



## Legislative Fiscal Bureau

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May 7, 2015

Joint Committee on Finance

Paper #416

### State Justice Assistance Grants (Justice)

[LFB 2015-17 Budget Summary: Page 273, #11]

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#### CURRENT LAW

As part of its responsibility to provide legal, criminal investigatory, and other law enforcement services to the state, as well as services to victims of crimes, the Department of Justice (DOJ) administers the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program. Funding for these grant programs is supported from a combination of general purpose revenue and program revenue. Program revenue for the grant programs is predominately supported by the penalty surcharge and the justice information system surcharge.

Generally, whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of municipal or county ordinance, the court must impose a penalty surcharge totaling 26% of the total fine or forfeiture. Subject to certain exceptions, the \$21.50 justice information system (JIS) surcharge is imposed with a court fee for the commencement or filing of certain court proceedings, including: civil, small claims, forfeiture, wage earner, or garnishment actions; an appeal from municipal court; a third party complaint in a civil action; or counterclaim or cross complaints in a small claims action.

Under 2013 Act 20, and beginning January 15, 2015, the Department is required to submit an annual report to the Legislature on its administration of the youth diversion grant program, the law enforcement officer grant program, the child advocacy center grant program, the treatment alternatives and diversion (TAD) grant program, and the drug court grant program. The Department must include the following information in the report: (a) the amount of each grant awarded by DOJ for the prior fiscal year; (b) the grantee to whom each grant was awarded; (c) the agency's methodology for awarding grants and determining the level of grant funding to each grant recipient; (d) performance measures created by DOJ; and (e) reported results from each grant recipient in each fiscal year as to the attainment of the Department's performance measures.

The Department's law enforcement programs appropriation is utilized to support the administration of grants for law enforcement assistance and the youth diversion program. Base funding and position authority for the appropriation is \$162,900 PR and 1.4 PR positions annually. Program revenue funding for the appropriation is derived from the penalty surcharge.

## **GOVERNOR**

Eliminate the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program.

Provide DOJ \$1,750,000 PR annually and create a state justice assistance grant program. In administering the state justice assistance grant (SJAG) program, DOJ must provide justice assistance grants to state agencies, local units of government, and private organizations to support the following: (a) the investigation, prosecution, or prevention of crime; (b) the enhancement of public safety; (c) the facilitation of multijurisdictional or interagency information sharing; (d) crime victims; and (e) the reduction of recidivism or crime.

Direct DOJ to develop and periodically update a strategic plan for state justice assistance grants in consultation with local law enforcement, district attorneys, the Secretary of the Department of Corrections, the Director of State Courts, and the State Public Defender. In providing state justice assistance grants, direct DOJ to give preference to programs that have at least one of the following characteristics: (a) the program has a primarily statewide or regional impact on the investigation, prosecution, or prevention of crime and is consistent with the Department's strategic plan; (b) the program has a primarily local impact on the investigation, prosecution, or prevention of crime and can be measured for effectiveness and is consistent with the Department's strategic plan; (c) the program supports the investigation, prosecution, or prevention of crimes against children, domestic violence, or sexual assault; (d) the program is designed to facilitate multijurisdictional or interagency information sharing that will assist in the investigation, prosecution, or prevention of crime; and (e) the program is designed to reduce recidivism or otherwise reduce crime and can be measured for effectiveness.

Direct DOJ to develop criteria and procedures to use in selecting recipients of grants and in administering the program. These criteria and procedures do not need to be promulgated as administrative rules. Further, require recipients of state justice assistant grants to comply with state audits and any other criteria specified by DOJ.

Direct DOJ to include information regarding the Department's administration of SJAG in its annual report to the Legislature on certain justice-related grant programs.

Create an annual PR appropriation that would receive funding for state justice assistance grants. Annual funding for state justice assistance grants would be comprised of \$1,224,900 from the justice information system (JIS) surcharge and \$525,100 from the penalty surcharge (for a total of \$1,750,000 PR annually). Provide that, at the end of each fiscal year, 70% of the unencumbered funds in the appropriation would revert to the JIS surcharge fund and 30% of the unencumbered funds would revert to the penalty surcharge fund.

Modify the statutory language of the law enforcement programs administration appropriation such that funding in the appropriation supports the administration of grants for law enforcement assistance as well as the state justice assistance grant program. Delete references to the youth diversion grant program.

## DISCUSSION POINTS

1. The bill would eliminate the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program. The bill then establishes a state justice assistance grant program under which DOJ would have broad authority to administer grants related to areas of criminal justice. Table 1 summarizes the fiscal impact of the Governor's recommendation on an annual basis. As Table 1 indicates, the bill reduces overall expenditures for justice-related grant programs by \$321,000 GPR and \$667,000 PR annually. Further, the bill reduces expenditures from the justice information system surcharge fund by \$238,100 PR annually and reduces expenditures from the penalty surcharge fund by \$147,300 PR annually.

**TABLE 1**

### Summary of State Justice Assistance Grant Proposal Under AB/SB 21

	<u>GPR</u>	<u>PR</u>	<u>PR Funding Source</u>
<b>State Justice Assistance Grant Program</b>			
Local Grants		\$1,750,000	Justice information system surcharge (\$1,224,900); penalty surcharge (\$525,100)
Total		\$1,750,000	
<b>Eliminated Grant Programs</b>			
Youth Diversion	-\$321,000	-\$954,000	Penalty surcharge (-\$672,400); interagency and intra-agency assistance (-\$281,600)
Law enforcement officer		-1,224,900	Justice information system surcharge
Child advocacy center		<u>-238,100</u>	Justice information system surcharge
Total	<u>-\$321,000</u>	<u>-\$2,417,000</u>	
<b>Annual Total</b>	<b>-\$321,000</b>	<b>-\$667,000</b>	Justice information system surcharge (-\$238,100); penalty surcharge (-\$147,300); interagency and intra-agency assistance (-\$281,600)

2. While evaluating the merits of the Governor's recommendation, the Committee may wish to consider the following: (a) the existing justice grant programs eliminated under the bill; (b) the structure of the proposed state justice assistance grant program; and (c) surcharge revenue available to support justice-related grant programs. The following sections of this paper address these topics.

### Existing Grant Programs Eliminated Under the Bill

3. *Youth diversion grant program.* Initially created under 1985 Act 29 under the Department of Health and Social Services, the youth diversion grant program requires DOJ to enter

into contracts with organizations for the diversion of youths from gang activities into productive activities, including placement in educational, recreational, and employment programs. Current law directs DOJ to enter into the following contracts: (a) \$500,000 to an organization that provides services in a county having a population of 500,000 or more (which DOJ has awarded to Milwaukee County); (b) \$150,000 to an organization that provides services to Racine County; (c) \$150,000 to an organization that provides services to Kenosha County; (d) \$150,000 to an organization located in Ward 2 of the City of Racine to provide services to Racine County; (e) \$150,000 to an organization that provides services to Brown County; and (f) \$100,000 to an unspecified organization (which DOJ has awarded to an organization in Racine County). Base funding for youth diversion contracts is \$321,000 GPR and \$672,400 PR. Program revenue for youth diversion contracts is generated from the penalty surcharge.

4. In addition to youth diversion contracts, the statutes specify that DOJ may not distribute more than \$300,000 annually to the organization it has contracted with that provides services to a county with a population of 500,000 or more for alcohol and other drug abuse education and treatment services for the participants in that organization's youth diversion program. Base funding for this contact is \$281,600 PR. Program revenue for this grant is generated from a federal substance abuse and mental health services administration (SAMSHA) grant that is transferred to DOJ from the Department of Health Services (DHS). [Note that if the youth diversion grant is eliminated, DHS would review the state's substance abuse prevention priority needs and reallocate funding from the SAMSHA grant for a purpose authorized under the federal grant program.]

5. The attached appendix provides the following information about the seven grants that were awarded under the youth diversion program in 2013-14: (a) the county in which the grantee operates; (b) the grant funding awarded; and (c) a brief description of the youth diversion project. As indicated in the appendix, a total of \$1,275,000 was awarded to organizations through the youth diversion program in 2013-14. Full grants were not awarded in 2013-14 due to budget reductions in recent fiscal years. Annually, DOJ is required to report to the Legislature on its administration of the grant program.

6. *Law enforcement officer grant program.* Under 1993 Act 193, the Legislature created the law enforcement officer grant program (also known as the beat patrol grant program). Under the program, the Department provides grants to cities on a calendar year basis to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. To be eligible for a grant, a city must have a population of at least 25,000. The Department must make grant awards to the 10 eligible cities submitting applications that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available in the FBI's uniform crime reporting system. Grants awarded under the program may not exceed \$150,000, and local grant recipients are required to provide a 25% match. Grant funding awarded under the program may only be utilized to support salary and fringe benefit costs. Finally, grant funding provided under this program must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties, when compared to the number of uniformed law enforcement officers the city assigned to beat patrol on April 21, 1994.

7. Table 2 identifies: (a) the grant recipients for calendar year 2014; (b) the grant

amount awarded and the local match; and (c) a description of how the funding was utilized. As Table 2 indicates, the grant program awards a total of \$1,224,900 in grants to cities across Wisconsin. Program revenue funding for this grant program is generated from the justice information system surcharge. Annually, DOJ is required to report to the Legislature on its administration of the grant program.

**TABLE 2**

**Law Enforcement Officer Grant Awards in 2014**

<u>Grantee</u>	<u>Award</u>	<u>Local Match</u>	<u>Project Description</u>
Beloit	\$121,434	\$40,478	Beloit funded a portion of two beat patrol officers.
Fond du Lac	121,434	40,478	Fond du Lac Police Department funded two street crimes officers.
Green Bay	121,434	40,478	Green Bay maintained five officers to perform beat patrol duties.
Kenosha	121,434	40,478	Kenosha utilized funding to support four beat patrol officer positions.
La Crosse	121,434	40,478	La Crosse Police Department funded one and a half beat patrol officers.
Madison	126,714	42,238	Madison Police Department utilized funding to support four officers.
Milwaukee	126,714	42,238	City of Milwaukee funded a portion of the salary and fringe benefit costs of three officers assigned to beat patrol.
Racine	121,434	40,478	City of Racine Police Department funded two beat patrol officers.
Wausau	121,434	40,478	Wausau Police Department supported the salaries and fringe benefits of three officers.
West Allis	<u>121,434</u>	<u>40,478</u>	West Allis funded a portion of the salary and fringe benefits costs of three officers assigned to daily patrol duties.
Total	\$1,224,900	\$408,300	

8. While beat patrol grants are awarded on an annual basis, a city may receive a grant for three consecutive years without submitting a new application each year. If the beat patrol grant program is not eliminated under the budget, grant award eligibility for calendar years 2016, 2017, and 2018 will be established in 2015 based on the average of uniform crime reporting data from 2012-2014.

9. *Child advocacy center grant program.* Created under 2007 Act 20, the child advocacy center grant program requires DOJ to provide 14 annual grants of \$17,000 each to child advocacy centers in the 14 counties listed in Table 3. The statutes identify the grant recipients in 11 counties, while in Brown, Racine, and Walworth Counties the statutes do not specify the child advocacy center that must receive the annual grant. Grants are awarded on a fiscal year basis. Annually, DOJ is required to report to the Legislature on its administration of the child advocacy center grant program.

**TABLE 3**

**Child Advocacy Center Grants 2013-14**

<u>County</u>	<u>Child Advocacy Center</u>	<u>Grant Award</u>
Brown	Sexual Assault Center of Family Services of Northeast Wi.*	\$17,000
Chippewa	Chippewa Valley Child Advocacy Center*	17,000
Dane	Safe Harbor Child Advocacy Center	17,000
Green	Green County Human Services on behalf of the CHAT Room	17,000
Kenosha	Children's Hospital of Wisconsin	17,000
La Crosse	Family and Children's Care Center - Stepping Stones	17,000
Marathon	Child Advocacy Center of Northeastern WI*	17,000
Milwaukee	Children's Hospital of Wisconsin	17,000
Racine	Children's Service Society of Wisconsin - Racine*	17,000
Rock	YMCA on behalf of Care House	17,000
Walworth	Children's Service Society of Wisconsin*	17,000
Waukesha	Family Service of Waukesha on behalf of C.A.R.E Center	17,000
Winnebago	Children's Hospital of Wisconsin - Fox Valley Child Advocacy Center	17,000
Wood	Marshfield Clinic - Child Advocacy Center	<u>17,000</u>
Total		\$238,000

\*The Children's Service Society of Wisconsin-Milwaukee, which is affiliated with the Children's Hospital of Wisconsin-Milwaukee, has been awarded the grant funds on behalf of the identified recipient.

10. Child advocacy centers are intended to provide comprehensive services for child victims and their families by coordinating services from law enforcement and criminal justice agencies, child protective services, victim advocacy agencies, and health care providers. Grants awarded under the program are typically utilized to support multi-disciplinary teams for law enforcement, nurses and victim advocates to record victim interviews and collect evidence in child sexual assault and child abuse cases. Base funding for the child advocacy center grant program is \$238,100 PR. Program revenue for this grant program is generated from the JIS surcharge.

**Structure of the Proposed State Justice Assistance Grant Program**

11. The bill deletes the three grant programs identified above, and creates a new state justice assistance grant program. While the purposes for which the current grants are made would be eligible for funding under the new state justice assistance grant program, funding would not be specifically allocated to these activities. Under the state justice assistance grant program, the Department of Justice would be provided \$1,750,000 PR annually in order to make grant awards state agencies, local units of government, and private organizations. The bill provides DOJ broad discretion with regards to the purpose for which grants are made under the program. Specifically, the bill requires that grants are made to support any of the following purposes: (a) the investigation, prosecution, or prevention of crime; (b) the enhancement of public safety; (c) the facilitation of multijurisdictional or interagency information sharing; (d) crime victims; or (e) the reduction of recidivism or crime.

12. Further, the bill requires that DOJ develop criteria and procedures to use in selecting grant recipients and administer the program, though these criteria and procedures do not need to be promulgated as administrative rules. The Department would be required to include the new grant program in its annual report to the Legislature.

13. The Department would also be required to develop and periodically update a strategic plan for awarding state justice assistance grants in consultation with local law enforcement, district attorneys, the Secretary of Corrections, the Director of State Courts, and the Public Defender. In making grant awards, DOJ would be required to give preference to grant-funded programs that have at least one of the following characteristics: (a) the program has a primarily statewide or regional impact on the investigation, prosecution, or prevention of crime and is consistent with the Department's strategic plan; (b) the program has a primarily local impact on the investigation, prosecution, or prevention of crime and can be measured for effectiveness and is consistent with the Department's strategic plan; (c) the program supports the investigation, prosecution, or prevention of crimes against children, domestic violence, or sexual assault; (d) the program is designed to facilitate multijurisdictional or interagency information sharing that will assist in the investigation, prosecution, or prevention of crime; and (e) the program is designed to reduce recidivism or otherwise reduce crime and can be measured for effectiveness.

14. The Department anticipates that the strategic plan for state justice assistance grants would identify a number of priority areas for funding across the criminal justice system. In order to identify these priority areas, DOJ, in consultation with the individuals noted above, would analyze crime data and trends and gather input from local criminal justice agencies. After DOJ identified areas of funding that would be a priority, DOJ anticipates that it would develop program- or initiative- specific grant announcements for which organizations could apply. Through this structure, DOJ would develop application review criteria for each program area or initiative, and an organization's application would be competitively reviewed against other applications under the same program area.

15. Further, the Department indicates the following:

"Based on the fact that funds will be made available through the biennial budget, and consistent with the federal JAG [justice assistance grant] program, DOJ would develop a 4-year strategic plan. The plan would include a mix of programs funded over multiple years and one-time funding. This would include a number of programs that are awarded competitively in the first year, with continuation funding awarded through a non-competitive application process during years 2-4, contingent upon continued performance. This structure is consistent with the TAD [treatment, alternatives, and diversion] and federal JAG programs, as multiple years of data are necessary to accurately measure program outcomes and effectiveness. Other grants may be awarded annually as one-time projects, such as information sharing projects. It should also be noted that similar to the federal JAG and state TAD programs, funds should be awarded on a calendar year basis in order to coincide with local agency budget cycles."

### **Surcharge Revenue Available to Support Justice-Related Grant Programs**

16. Under current law, revenues from the penalty surcharge and the justice information system surcharge provide at least partial support to the three programs that the bill would eliminate. Under the bill, \$525,100 PR annually from the penalty surcharge would be utilized to support the

newly created SJAG program, and \$1,244,900 PR from the JIS surcharge would also be utilized to support the program.

17. Table 4 identifies the projected condition of the penalty surcharge fund during 2014-15, and during the 2015-17 biennium, under the bill. As Table 4 indicates, the penalty surcharge fund is projected to end 2015-16 with a balance of -\$5,177,800 PR and end 2016-17 with a balance of -\$6,694,500 PR. Further, the fund is projected to operate under a structural deficit in both 2015-16 and 2016-17. Expenditures are projected to exceed penalty surcharge revenues by \$1,346,200 PR in 2015-16 and by \$1,516,700 PR in 2016-17. [A separate paper has been prepared on this issue.]

**TABLE 4**

**Projected Condition of Penalty Surcharge Fund During 2015-17 Biennium Under AB/SB 21**

<u>Agency</u>		<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
	Beginning Balance	-\$2,048,000	-\$3,831,600	-\$5,177,800
	Revenues	\$15,480,000	\$15,583,100	\$15,431,700
	Obligations			
Justice	Law enforcement training fund; local assistance	\$4,364,800	\$4,364,800	\$4,364,800
	Law enforcement training fund; state operations	3,015,200	3,063,600	3,067,000
	Drug enforcement intelligence operations	1,680,500	1,652,700	1,667,500
	Reimbursement to counties for victim-witness services	748,900	748,900	748,900
	Drug crimes enforcement; local grants	717,900	717,900	717,900
	Transaction information management of enforcement (TIME) system	724,300	713,700	714,300
	Youth diversion grant program	672,400	0	0
	Crime laboratory equipment and supplies	558,100	0	0
	State justice assistance grants	0	525,100	525,100
	Law enforcement programs - administration	161,100	175,100	175,300
Public Instruction	Aid for alcohol and other drug abuse programs	1,284,700	1,284,700	1,284,700
	Alcohol and other drug abuse programs	591,800	609,500	609,500
Corrections	Correctional officer training	2,322,600	2,416,600	2,416,600
	Victim services and programs	276,500	272,200	272,200
Circuit Courts	Court interpreters	0	232,700	232,700
Public Defender	Conferences and training	144,800	151,800	151,900
	Total Obligations	\$17,263,600	\$16,929,300	\$16,948,400
	Ending Balance	-\$3,831,600	-\$5,177,800	-\$6,694,500

18. Table 5 identifies the projected condition of the justice information system surcharge fund during 2014-15, and during the 2015-17 biennium, under the bill. As Table 5 indicates, the JIS surcharge fund is projected to end 2015-16 with a balance of -\$966,800 PR and end 2016-17 with a balance of -\$960,700 PR. [A separate paper has been prepared on this issue.]



**TABLE 5**

**Justice Information System Surcharge Fund during 2015-17 Biennium under AB/SB 21**

		<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
	Beginning Balance	-\$1,227,200	-\$2,680,100	-\$966,800
	Revenues*	\$8,481,900	\$11,390,100	\$9,685,500
	Obligations**			
	Lapse requirement***	\$700,000	\$700,000	\$700,000
Administration	Justice information systems	4,097,000	4,232,100	4,234,000
Justice	State justice assistance grants	0	1,224,900	1,224,900
	Law enforcement officer grants	1,224,900	0	0
	Treatment, alternatives, and diversion (TAD) grants	1,078,400	1,078,400	1,078,400
	Interoperable system of communications (WISCOM)	1,019,700	1,045,000	1,045,000
	Wisconsin justice information sharing program (WiJIS)	661,700	714,100	714,800
	Child advocacy center grants	238,100	0	0
Corrections	Victim notification	682,300	682,300	682,300
Circuit Courts	Court interpreters	<u>232,700</u>	<u>0</u>	<u>0</u>
	Total obligations	\$9,934,800	\$9,676,800	\$9,679,400
	Ending balance	-\$2,680,100	-\$966,800	-\$960,700

\*Revenues in 2015-16 are comprised of: (a) \$9,685,500 from the JIS surcharge; and (b) \$1,704,600 from reversions from appropriations that are funded from transfers from the JIS surcharge fund. Revenues are expected to decrease in 2016-17 because no money is expected to revert from appropriations that are funded from transfers from the JIS surcharge fund.

\*\*The annual JIS surcharge obligations identified in Table 5 do not include the \$6.00 from every \$21.50 assessed that is allocated to the Court System for the operation of the Consolidated Court Automation Program (CCAP).

\*\*\*Current law requires the JIS surcharge fund to lapse \$700,000 to the general fund on an annual basis.

19. The bill would obligate \$525,100 PR annually from the penalty surcharge fund and \$1,224,900 PR annually from the JIS surcharge fund. In contrast, the youth diversion grant program, law enforcement officer grant program, and the child advocacy center grant program collectively obligate \$672,400 PR from the penalty surcharge fund (\$672,400 PR from the youth diversion grant program) and \$1,463,000 PR from the JIS surcharge fund (\$1,224,900 PR from the law enforcement officer grant program and \$238,100 PR from the child advocacy center grant program). As a result, the SJAG program reduces penalty surcharge obligations by \$147,300 PR annually and reduces JIS surcharge obligations by \$238,100 PR annually.

**Analysis of State Justice Assistance Grant Program**

20. Current law establishes the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program. For all three of these existing grant programs, the statutes dictate the purpose for which grants are awarded as well as the amount of funding that is to be awarded. Further, for both the youth diversion grant program and the child advocacy center grant program, current law specifies the counties, and in some cases the organizations, that must receive grant funding. [The law enforcement officer grant program requires that funding be provided to the cities with the 10 highest rates of violent crime.] Rather than

specifying the purposes for which grant funds are allocated, it could be argued that the criminal justice system would benefit from a flexible grant program that would allocate funding based upon evaluated needs and program results.

21. To this end, the bill establishes the state justice assistance grant program, under which DOJ could award grants to state agencies, local units of government, or private organizations for a variety of purposes. The Department would award grants based upon a strategic plan that would seek to identify the priorities of the criminal justice system as a whole. Further, the Department anticipates that the strategic plan would be developed from analysis of criminal justice data and crime trends, and input from local criminal justice agencies. Under SJAG, DOJ could either continue or cease grant awards to certain grantees depending on measured performance, program outcomes, or evaluated needs of the state. As a result, it could be argued that the state justice assistance grant program would allow DOJ to utilize grant funding in a manner that would maximize the benefits to the state's criminal justice system.

22. Moreover, the Governor's recommendation would reduce general purpose revenue expenditures by \$321,000 GPR annually. The recommendation would also reduce expenditures from the penalty surcharge fund by \$147,300 PR annually, and reduce expenditures from the JIS surcharge by \$238,100 PR annually. As Tables 4 and 5 indicate, both the penalty surcharge fund and the JIS surcharge fund are projected to end the 2015-17 biennium in deficit. Further, the penalty surcharge is projected to operate under a structural deficit during the 2015-17 biennium. Therefore, it could be argued that it would be prudent to reduce expenditures from both of these funds.

23. For the reasons noted above, the Committee could approve the Governor's recommendation and establish the state justice assistance grant program and eliminate the existing youth diversion grant program, law enforcement officer grant program, and child advocacy center grant program [Alternative 1]. Under this alternative, base funding for the eliminated grant programs would be deleted (totaling \$321,000 GPR annually and \$2,417,000 PR annually), and DOJ would be provided \$1,750,000 PR annually for grants under the state justice assistance grant program. Further, this alternative would require DOJ to report to the Legislature on an annual basis as to its administration of the state justice assistance grant program.

24. Alternatively, the Committee could decide to create the state justice assistance grant program but retain one of the following eliminated grant programs, as follows. It should be noted that the Committee could retain two or more of the eliminated grant programs and establish the SJAG program, however limited program revenue resources would be available for the SJAG program as a result.

- *Retain youth diversion grant program.* Reduce funding for SJAG by \$525,100 PR annually associated with the penalty surcharge, and retain the youth diversion grant program [Alternative 2a]. Further, restore funding for the youth diversion grant program (\$321,000 GPR and \$954,000 PR annually). Annual program revenue for the youth diversion program is comprised of \$672,400 PR from the penalty surcharge and \$281,600 PR from federal SAMSHA grant funding received by DHS. Under this alternative, overall obligations from the penalty surcharge would increase by \$147,300 PR annually. Further, total funding for SJAG would be \$1,224,900 PR

annually from the justice information system surcharge.

- *Retain law enforcement officer grant program.* Reduce funding for SJAG by \$1,224,900 PR annually associated with the justice information system surcharge, and retain the law enforcement officer grant program [Alternative 2b]. Further, restore funding for the law enforcement officer grant program (\$1,244,900 PR annually). Under this alternative, total funding for SJAG would be \$525,100 PR annually from the penalty surcharge.

- *Retain child advocacy center grant program.* Reduce funding for SJAG by \$238,100 PR annually from justice information system surcharge revenues, and retain the child advocacy center grant program [Alternative 2c]. Further, restore funding for the child advocacy center grant program (\$238,100 PR annually). Under this alternative, total funding for SJAG would be \$1,511,900 PR annually, comprised of: (a) \$525,100 PR from the penalty surcharge; and (b) \$986,800 PR from the justice information system surcharge.

25. In its biennial budget request, the Department of Justice initially proposed establishing the state justice assistance grant program. In its request, however, the Department indicated that it would require a total of 2.5 full-time equivalent positions in order to effectively administer the grant program, including 1.5 program and policy analysts and 1.0 grants specialist. Currently, the Department administers the existing grant programs with 1.4 PR positions supported from revenues from the penalty surcharge. [It should be noted that 0.45 full-time equivalent positions in the appropriation would be eliminated under the bill because the position represents a long-term vacancy.]

26. If the state justice assistance grant program is established, the Department requests an additional 1.1 positions. Given that current law earmarks how funding should be awarded under the youth diversion, law enforcement officer, and child advocacy center grant programs, it could be argued that administering the competitive state justice assistance grant program would require an additional amount of staff time. To this point, in testimony provided to the Committee at DOJ's March 2 agency budget briefing, the Attorney General indicated that, "Without the grant administrator position, the DOJ will not be able to effectively oversee the competitive grants. Therefore, I am asking the provisions modifying these grants be removed from the Budget." In further correspondence, the Department states, "It is expected that as proposed in AB 21/SB 21, the program would be very skeletal with little support available. There are limited base resources to reallocate to SJAG..."

27. As a result of the statements from the Department, if the Committee decides to establish the state justice assistance grant program, the Committee could also decide to provide DOJ additional resources to administer the grant program. Further, since the penalty surcharge fund and the JIS surcharge fund are in deficit, resources could be provided from general purpose revenue. Therefore, if the Committee decides to establish the state justice assistance grant program, the Committee could also decide to provide DOJ \$41,200 GPR in 2015-16 and \$54,900 GPR in 2016-17 to support the salary and fringe benefits of 1.1 GPR positions (1.0 grants specialist and 0.1 program and policy analyst) for the administration of the program [Alternative 3].

28. On the other hand, the Committee could decide to maintain current law. Under the

proposed grant program, the Legislature would relinquish a significant amount of authority over how grant funding is allocated. Rather than the statutes specifying the purposes for which funding should be allocated as well as the amount that should be awarded, the state justice assistance grant program would provide DOJ broad discretion with regards to the manner and purposes for which grant funding is awarded. [It should be noted, however, that DOJ would be required to report the Legislature on an annual basis as its administration of the SJAG program.]

29. Further, since the youth diversion, law enforcement officer, and child advocacy center would be eliminated, it is possible that some or many of the organizations that currently receive funding through these programs would no longer receive funding under the SJAG program. The Department indicates that it currently does not know what organizations would receive funding under the justice assistance grant program since the Department would first need to develop a strategic plan for the program. The Department also states that:

"At this time, we do not know if youth diversion or law enforcement beat officer programs would be identified as high priorities and included in a subsequent funding plan. Attorney General Schimel has identified child advocacy center grants as a priority. In any event, the change from programs directed to specific communities, based on historical funding levels, to a competitive grant program would require performance standards and evaluation protocols not including in the current program. Communities currently supported with targeted funds under these budget areas could compete under the newly created program areas but the program requirements would be significantly different from the current funding structure."

30. In addition, organizations that currently receive grant funding may not wish to enter into a competitive grant process because it would cause the organization to reallocate resources from providing services to the public to preparing grant applications. This specific concern was raised by several child advocacy centers in a letter to the Committee dated March 23, 2015, in which the child advocacy centers stated, "It would certainly be a resource burden to require CACs [child advocacy centers] to enter grant writing processes to have access to this relatively small amount of funding which the Legislature deemed appropriate for our services." It should be noted, however, that while the child advocacy center grant program awards CACs \$17,000 annually, these same organizations individually could receive a greater amount of funding under the state justice assistance grant program.

31. Finally, as identified above, the Department has indicated that it would be difficult for it to effectively administer the state justice assistance grant program as proposed under the bill. As a result, the Attorney General has requested that the recommendation be removed from the bill unless additional administrative resources are provided.

32. For the reasons discussed above, the Committee could delete the Governor's recommendation and maintain current law [Alternative 4]. Under this alternative, the state justice assistance grant program would not be established. Further, the youth diversion grant program, law enforcement officer grant program, and child advocacy center grant program would not be eliminated.

33. If the SJAG program is deleted from the bill, and the three current law grant programs are retained, total obligations for the penalty surcharge fund would increase by \$147,300 PR annually, and total obligations for the JIS surcharge fund would increase by \$238,100 PR annually.

In order to address this issue, if the Committee decides to delete the SJAG program from the bill, the Committee could also decide to eliminate any of the three current grant programs [Alternatives 5a-5c]. Table 1 provided a summary of the funding that is allocated to the three grant programs under current law. To the extent that any of the current law grant programs are eliminated in addition to the elimination of SJAG, obligations of the penalty surcharge fund and the JIS surcharge fund would be affected, as identified below.

- *Eliminate youth diversion grant program* [Alternative 5a]. In addition, eliminate funding associated with the grant program totaling \$321,000 GPR and \$954,000 PR annually (\$672,400 PR from the penalty surcharge and \$281,600 PR from inter-agency and intra-agency assistance).

- *Eliminate law enforcement officer grant program* [Alternative 5b]. In addition, eliminate funding associated with the grant program totaling \$1,224,900 PR annually from the JIS surcharge.

- *Eliminate the child advocacy center grant program* [Alternative 5c]. In addition, eliminate funding associated with the grant program totaling \$238,100 PR annually from the JIS surcharge.

## ALTERNATIVES

1. Approve the Governor's recommendation and provide the Department of Justice \$1,750,000 PR annually and establish the state justice assistance grant program. In addition, eliminate the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program. Delete base funding associated with the eliminated grant programs totaling \$321,000 GPR annually and \$2,417,000 PR annually.

2. Establish the state justice assistance grant program but retain one of the following grant programs:

- a. *Retain the youth diversion grant program.* This alternative would restore funding for the youth diversion grant program (\$321,000 GPR and \$954,000 PR annually) and reduce funding for state justice assistance grants by \$525,100 PR annually associated with the penalty surcharge. Annual program revenue for the youth diversion grant program would be comprised of \$672,400 PR from the penalty surcharge and \$281,600 PR from interagency and interagency assistance.

ALT 2a	Change to Bill
GPR	\$642,000
PR	<u>857,800</u>
Total	\$1,499,800

- b. *Retain the law enforcement officer grant program.* This alternative would restore funding for the law enforcement officer grant program (\$1,244,900 PR annually) and reduce funding for state justice assistance grants by \$1,244,900 PR annually from the justice information system surcharge.

c. *Retain the child advocacy center grant program.* This alternative would restore funding for the child advocacy center grant program (\$238,100 PR annually) and reduce funding for state justice assistance grants by \$238,100 PR annually from the justice information system surcharge.

3. Provide DOJ \$41,200 GPR in 2015-16, \$54,900 GPR in 2016-17, and 1.1 GPR positions annually for the administration of the state justice assistance grant program. *This alternative may be chosen in addition to Alternative 1 or Alternative 2.*

ALT 3	Change to Bill	
	Funding	Positions
GPR	\$96,100	1.10

4. Delete provision.

ALT 4	Change to Bill
GPR	\$642,000
PR	<u>1,334,000</u>
Total	\$1,976,000

5. In addition to Alternative 4, eliminate any of the following existing grant programs.

a. *Eliminate the youth diversion grant program.* In addition, eliminate funding associated with the youth diversion grant program totaling \$321,000 GPR and \$954,000 PR annually (\$672,400 PR from the penalty surcharge and \$281,600 PR from inter-agency and intra-agency assistance).

ALT 5a	Change to Bill
GPR	- \$642,000
PR	<u>- 1,908,000</u>
Total	- \$2,550,000

b. *Eliminate the law enforcement officer grant program.* In addition, eliminate funding associated with the law enforcement office grant program totaling \$1,224,900 PR annually from the JIS surcharge.

ALT 5b	Change to Bill
PR	- \$2,449,800

c. *Eliminate the child advocacy center grant program.* In addition, eliminate funding associated with the child advocacy center grant program totaling \$238,100 PR annually from the JIS surcharge.

<b>ALT 5c</b>	<b>Change to Bill</b>
PR	- \$476,200

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Attachment





## APPENDIX

### Youth Diversion Grants Awarded in 2013-14

<u>County</u>	<u>Award</u>	<u>Project Description</u>
Brown	\$124,350	The grant was awarded to the Brown County Boys and Girls Club. The Club utilized funding to support its Brown County Ties project. The project is a gang diversion initiative for Brown County youth involving collaboration between local youth service agencies and law enforcement. Project activities include educational, recreational, and employment readiness programs. During 2013-14, a total of 1,920 youth participated in project activities. Specifically, 437 youth received educational support services and 137 youth were identified as high-risk and were provided after school programming for homework assistance.
Kenosha	124,350	The grant was awarded to the City of Kenosha. The City utilized funding to support a Gang Prevention Committee that oversees programs provided by several local organizations including the Kenosha Boys and Girls Club, the Spanish Centers of Kenosha, Racine, and Walworth Counties, and the Racine and Kenosha Urban Leagues. During 2013-14, educational services were provided to all 144 who participated in the program, recreational services were provided to 133 youth, and employment services were provided to 89 youth.
Milwaukee	414,100	The grant was awarded to the Community Relations-Social Development Commission to continue programs that target at-risk youth. Specifically, the Commission provides services to juvenile law offenders, substance users/abusers, gang members, or any youth considered at-risk for any of these behaviors. Project elements include peer training, education opportunities, targeting of youth with prior records, and aggressive family-based services including family prevention. During 2013-2014, educational services were provided to 564 youth, recreational services were provided to 1087 youth and employment services were provided to 406 youth.
Milwaukee	281,600	The grant was also awarded to the Community Relations-Social Development Commission. The Commission utilized the grant award to reduce the incidence of drug use among youth and reduce the number of juvenile arrests for narcotics, drugs and alcohol use. During 2013-14, 2,122 youth attended prevention and educational programming, 610 were referred for pre-assessments of suspected alcohol and other drug abuse (AODA) needs, 205 youth were referred for more intensive assessment regarding a possible dual diagnosis of mental health and alcohol and other drug abuse concerns, and 198 individuals were actively engaged in receiving treatment services. In addition, intensive case management services were provided to 148 youth.
Racine	124,350	The grant was awarded to the George Bray Neighborhood Center. The Center utilized the grant for the Center's "Operation Survival" program to divert young people from joining or staying involved in gang activity and other violent behavior. The target population is at least 100 youth between ages 12-18, plus parent involvement. The Bray Center is located in the heart of the target community.
Racine	81,900	The grant was awarded to the City of Racine. The City utilized the grant to support Racine's Youth Gang Diversion Collaborative that provides a community-wide model to prevent and reduce youth gang involvement. In 2013-14, services were provided to 430 youth, of which 154 were identified as gang members by law enforcement, the juvenile court, and the school district.
Racine	124,350	The grant was awarded to the City of Racine's Youth Leader Academy. The City of Racine utilizes the Youth Leaders Academy to increase academic achievement and improve the behavior of at-risk, inner city minority youth. In 2013-14, the project served 285 youth.
Total	\$1,275,000	