



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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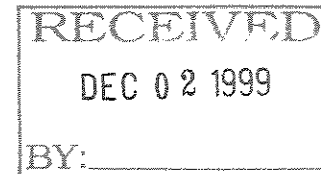
JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
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December 1, 1999

Senator Brian Burke and Representative John Gard
Co-Chairs
Joint Committee on Finance



Dear Senator Burke and Representative Gard:

This letter is submitted to fulfill the requirements of 1997 Wisconsin Act 86. Section 8 of the act created sec. 165.02, stats., that requires the Attorney General to *submit to the joint committee on finance a plan identifying how the attorney general proposes to adjust the federal appropriations for the department of justice for that state fiscal year to reflect the most recent estimate of the amount of federal funds that the department of justice will be appropriated in that state fiscal year.*

The Department of Justice has nine statutory federal appropriations. Three of these appropriations—(2)(ma), (2)(n) and (3)(m)—are essentially inactive and require no further comment. For our six other appropriations, state fiscal year 2000 (SFY 00) appropriations in 1999 Wisconsin Act 9 total \$6,724,500. Based on tentative allocations and awards already in hand, we estimate receiving at least \$15.2 million in these appropriations in SFY 00.

The attachment entitled *Federal Appropriations vs. Spending Authority* shows our nine “Chapter 20” appropriations and the amount of federal revenues available, to answer the questions posed by 1997 Act 86. Also shown are estimates of the amounts we expect to spend. Our plan to adjust our federal appropriations to reflect estimated federal receipts and related spending in SFY 00 is summarized in the following paragraphs.

- Appropriation (1)(m) now “houses” one major program. Awards from the federal Department of Health and Human Services (DHHS) for our *Medicaid Fraud Control Unit* are based on a recertification of our program and its estimated costs for each federal fiscal year. Of the \$895,319 available, we expect to spend about \$609,500 in SFY 00, which is the spending authority provided by Act 9.
- Appropriation (2)(m) includes five programs. Under our *Cannabis Eradication and Suppression Effort* award from the Drug Enforcement Administration, we anticipate SFY 00 spending of \$300,000 from the \$202,797 carried over from the Calendar Year 99 award plus a portion of the anticipated \$300,000 or so in new CY 00 revenues. We will spend \$329,789 in moneys received in SFY 99 from the Office of National Drug Control Policy for our participation in the Milwaukee-based *High Intensity Drug Trafficking Area*

program, and anticipate receiving more for this purpose in the next round of funding. Of our first award of \$297,249 from the U.S. Department of Justice (USDOJ) for an *Internet Crimes Against Children* program, we will spend \$198,763 in FY 00, and we will soon submit an application for additional funding. We expect to receive an award of \$660,760 yet this fiscal year from *Phase IV* of the National Institute of Justice *DNA Improvement Project*, of which about \$400,000 will be spent yet this fiscal year. Finally, we have received an award of \$75,000 from USDOJ for law enforcement training improvement purposes, which we expect to spend this fiscal year. In summary, we expect to receive at least \$1,467,100 from these sources in SFY 00, and to spend about \$1.3 million. Because Act 9 appropriates \$655,700, we will request additional spending authority through the allotment process.

- Appropriation (3)(pz) involves moneys for “administrative overhead” associated with federal awards. These federal moneys pay for staff in our Fiscal Services Section, for other administrative costs associated with managing federal funds, and for unforeseen emergency needs. We expect to spend approximately \$105,000 in SFY 00. Because Chapter 20 appropriates \$80,600, an increase will be requested through the allotment process.
- Appropriation (5)(m) involves moneys awarded to us on a formula basis by the USDOJ to compensate victims of crime. We have \$173,842 in federal fiscal year (FFY) 99 funds, and expect a FFY 00 award of \$542,000. We expect to spend approximately \$643,900 in the current state fiscal year, which is the amount appropriated in Act 9. If warranted by our claims experience during the rest of the fiscal year, we will request additional spending authority through the allotment process.
- Appropriation (5)(mh) involves USDOJ moneys awarded to us on a formula basis to support victim assistance programs. The awards to states come from a *Crime Victims Fund* that receives federal criminal fines, penalty assessments, and forfeitures that are collected by U.S. Attorneys’ Offices and the U.S. Courts. Federal regulations allow states to spend these moneys over a four-year period. Due to some unusually large deposits in this fund in recent years, our latest federal awards were much higher than usual. We sub-grant our federal award to agencies providing services to crime victims. Given the dramatic increases seen recently in our federal awards, we have deliberately awarded our sub-grants in such a way that the funding available to these providers will not fluctuate dramatically in the future, if federal support drops. Of the \$11.5 million available in SFY 00, we expect to spend approximately \$5,443,100. Because Chapter 20 appropriates \$4,642,100, we will request an increase through the allotment process. Sub-grants of the unspent federal moneys will be spread over future fiscal years.
- Appropriation (5)(ma) was created in 1999 Act 9, essentially to enable the Office of Crime Victim Services to receive and spend other federal moneys. At this time the only funding we expect to administer under this authority is from the DHHS under the *Children’s Justice Act (CJA)*. (Previously, this program was administered by our Legal Services Division through the appropriation under sec. (1)(m).) Our formula-based allocation of CJA moneys

may be spent over a two-year period. We expect to spend the \$192,357 carried over from SFY 99, plus a portion of the next award of \$175,394, during this fiscal year.

In summary, we have more federal moneys available in SFY 00 than our department-wide Chapter 20 total for federal appropriations. As we indicated in last year's report under 1997 Act 86, this is not unusual. The fact is that the federal moneys **available** for SFY 00 are not all intended to be **spent** this year. This allows us to reconcile state and federal fiscal years. It also recognizes that federal agencies make multi-year awards so that states can choose how to time the use of these moneys to the benefit of the programs involved. If SFY 00 spending used up all the federal moneys that we expect to have available to us this year, then these programs would see serious funding shortages in the years ahead. We expect to have at least \$15.2 million in federal moneys available in SFY 00, and to spend approximately \$8.5 million this fiscal year. Consistent with long-standing practice, the amounts not spent this year will be used in subsequent years.

Sincerely,



Burnetta L. Bridge
Deputy Attorney General

[word: fedplan00]

Department of Justice
 Federal Revenues vs. Spending Authority
 State FY 2000
 December 1, 1999

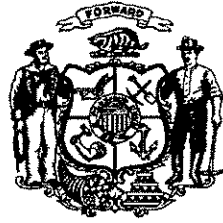
<u>Apprn.</u>	<u>Title</u>	<u>Specific Program</u>	SFY 00 Ch. 20 <u>Apprn.</u>	Federal Revenue <u>Available</u>	SFY 00 Expected <u>Spending</u>
(1)(m)	Federal Aid	Medicaid Fraud	\$609,500	\$895,319	\$609,500
(2)(m)	Fed. Aid, St. Oper.	Cannabis Eradication		\$202,797	\$300,000
(2)(m)	Fed. Aid, St. Oper.	Drug Trafficking		329,789	329,789
(2)(m)	Fed. Aid, St. Oper.	Internet Crimes		198,763	198,763
(2)(m)	Fed. Aid, St. Oper.	Victim-Centered Training		75,000	75,000
(2)(m)	Fed. Aid, St. Oper.	DNA Improvement		<u>660,760</u>	<u>400,000</u>
(2)(m)	Fed. Aid, St. Oper.	Apprn. Total	\$655,700	\$1,467,109	\$1,303,552
(2)(ma)	Fed. Aid, Drug Enforce.	Fed. Aid, Drug Enforce.	\$0	\$0	\$0
(2)(n)	Fed. Aid, Loc. Assist.	Fed. Aid, Loc. Assist.	\$0	\$0	\$0
(3)(m)	Fed. Aid, St. Oper.	Fed. Aid, St. Oper.	\$0	\$0	\$0
(3)(pz)	Indirect Cost Reimbursement	Indirect Cost Reimburse.	\$80,600	\$186,883	\$105,000
(5)(m)	Fed. Aid, Victim Compensation	Fed. Aid, Victim Comp.	\$643,900	\$715,842	\$643,900
(5)(ma)	Fed. Aid, St. Oper.	Fed. Aid, St. Oper.	\$92,700	\$367,751	\$367,751
(5)(mh)	Fed. Aid, Victim Assistance	Fed. Aid, Victim Assist.	<u>\$4,642,100</u>	<u>\$11,568,127</u>	<u>\$5,443,128</u>
DEPARTMENTAL TOTAL			\$6,724,500	\$15,201,031	\$8,472,831

[excel: fed\$00]

THE STATE OF WISCONSIN

**SENATE CHAIR
BRIAN BURKE**

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**ASSEMBLY CHAIR
JOHN GARD**

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Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard

Re: Public Defender Quarterly Reports

Date: December 21, 2000

Attached are copies of two quarterly reports from the Office of the State Public Defender, pursuant to s. 977.085, Stats. The reports provide information on the private bar appropriation.

The reports are being provided for your information only. No formal action is required by the Committee. Please feel free to contact us if you have any questions.

Attachment

BB:JG:dh



WISCONSIN PUBLIC DEFENDER

Nicholas L. Chiarkas
State Public Defender

Virginia A. Pomeroy
Deputy State Public Defender

Deborah M. Smith
Legal Counsel

Arlene F. Banoul
Administrative Director

Marla J. Stephens
Appellate Director

Ellen K. Berz
Assigned Counsel Director

José Perez
Chief Information Officer

Jennifer L. Bias
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Kellie M. Krake
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Michael Tobin
Trial Director

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December 18, 2000

George F. Lightbourn, Secretary
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair
Joint Committee on Finance
119 Martin Luther King, Jr. Blvd., LL1
Madison, Wisconsin 53702

Representative John Gard, Co-Chair
Joint Committee on Finance
State Capitol, Room 316 North
Madison, Wisconsin 53702

Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s.977.085, Stats, the Office of the State Public Defender (SPD) is submitting its fourth quarter report on the 1999-2000 private bar appropriation [s.20.550(1)(d)].

In Fiscal Year 1999-2000, the SPD opened a total of 124,020 cases, including 48,346 by private bar attorneys on either a rotational or contract basis. We project case openings to remain at this level in FY01, and do not project a deficit in the appropriation for private bar payments during this biennium.

State Public Defender collections are received in the following categories: SPD initiated, DOA contract collections, county juvenile recoupment and court ordered payments. The chart below indicates the collections received by category during FY00. During this time period, the agency referred \$18,168,915 of client accounts to the DOA contracted collection agencies. In return, the SPD received a total of \$55,323 (collected from clients) from these agencies.

SPD Initiative:	\$ 873,895
Court-Ordered Attorney Fees:	\$ 174,907
Juvenile Recoupment:	\$ 335,742
DOA Contract Collections:	<u>\$ 55,323</u>
Total:	\$1,439,867

If we can provide any additional information, please let us know.

Sincerely

Virginia A. Pomeroy for Nicholas L. Chiarkas

NICHOLAS L. CHIARKAS
State Public Defender



WISCONSIN PUBLIC DEFENDER

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Madison, Wisconsin 53702

Representative John Gard, Co-Chair
Joint Committee on Finance
State Capitol, Room 316 North
Madison, Wisconsin 53702

Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s.977.085, Stats, the Office of the State Public Defender (SPD) is submitting its first quarter report on the 2000-2001 private bar appropriation [s.20.550(1)(d)].

During the first quarter of Fiscal Year 2000-2001, the SPD opened a total of 30,069 cases, including 12,090 by private bar attorneys on either a rotational or contract basis. We project case openings to remain at this level for the remainder of FY01, and do not project a deficit in the appropriation for private bar payments during this biennium. Notwithstanding any modifications that might be made to the SPD's statutory authority, we currently project similar caseload and expenditure levels for Fiscal Year 2001-02.

State Public Defender collections are received in the following categories: SPD initiated, DOA contract collections, county juvenile recoupment and court ordered payments. The chart below indicates the collections received by category during FY00. During this time period, the agency referred \$4,475,889 of client accounts to the DOA contracted collection agencies. In return, the SPD received a total of \$15,049 (collected from clients) from these agencies.

SPD Initiative:	\$ 218,882
Court-Ordered Attorney Fees:	\$ 763
Juvenile Recoupment:	\$ 81,264
DOA Contract Collections:	<u>\$ 15,049</u>
Total:	\$ 315,958

If we can provide any additional information, please let us know.

Sincerely

Virginia A. Pomey for Nicholas L. Chiarkas

NICHOLAS L. CHIARKAS
State Public Defender