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**Gov Agency:** Justice – Law Enforcement Training and Crime Laboratories

**Recommendations:**

**Paper No. 188      Alternative B1 & B3**

**Comments:**

**B1:** Provides additional dollars for law enforcement training and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab.

**B3:** Provides start-up funding for the Training for Tomorrow program to allow design of curriculum and consultant costs. This is a better option than providing full funding for the Training for Tomorrow program because the idea is still somewhat controversial and there is disagreement between counties and municipalities.

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## Legislative Fiscal Bureau

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May 27, 1999

Joint Committee on Finance

Paper #188

### *Penalty Assessment Revenue Allocations*

## **Law Enforcement Training and Crime Laboratories (Justice)**

[LFB 1999-01 Budget Summary: Page 381, #5, Page 383, #10 and Page 387, #24]

### **CURRENT LAW**

Under current law, whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, and nonmoving traffic violation or safety belt use), the court also imposes a penalty assessment of 23% of the total fine or forfeiture. The Department of Justice's penalty assessment surcharge receipts appropriation currently receives 49.09% of penalty assessment revenues. Funds are transferred from this appropriation to the law enforcement training fund--local assistance, law enforcement training fund--state operations and the crime laboratory equipment and supplies appropriations.

The Law Enforcement Standards Board (the Board), which is attached to the Department of Justice (DOJ), sets employment standards for law enforcement officers and governs recruit training. The Board also certifies officers upon graduation from police academies. Through the Law Enforcement Training Fund (LETF), DOJ (as an agent of the Board) reimburses state and local agencies for law enforcement, jail and secure detention officer training costs such as tuition, living and travel expenses incurred for the first 400 hours of preparatory law enforcement training and for the first 120 hours of jail or secure detention officer training. DOJ also reimburses local law enforcement agencies a minimum of \$160 per officer per year for the completion of annual recertification training, which requires at least 24 hours of training annually per officer. Funds may also be distributed for attendance at other training programs and courses, or for training services on a priority basis as determined by DOJ.

## GOVERNOR

Make the following changes to the law enforcement training fund and the receipt of penalty assessment revenues: (a) provide \$248,200 PR in 1999-00 and \$328,200 PR in 2000-01 for law enforcement training; (b) change funding for the law enforcement training fund and crime laboratory equipment and supplies from 49.09% of penalty assessment revenues to the appropriated amounts, and delete and modify statutory language and certain appropriations to reflect this change; (c) move the statutory language relating to levy of penalty assessments from Chapter 165 (Department of Justice) to Chapter 757 (general provisions concerning courts of record, judges, attorneys and clerks); (d) transfer 90% of the unencumbered balance of the penalty assessment surcharge receipts appropriation (which would be repealed) on the effective date of the bill to a newly-created penalty assessment receipts appropriation under the Office of Justice Assistance (OJA); (e) transfer the remaining 10% balance to the law enforcement training fund--state operations appropriation; (f) transfer funding in the law enforcement training fund--local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (g) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91.

Provide \$97,800 PR in 1999-00 and \$152,000 PR in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab. Program revenue funding would be provided from penalty assessment revenues from the law enforcement training fund--state operations appropriation.

## DISCUSSION POINTS

### Law Enforcement Training

1. The Law Enforcement Training Fund (LETF) was created under Chapter 29, Laws of 1977, to fund law enforcement training. In 1983, jail officer training was added and, in 1988, secure detention officer training. Currently, the LETF also provides \$412,000 annually for the Statewide Prosecutor's Education and Training program (SPET) for district attorneys. According to DOJ officials, the LETF has supported the SPET program for approximately 20 years. For the SPET program, the LETF funds three staff positions (1.0 attorney, 1.0 SPET coordinator, and 0.5 legal secretary), costs associated with the annual SPET conference, supplies and other expenses needed to operate a toll-free technical assistance line, and publication costs for a monthly newsletter.

2. The funding provided under the bill for law enforcement training is for: (a) increases in reimbursement payments to law enforcement agencies to cover the additional number of law enforcement officers being trained (\$48,200 in 1999-00 and \$128,200 in 2000-01); and (b) specialized training, especially in the areas of management and community policing (\$200,000 annually).

3. In his testimony to the Joint Committee on Finance on March 11, 1999, the Attorney

General described the development of a comprehensive overhaul of the way law enforcement officers are trained. This plan, called "Training for Tomorrow," would be funded by the LETF. DOJ did not request funding and position authority for the Training for Tomorrow initiative in its biennial budget request. Instead, Training for Tomorrow was identified in the biennial budget request as a program reserve to reflect the Department's plan to submit a s. 16.515/.505 request. Accordingly, DOJ submitted a request on November 25, 1998, for \$595,700 in 1998-99, \$1,313,600 in 1999-00 and \$1,688,100 in 2000-01 and 3.0 positions for the Training for Tomorrow initiative. The Department indicates that the proposal was submitted under s. 16.515/.505 because the agency was ready to begin the initiative and wanted approval before the budget would pass. On February 18, 1999, DOA denied the request, indicating that the initiative should have been submitted as a budget item and that by the time the request had been submitted, "key law enforcement issues had been discussed in the budget process and monies expected to be available from the penalty assessment surcharge were utilized for other law enforcement purposes." This request would have been funded with penalty assessment revenues, including DOJ's unencumbered balance in its penalty assessment surcharge appropriation.

4. If the Governor's proposal is modified so that DOJ's receipt of 49.09% of penalty assessment revenues for the LETF and crime lab equipment is maintained, and no other changes are made, it is estimated that the DOJ appropriation would have an unencumbered balance of approximately \$2.5 million on June 30, 2001. Consequently, if the Committee chooses to maintain DOJ's designated receipt of penalty assessment revenues, alternatives to fund the Training for Tomorrow initiative and to transfer additional revenues to the OJA receipts appropriation may be considered.

5. In July, 1997, DOJ began a statewide review of its basic law enforcement training. According to DOJ, 30 states exceed Wisconsin's requirement for 400 hours of entry-level training. The basic course for law enforcement training, for the most part, has not been changed in 25 years. There are concerns that basic training has not kept up with changes in law enforcement and in society. With the help of a consultant, DOJ conducted a series of strategic planning sessions throughout the state to develop recommendations for changing basic law enforcement training in Wisconsin. These recommendations called for: (a) expanding the number of hours required for training (from the current 400 hour requirement, to as many as 800 hours); (b) using new instructional methods, including distance learning, computer-based instruction, and increased use of scenarios, case studies and simulations; (c) revising and expanding testing of graduates, including new instructional unit exams and a comprehensive scenario-based final exam; and (d) enhancing employment standards with respect to physical fitness, psychological, and reading and writing standards and testing procedures.

6. As a result, DOJ has developed a plan to completely overhaul the basic training program. The areas of the new curriculum have been identified. Under the Training for Tomorrow initiative, DOJ would: (a) develop, test and implement the new curriculum; (b) produce and implement competency-based final exams; (c) develop and maintain testing centers affiliated with certified training academies; and (d) increase the training requirements, require field training, and reimburse some portion of the related costs incurred by law enforcement agencies.

7. Training for Tomorrow would require additional staff within DOJ's Training and Standards Bureau, curriculum development consultants, new testing centers, and an increase in reimbursement monies once the number of required law enforcement training hours increase. (A statutory change would be required to increase the required hours of basic training.) Once Training for Tomorrow is fully implemented, DOJ estimates the reimbursement costs for training 450 officers for approximately 800 hours each would require an increase of \$420,000 annually for tuition and training costs and \$166,200 annually for travel and lodging. DOJ estimates that the testing centers will cost \$805,000 annually once Training for Tomorrow is fully implemented.

8. DOJ has revised its original request to reflect a delayed implementation of the proposal. DOJ requests \$739,100 in 1999-00 and \$1,299,600 in 2000-01 and 3.0 positions annually (1.0 curriculum development coordinator, 1.0 instructional testing coordinator, and 1.0 program assistant) to begin implementing Training for Tomorrow. If DOJ's request is modified to provide 0.5, rather than 1.0 program assistant and to properly reflect other position costs, \$732,100 in 1999-00 and \$1,272,000 in 2000-01 would be needed.

9. Alternatively, the Committee may wish to fund Training for Tomorrow, but at a reduced cost. The next phase for the Training for Tomorrow initiative is to design the curriculum. The Committee could provide \$123,100 in 1999-00 and \$135,100 in 2000-01 and 2.5 positions annually to help design the curriculum and testing procedures, and \$265,000 in 1999-00 and \$210,000 in 2000-01 for consultant costs. Under this alternative, testing center and reimbursement funding would be deleted. According to DOJ, designing the curriculum for Training for Tomorrow will take at least one year. Once the curriculum design phase is complete, DOJ will be able to more accurately determine what funding is needed for developing the testing centers and the increased training reimbursement to law enforcement agencies.

10. Either alternative to fund the Training for Tomorrow would still leave a balance in DOJ's penalty assessment receipts appropriation. Given the deficit under the bill in the OJA receipts appropriation, an alternative to transfer 90% of the unencumbered balance of DOJ's penalty assessment receipts appropriation on June 30, 2000, to the new OJA appropriation could be considered. With this transfer, and if DOJ's request, as modified, was approved, it is estimated that \$495,800 would be transferred and the DOJ receipts appropriation would have a balance of \$19,100 on June 30, 2001. Alternatively, if only the 2.5 positions and the consultant costs were provided, it is estimated that \$805,400 would be transferred to OJA on June 30, 2000, and the DOJ receipts appropriation would have a balance of \$980,400 on June 30, 2001. If no funds were provided for Training for Tomorrow, it is estimated that \$1,154,600 would be transferred to OJA on June 30, 2000, and the DOJ receipts appropriation would have a balance of \$1,364,400 on June 30, 2001.

11. If additional resources are not provided for Training for Tomorrow, DOJ indicates it will proceed with the plan at a slower pace, using available resources. As part of that strategy, all or a portion of the \$200,000 annually provided under the bill for specialized training may instead be used for Training for Tomorrow curriculum development.

## Crime Laboratories Funding

12. Under the bill, the crime laboratories equipment and supplies appropriation would continue to be funded with penalty assessment revenues at its base level of \$377,300. Under current law, this funding is provided through DOJ's penalty assessment receipts appropriation (the remainder of the revenues constitute the law enforcement training fund). The bill would also provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position for a training and field response coordinator at the Wausau crime lab to provide advanced-level training to law enforcement personnel regarding crime scene investigation and evidence, coordinate field response activities and perform casework. Under the bill, the funding would come from the law enforcement training fund--state operations appropriation.

13. If the Committee chooses to maintain DOJ's receipt of penalty assessment revenues, it could be considered appropriate to maintain funding for crime lab equipment and the training and field response coordinator position from the penalty assessment receipts appropriation.

## ALTERNATIVES

A. **Funding for Law Enforcement Training and Crime Labs** *(to be considered if Alternatives 1 or 2 under LFB Paper #187, entitled "Penalty Assessment Revenue Distribution," is adopted to eliminate DOJ's receipt of 49.09% of penalty assessment revenues for the law enforcement training fund and crime laboratory equipment and supplies).*

A1. Approve the Governor's recommendation to: (a) provide \$248,200 in 1999-00 and \$328,200 in 2000-01 for law enforcement training; (b) provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab; (c) transfer funding in the law enforcement training fund-- local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (d) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91. Reestimate the amount of the unencumbered balance to be transferred to OJA from DOJ's penalty assessment surcharge receipts appropriation from \$1,370,000 to \$1,960,200.

<b>Alternative A1</b>	<b>PR</b>
1999-01 REVENUE (Change to Bill)	- \$590,200

A2. Modify the Governor's recommendation by deleting \$346,000 in 1999-00 and \$480,200 in 2000-01 and 1.0 position to remove funding for law enforcement training and the crime lab training and field response coordinator position.

<u>Alternative A2</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$826,200
2000-01 POSITIONS (Change to Base)	- 1.00

**B. Funding for the Law Enforcement Training Fund and Crime Labs** *(to be considered if Alternatives 3 or 4 in LFB Paper #187 is adopted to retain DOJ's receipt of 49.09% of penalty assessment revenues).*

B1. Approve the Governor's recommendation to: (a) provide \$248,200 in 1999-00 and \$328,200 in 2000-01 for law enforcement training; (b) provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab, funded from the LETF; (c) transfer funding in the law enforcement training fund--local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (d) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91. In addition: (a) reestimate the amount of the unencumbered balance on June 30, 1999, to be transferred to OJA from DOJ's penalty assessment surcharge receipts appropriation from \$1,370,000 to \$1,960,200; and (b) transfer 90% of the unencumbered balance of the penalty assessment surcharge receipts appropriation on June 30, 2000, to the OJA penalty assessment receipts appropriation. Under this alternative, it is estimated that \$1,154,600 in revenues would transfer to OJA on June 30, 2000, and DOJ's penalty assessment receipts appropriation would have a balance of \$1,364,400 on June 30, 2001.

<u>Alternative B1</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,744,800

B2. In addition to Alternative B1, provide an additional \$732,100 in 1999-00 and \$1,272,000 in 2000-01 and 2.5 positions annually to implement Training for Tomorrow. Under this alternative, it is estimated that an additional \$495,800 in revenues would transfer to OJA on June 30, 2000, and DOJ's penalty assessment receipts appropriation would have a balance of \$19,100 on June 30, 2001.

<u>Alternative B2</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,086,000
1999-01 FUNDING (Change to Bill)	\$2,004,100
2000-01 POSITIONS (Change to Bill)	2.50

B3. In addition to Alternative B1, provide an additional \$388,100 in 1999-00 and \$345,100 in 2000-01 and 2.5 positions annually for Training for Tomorrow. Under this alternative, it is estimated that an additional \$805,400 in revenues would transfer to OJA on June 30, 2000, and

DOJ's penalty assessment receipts appropriation would have a balance of \$980,400 on June 30, 2001.

<u>Alternative B3</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,395,600
1999-01 FUNDING (Change to Bill)	\$733,200
2000-01 POSITIONS (Change to Bill)	2.50

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