a) administering three federal grant programs (the Juvenile Justice and Delinquency Prevention Act, the Justice Assistance Act, and the Byrne Anti-Drug Abuse Act); and (b) providing advice and assistance to state and local governments regarding criminal and juvenile justice issues.

3. The Legislature originally intended that the Council's Statistical Analysis Center, which maintains the state's uniform crime reporting program and publishes specialized crime data reports, be transferred to DOJ. However, the Governor item vetoed that transfer, and the Statistical Analysis Center remained with the new OJA function.

4. Under the next three biennial budgets (1989-91 through 1993-95), OJA's primary program responsibility remained the administration of federal criminal justice grant programs. OJA did not have exclusive jurisdiction over all federal criminal justice grant programs received by the state. DOJ also administered such programs and continues these types of responsibilities today. Then, under 1993 Wisconsin Act 193, the Legislature established a new law enforcement officer supplement grants program and provided grant funding of \$1,000,000 GPR for this purpose in 1994-95. OJA was charged with administering the new program. Under this program, OJA provides supplemental grants to cities to employ additional uniformed officers whose primary duty is beat patrolling.

5. The 1995-97 and 1997-99 biennial budgets made no further changes to OJA's program responsibilities. At the conclusion of the 1997-99 biennium, the Office's primary responsibilities, other than for Statistical Analysis Center operations and law enforcement officer supplement grants program, remained the administration of selected federal criminal justice grant programs.

6. Since the 1999-01 biennium, however, a number of new programs have been created or transferred to OJA. These programs have served to expand OJA's responsibilities beyond its initial core mission of federal criminal justice grants administration. These new programs include the following:

- A tribal law enforcement assistance grant program funded from tribal gaming revenues. This program was created under the 1999-01 biennial budget act as a gubernatorial initiative.
- A county law enforcement grant program funded from tribal gaming revenues. This program was also created under the 1999-01 biennial budget act as a legislative initiative.
- Transfer of the youth diversion program and associated grant and administrative funding from the Department of Corrections. This program was transferred under the 2001-03 biennial budget act as a gubernatorial initiative.
- Transfer of the administration of federal homeland security funding from the Division of Emergency Management under the Department of Military Affairs. This program was transferred under the 2003-05 biennial budget act as a gubernatorial initiative. [The Legislature revised the Governor's initiative and instead would have kept this function at the Department of Military Affairs. The administration of homeland security funding became an OJA responsibility, however, as the result of a partial veto.]

7. The Governor has now recommended the transfer of the cooperative county-tribal grant program from DOJ and the community intervention grant program from the Department of Corrections to OJA. The Governor has also recommended the creation of a new GPR-funded civil legal services grant program under OJA.

8. These recent program additions have significantly affected the total amount of funding administered by OJA. For 2004-05, the Office's two federal aid appropriations used to distribute criminal justice grant amounts are funded at the following levels. These federal funding estimates do not reflect the inclusion of federal homeland security funding. Although OJA began to administer federal homeland security funds during the 2003-05 biennium following the Governor's partial veto, these appropriations were never reestimated for the current biennium.

<u>Federal Grant Appropriations</u>	<u>2004-05</u>
Federal aid, justice assistance, state operations	\$1,354,000
Federal aid, local assistance and aids	23,077,500

9. For the 2005-06 and 2006-07 fiscal years, estimated expenditures under OJA's justice assistance federal aid for state operations appropriation would be increased by \$37,164,000 FED and \$36,626,400 FED, respectively, to reflect the impact of homeland security federal grant funding administered by OJA. The funding purpose of this appropriation is for "state agency operations for justice assistance to carry out the purpose for which received." This appropriation is being employed to fund state and local assistance federal homeland security grants in the absence of a separate homeland security federal aid appropriation. Since the Governor's partial veto in 2003 relating to the administration of federal homeland security funds could not create a federal aid appropriation for the distribution of these funds, OJA has been administering these funds through

this justice assistance state operations appropriation.

10. By contrast, for the 2005-06 and 2006-07 fiscal years the federal local assistance and aids appropriation will be decreased by \$4,172,600 FED annually to reflect reductions in federal Byrne program funding, which has been a long-standing criminal justice grant program administered by OJA.

11. Under the bill, these two appropriations would be reestimated for 2005-06 and 2006-07 as shown below.

<u>Federal Grant Appropriations</u>	<u>2005-06</u>	<u>2006-07</u>
Federal aid, justice assistance, state operations	\$38,518,000	\$37,980,400
Federal aid, local assistance and aids	18,904,900	18,904,900

12. In addition to these federal grant programs, OJA administers the state grant programs shown in Table 1. The programs listed in Table 1 are categorized by those state grant program created before and after the 1999-01 biennium, the point at which a growing number of state grant programs have been transferred to or created under OJA. Table 1 also lists those new and transferred programs that would be administered by the Office under AB 100.

**TABLE 1**

**Funding Levels for State Grant Programs Administered by OJA**

<u>State Grant Program</u>	<u>2005-06</u>	<u>2006-07</u>	<u>Fund</u>
<b>Programs Established Prior to 1999-01</b>			
Law Enforcement Officer Supplement Grants	\$1,000,000	\$1,000,000	GPR
<b>Programs Established since 1999-01</b>			
Tribal Law Enforcement Assistance	\$1,050,000	\$1,050,000	PR
Youth Diversion Program	1,018,400	1,018,400	PR
	380,000	380,000	GPR
County Law Enforcement Services	<u>0</u>	<u>0</u>	PR
Subtotal	\$2,448,400	\$2,448,400	
<b>Programs Transferred or Created under AB 100</b>			
Transfer Community Intervention Program	\$3,750,000	\$3,750,000	GPR
Transfer County-Tribal Grant Program	1,037,600	1,037,600	PR
Creation Indigent Civil Legal Services Program	<u>0</u>	<u>500,000</u>	GPR
Subtotal	\$4,787,600	\$5,287,600	
Total All Funds State Grant Program Funding	\$8,236,000	\$8,736,000	

13. As a general practice, federal and state grant programs are typically budgeted under the state agency with the programmatic responsibilities that parallel the purposes of the federal or state grant program. Exceptions to this type of alignment do occur, and OJA is a notable example. While the Attorney General is the state's chief law enforcement officer, since 1987 it has been OJA rather than DOJ that has administered selected federally-funded criminal justice grant programs. In the past, this arrangement represented a relatively limited exception to the general practice that federal and state grant programs are placed in the agency with programmatic expertise in the subject area. However, since the 1999-01 biennium, OJA has begun to administer an increasing number of federal and state grant programs that arguably could be better assigned to other state agencies with relevant programmatic expertise.

- While the Department of Military Affairs carries out the state's emergency management responsibilities and administered the state's homeland security grant funding prior to the current biennium, OJA will administer a federal fiscal year 2005 homeland security award totaling \$37.3 million.

- While the Department of Corrections has extensive experience in addressing the needs of juvenile offenders, the 2001-03 biennial budget act transferred the youth diversion program to OJA, and AB 100 proposes to transfer the community intervention grant program to OJA.

- While DOJ has been responsible for administering tribal law enforcement grant programs since 1955 and has administered the current county-tribal grant program since 1988, OJA separately administers two additional tribal-related law enforcement grant programs.

- While DOJ has an extensive working relationship with local law enforcement officials and prosecutors and operates the state's criminal history database, selected federal criminal justice grant programs and the uniform crime reporting function are under OJA.

- OJA is attached administratively to DOA, even though the Office's programs have little to do with the larger function of DOA, which is to provide administrative support to the executive branch.

14. In recent years, the Legislature has attempted to provide direction and exercise oversight in connection with the increasing number of state and federal programs assigned to OJA. These legislative efforts have frequently been limited through the use of the Governor's item veto authority. Such vetoes have included:

- Deletion of legislative earmarks of tribal law enforcement assistance grant funding to the Stockbridge-Munsee tribe, the St. Croix Chippewa tribe, and the Lac Courte Oreilles Chippewa tribe, all as part of the 1999-01 biennial budget act.

- Deletion of a reporting requirement to the Legislature on a grant specialist position created as part of the 1999-01 biennial budget act.

- Deletion of a legislative initiative to create a community justice center grant program

with redirected federal Byrne and penalty surcharge funding as part of the 2001-03 biennial budget act.

- Deletion of a legislative initiative to provide redirected federal Byrne and penalty surcharge funding for a pretrial intoxicated driver grant program in the Department of Transportation as part of the 2001-03 biennial budget act.
- Deletion of a legislative initiative to provide redirected federal Byrne and penalty surcharge funding for a crime prevention resource center as part of the 2001-03 biennial budget act.
- Deletion of a legislative initiative to create a second cooperative county-tribal law enforcement grant program under OJA funded with tribal gaming revenues as part of the 2001-03 biennial budget act.
- Deletion of a legislative initiative to create 11.0 prosecutor positions funded from redirected federal Byrne and penalty surcharge funding to partially offset the elimination of 15.0 GPR prosecutor positions as part of the 2003-05 biennial budget act.
- Deletion of a legislative initiative to retain the administration of federal homeland security funding at the Division of Emergency Management in the Department of Military Affairs as part of the 2003-05 biennial budget act.

15. The Committee would appear to have two sets of options available based on the foregoing discussion. First the Committee could address whether or not it wished to assign additional programs to OJA, as recommended by the Governor, or retain those programs in the agencies that currently administer them. Second, the Committee could address whether OJA should be limited to its original core functions of administering selected federal criminal justice programs, and if so, whether the Office should be attached to an agency that is more in line with those core responsibilities.

16. With respect to the first set of options, the Committee could consider the proposed transfers of: (a) the cooperative county-tribal law enforcement program from DOJ and the realignment of this program with existing OJA county and tribal law enforcement programs; and (b) the community intervention grant program from the Department of Corrections.

17. The Committee could conclude that it does not wish to transfer or create additional programs under OJA at this time, in which case it could delete these proposed transfers. However, if the Committee believes that further increases to OJA's program responsibilities are desirable, the following information is provided.

18. *County, County-Tribal and Tribal Law Enforcement Grant Programs.* As previously recommended under the 2001-03 and the 2003-05 biennial budget bills, the current budget bill again proposes the transfer of the cooperative county-tribal law enforcement grant program from DOJ to OJA. In addition to transferring the program, the provisions of AB 100 would: (a) increase funding to the program by \$250,000 PR annually; and (b) revise the grantee



eligibility provisions of the transferred program to provide that, in addition to counties that have a reservation of a federally-recognized Indian tribe within or partially within its boundaries, counties that share a border with such a reservation would now also be eligible to participate under the grant program. This eligibility provision is currently a feature of the OJA county law enforcement services grant program, which would be eliminated under the Governor's recommendations. Deleting the county law enforcement services grant program would result in offsetting savings of \$250,000 PR annually.

19. The budget bill would further provide increased funding of \$350,000 PR annually to the tribal law enforcement grant program under OJA. Under the 2003-05 biennial budget act, grant funding for this program was reduced by \$350,000 PR annually to address a shortfall in tribal gaming revenue. The recommended funding under the bill could be seen as restoring the prior base funding to this program. In the past, the Special Committee on State-Tribal Relations has expressed concern about insufficient funding to meet tribal law enforcement needs. Arguably this additional funding would represent a step in addressing the concerns of this legislative committee.

20. Neither OJA nor DOJ requested these county and tribal law enforcement-related transfers or consolidations as part of their biennial budget requests. However, DOJ did request increased funding to the agency's cooperative county-tribal law enforcement grant program. It should be noted that the provision of additional tribal gaming revenues to state appropriations reduces the balance of tribal gaming revenues deposited to the general fund.

21. Some might question the need for three separate law enforcement grant programs to address tribe-related law enforcement needs. The State Budget Office has indicated that the county law enforcement services grant program was deleted because it is arguably duplicative of the county-tribal law enforcement program under DOJ, and DOJ's program, which would be transferred to OJA, has the added benefit of encouraging cooperation between the counties and the tribes on law enforcement issues. Thus, the Committee could consider approving the Governor's recommendations regarding the county/tribal law enforcement grant programs.

22. However, in the previous proposals to consolidate these various county and tribal law enforcement grant programs, these realignments were not agreed to by the Legislature in large part because of concerns that the deletion of any one of these programs could have a possible detrimental impact on county/tribal law enforcement. For example, there are law enforcement issues that can be addressed solely by Wisconsin's tribes without the assistance of county law enforcement. There are also law enforcement issues that can be addressed solely by county law enforcement. This would suggest that there is merit in having a separate grant program for county law enforcement authorities and for tribal law enforcement authorities. Deleting the separate OJA county grant program could limit the ability of counties and tribes to independently pursue and address county/tribal law enforcement issues.

23. If the Committee concludes that the Governor's recommendations relative to the transfers and consolidations of the county, county-tribal and tribal law enforcement grant programs should not occur at this time because of these considerations, it could delete the provision. This action would have the effect of deleting \$350,000 PR annually of increased tribal gaming

expenditure authority, resulting in corresponding additional general fund revenues of \$350,000 annually.

24. *Community Intervention Grant Program.* Currently, the Department of Corrections provides grant funding under this program to counties for early intervention services to first-time juvenile offenders and intensive community-based intervention services for seriously chronic juvenile offenders. Part of the rationale for this proposed transfer is that OJA has the grant administration experience and infrastructure to administer the program. Further, since OJA already administers other federal juvenile justice grant programs, it is suggested that the state could undertake a more comprehensive approach to juvenile justice planning, and that federal funds under OJA's administration might be coordinated with the community intervention grant allocations, thereby reducing fragmentation in the use of funding earmarked for juvenile justice programs. If the Committee finds that these considerations have merit, it could approve the Governor's recommended transfer of this program to OJA.

25. On the other hand, neither OJA nor the Department of Corrections requested this program transfer as part of either agency's biennial budget request. In addition, the Department of Corrections has successfully administered the program for many years, and to date, there do not appear to have been any significant problems in connection with coordinating the existing program with other available funding sources. Finally, it should be noted that the impact of such a coordination proposal may be more limited as federal juvenile justice funding has declined by almost 70% over the past five years, due in large part to the repeated reductions to the federal Juvenile Accountability Block Grant Program (JABG). While the state's federal fiscal year (FFY) 2001 JABG award totaled \$4,319,500 FED, the state's FFY 2005 JABG award has been reduced to \$830,500 FED. The Committee could conclude that there is little compelling reason to effect this transfer. The Governor's recommendation, therefore, could be deleted.

26. The second set of options available to the Committee involve more general policy choices. If the Committee concludes that recent OJA program growth since the 1999-01 biennium has resulted in the creation of a grant administration function that represents a significant expansion of the agency's original core activities of administering selected federal criminal justice programs, the Committee could consider a variety of changes to OJA's current responsibilities. These modifications would have the effect of realigning OJA's current functions to focus primarily on the Office's pre-1999 responsibilities.

27. Further, the principal rationale for originally having OJA attached administratively to DOA, based on documents prepared at the time, included "the importance of the Governor's input into criminal justice needs of the state and services provided to its citizens" and "the responsibility of the Governor to insure compliance with the intent of [the federal] programs" being administered by OJA. While the Governor is responsible for overseeing the receipt of federal funds on behalf of the state and designating the agency to administer them, the Legislature also has an interest in assuring that these federal funds are coordinated and integrated with similar programs administered by those state agencies with lead responsibilities in a program area. The Legislature could, for example, conclude that it would be more appropriate to attach OJA to the Department of Justice,

which has significant law enforcement and criminal justice related responsibilities.

28. In line with the above considerations, possible modifications could include:

- The transfer of the youth diversion program from OJA back to the Department of Corrections. While 1.5 GPR positions and 0.5 PR position were transferred to OJA with the program under the 2001-03 biennial budget, the GPR positions have been deleted under subsequent base budget reductions. The Committee could still transfer 0.5 PR grant specialist position and associated funding of \$23,500 PR annually from OJA to Corrections to administer the program, along with \$380,000 GPR and \$994,900 PR in annual grant funding provided under the bill.
- The transfer of county/tribal grant programs from OJA to DOJ.
- The transfer of the administration of the federal homeland security grant funding back to the Division of Emergency Management at the Department of Military Affairs. Since the Legislature originally did not approve the placement of this program at OJA, there is no federal homeland security appropriation to transfer from OJA to Military Affairs. As a result, such an appropriation would need to be created under the Department of Military Affairs with estimated expenditure authority of \$37,164,000 FED in 2005-06 and \$36,626,400 FED in 2006-07.
- The administrative attachment of OJA with its remaining functions to DOJ. The statutes would also need to be amended to provide that the executive director of OJA would be appointed by the Attorney General. Under current law, the executive director of OJA is appointed by the Governor outside of the classified service.

29. If the Committee were to adopt alternatives implementing these types of reassignments, the impact on the administrative resource needs under the new agencies would be appear to be relatively modest. The following table summarizes the OJA positions and associated funding in 2005-06 and in 2006-07 that could be affected by a realignment.

<u>Fund</u>	<u>2005-06</u>		<u>2006-07</u>	
	<u>FTE</u>	<u>FTE Funding</u>	<u>FTE</u>	<u>FTE Funding</u>
FED	15.68	\$1,311,000	11.68	\$773,400
GPR	2.42	165,200	2.42	165,200
PR	<u>2.90</u>	<u>187,300</u>	<u>2.90</u>	<u>187,300</u>
Total	21.00	\$1,663,500	17.00	\$1,125,900

30. In 2005-06, OJA is authorized 21.0 FTE positions, while in 2006-07 the number of authorized positions is further reduced to 17.0 FTE. Under a possible attachment of the Office to DOJ, all of these positions (except for 0.5 PR position and \$23,500 PR annually transferred to the Department of Corrections in connection with the youth diversion program) would be transferred. Further, it is anticipated that the state could continue to use the office space and other office resources currently utilized by OJA, if the administrative responsibility for the Office and some of

its functions were transferred to other state agencies.

31. On the other hand, it should be noted that under the 1987-89 biennial budget act, the Legislature attached OJA for administrative purposes to DOA, rather than DOJ. In addition, there has been legislative support in the past to expand the duties and responsibilities of OJA. This was particularly true both for the placement of the law enforcement officer supplement and county law enforcement services grant programs at OJA. The Committee could consider preserving OJA's attachment to DOA and expanding its responsibilities as an administrator of grant programs.

## ALTERNATIVES

### A. County, County-Tribal and Tribal Law Enforcement Grant Programs

1. Approve the Governor's recommendations to: (a) transfer the cooperative county-tribal law enforcement grant program from the Department of Justice (DOJ) to the Department of Administration's Office of Justice Assistance (OJA); (b) increase funding and make programmatic changes to the cooperative county-tribal law enforcement grant program and the tribal law enforcement grant program; and (c) repeal the county law enforcement services grant program.

2. Delete provision.

<u>Alternative A2</u>	<u>GPR-REV</u>	<u>PR</u>
<b>2005-07 REVENUE</b> (Change to Bill)	\$700,000	
<b>2005-07 FUNDING</b> (Change to Bill)		-\$700,000

### B. Community Intervention Grant Program

1. Approve the Governor's recommendation to transfer administration of the community intervention grant program, including \$3,750,000 GPR annually of base level grant funding, from the Department of Corrections to OJA.

2. Delete provision.

### C. OJA Realignment

*Adopt one or more of the following changes:*

1. Transfer the youth diversion program from OJA back to the Department of Corrections by: (a) transferring a 0.5 PR grant specialist position and its associated funding of \$23,500 PR annually from OJA's law enforcement programs and youth diversion-administration appropriation to a new youth diversion administration appropriation under Corrections; (b) re-titling the OJA appropriation the law enforcement programs administration appropriation; (c) transferring \$300,000 PR annually in grant funding from OJA's interagency and intra-agency aids appropriation

to the Juvenile Correctional Services' interagency and intra-agency aids appropriation; (d) deleting OJA's interagency and intra-agency aids appropriation; (e) transferring the GPR and PR youth diversion grant appropriations from OJA to Corrections funded at \$380,000 GPR and \$694,900 PR annually; and (f) renumbering the statutory language governing the administration of the program to Corrections.

2. Transfer the county/tribal law enforcement grant programs from OJA to DOJ.

3. Transfer the administration of federal homeland security grant funding back to the Division of Emergency Management in the Department of Military Affairs (DMA) by: (a) creating a federal continuing appropriation under DMA for the receipt and expenditure of funds for homeland security programs (as the Legislature never approved the placement of this program at OJA there is no federal homeland security appropriation to transfer from OJA to DMA); and (b) enumerating as a statutory duty of the Adjutant General, the administration of federal homeland security funds.

4. Attach OJA with its remaining functions for administrative purposes to DOJ. Provide that: (a) OJA be attached to DOJ; (b) the executive director of OJA be appointed by the Attorney General outside of the classified service; (c) OJA's remaining appropriations under DOA be transferred to DOJ and be recreated as a separate program under that agency; and (d) the statutory language governing the administration of OJA's remaining functions be recodified to reflect the Office's administrative attachment to DOJ.

5. *[Alternative C5 may be adopted if Alternative C3 is not selected.]* Create a federal continuing appropriation under the Office of Justice Assistance for the receipt and expenditure of aid for homeland security programs.

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