



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873  
Email: [fiscal.bureau@legis.wisconsin.gov](mailto:fiscal.bureau@legis.wisconsin.gov) • Website: <http://legis.wisconsin.gov/lfb>

August 10, 2012

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Department of Administration's Office of Justice Assistance: Section 13.10 Request to Revise the Plan for the Use of Federal Economic Stimulus Justice Assistance Grant Funding -- Agenda Item IV

### REQUEST

By letter dated August 1, 2012, the Governor requested that the Joint Committee on Finance approve a revised plan to allocate and expend \$1,650,000 in remaining grant funding and interest associated with a Byrne Justice Assistance Grant (JAG) award under the federal American Recovery and Reinvestment Act (ARRA) of 2009.

### BACKGROUND

Under 2009 Wisconsin Act 2, "as soon as practical after the receipt of any federal economic stimulus funds [ARRA], the governor shall submit to the joint committee on finance a plan or plans for the expenditure of the federal economic stimulus funds." After receiving an ARRA expenditure plan from the Governor, the Co-Chairpersons of the Joint Committee on Finance must convene a meeting of the Joint Committee on Finance within 14 days after submission of the plan to either approve, or modify and approve, the plan. The Governor must then implement the plan as approved by the Committee.

While the original ARRA JAG award to the Department of Administration's Office of Justice Assistance (OJA) equaled \$18,843,606, under 2009 Wisconsin 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. The TAD program provides alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs.

By letter dated July 22, 2009, the Governor requested that the Joint Committee on Finance approve the allocation of the remaining \$16,340,000 in ARRA JAG funding. On August 4, 2009, the Joint Committee on Finance approved the Governor's ARRA JAG plan as detailed in the budget column of Table 1 (including amounts that had already been appropriated under 2009 Wisconsin Act 28).

The provisions of 2009 Act 2 also specify that if for any reason a project specified in an ARRA plan cannot be completed on a timely basis, or if ARRA funds cannot be expended as proposed in an ARRA plan, the Governor must submit a revised ARRA plan to the Co-Chairpersons of the Joint Committee on Finance. The revised plan may only be implemented if approved by the Joint Committee on Finance under the 14-day review process identified above.

The current request is before the Committee as \$1,582,000 in ARRA JAG turn back funding cannot be expended as approved in the original ARRA JAG plan. In addition, the Governor's revised ARRA JAG plan would allocate \$68,000 in interest that has been earned on the ARRA JAG award.

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).

## **ANALYSIS**

The Office of Justice Assistance has identified \$1,582,000 in funding under the originally approved ARRA JAG plan that cannot be expended as originally approved. Funds remained unexpended for various reasons including: (a) available grant funding exceeded requested grant funding for some initiatives; (b) position vacancies; (c) start-up delays; and (d) miscellaneous turn back. This turn back funding is identified in Table 1 under the turn back column. The remaining \$68,000 in funding that would be allocated and expended under the revised plan represents interest that has been earned on the ARRA JAG award.

**TABLE 1**  
**ARRA Justice Assistance Grant Funding**

<u>Grant Funding</u>	<u>Budget</u>	<u>Turn back</u>
<b>Local Initiatives</b>		
Youthful Offender Programming (Ages 14-25)--Competitive	\$3,850,000	
Multijurisdictional Anti-Drug Law Enforcement Task Forces--Competitive	3,000,000	\$6,600
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	\$548,500
Emergency Responders Interoperable Communications Equipment--Competitive	1,000,000	
Local Law Enforcement Agencies--Competitive Grants Addressing Local Issues	500,000	29,500
DOJ--Digital Photography Upgrade and Storage--Wisconsin Crime Laboratory*	500,000	
Small Police Agency Technology Improvement Grants--Competitive	309,411	6,500
Minority Law Student Internships in DA Offices and the Public Defender--Competitive	<u>200,000</u>	<u>102,100</u>
<b>Local Subtotal</b>	<b>\$12,934,606</b>	<b>\$693,200</b>
<b>State Initiatives</b>		
Office of Justice Assistance		
Grant Administration	\$1,200,000	\$350,000
Data Collection, Analysis, and Evaluation	800,000	250,000
Wisconsin Justice Information Sharing Expansion	450,000	
Traffic Stop Data Collection	<u>300,000</u>	7,700
OJA Subtotal	\$2,750,000	
Department of Corrections		
Corrections programming	\$1,928,800	
Act 28--Corrections Staffing	<u>771,200</u>	149,500
Corrections Subtotal	\$2,700,000	
Department of Justice (DOJ)		
Live Scan Fingerprint Workstations	250,000	4,000
Director of State Courts		
AIM Program State Court Coordinator (Presentencing Assessments)	<u>209,000</u>	<u>127,600</u>
<b>State Subtotal</b>	<b>\$5,909,000</b>	<b>\$888,800</b>
<b>Total</b>	<b>\$18,843,606</b>	<b>\$1,582,000</b>

\* 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.

Of the \$1,582,000 in turn back identified in Table 1, more than 72% of this turn back, or \$1,148,500, is attributable to three programs: (a) \$548,500 from the first time offender/non-violent offender diversion program; (b) \$350,000 from OJA grant administration; and (c) \$250,000 from OJA data collection, analysis, and evaluation. Of the \$548,500 in turn back under the first time offender/non-violent offender diversion program, Office staff indicates that: (a) \$440,000 was turned back from five funded projects which experienced start-up delays; and (b) \$108,500 was

turned back as available grant funding exceeded the total grant funding requested by grantees. Office staff indicates that the \$600,000 in turn back from OJA programs was attributable to position vacancies over the course of the grant.

Table 2 identifies how the \$1,650,000 would be allocated and expended under the Governor's revised plan to utilize ARRA JAG funding. The state was given four years to expend this ARRA JAG funding which will expire in February, 2013.

**TABLE 2**

**ARRA Justice Assistance Grant Funding--Revised Allocation**

<u>Item</u>	<u>Amount</u>
State Lab of Hygiene -- Backlog Reduction	\$400,000
Small Police Agency Crime Initiative	300,000
Corrections Programming -- American Indian Tribal Community Reintegration Program	250,000
Incident-Based Crime Reporting System	200,000
Department of Corrections -- Crisis Intervention Team Training	200,000
Department of Justice -- Live Scan Fingerprint Workstations	150,000
Office of Justice Assistance -- Statistical Analysis Center	75,000
Office of Justice Assistance -- Juvenile Detention Alternatives Initiative	40,000
Department of Corrections -- Prison Rape Elimination Act Improvements	25,000
Department of Corrections -- Read to Lead Program	<u>10,000</u>
Total	\$1,650,000

*State Laboratory of Hygiene -- Backlog Reduction.* Under the revised plan, \$400,000 would be allocated to the State Laboratory of Hygiene (SLH) to address a backlog of 1,000 blood samples to be tested for the presence of drugs other than alcohol. State Lab of Hygiene tests blood samples in operating while intoxicated (OWI) cases. Currently, the average turnaround time to test a blood sample for the presence of drugs other than alcohol is 12 months.

Of the ARRA JAG funding going to SLH: (a) \$190,000 would be utilized to purchase two gas chromatograph instruments; (b) \$160,000 would be utilized to outsource drug testing; and (c) \$50,000 would be utilized to pay overtime to permit SLH staff to process backlogged samples. "The expected outcome of this project is that the existing backlog of over 1,000 drug samples will be reduced by approximately 50% by fall of 2013. Turnaround time for drug samples will be reduced by half or more (from 12 months to 6 months) during this same time period." These samples are important evidence in the prosecution of OWI cases statewide.

*Small Police Agency Crime Initiative.* The \$300,000 in funding for the small police agency crime initiative (SPACI) would be utilized to make one-time grants of up to \$10,000 to smaller law enforcement agencies to fund equipment purchases that the agencies would otherwise be unable to make. "Some examples of equipment sought through the SPACI grants include: Mobile Data Computers, electronic control devices (Taser brand), in-car video recorders, LIDAR (laser

"radar"), tactical response equipment (ballistic vests and shields), camera surveillance systems, digital evidence cameras, and computer/cell phone forensic retrieval software." The goals of the program are to improve: (a) officer and public safety; (b) communication capability between law enforcement agencies; and (c) officer efficiency.

*American Indian Tribal Community Reintegration Program.* The provisions of 2009 Act 28 created the American Indian Tribal Community Reintegration Program and provided funding of \$50,000 PR annually beginning with state fiscal year 2010-11. The program is administered by OJA. The purpose of the program is to facilitate the reintegration of American Indians who have been incarcerated in a state prison into their tribal communities. Under state statute, "each participant shall be provided an integration plan that addresses the participant's needs and shall be provided services that are customized for the participant. The program shall encourage confidence, responsibility, and independence among participants. The office shall ensure that the program incorporates tribal practices and traditions that meet the participant's community reintegration needs." Under the program, individuals receive services in correctional institutions prior to their release, as well as once they return to their tribal communities.

Office of Justice Assistance staff indicates that during 2009-11, OJA worked with Wisconsin tribes to receive federal grant funding under the Second Chance Act. "This grant has enabled the successful implementation of the reintegration program as envisioned by the Legislature. This grant did not receive second year funding from the federal government, therefore funding from ARRA would allow this established program to continue for an additional year."

*Incident-Based Crime Reporting System.* In the 1920s, the Uniform Crime Reporting (UCR) program was first developed by the International Association of Chiefs of Police to create a national uniform collection of crime statistics for trend comparison and data analysis. The initial UCR program tracked offense and arrest data for seven crimes: (a) murder and non-negligent manslaughter; (b) forcible rape; (c) robbery; (d) burglary; (e) aggravated assault; (f) theft/larceny; and (g) motor vehicle theft. In 1930 the FBI assumed responsibility for the UCR program. The FBI collected, organized, and disseminated criminal offense and arrest data voluntarily submitted by local, state, federal, and tribal law enforcement agencies under the UCR program. In 1978 Congress added arson as a crime to be tracked under the UCR program. Under the UCR program, in a multiple offense case only the most severe offense is counted. In Wisconsin 320 law enforcement agencies report offense and arrest data using the UCR system, now referred to as the summary-based reporting (SBR) system. "Monthly paper data submissions received from SBR agencies must be entered into the state's UCR database by hand by OJA staff. Currently, OJA employs 1.25 staff to complete SBR data entry for the agency."

In the late 1970s, the law enforcement community identified a need for a more detailed crime reporting program. In 1988, the incident-based reporting (IBR) system was created. The IBR system expands on the original UCR system by increasing the number of crimes for which data is collected and reported from eight to 46. While the IBR system provides information on alleged offenses and arrests (similar to UCR), it also provides additional information on associated victims, offenders, property, and arrestees. In addition, the IBR system does not limit data collection in a multiple offense case to only the most severe offense.

Unlike data received under the UCR/SBR system, IBR submissions are completed electronically and require no paper. According to OJA, 82 law enforcement agencies currently report crime data using the IBR system. "IBR data is dynamic, or constantly changing and/or updating, as opposed to being frozen or static (SBR). Rather than giving a 'snapshot' of crime at a given point in a month (paper based SBR), IBR allows for a continuous up-to-date view of all crime and its components. Since all data is submitted electronically, updates/changes/additions to incidents made at the local agency automatically get sent to the state in IBR."

The FBI is encouraging states to submit crime data using the IBR system. Office staff indicates that \$200,000 of ARRA JAG funding would permit it to provide grants to 10-15 local law enforcement agencies to fund the transition to the IBR system. Funds would be utilized to upgrade or purchase a records management system for the local law enforcement agency that would be compatible with the IBR system.

*Department of Corrections--Crisis Intervention Team Training.* The revised ARRA JAG plan would provide \$200,000 in funding to the Department of Corrections for crisis intervention team training. The intent of the training would be to "educate institutional staff on how to effectively monitor, interact, and deescalate offenders with mental illness."

*Department of Justice--Live Scan Fingerprint Workstations.* Office staff indicates that the Department of Justice (DOJ) has failing and unsupported equipment that is utilized to convert paper fingerprint records to electronic fingerprint records. Further, the FBI, as of April, 2012, no longer accepts paper fingerprint records. Of the \$150,000 identified for fingerprint workstations under the revised ARRA JAG plan, \$110,000 would be allocated to DOJ to replace its fingerprint equipment with four new pieces of fingerprint equipment. "These four new devices would ensure that DOJ can continue to convert all submitted paper records to electronic records and maintain submissions to the FBI." The remaining \$40,000 identified for fingerprint workstations would be utilized by the Department of Corrections to purchase additional fingerprint equipment for the: (a) Division of Community Corrections to assist in positively identifying offenders through the DOJ fingerprint database; and (b) intake center for new inmates at Dodge Correctional Institution.

*Office of Justice Assistance--Statistical Analysis Center.* Under the revised ARRA JAG plan, \$75,000 would be provided to OJA's statistical analysis center to upgrade both the IBR crime reporting system and the justice data portal. Currently, local law enforcement agencies cannot independently access IBR crime data that is reported to OJA through the IBR system. The funding would be utilized to create a secure site to permit local law enforcement agencies to access their own IBR data. Funding would also be utilized to create additional crime data reporting functionality for the IBR system.

Finally, the funding would be utilized to include Corrections and courts data in the Justice Data Portal. Currently, the Justice Data Portal provides the public access to offense and arrest data that is reported to the FBI through the SBR system.

*Office of Justice Assistance--Juvenile Detention Alternatives Initiative.* The \$40,000 in funding under the revised ARRA JAG plan would be utilized by OJA's disproportionate minority

contact coordinator to administer the juvenile detention alternatives initiative. The intent of the initiative is to: (a) reduce reliance on secure confinement; (b) improve public safety; (c) reduce racial disparities and bias; (d) save tax dollars; and (e) encourage juvenile justice reform. There are three Wisconsin counties currently involved in the initiative: Manitowoc, Milwaukee, and Racine.

*Department of Corrections--Prison Rape Elimination Act Improvements.* The United States Attorney General has issued new national standards in implementing the federal Prison Rape Elimination Act of 2003. To ensure compliance with the new national standards, Corrections would utilize \$25,000 in funding under the revised ARRA JAG plan to hire limited term employees to develop a database to facilitate tracking of all incidents required to be reported. The federal Act addresses the following types of conduct: (a) offender-on-offender sexual assault; (b) offender-on-offender abusive sexual contact; (c) staff sexual misconduct; and (d) staff sexual harassment of an offender.

*Department of Corrections--Read to Lead Program.* The revised ARRA JAG plan would provide \$10,000 to Corrections for its read to lead program. "This program is designed to promote reading among prison inmates and strengthen the bond between incarcerated fathers and their children. Using equipment at the institution, inmate fathers will record themselves reading an age appropriate book to their child or children a minimum number of minutes per week and then a copy of that book will be sent to their child or children along with the recording. Children will be able to watch and listen to their fathers reading and then follow along with their own copy of the book. Books for up to 200 children will be purchased for the program."

## **SUMMARY**

The administration is requesting that \$1,650,000 of previously-approved ARRA funds and interest earnings be redirected to other programs because that amount will not be expended as originally intended. The Committee can approve the request or reallocate the funding among programs identified in the request or to other justice assistance programs. Since all ARRA JAG funding must be expended by February, 2013, any reallocated funding would have to be for program objectives that can be accomplished on a compressed timeline. If any of the \$1,650,000 is not allocated, it will be returned to the federal government.

## **ALTERNATIVES**

1. Approve the Governor's recommendation to adopt a revised plan to allocate and expend \$1,650,000 in remaining grant funding and interest associated with a Byrne Justice Assistance Grant (JAG) award under the federal American Recovery and Reinvestment Act (ARRA) of 2009.
2. Allocate all, or a portion of the \$1,650,000 to the programs identified in the request or to other justice assistance programs.
3. Deny the request.

Prepared by: Paul Onsager