



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #118

District Attorney Information Technology (DOA -- Information Technology)

Base Section

[LFB 2007-09 Budget Summary: Page 35, #6]

CURRENT LAW

Base funding for District Attorney Information Technology (DA IT) is \$3,524,200 PR and 15.75 PR positions annually, including \$2,513,000 PR and 15.15 PR positions annually funded from the justice information system fee, \$278,700 PR annually from the penalty surcharge fee, and \$732,500 PR annually from federal Byrne anti-drug grant program.

A portion of the costs of DA IT costs is funded from the justice information surcharge. The Department of Administration (DOA) receives \$5 of a \$12 justice information surcharge that is assessed upon the commencement of certain court proceedings. The penalty surcharge (26% of the fine or forfeiture amount) is imposed by the courts for violations of state laws or municipal or county ordinances, and utilized for multiple state purposes including DA IT.

GOVERNOR

Provide \$1,714,400 PR in 2007-08 and \$1,974,400 PR in 2008-09 for amounts received from the justice information surcharge, including one-time funding of \$520,000 PR in 2007-08 and \$780,000 PR in 2008-09. Decrease amounts provided from penalty assessments for district attorney information technology (DA IT) by \$13,900 PR in 2007-08. The Department indicates that increased funds would be used for the following: (a) adding Milwaukee and Racine Counties to the case management system (PROTECT); (b) replacement of Milwaukee County's DA IT equipment; (c) contract IT labor for Milwaukee County's data conversion and development; (d) software and licensing upgrades; and (e) one-time costs for courtroom and remote access systems and use of multi media to display evidence.

Under the bill, the Governor would also provide \$37,700 PR annually for full funding of salaries and fringe benefits (under standard budget adjustments) and would delete \$337,100 PR annually related to the transfer 3.55 PR positions to printing, mail, communication and information technology services appropriation.

DISCUSSION POINTS

1. Under current law, the state provides funding and staff for computer automation in district attorney offices statewide including the development of a DA case management system, and the development of integrated justice information systems shared by DAs, the courts, law enforcement, and other justice agencies.

2. The DA IT systems are being implemented on a county-by-county basis. Through March, 2007, the state has installed: (a) local area networks and related hardware and software in 69 DA offices statewide; (b) the DA case management system [referred to as prosecutor technology for case tracking or PROTECT] in 65 DA offices; (c) a connection to the state court system's database (CCAP) in 64 DA offices; and (d) a computerized criminal history report (for criminal background checks) in 65 DA offices. Counties continue to have financial responsibility for all other costs related to the operation of a district attorney's office.

3. Base funding for the Bureau of Justice Information Systems is \$3,524,200 PR and 15.75 PR positions annually, including \$2,513,000 PR and 15.75 PR positions annually funded from the justice information system fee, \$278,700 PR annually from the penalty surcharge fee, and \$732,500 PR annually from federal Byrne anti-drug grant program.

4. The Governor's recommendation would provide an additional \$1,714,400 PR in 2007-08 and \$1,974,400 in 2008-09. In addition, the bill would include standard budget adjustments of \$37,700 PR annually and a position realignment of -\$337,100 PR and -3.55 PR positions annually. Total funding from justice information fees, under the bill, would equal \$3,928,000 PR in 2007-08 and \$4,188,000 PR in 2008-09 and total funding for DA IT would be \$4,926,300 PR in 2007-08 and \$5,199,200 PR in 2008-09.

5. The justice information system fee must be paid for any filing for civil, small claims, forfeiture, wage earner, or garnishment actions, or for an appeal from municipal court, third party complaint in a civil action, or for a filing of a counterclaim or cross complaint in a small claims action. The fee is currently \$12, of which \$5 is paid to DOA for justice information systems.

6. The Department estimates that \$681,600 is generated from each \$1 of the fee. It is therefore estimated that there will be revenues of \$3,408,000 annually for DA IT programs. It is also estimated that there will be a balance of \$1,160,800 PR at the end of the 2006-07 year. Table 1 shows the estimated revenues and expenditures under the bill. It is estimated that DOA would have sufficient revenues to expend the amounts authorized under SB 40.

TABLE 1

Justice Information System Fees -- SB 40

| | <u>2007-08</u> | <u>2008-09</u> |
|--------------------------------------|------------------|------------------|
| Beginning Balance | \$1,368,800 | \$848,800 |
| Estimated Revenue | <u>3,408,000</u> | <u>3,408,000</u> |
| Total Revenue | \$4,776,800 | \$4,256,800 |
| Expenditure Authority | | |
| Base Funding | \$2,513,000 | \$2,513,000 |
| District Attorney IT Initiatives | 1,714,400 | 1,974,400 |
| Position Realignment | -337,100 | -337,100 |
| Full Funding of Continuing Positions | <u>37,700</u> | <u>37,700</u> |
| | \$3,928,000 | \$4,188,000 |
| Year End Balance | \$848,800 | \$68,800 |

7. DOA has prepared a breakdown of the estimated DA IT costs which are shown in Table 2. These figures vary slightly from the amounts that are recommended under SB 40.

TABLE 2

Proposed DA IT Increased Expenditures

| <u>Ongoing Costs</u> | <u>2007-08</u> | <u>2008-09</u> |
|--|----------------|----------------|
| Implementation of PROTECT System in Milwaukee County | \$449,300 | \$530,000 |
| Replacement of Hardware on Master Lease | 220,000 | 250,000 |
| Software Licensing | <u>400,000</u> | <u>400,000</u> |
| | \$1,069,300 | \$1,180,000 |
| One-Time Costs | | |
| Create Interface with Milwaukee Law Enforcement | \$100,000 | \$100,000 |
| Data Conversion and Development - Milwaukee County | 200,000 | 200,000 |
| One-time Projects | <u>300,000</u> | <u>500,000</u> |
| | \$600,000 | \$800,000 |
| | \$1,669,300 | \$1,980,000 |

8. It should be noted that the costs shown above are less in total than the amounts recommended by the Governor. The Committee could choose, therefore, to modify the amounts appropriated under the bill by -\$45,100 PR in 2007-08 and \$5,600 PR in 2008-09 related to these revised estimates.

9. As part of this initiative, the Department would implement the case management system in Milwaukee. The case management system is a user interface that allows a district attorney to send and receive information from the courts and law enforcement agencies and to send information to the Department of Justice's Crime Information Bureau. The data is an electronic record of information about the defendants, witnesses, and victims, and also has information about referred charges, issued charges, no prosecute decisions, and all documents generated (such as criminal complaints, warrants, summons, subpoenas and communications from the victim and witnesses).

10. Currently, there are 133 (127.0 FTE) state employed prosecutors in Milwaukee County and 157 county employees supporting these prosecutors whose IT systems would be updated to include the case management system. The Department states that four IT staff would be needed to complete the project and to administer the county DA IT system on an ongoing basis. Table 3 shows the estimated number of hours that would be needed on an annual basis for developing and supporting the system.

TABLE 3

**Implementation and Support Staff for Case Management System
(Milwaukee County)**

| | 2007-08 | | | 2008-09 | | |
|------------------------|---------|------|----------------|---------|------|----------------|
| | Hours | Rate | Total Cost | Hours | Rate | Total Cost |
| Help Desk Staff | 1,850 | \$45 | \$83,300 | 2,000 | \$45 | \$90,000 |
| Business Analyst | 1,800 | 70 | 126,000 | 2,000 | 70 | 140,000 |
| Database Administrator | 1,600 | 75 | 120,000 | 2,000 | 75 | 150,000 |
| Systems Architect | 1,600 | 75 | <u>120,000</u> | 2,000 | 75 | <u>150,000</u> |
| Total Costs | | | \$449,300 | | | \$530,000 |

11. The Department stated that there would be likely savings if these positions were provided as state employees rather than contract staff shown in Table 3. The Department has identified equivalent positions from the Office of State Employment Relations. The positions and their related minimum salary and fringe benefits are shown in Table 4, assuming nine months of funding in 2007-08 and full year funding for 2008-09.

TABLE 4

**Implementation and Support Staff for Case Management System
(Milwaukee County)**

| | <u>Salary and Fringe Benefits</u> | | |
|---|-----------------------------------|----------------|-------------------|
| | <u>2007-08</u> | <u>2008-09</u> | <u>Annual FTE</u> |
| Technical Services Specialist | \$53,700 | \$71,700 | 1.00 |
| Technical Services Consultant - Administrator | 53,700 | 71,700 | 1.00 |
| Data Services Consultant - Administrator | 53,700 | 71,700 | 1.00 |
| Systems Development Services Consultant | <u>53,700</u> | <u>71,700</u> | <u>1.00</u> |
| Total Costs | \$214,800 | \$286,800 | 4.00 |

12. A comparison of the cost of hiring these positions as full time state employees versus the Department's estimated costs of hiring private consultants would result in estimated savings of \$234,500 PR in 2007-08 and \$243,200 PR in 2008-09. The Committee could consider reducing the amounts provided by the Governor by these amounts and providing 4.0 IT positions under the justice information system appropriation.

13. The Committee could also consider the appropriateness of providing all of the identified funding for DA IT services. The Department has not determined which projects would be funded. However, DOA states that it would like to provided additional IT services to DA offices, that could include:

- Providing remote access to the network, to provide DAs with laptop computers as well as their desktop computers so that they can have access to the case management system away from their office. This initiative would require staff analysis, staffing support to maintain the system, servers, creation of a virtual private network, and laptop computers. [Estimated cost: \$200,000 to \$500,000]
- Providing access to the network in the courtroom. This initiative would require staff analysis, staffing support to maintain the system, servers, equipment for wired and wireless access, and potentially laptop computers. [Estimated cost: \$150,000 to \$500,000]
- Computer upgrades for digital evidence. The Department states that much of the evidence given to DAs is in a digital format and that the ability to read, store, and reproduce this information may require additional disk storage, DVD drives, and rewritable DVR's. [Estimated cost: \$150,000]
- Providing equipment to help collect statewide caseload statistics. The Department states that once all of the counties have connected to the case management system that more accurate statistical data on the workload of district attorneys could be extracted. Additional funding may be needed to staffing support and maintenance, data storage, development, documentation and

training. [Estimated cost: \$250,000]

14. The lists of potential projects are IT systems upgrades requested by DA offices, which the DA's and DOA believes will increase the efficiency of prosecutor offices. Also, the estimated revenues appear sufficient to fund these one-time costs. In reviewing this list, these plans represent potential costs ranging from \$750,000 to \$1,400,000 over the biennium, while the Department has requested \$800,000 of expenditure authority over the biennium for these programs. While the Department may not have sufficient authority to complete all of these projects it is likely that they could fund several of the highest priority projects. It could be argued that the Legislature should approve this additional funding for the justice information system as part of the 2007-09 biennial budget.

15. Alternatively, it could be argued that some of these costs are not warranted at this time. For instance, computer upgrades might be done more economically when computers and servers are purchased. Since the computers are currently on a four-year replacement cycle, half of the updates could be completed this biennium, while the remaining upgrades could be completed in the 2009-11 biennium with minimal additional staffing costs for updating the systems.

16. It could also be argued that while the Department states these costs would be one-time in nature, it appears that several of the projects would include IT infrastructure that would likely have ongoing maintenance and replacement costs. There could be significant ongoing cost increases for providing DAs with laptop computers that have wireless capability, including hardware replacement, software, annual wireless connection provider costs, and maintenance and support staffing.

17. Finally, the Committee may wish to consider whether it is appropriate to provide funding for a list of potential projects, since it does not allow the Committee an opportunity to determine whether a specific project is an appropriate use of the funds and whether the costs are excessive. The Legislative Audit Bureau's recent audit on Information Technology Projects [April, 2007] recommends improved specifications and standards for planning IT processes, including: (a) clear project specifications detailing the functions required or sought; (b) realistic cost estimates and time lines that adequately reflect planned work that are regularly updated to reflect necessary changes; and (c) accurate estimates of project complexity.

18. The Committee may wish to specify that funding proposed as part of the 2009-11 budget would include which projects would be undertaken, the estimated time of completion, and the amount of funding that is required to complete the project. The Committee could choose to delete the one-time funding in 2007-09 (\$300,000 in 2007-08 and \$500,000 in 2008-09).

19. If the Committee chooses to reduce the funding provided under the bill, it could also consider replacing penalty surcharge funding with justice information surcharge. It is estimated that the penalty surcharge will be in a deficit of \$1,556,700 at the end of the 2006-07.

20. Currently, \$278,700 PR annually is provided for DA IT from these surcharges. The

Governor has recommended a reduction \$13,900 PR in 2007-08 from the penalty assessment supported appropriation. The Committee could consider eliminating the penalty surcharge funding for DA IT and replacing these amounts with funding from the justice information surcharge, which would provide an additional \$543,500 over the biennium to reduce this deficit.

21. Alternatively, if the Committee wishes to allow the Department to proceed with one or more of these projects, it could allow the Department to request additional funding under the 14-day passive review process, requiring the Department to show: (a) which projects would be undertaken; (b) that funding is available for the projects; (c) the timeline for completing the projects; (d) the total cost of the projects; and (e) whether sufficient staffing is available to complete the ongoing projects along with these one-time projects.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to provide \$1,714,400 PR in 2007-08 and \$1,974,400 PR in 2008-09.

| ALT 1 | Change to Bill Funding | Change to Base Funding |
|-------|---------------------------|---------------------------|
| PR | \$0 | \$3,688,800 |

2. Modify the Governor's recommendation by -\$45,100 PR in 2007-08 and \$5,600 PR in 2008-09 for providing the restimated amounts as identified by the Department.

| ALT 2 | Change to Bill Funding | Change to Base Funding |
|-------|---------------------------|---------------------------|
| PR | -\$39,500 | \$3,629,300 |

3. Modify the Governor's recommendation by providing -\$234,500 PR in 2007-08 and -\$243,200 PR in 2008-09 and 4.0 PR positions annually to provide state employees for the operation and management of the case management system in Milwaukee County. *[This Alternative can be selected in addition to or separate from Alternative 2.]*

| ALT 3 | Change to Bill | | Change to Base | |
|-------|----------------|-----------|----------------|-----------|
| | Funding | Positions | Funding | Positions |
| GPR | -\$477,700 | 4.00 | \$3,211,100 | 4.00 |

4. Maintain current law.

| ALT 4 | Change to Bill Funding | Change to Base Funding |
|-------|---------------------------|---------------------------|
| PR | -\$3,688,800 | \$0 |

5. In addition to Alternative 4, specify the Department may request additional expenditure authority associated with district attorney information technology projects under a 14-day passive review of the Joint Committee on Finance. Require the Department to present the following information with any request for additional authority: (a) a list of the projects that would be undertaken; (b) the amount of funding available for the projects; (c) a timeline for completing the projects; (d) the total cost for each project; and (e) staffing levels needed to complete the projects and whether these projects can be completed with existing staff resources.

6. In addition to Alternatives 3 or 4, delete \$264,800 PR in 2007-08 and \$278,700 PR in 2008-09 from the justice information system appropriation funded from penalty surcharge funds [s. 20.505(1)(kq) of the statutes] and provide \$264,800 PR in 2007-08 and \$278,700 PR in 2008-09 from the justice information surcharge supported appropriation.

| ALT 6 | Change to Bill Funding | Change to Base Funding |
|--------------|-----------------------------------|-----------------------------------|
| PR | \$0 | \$0 |

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