



Legislative Fiscal Bureau

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August 4, 2009

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Department of Administration's Office of Justice Assistance: Section 13.10 Requests for the Use of Federal Economic Stimulus Criminal Justice Funding -- Agenda Items XXIV thru XXVI

REQUEST

By letter dated July 22, 2009, the Governor requested that the Joint Committee on Finance approve the allocation and expenditure of the following amounts received under the federal American Recovery and Reinvestment Act (ARRA) of 2009: (a) \$16,340,000 in 2008-09 in Byrne Justice Assistance Grant (JAG) funding; and (b) \$2,548,700 in 2008-09 in STOP (Services, Training, Officers, Prosecutors) Violence Against Women Act (VAWA) formula grant funding. However, given that the 2008-09 fiscal year ended on June 30, 2009, this analysis assumes that any approved expenditure authority would be provided in the 2009-10 state fiscal year.

Of the amounts requested above, OJA is requesting to utilize the following amounts for administration costs: (a) 6.4% of the ARRA JAG award, or \$1.2 million (the total ARRA JAG award to OJA totaled \$18,843,606); and (b) 10% of the ARRA VAWA award, or \$254,800. Under both programs, up to 10% of the award may be set-aside for the costs of administration.

While the total ARRA JAG award to OJA equaled \$18,843,606, under 2009 Act 28, the Legislature allocated \$2,503,606 of this award as follows: (a) \$990,000 (\$495,000 annually during 2009-11) to Milwaukee County to fund the preparation of presentencing assessments of criminal offenders under the assess, inform, and measure (AIM) program; (b) \$771,206 (\$338,900 in 2009-10, and \$432,300 in 2010-11) to the Department of Corrections to fund seven positions annually at the Robert E. Ellsworth Correctional Center and the Drug Abuse Correctional Center; and (c) \$742,400 (\$371,200 annually during 2009-11) to Milwaukee County for its treatment, alternatives and diversion (TAD) program.

BACKGROUND

Byrne Justice Assistance Grant Program. Federal JAG funding may be utilized for technical assistance, training, personnel, equipment, supplies, contractual support, information systems, and research and evaluation activities for: (a) law enforcement programs; (b) prosecution and court programs; (c) prevention and education programs; (d) corrections and community corrections programs; (e) drug treatment and enforcement programs; (f) planning, evaluation, and technology improvement programs; and (g) crime victim and witness programs (other than crime victim compensation programs).

Recipients of federal JAG funding are permitted to expend the awards over a four-year grant period. A state is generally required to pass through a set percentage of its JAG award to local units of government based on an assessment of criminal justice expenditures incurred by the state and local units of government. As a result, OJA is required to pass-through 61.51% of its ARRA JAG award to local units of government. The state agency administering the award may retain up to 10% of the award for its costs in administering the grant.

STOP Violence Against Women Act Formula Grant Program. The STOP Violence Against Women formula grant program assists states to improve the criminal justice system's response to violence against women and the services available to women victims. The STOP formula grant funds under VAWA distributed directly to the states must be utilized as follows: (a) 25% must be allocated for prosecution efforts; (b) 25% must be allocated for law enforcement efforts; (c) 30% must be allocated for victim services of which 10% must be targeted to underserved populations; (d) 5% must be allocated for programming in the courts; and (e) 15% of the funds are available for discretionary programming.

Recipients of federal STOP VAWA funds are permitted to expend the awards over a two-year grant period. As with JAG, the state agency administering the award may retain up to 10% of the award for its costs in administering the grant.

ANALYSIS

Byrne Justice Assistance Grant Program. Under the plan developed by OJA, as modified by Act 28, \$12,934,606 (68.6%) of the ARRA JAG award would be allocated for local initiatives while the remaining \$5,909,000 (31.4%) of the ARRA JAG award would be allocated for state initiatives. Table 1 more specifically identifies the OJA plan for the utilization of the ARRA JAG award.

TABLE 1

Proposed Utilization of ARRA Justice Assistance Grant Funding

<u>Grant Funding</u>	<u>Amount</u>
Local Initiatives	
Youthful Offender Programming (Ages 14-25)--Competitive	\$3,850,000
Multijurisdictional Anti-Drug Law Enforcement Task Forces--Competitive	3,000,000
Milwaukee County (Including County Government & Local Nonprofits)	
Act 28--Assess, Inform, and Measure (AIM) Grant (Presentencing Assessments)	990,000
Act 28--Treatment, Alternatives, and Diversion (TAD) Grant	742,400
Felmers/Chaney Former Inmate Community Reintegration Grant--Competitive	350,000
TAD Grant Funding for Calendar Year 2009	<u>192,795</u>
Milwaukee County Subtotal	2,275,195
First Time Offender/Non-Violent Offender Diversion Programming--Competitive	1,300,000
Emergency Responders Interoperable Communications Equipment--Competitive	1,000,000
Local Law Enforcement Agencies--Competitive Grants Addressing Local Issues	500,000
DOJ--Digital Photography Upgrade and Storage--Wisconsin Crime Laboratory*	500,000
Small Police Agency Technology Improvement Grants--Competitive	309,411
Minority Law Student Internships in DA Offices and the Public Defender--Competitive	<u>200,000</u>
Local Subtotal	\$12,934,606
% of Total Award	68.6%
State Initiatives	
Office of Justice Assistance	
Grant Administration	1,200,000
Data Collection, Analysis, and Evaluation	800,000
Wisconsin Justice Information Sharing Expansion	450,000
Traffic Stop Data Collection	<u>300,000</u>
OJA Subtotal	2,750,000
Department of Corrections	
Corrections programming	\$1,928,800
Act 28--Corrections Staffing	<u>771,200</u>
Corrections Subtotal	2,700,000
Department of Justice (DOJ)	
Live Scan Fingerprint Workstations**	250,000
Director of State Courts	
AIM Program State Court Coordinator (Presentencing Assessments)	<u>209,000</u>
State Subtotal	\$5,909,000
% of Total Award	31.4%
Total Award	\$18,843,606

* The federal government has permitted amounts allocated to the state crime laboratories to be counted as a local initiative as the laboratories provide services to local law enforcement agencies.

** In order to be conservative, these amounts are credited as a state initiative.

Under the plan, \$300,000 is allocated to OJA for the traffic stop data collection initiative that was adopted by the Legislature under 2009 Act 28. Under Act 28, \$1.50 from each justice information system surcharge is being collected to possibly fund the following initiatives: (a) the traffic stop data collection initiative; (b) crime data collection and analysis activities at OJA; and (c) the Wisconsin Justice Information Sharing Program at OJA. Act 28 requires that for each motor vehicle stop made on or after January 1, 2011, that a law enforcement officer must obtain all information relating to the traffic stop that is required to be collected under administrative rules developed by OJA and approved by the Legislature. The Office is required to submit these administrative rules in proposed form to the Legislative Council no later than February 1, 2010.

Act 28 further requires that the Secretary of DOA submit a report to the Joint Committee on Finance addressing all of the following: (a) the feasibility of developing an information technology system to implement the required traffic stop data collection; (b) the estimated initial development costs for the system and how the cost estimates were derived; (c) the estimated ongoing costs for the system and how the cost estimates were derived; (d) timelines for development of the system; (e) the estimated costs to each participating state and local law enforcement agency, on a one-time and on an ongoing basis, to acquire any necessary system hardware and software, for any necessary communication lines, and for program costs; (f) the estimated costs to OJA, on a one-time and on an ongoing basis, to acquire any necessary system hardware and software, for system maintenance, for any necessary communication lines, for staffing to compile and analyze the traffic stop information and produce any required reports, for staffing to administer the Office's other program responsibilities, and for any other program costs; and (g) funding sources for the system and program costs sufficient to cover estimated system and program costs.

No final decision has yet been made as to how the \$300,000 for the traffic stop data collection initiative will be utilized. The Office has indicated that this funding may be utilized to cover costs incurred to develop the required administrative rules and to develop the plan that must be submitted to the Committee. The Office has also indicated that these funds may be utilized to purchase software or equipment for local law enforcement agencies.

In order to provide more oversight over this initiative, the Committee could decide to not approve the allocation and expenditure authority of \$300,000 at this time. This would permit the Committee to review OJA's final plan for these funds and the allocation of these funds between administrative costs and programming costs. When plans are finalized, OJA could submit this plan to the Committee for its approval.

On the other hand, as the administrative rules must be developed by OJA by February 1, 2010, the Committee could approve the request in its current form and permit OJA the discretion to determine the final utilization of these funds to advance the initiative.

STOP Violence Against Women Act Formula Grant Program. Under the plan developed by OJA, in consultation with nonprofit, nongovernmental victim services programs (as required by federal law), Table 2 identifies how the ARRA STOP VAWA funds would be utilized.

TABLE 2

Proposed Utilization of ARRA STOP VAWA Funding

<u>Grant Funding</u>	<u>Amount</u>
Unspecified	\$592,551
Victim Services (Nonprofit, Nongovernmental Organizations)	562,568
Office of Justice Assistance (OJA)	
Grant Administration	254,800
Law Enforcement, Prosecutorial & Judicial Training	137,630
Victim Services Compliance Monitor Position	82,000
Coordinated Community Response Program Management	<u>75,000</u>
Subtotal	549,430
Technical Assistance for VAWA Programs & Activities	261,497
(Split to be determined between: (a) Wisconsin Coalition Against Domestic Violence; (b) Wisconsin Coalition Against Sexual Assault; and (c) American Indians Against Abuse.)	
Wisconsin Coalition Against Sexual Assault	
Specialized Enforcement--Restore Trainer Position	130,000
Medical Trauma Training--Three Positions	59,640
Coordinated Community Response	<u>37,500</u>
Subtotal	227,140
OJA & Two Pilot Counties (Split to be determined)	
Firearms Surrender Protocol	139,924
Rural County Sheriffs' Departments	
Domestic Violence Liaison in Two Counties--Competitive	106,265
Department of Justice	
VAWA Resource Prosecutor Position	71,825
Wisconsin Coalition Against Domestic Violence	
Coordinated Community Response	<u>37,500</u>
Total Award	\$2,548,700

Under the ARRA STOP VAWA funding plan submitted to the Committee, \$592,551 in funding remains to be allocated for purposes or programs that have not yet been determined. If the Committee wishes to retain oversight over how these funds are ultimately utilized, the Committee could elect to not approve the allocation and expenditure of these funds at this time. When determinations have been made as to how these funds are proposed to be utilized, OJA could submit this plan to the Committee for its approval.

On other hand, as OJA has a more limited two-year time period to obligate these fund, and as OJA must utilize these funds consistent with the federal VAWA program, the Committee could, therefore, allocate these funds to OJA at this time.

ALTERNATIVES

A. Byrne Justice Assistance Grant Program

1. Approve the Governor's recommendation to increase the expenditure authority to the Department of Administration's Office of Justice Assistance (OJA) federal aid; criminal justice appropriation [s. 20.505(6)(n)] by \$15,140,000 in 2009-10, and its federal aid, justice assistance, state operations appropriation [s. 20.505(6)(m)] by \$1,200,000 in 2009-10, to permit federal American Recovery and Reinvestment (ARRA) act funding to be utilized for criminal justice-related activities and for OJA administration costs under the Byrne Justice Assistance Grant program.

2. Modify Alternative A1 by reducing the expenditure authority provided to OJA's federal aid; criminal justice appropriation [s. 20.505(6)(n)] by \$300,000 in 2009-10, associated with funding for the traffic stop data collection initiative. Under this alternative, OJA may re-submit the request for this funding when the planned utilization of this funding has been finalized.

3. Deny the request.

B. STOP Violence Against Women Act Formula Grant Program

1. Approve the Governor's recommendation to increase the expenditure authority to the OJA federal aid, local assistance and aids appropriation [s. 20.505(6)(p)] by \$2,293,900 in 2009-10, and its federal aid, justice assistance, state operations appropriation [s. 20.505(6)(m)] by \$254,800 in 2009-10, to permit federal ARRA act funding to be utilized for programs to improve the criminal justice system's response to violence against women, to improve services available to women victims, and for OJA administration costs under the STOP Violence Against Women formula grant program.

2. Modify Alternative B1 by reducing the expenditure authority provided to OJA's federal aid, local assistance and aids appropriation [s. 20.505(6)(p)] by \$592,500 in 2009-10, associated with funding that has not yet been allocated for specific purposes or programs. Under this alternative, OJA may re-submit the request for this funding when the planned utilization of this funding has been finalized.

3. Deny the request.

Prepared by: Paul Onsager