



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #190

Transfer of Youth Diversion Program to the Office of Justice Assistance (DOA -- Office of Justice Assistance and DOC -- Juvenile Corrections)

[LFB 2001-03 Budget Summary: Page 83, #1 and Page 228, #6]

CURRENT LAW

The Office of Gang Intervention and Prevention in the Department of Corrections (DOC) Division of Juvenile Corrections assists in the coordination of statewide gang crime prevention policy and administers the youth diversion grant program. A total of \$1,400,000 is provided to DOC annually for youth diversion grants (\$380,000 GPR, \$720,000 PR from penalty assessment revenue and \$300,000 PR from federal funds administered by DHFS). Of this total, \$500,000 combined GPR and PR from penalty assessment funds is allocated for an organization in Milwaukee County to provide services designed to divert juveniles from gang activities into productive activities. The \$300,000 provided from the Department of Health and Family Services (DHFS) federal funding is designated for the provision of substance abuse education and treatment services for juveniles participating in the organization's youth diversion program. In addition, \$600,000 annually (composed of GPR and PR from penalty assessment funds) is budgeted to provide \$150,000 each to organizations in Racine, Kenosha, and Brown Counties and the City of Racine. These organizations provide gang diversion services, including substance abuse education and treatment services for program participants.

GOVERNOR

Transfer \$461,600 GPR and 1.5 GPR positions and \$1,038,400 PR and 0.5 PR position annually and the administration of the youth diversion grant funding and other functions of the Office of Gang Intervention and Prevention from DOC to the Office of Justice Assistance (OJA) in the Department of Administration (DOA). Change the program revenue funding source from juvenile corrective sanctions program funding to penalty assessment revenues.

Repeal Corrections' GPR youth diversion appropriation and the PR youth diversion program and interagency programs; alcohol and other drug abuse appropriation. Make the following changes to OJA's appropriations: (a) rename the GPR general program operations appropriation the general program operations; youth diversion appropriation and amend the appropriation language to include youth diversion services; (b) rename the PR anti-drug enforcement program -- administration appropriation the law enforcement programs -- administration; youth diversion appropriation and amend the appropriation language to include youth diversion services; and (c) create a new PR interagency and intra-agency programs appropriation that would allow OJA to receive funds from DHFS for the youth diversion program.

Make the following nonstatutory provisions to transfer the authority to operate the program from DOC to OJA: (a) on the effective date of the bill, transfer the assets and liabilities of DOC primarily related to the youth diversion program, as determined by the DOA Secretary, to DOA; (b) provide that the incumbent employees holding the transferred positions would be transferred to DOA and would maintain their employment rights and status; (c) provide that tangible personal property, pending matters, contracts and contract responsibilities relating to the youth diversion program be transferred to DOA; and (d) provide that rules and orders relating to the program under DOC remain in effect until their specified expiration date or until modified or rescinded by DOA.

DISCUSSION POINTS

1. The transfer would include \$1,400,000 annually (\$380,000 GPR and \$1,020,000 PR) for youth diversion grants and \$100,000 annually (\$81,600 GPR and \$18,400 PR) and 2.0 positions (1.5 GPR and 0.5 PR) for the administration of the program. Under the bill, \$18,400 PR and 0.5 PR position would be deleted from the juvenile corrective sanctions program appropriation funded with revenue provided by counties and the state (under the serious juvenile offender appropriation) for juvenile correctional services. (A nonstatutory provision under the bill, which would delete the 0.5 PR position from DOC, requires a technical correction.) The \$18,400 PR and 0.5 PR position annually provided to OJA would be funded from penalty assessment revenues.

2. The Office of Gang Intervention and Prevention was created in DOC on July 1, 1996. In addition to administering the youth diversion grants described above, the Office acts as a gang resource center and information clearinghouse for the state and to assist local and state agencies, service providers, schools, communities and neighborhoods in developing and operating effective gang crime intervention, prevention and suppression initiatives.

3. The transfer of the youth diversion program was requested by both DOA and DOC in their respective 2001-03 budget requests. OJA is the lead state agency for the administration of justice assistance programs providing grants, including federal justice assistance funding, to both state and local agencies. Both agencies view the administration of the youth diversion program as more appropriately housed in OJA. To this end, the DOC positions responsible for the program are currently located at OJA. Under an interagency employee interchange memorandum of understanding, signed by DOC and OJA in October, 2000, DOC continues to pay salary and

administrative costs associated with the program.

4. Prior to the interagency agreement, DOC staffed the program with 1.5 GPR positions (1.0 supervisor and 0.5 program assistant). Under the proposal to transfer the office and grant administration to OJA, 2.0 positions (1.5 GPR and 0.5 PR) would be eliminated at DOC and authorized at OJA. According to OJA officials, an additional 0.5 PR program assistant position is needed to fully support the administrative needs of the program. At DOC, the Office of Gang Intervention and Prevention was housed in a major division and benefited from the support available in this setting. OJA is a relatively small agency that is administratively attached to the DOA. OJA officials indicate that their office does not have support resources equivalent to the Division of Juvenile Corrections and therefore, the additional 0.5 position is needed.

5. Under the bill, the youth diversion grant funds (\$380,000 GPR and \$720,000 PR annually) would be provided in two appropriations that also support purposes unrelated to the Office of Gang Intervention and Prevention or the youth diversion grants. The GPR grant funding would be appropriated to a general program operations appropriation that pays for general OJA administrative functions and the program revenue grant funding would be appropriated to a PR appropriation that pays expenses relating to the administration of anti-drug law enforcement programs and would, under the bill, support the administration of the youth diversion funds as well.

6. DOA officials indicate that this was done in response to a departmental goal to simplify the state budget and accounting structure by reducing the number of state appropriations through consolidation or repeal. DOA budget policies also encourage agencies to consider consolidating similar appropriations within each appropriation type (state operations, local assistance or aids to individuals and organizations) where it would be more efficient to do so.

7. The provision in the bill, however, combines the grant funding (an aids to individuals and organizations appropriation under current law) with funding for administrative functions (a state operations appropriation under current law). DOA officials indicate that while the grant funding is combined into an appropriation for state operations, it is allocated to the aids to individuals and organizations budget line within the appropriation, assuring that the grant funds are budgeted separately from administrative funding and funding for purposes unrelated to youth diversion. [However, the \$300,000 provided annually to Milwaukee County for the provision of substance abuse education and treatment services for juveniles participating in the youth diversion program is allocated to the supplies and services budget line of its appropriation in both the bill and under current law. The Committee could direct that these funds be reallocated to the aids to individuals and organizations budget line.]

8. It can also be argued that combining grant funds into other appropriations in this way obscures their presence in the budget and makes monitoring the use of the funding somewhat more difficult. These grant funds could be provided in appropriations separate from those funding the administration of the grant program or funding for unrelated purposes. This approach would be consistent with current law provisions that appropriate youth diversion grant funds in DOC under separate GPR and PR appropriations.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to transfer \$461,600 GPR and 1.5 GPR positions and \$1,038,400 PR and 0.5 PR position annually and transfer the administration of the youth diversion grant funding and other functions of the Office of Gang Intervention and Prevention from DOC to the Office of Justice Assistance (OJA) in the Department of Administration (DOA). Repeal Corrections' GPR youth diversion and the PR youth diversion program and interagency programs; alcohol and other drug abuse appropriations. Make the following changes to OJA's appropriations: (a) rename the GPR general program operations appropriation the general program operations; youth diversion appropriation and amend the appropriation language to include youth diversion services; (b) rename the PR anti-drug enforcement program -- administration appropriation the law enforcement programs -- administration; youth diversion appropriation and amend the appropriation language to include youth diversion services; and (c) create a new PR interagency and intra-agency programs appropriation that would allow OJA to receive funds from DHFS for the youth diversion program. Make the following nonstatutory provisions to transfer the authority to operate the program from Corrections to OJA: (a) on the effective date of the bill, transfer the assets and liabilities of DOC primarily related to the youth diversion program, as determined by the DOA Secretary, to DOA; (b) provide that the incumbent employees holding the transferred positions would be transferred to DOA and would maintain their employment rights and status; (c) provide that tangible personal property, pending matters, contracts and contract responsibilities relating to the youth diversion program be transferred to DOA; and (d) provide that rules and orders relating to the program under DOC remain in effect until their specified expiration date or until modified or rescinded by DOA. Correct a nonstatutory provision under the bill, which deletes the 0.5 PR position from DOC to reflect that the deletion is made from the appropriation relating to the corrective sanctions program.

2. Modify the Governor's provisions by creating separate GPR and PR annual appropriations for youth diversion grant funds and provide \$318,400 GPR and \$720,000 PR annually to these appropriations. Delete \$318,000 GPR annually from the GPR general program operations appropriation in OJA and \$720,000 PR annually from the PR appropriation relating to the administration of anti-drug law enforcement programs and the youth diversion program under the bill. Modify OJA appropriation titles and language under the bill to reflect these provisions. Correct a nonstatutory provision under the bill, which deletes the 0.5 PR position from DOC, to reflect that the deletion is made from the appropriation relating to the corrective sanctions program. Direct that, in the appropriation relating to the \$300,000 provided annually to Milwaukee County for the provision of substance abuse education and treatment services for juveniles participating in the youth diversion program, the grant amount be reallocated from the supplies and services budget line to the aids to individuals and organizations budget line.

3. Maintain current law.

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