

**Gov Agency:** DOA (Office of Justice Assistance) – Penalty Assessment State Match Funding for the Federal Anti-Drug Enforcement Program

**Recommendations:**

**Paper No. 191      Alternative A2 & B2**

**Comments:**

**A2.** Provides match monies for the federal Byrne grants to the state as recommended by the Governor, but reduces the “cushion” which in the past provided matching money in the event additional federal dollars are received. This reduction helps address the deficit in the penalty assessment fund.

**B2.** Retains 10% local match requirement to correct a drafting error.

**Prepared by: Deb**



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #191

### *Penalty Assessment Revenue Allocations*

## **Penalty Assessment State Match Funding for the Federal Anti-Drug Enforcement Program (DOA -- Office of Justice Assistance)**

[LFB 1999-01 Budget Summary: Page 80, #2, Page 81, #4, Page 82, #5, Page 182, #18 and Page 387, #23]

### **CURRENT LAW**

Under current law, penalty assessment revenues are used to match federal anti-drug law enforcement funds that are distributed to state agencies and local units of government and to OJA for administration. The Office of Justice Assistance (OJA) currently receives 22.73% of penalty assessment revenues and distributes the revenues among its anti-drug local, state and administration appropriations. OJA also transfers appropriated amounts from its anti-drug local appropriation to the Department of Corrections (DOC) for youth diversion programs and to the Department of Justice (DOJ) for its Division of Narcotics Enforcement (DNE).

### **GOVERNOR**

Make the following changes to the penalty assessment state match funding for the federal Byrne anti-drug enforcement program: (a) delete \$1,972,400 in 1999-00 and \$1,674,000 in 2000-01 from the program revenue appropriations for penalty assessment state match; (b) change funding for those appropriations from 22.73% of penalty assessment revenues to the appropriated amounts, and modify the appropriation language to reflect this change; and (c) delete statutory language which requires local units of government to provide at least a 10% match for the anti-drug law enforcement monies they receive from OJA.

The funding reductions are related to: (a) -\$1,920,400 in 1999-00 and -\$1,919,300 from 2000-01 in the appropriation that provides match monies for local programs to remove funding which, under the current appropriation structure, is appropriated in OJA's local appropriation for

transfer to other state agencies. This amount represents -\$645,000 annually to DOC for youth diversion programs; -\$200,000 annually provided to DNE for tactical purposes; -\$948,800 annually provided to DNE for strategic purposes; and -\$126,600 in 1999-00 and -\$125,500 in 2000-01 in re-estimates of penalty assessment match need; (b) -\$72,000 in 1999-00 and \$225,300 in 2000-01 in the state appropriation to reflect re-estimates of required match amounts; and (c) \$20,000 annually in the program administration appropriation for administrative costs associated with a new federal program (the Juvenile Accountability Incentive Block Grant).

## DISCUSSION POINTS

1. The anti-drug enforcement state, local and administrative appropriations under OJA use penalty assessment monies to match federal Byrne grants to the state. The distribution of grant monies between state and local programs is determined by federal law. Under the anti-drug enforcement local appropriation, which requires a 15% state match and 10% local match, the following programs are being funded in 1999-00:

- Multi-jurisdictional anti-drug enforcement task forces (currently, there are 29 task forces in the state, which include all counties except Sauk and Dodge counties)
- A Milwaukee County court delay reduction program
- 1.0 assistant district attorney (ADA) in Dane County and 3.0 ADAs in Milwaukee County
- A City of Milwaukee drug abatement program
- County reimbursement for providing victim/witness services through DOJ's Office of Crime Victim Services
- Demonstration projects relating to AODA programs for jail and Huber law inmates.

From the anti-drug enforcement state appropriation, which requires a 25% match of state funds for the federal Byrne award, the following programs are being funded in 1998-99:

- Department of Administration's Bureau of Justice Information Systems (BJIS)
- DOJ's Division of Narcotics Enforcement technological equipment for investigations
- Department of Corrections information technology.

2. The state match is provided with penalty assessment revenues with the exception of the BJIS program, which uses its justice information fee revenue for match.

3. Most project grants under the Byrne grant program are limited to four years of funding. However, funding related to anti-drug enforcement task forces and victim/witness services may continue beyond four years. As a result, some of the programs currently funded with federal Byrne and penalty assessment match monies will end on June 30, 1999.

4. Under the Governor's recommendation, the following programs would be funded with federal Byrne and penalty assessment match monies.

<u>Purpose</u>	<u>1999-00</u>		<u>2000-01</u>	
	<u>Federal Byrne Funding</u>	<u>Penalty Assessment Match</u>	<u>Federal Byrne Funding</u>	<u>Penalty Assessment Match</u>
<b>Anti-drug Enforcement Program, Administration</b>				
Administrative costs associated with the OJA				
anti-drug program	\$307,200	\$135,600	\$321,900	\$135,600
<b>Anti-drug Enforcement Program, Local Assistance</b>				
Multi-jurisdictional anti-drug enforcement task forces	\$4,486,000	\$897,200	\$4,475,500	\$895,100
3.0 Milwaukee County anti-drug assistant district attorney	197,300	65,700	203,500	67,800
1.0 Dane County anti-drug assistant district attorney	62,700	20,900	65,900	22,000
Law enforcement and crime commission set-aside (the Commission awards grants to task forces and special projects)	262,500	52,500	262,500	52,500
Special projects (such as demonstration projects related to AODA programs for jail and Huber law inmates)	25,000	5,000	25,000	5,000
County reimbursement for victim-witness services through DOJ	709,000	141,800	709,000	141,800
<b>Anti-drug Enforcement Program, State Operations</b>				
DOJ criminal history records improvement	\$869,000	\$289,700	\$705,100	\$235,000
DOJ STR testing	170,100	56,700		
DOJ DNA databank	337,500	112,500		
DOJ crime lab equipment	191,000	63,700	191,000	63,700
BJIS operations	446,500	JIF match	446,500	JIF match
BJIS equipment installation	272,900	91,000	1,336,500	445,500
DOC information technology	400,000	133,300	900,000	300,000
DOC AODA programming	<u>750,000</u>	<u>250,000</u>	<u>750,000</u>	<u>250,000</u>
<b>TOTAL</b>	<b>\$9,486,700</b>	<b>\$2,315,600</b>	<b>\$10,392,400</b>	<b>\$2,614,000</b>

5. In addition, under the bill, all penalty assessment revenues would initially be deposited to a newly-created appropriation under OJA and then transferred to OJA's anti-drug state, local and administrative appropriations. As a result, rather than receiving 22.73% of all penalty assessment revenues into the anti-drug local appropriation, the OJA anti-drug state, local, and administrative appropriations would receive the amounts appropriated. Moreover, OJA's anti-drug local appropriation would no longer transfer funding to DOC for the youth diversion program or to DOJ for its DNE; rather, these programs would receive funding from the newly-created OJA appropriation.

6. It is estimated that the anti-drug match appropriations would have closing balances totaling \$1,351,000 at the end of 1998-99. Unlike the other penalty assessment receipts appropriations (except for the correctional officer training appropriation, which is estimated to have a closing balance of \$0), the bill would not transfer 90% of the unencumbered balances of these appropriations to the newly-created penalty assessment receipts appropriation. A rationale for not transferring 90% of the balance from these appropriations is that some level of unappropriated penalty assessment match money is needed as a cushion for fluctuations in the federal Byrne

funding. With this cushion, if additional federal dollars are received, they can be utilized because the match money is available. If the federal dollars are less than estimated, the penalty assessment monies can make up the difference.

7. However, given the large deficit in the Governor's penalty assessment proposal, it may be appropriate to transfer a portion of the unencumbered balances from the Byrne match appropriations to the OJA receipts appropriation. It is estimated that a provision to transfer 80% of the unencumbered balances on June 30, 1999, plus any revenues credited to the local assistance appropriation between June 30, 1999 and the effective date of the bill, would result in \$806,100 transferred from the local assistance appropriation, \$171,800 from the state operations appropriation and \$102,900 from the administration appropriation, or a total of \$1,080,800. Under this alternative, it is estimated that \$250,000 would remain between all three of OJA's penalty assessment match appropriations.

8. The Governor's recommendation also deletes statutory language requiring local units of government to provide at least 10% matching funds (which may be in-kind in the form of local personnel or other locally-funded services) when receiving federal Byrne and matching state penalty assessment monies. This statutory language ensures that all local grantees be required to provide some match when awarding Byrne grants. According to DOA, the deletion of the language was a drafting error. Therefore, the Committee may wish to maintain the current statutory language that requires at least a 10% match from local units of government for awards funded by federal Byrne and state matching penalty assessment monies.

## **ALTERNATIVES**

### **A. State Match Funding**

1. Approve the Governor's recommendation to make the following changes to the penalty assessment state match funding for the federal Byrne anti-drug enforcement program: (a) delete \$1,972,400 in 1999-00 and \$1,674,000 in 2000-01 from the program revenue appropriations for penalty assessment state match to reflect funding reestimates; and (b) change funding for those appropriations from 22.73% of penalty assessment revenues to the appropriated amounts, and modify the appropriation language to reflect this change.

2. Modify the Governor's recommendation by transferring 80% of the unencumbered balances of the anti-drug enforcement local, state and administrative appropriations on June 30, 1999, and any revenues credited to the appropriations between June 30, 1999 and the effective date of the bill, to the newly-created OJA receipts appropriation. It is estimated that \$1,080,800 in penalty assessment revenues would be transferred under this alternative.

**B. Local Match Requirement**

1. Approve the Governor's recommendation to delete statutory language which requires local units of government to provide at least a 10% match for the anti-drug law enforcement grant awards they receive from OJA.

2. Maintain the current law provision that requires at least a 10% match from local units of government for grant awards under the Byrne anti-drug program.

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