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Joint Committee on Finance

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Wisconsin Statewide Information Center (Justice -- General Agency Provisions)

[LFB 2013-15 Budget Summary: Page 271, #3]

CURRENT LAW

The federal Department of Homeland Security (DHS) has provided federal homeland security grant funding to encourage the establishment of statewide intelligence centers. The Department of Homeland Security identifies that these centers will: (a) receive and disseminate law enforcement and threat information; and (b) facilitate information sharing between federal, state, and local law enforcement and emergency-response agencies.

In 2005, the Governor's Homeland Security Council required the Department of Justice (DOJ) to establish a statewide intelligence center, which has become known as the Wisconsin Statewide Information Center (WSIC). The WSIC is not restricted to a law enforcement or terrorism focus, but rather at the recommendation of DHS, has been developed as an all crimes, all hazards information sharing center that has a broad emergency response focus. In an emergency it is the responsibility of the WSIC to provide "actionable information" to assist Wisconsin Emergency Management or other state and local agencies in coordinated response to the emergency. It is also the responsibility of the WSIC to serve as the state agency intelligence lead for any criminal investigation resulting from a major incident. The WSIC is authorized base compensation funding and position authority of \$824,100 PR and 11.0 PR positions, \$522,900 GPR and 6.5 GPR positions, and \$52,200 FED and 1.0 FED position.

GOVERNOR

Make the following changes to the funding and position authority provided to the WSIC: (a) delete \$454,300 PR and 5.0 PR positions annually from the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation; and (b) provide \$815,800 GPR and 8.0 GPR positions in 2013-14, and \$877,200 GPR and 8.0 GPR positions in 2014-15.

Under the recommendation, the following 5.0 WSIC positions would be transferred to GPR funding: (a) 1.0 special agent in charge; (b) 1.0 special agent senior; and (c) 3.0 criminal intelligence analysts-senior. In addition, the Governor recommends creating the following 3.0 positions: (a) 1.0 program and planning analyst; and (b) 2.0 criminal analysts-senior.

Associated with the proposed transfer of resources to GPR, the recommendation would delete the following PR resources from the law enforcement services PR continuing interagency and intra-agency assistance appropriation: (a) permanent position salaries of \$321,800 annually; and (b) fringe benefits funding of \$132,500 annually.

Under the recommendation, the following total additional GPR resources would be provided: (a) permanent position salary funding of \$451,300 in 2013-14, and \$494,500 in 2014-15; (b) fringe benefits funding of \$181,900 in 2013-14, and \$198,400 in 2014-15; (c) supplies and services funding of \$88,500 in 2013-14, and \$93,900 in 2014-15; (d) rent funding of \$81,900 in 2013-14, and \$90,400 in 2014-15; and (e) one-time financing of \$12,200 in 2013-14.

DISCUSSION POINTS

1. The WSIC receives and disseminates law enforcement and threat information, while facilitating information sharing between federal, state and local law enforcement as well as emergency response agencies. In carrying out these functions, most WSIC staff has obtained varying security clearances to receive sensitive information from the federal government. Staff receive daily briefings and intelligence information from the FBI, DHS and other federal agencies engaged in counter terrorism and law enforcement. In turn, WSIC staff provides daily intelligence briefings for the Governor, Attorney General, Adjutant General, members of its governance board and selected executive level law enforcement personnel statewide. In addition, WSIC issues a weekly law enforcement bulletin to all law enforcement agencies across Wisconsin as well as to other state intelligence centers and federal agencies.

2. The WSIC staff is involved in assisting law enforcement agencies and prosecutors across the state with ongoing criminal investigations. The Information Center coordinates the state's drug task force information sharing initiative and a gang intelligence initiative (both statewide and in the Fox Valley Region). As of July, 2012, 183 law enforcement agencies and 18 drug taskforces statewide participate in the drug task force information sharing initiative, and 101 law enforcement agencies statewide participate in the gang intelligence initiative, with 17 of these agencies located in the Fox Valley region.

3. In carrying out these responsibilities, the WSIC is undertaking the following activities: (a) building a database of threats and intelligence compliant with federal privacy laws; (b) linking state information technology systems, wherever possible, to permit the sharing of data in these disparate systems; (c) conducting threat assessments and critical infrastructure evaluations in cooperation with Wisconsin Emergency Management and establishing a risk analysis database; (d) providing law enforcement agencies broad-level access to DOJ's criminal investigation database (although for specific case information law enforcement agencies may need to follow-up with WSIC intelligence analysts); and (e) providing 24-hour per day access for law enforcement agencies

to law enforcement bulletins and broader law enforcement and threats information provided by WSIC or by other intelligence centers or the federal government.

4. The WSIC has also established a threat liaison officer program that trains government officials and members of the private sector across the state to: identify potential terrorist activity, report suspicious activity, respond to natural or man-made catastrophic events, work to protect critical infrastructure and engage in information sharing across disciplines to benefit the state overall. In carrying out this program, the state has been divided into six regions that mirror the regions developed by Wisconsin Emergency Management. Each region is represented by a coordinating team including a local law enforcement or emergency manager, a member of the FBI and an assigned WSIC analyst. As of July, 2012, 60 counties have a trained officer participating in the threat liaison officer program.

5. In 2010-11 the WSIC opened 44 criminal cases, while in 2011-12 the WSIC opened 98 criminal cases. Its primary responsibility, however, remains information sharing.

Existing Federally Funded Positions

6. The federal government has provided federal homeland security grant funding to support the creation and operation of statewide intelligence centers. Based on concerns as to the amount of federal funding that may be available to support the WSIC during 2013-15, AB 40 would transfer WSIC positions from federal funding to GPR. These federally funded positions are considered PR positions under DOJ, as DOJ receives the federal funding indirectly through the Department of Administration's Office of Justice Assistance (OJA).

7. Specifically, the bill would delete \$454,300 PR and 5.0 PR positions annually from the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation, including \$321,800 annually in permanent position funding and \$132,500 annually in fringe benefits funding. These 5.0 positions (1.0 special agent in charge, 1.0 special agent senior, and 3.0 criminal intelligence analysts-senior) would be transferred to GPR funding. Annual funding of \$583,000 GPR to support these positions would be provided as follows: (a) \$321,800 GPR in permanent position funding; (b) \$132,500 in fringe benefits funding; (c) \$72,200 in supplies and services funding; and (d) \$56,500 in rent funding. In order to provide a stable funding source for these WSIC positions, the Committee could adopt the recommendation to transfer these positions from federal funding to GPR. [Alternative A1]

8. For 2012-13, the WSIC received \$585,000 in federal homeland security operational funding from OJA. This funding is utilized to support the positions that would be transferred to GPR funding under the bill. Based on updated information received from OJA, while not yet awarded, OJA indicates that it has again budgeted \$585,000 in federal homeland security operational funding for the WSIC for 2013-14. As there is not anticipated to be any reduction in federal operational funding for the WSIC for 2013-14, the Committee could consider: (a) restoring \$454,300 PR and 5.0 PR positions to the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation in 2013-14; and (b) deleting \$583,000 GPR and 5.0 GPR positions for the WSIC in 2013-14. [Alternative B1]

9. Available federal funding to support the WSIC in state fiscal year 2014-15, is less clear. The national homeland security grant program award for federal fiscal year (FFY) 2013 that would be utilized to provide 2014-15 funding for the WSIC totals \$346 million, down about 45.5% from the FFY 2012 award of \$635 million. In addressing prior cuts, the federal government sought to ensure that no state or territory had its award reduced by more than 50% from prior year levels (although there is no guarantee that the federal government may take a similar approach with the FFY 2013 award). Based on these indications of available federal homeland security grant funding for 2014-15, the Committee could consider transferring 3.0 positions to GPR funding in 2014-15, along with associated funding of \$289,300 GPR. Under this alternative, 2.0 positions would remain PR funded with associated funding of \$220,700 PR in 2014-15. The net effect of this alternative would be to: (a) restore \$220,700 PR and 2.0 PR positions to the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation in 2014-15; and (b) delete \$293,700 GPR and 2.0 GPR positions in 2014-15. [Alternative B2]

10. If, however, the Committee has concerns regarding the level of federal funding that the WSIC may ultimately receive in 2014-15, the Committee could approve the transfer of all 5.0 positions to GPR funding in 2014-15. [Alternative A1] Under this approach, federal operational funding received by WSIC in 2014-15 could be utilized to address other needs of the intelligence center.

11. Finally, the Committee could consider deleting the recommendation regarding the existing 5.0 federally funded positions by: (a) restoring \$454,300 PR and 5.0 PR positions annually to the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation; and (b) deleting \$583,000 GPR and 5.0 GPR positions annually from the WSIC. [Alternative B3] Under this alternative, the Department would be required to support these positions from available federal funding received during the 2013-15 biennium.

Newly Recommended Positions (3.0 GPR)

12. Under AB 40, the Governor recommends providing \$232,800 GPR in 2013-14, \$294,200 GPR in 2014-15, and 3.0 GPR positions annually to provide additional staffing for the WSIC. Department staff indicates that the WSIC expects to incorporate three new initiatives into its operations: (a) social network monitoring; (b) cyber-crime/terrorism; and (c) child sex/human trafficking. Social network monitoring could permit the WSIC to provide increased information in terms of public safety and officer awareness for special events and investigative leads for criminal investigations. The Department indicates that efforts are underway to better assess the threats that cyber-crime and human trafficking pose.

13. The Department indicates that its WSIC analysts have also experienced increasing workload challenges:

"Even without considering the impact of the new initiatives such as social media monitoring, cyber-crime/terrorism, and human trafficking on workload, the WSIC analysts have seen a significant increase in workflow. For instance, in 2011, WSIC analysts were assigned 92 new analytical assignments (averaging roughly 8 new analytical assignments per month). Analytical assignments are described as case assignments or large-scale fusion center assignments (such as a long-term research project or program). These analytical

assignments are expected to take anywhere from a few weeks to years before completion. In 2012, this number increased to 109, roughly 9 new analytical assignments per month. However, in the first quarter for 2013 alone, WSIC analysts have already been assigned 45 new analytical assignments, an average of 15 new analytical assignments per month. This is a 66% increase in analytical assignments from last year.

WSIC analysts also handle requests for information (RFI) from local, county, state, tribal, and federal partners. These are considered separate from analytical assignments because they are less burdensome requests associated with a shorter turnaround time (usually a few hours to a few days). In 2011, WSIC analysts handled 393 RFIs (roughly 33 per month). This number increased to 576 (roughly 48 per month) in 2012. In the first quarter of 2013 alone, the WSIC analysts have already handled 172 RFIs, which averages to approximately 57 RFIs per month, an increase of 19% since 2012.

Finally, WSIC produces an average of 300 written products per year. Written products can take anywhere from a few hours to a few months depending on the type of product being disseminated. This number is anticipated to remain consistent, or increase slightly through new initiatives, which further add to the workload of the analysts on daily basis. Incorporating the analytical assignments, RFIs, and written product workload numbers alone, WSIC analysts will be unable to sustain the consistent and continual increase in workflow without adding additional staff."

14. In order to address workload concerns raised by DOJ and to permit the WSIC to expand its focus to social network monitoring, cyber-crime/terrorism, and child sex/human trafficking, the Committee could approve the recommendation under AB 40 to provide \$232,800 GPR in 2013-14, \$294,200 GPR in 2014-15, and 3.0 GPR positions annually to provide additional staffing for the WSIC. [Alternative A1]

15. While the Legislature typically creates new positions at the minimum salary for the position, under AB 40, the newly created criminal analyst-senior positions as well as the new program and planning analyst position would all be budgeted annual salaries above the minimum. Typically, if state agencies wish to fill a newly created position above the minimum starting salary, the agency must receive approval from the Office of State Employment Relations, and is expected to utilize base resources to fund the difference.

16. The Department could raise concerns that funding the positions at lower salary levels may make it more difficult for the Department to recruit the level of candidate that it seeks for these new positions. In responding to this concern, the Committee could approve the recommendation for new WSIC positions as submitted under AB 40. [Alternative A1]

17. On the other hand, in order to reduce the initial cost of creating additional WSIC positions, and as state agencies are typically provided positions at the minimum starting salary, the Committee could choose to create the positions as envisioned under AB 40, but fund the criminal analyst-senior positions and the program and planning analyst position at the minimum starting salary for the respective positions. Under this alternative, salary and fringe benefits funding for the newly created WSIC positions could be reduced by \$58,600 GPR in 2013-14, and by \$78,200 GPR in 2014-15. [Alternative C1]

18. Finally, the Committee could consider deleting the recommendation to provide 3.0 additional GPR-funded positions annually to the WSIC. [Alternative C2] Under this alternative, the Department would be expected to manage the responsibilities of the WSIC with its base position authority of 18.50 positions (all funds).

ALTERNATIVES

A. Governor's Recommendation

1. Approve the Governor's recommendation to make the following changes to the funding and position authority provided to the Wisconsin Statewide Information Center (WSIC): (a) delete \$454,300 PR and 5.0 PR positions annually from the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation; and (b) provide \$815,800 GPR and 8.0 GPR positions in 2013-14, and \$877,200 GPR and 8.0 GPR positions in 2014-15. Transfer the following 5.0 WSIC positions from PR to GPR funding: (a) 1.0 special agent in charge; (b) 1.0 special agent senior; and (c) 3.0 criminal intelligence analysts-senior. In addition, create the following 3.0 additional GPR positions: (a) 1.0 program and planning analyst; and (b) 2.0 criminal analysts-senior.

B. Existing Federally Funded Positions

1. Modify the Governor's recommendation by: (a) restoring \$454,300 PR and 5.0 PR positions to the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation in 2013-14; and (b) deleting \$583,000 GPR and 5.0 GPR positions for the WSIC in 2013-14. [This alternative would maintain the 5.0 federally funded positions as PR in 2013-14, based on updated information as to the availability of federal funding for these positions in 2013-14. These federally funded positions are counted to DOJ as PR positions, as DOJ receives the federal funding indirectly through an award from OJA.]

ALT B1	Change to Bill	
	Funding	Positions
GPR	-\$583,000	- 5.00
PR	<u>454,300</u>	<u>5.00</u>
Total	-\$128,700	0.00

2. *This alternative may be adopted in addition to Alternative B1.* Modify the Governor's recommendation by: (a) restoring \$220,700 PR and 2.0 PR positions to the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation in 2014-15; and (b) delete \$293,700 GPR and 2.0 GPR positions in 2014-15. [This alternative would transfer 3.0 federally funded positions to GPR in 2014-15, based on estimated reduced federal funding under the state homeland security grant program. As it is anticipated that federal funding to support the WSIC will again be available for 2014-15, this alternative would maintain 2.0 positions as federally supported positions.]

ALT B2	Change to Bill	
	Funding	Positions
GPR	- \$293,700	- 2.00
PR	<u>220,700</u>	<u>2.00</u>
Total	- \$73,000	0.00

3. Delete provision regarding the existing federally funded WSIC positions by: (a) restoring \$454,300 PR and 5.0 PR positions annually to the DOJ law enforcement services continuing interagency and intra-agency assistance appropriation; and (b) deleting \$583,000 GPR and 5.0 GPR positions annually from the WSIC. [Under this alternative the 5.0 federally funded base positions would not be transferred to GPR funding. Instead, the Department would be required to fund these positions during 2013-15 from available federal funding.]

ALT B3	Change to Bill	
	Funding	Positions
GPR	- \$1,166,000	- 5.00
PR	<u>908,600</u>	<u>5.00</u>
Total	- \$257,400	0.00

C. Newly Recommended Positions (3.0 GPR)

1. Modify the Governor's recommendation by funding the newly created criminal analyst-senior positions and the program and planning analyst position at the minimum salary for the respective positions. Reduce salary and fringe benefits funding by \$58,600 GPR in 2013-14, and by \$78,200 GPR in 2014-15, to reflect this change.

ALT C1	Change to Bill	
	Funding	
GPR	- \$136,800	

2. Delete provision regarding the creation of 3.0 additional GPR-funded positions for the WSIC. Delete funding associated with the positions of \$232,800 GPR in 2013-14, and \$294,200 GPR in 2014-15.

ALT C2	Change to Bill	
	Funding	Positions
GPR	- \$527,000	- 3.00

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