



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #123

Law Enforcement Officer Supplement Grants to the City of Milwaukee (DOA -- Office of Justice Assistance)

Bill Section

[LFB 2007-09 Budget Summary: Page 39, #4]

CURRENT LAW

Under current law, there are two statutory local assistance grant programs designed to provide assistance to cities for the purpose of addressing law enforcement needs. The law enforcement officer supplement grant program is administered by the Department of Administration's Office of Justice Assistance (OJA) and provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. In 2006-07, \$1,000,000 GPR is budgeted to the grant program.

The law enforcement community policing grant program is administered by the Department of Justice (DOJ) and provides grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime. Although the program has no base funding, the Joint Committee on Finance and the Governor utilized the program to provide \$750,000 GPR to the City of Milwaukee in 2005-06.

GOVERNOR

Provide \$750,000 GPR annually under a new GPR annual appropriation for law enforcement officer supplement grants to 1st class cities. The Office of Justice Assistance would be required to provide grants from the appropriation to the City of Milwaukee (the only city currently qualifying as a 1st class city under state statute) to employ additional uniformed law

enforcement officers. For each year that the City receives a grant, the City would be required to provide matching funds of at least 25% of the amount of the grant.

The Office of Justice Assistance would be permitted to make grants to the City of Milwaukee under this program in addition to any grant it provided the City under the existing OJA law enforcement officer supplement grant program.

DISCUSSION POINTS

1. *Law Enforcement Officer Supplement Grant Program.* Under 1993 Wisconsin Act 193, the Legislature created a law enforcement officer supplement grants program under OJA. Act 193 initially appropriated \$1,000,000 GPR in 1994-95 to fund grants under the new program. This annual level of grant funding has been maintained in each succeeding fiscal year since 1994-95. Under this program, OJA provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling.

2. A city is eligible to apply for a grant under this program if it has a population of at least 25,000. OJA must make grant awards to the ten eligible cities submitting applications that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available from the Federal Bureau of Investigation's uniform crime reporting system. OJA may not award an annual grant in excess of \$150,000 to any one city.

3. A city applying for a grant under the program must include a proposed plan for expenditure of the grant moneys. Such funding may be utilized only for salary and fringe benefits costs; further, the grantee must provide a 25% local match to any grant funds received under the program. Cities may generally not utilize the grant funding to pay for overtime costs (except in the first year of a city's initial grant under the program), and the grant funding must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties. For the 2006-07 fiscal year, the City of Milwaukee received a maximum \$150,000 grant under the program. The following table identifies the grants made by OJA under the program for 2006-07.

Law Enforcement Officer Supplement Grants for 2006-07

<u>City</u>	<u>Amount</u>
Madison	\$150,000
Milwaukee	150,000
Green Bay	134,300
Racine	117,400
Kenosha	101,800
West Allis	94,400
Janesville	78,900
Beloit	65,700
Stevens Point	56,300
Wausau	<u>51,200</u>
Total	\$1,000,000

4. *Law Enforcement Community Policing Grants Program.* Also under the provisions of 1993 Wisconsin Act 193, the community policing grants program was established under DOJ and was provided \$500,000 GPR in 1993-94 under a biennial appropriation. Since funding for the program was budgeted only in the first fiscal year of the biennial appropriation, there was no base funding level to carry forward into the next biennium. Until the Committee utilized the program to provide funding to Milwaukee in June of 2006, the program had not been appropriated any additional funding by the Legislature since the 1993-95 fiscal biennium.

5. Under this program, DOJ is required to provide grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime. If the City of Milwaukee applies for a grant under the program, the City must include a proposed plan of expenditure of the grant funds. DOJ is required to review any such application and plan and must provide the grant to the City of Milwaukee if the submitted materials meet the requirements of the program.

6. On June 12, 2006, the Department of Administration (DOA) submitted a s. 13.10 request to the Joint Committee on Finance requesting that \$1,000,000 GPR be transferred in 2005-06, from the Department of Health and Family Services state foster care and adoption services appropriation (from lapsed funds) to the OJA general program operations appropriation in 2005-06, to provide grants to the City of Milwaukee for police overtime costs. The DOA request cited the following rationale for providing funding for additional law enforcement resources to the City of Milwaukee: “[o]ver this past Memorial Day weekend, the state witnessed significantly heightened incidence of violent crimes in the [C]ity of Milwaukee with 28 separate shootings in the city, resulting in four fatalities and 24 individuals wounded.” Consequently, “[s]afeguarding Wisconsin’s citizens, businesses and visitors is paramount to a high quality of life and a prosperous economy. Milwaukee, as the state’s largest city, faces unique challenges. Recent events have demonstrated that additional enforcement resources are necessary to protect families and business[es] in Milwaukee’s neighborhoods and parks.” To this end, the Governor announced on Friday June 2, 2006, that: (a) \$500,000 FED in Workforce Investment Act funding for a summer youth jobs program and \$200,000 FED in Byrne funding for additional police would be immediately provided to the City of Milwaukee; and (b) an additional \$1,000,000 GPR would be requested from the Joint Committee on Finance for police overtime costs in the City of Milwaukee.

7. On June 21, 2006, the Committee approved transferring \$750,000 GPR to DOJ’s law enforcement community policing grants appropriation to provide a grant to the City of Milwaukee for police overtime costs.

8. Under the bill, the administration would now create a third grant program to allocate state funding to support local law enforcement. Only the City of Milwaukee would be eligible to apply for the \$750,000 GPR annually in funding under the program, and the funds could be utilized by the City to employ additional uniformed law enforcement officers. The City would be required to provide matching funds of at least 25% of the amount of the grant.

9. Unlike OJA’s current law enforcement officer supplement grant program, there would be no requirement that the grant funding must result in a net increase in the number of

uniformed law enforcement officers in the City of Milwaukee. It could be argued that the program's language would permit the City to hire new officers but not provide a net increase in the number of uniformed law enforcement officers in the City's police force. Under the recommended program there would be no prohibition restricting the City from utilizing the funding to replace existing base law enforcement funding. As the purpose of the recommended program is to permit the City to employ additional uniformed law enforcement officers, it is also anticipated that the City could utilize its existing law enforcement officer payroll to provide the required 25% match under the program.

10. On the other hand, OJA and the City of Milwaukee could agree that in the actual administration of the program: (a) the City of Milwaukee would ensure that the funding was utilized to create a net increase in the number of uniformed law enforcement officers in the City; (b) the City would not utilize the funding to replace existing base law enforcement funding; and (c) the City would appropriate new funding to provide the required 25% match. Alternatively, the Committee could specify that under the new grant program: (a) the grant funding must result in a net increase in the number of uniformed law enforcement officers in the City; and (b) the City must appropriate new funding to provide the required 25% match under the program.

11. The administration indicates that the funding provided under SB 40 is intended to provide ongoing law enforcement funding for the City of Milwaukee to extend the support provided last June under s. 13.10 of the statutes. For this reason the new program was not developed as a competitive grant program.

12. If the Committee wishes to provide an additional ongoing source of funding to the City of Milwaukee for its law enforcement needs, the Committee could consider approving the new grant program under OJA as recommended under SB 40. As Milwaukee County had the highest violent crime rate in 2005, the Committee could conclude that it is important to provide additional law enforcement support to the county's largest city.

13. Under the provisions of the bill, the City of Milwaukee must be allocated the funding, and the only conditions are that the City: (a) utilize the funds to employ additional uniformed law enforcement officers; and (b) provide a 25% match. Under the program there are no application requirements and no reporting requirements. Given the limited administrative responsibilities, if the Committee wishes to approve the recommendation, the Committee could consider creating an appropriation for the funds under the Department of Administration's Division of Administrative Services and simply have the Secretary of Administration issue an annual check to the City with the requirement that the City would comply with the conditions for receipt of the funds.

14. It could be argued, however, that the recommended grant program duplicates the community policing grants program under DOJ that was utilized by the Committee under s. 13.10 to provide additional law enforcement funding to the City of Milwaukee. This program may be utilized to provide grants to the City for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime. If the Committee concludes that the recommended grant program is duplicative of DOJ's

grant program, the Committee could provide \$750,000 GPR annually to the community policing grants program under DOJ in lieu of the new grant program recommended under the bill. On the other hand, while the recommended program is similar to the existing program at DOJ, the recommended program would provide funding to the City to employ additional uniformed law enforcement officers.

15. Some might express the concern that the recommended program would provide funding exclusively to the City of Milwaukee, even though other cities are also in need of law enforcement assistance. If the Committee is concerned with providing additional law enforcement assistance funding more broadly, the Committee could consider providing an additional \$500,000 GPR annually to the law enforcement officer supplement grant program under OJA, which has current base funding of \$1,000,000 GPR annually. Under this alternative, each of the 10 eligible cities submitting applications that have the highest rates of violent crime index offenses could receive the maximum \$150,000 annual grant under the program. The remaining \$250,000 GPR in annual funding provided under the bill could be provided to the City of Milwaukee either under the recommended program under OJA, or through the community policing grants program under DOJ.

16. Administration staff indicates that the level of recommended funding for the City of Milwaukee was determined by balancing the need for additional law enforcement services in Milwaukee with available state funding and competing needs across state government. If the Committee wishes to provide funding for the program but at a lower funding amount, it could consider providing \$500,000 annually or \$250,000 annually to the City of Milwaukee under the community policing grants program.

17. It could also be argued that the funding provided last June under s. 13.10, permitted the City of Milwaukee to respond to an immediate need for law enforcement services until such time as the City could review and re-prioritize its own budget to provide additional funding for law enforcement. Law enforcement and other local services are generally the responsibility of local units of government. In addition, under SB 40 as introduced, the City of Milwaukee is estimated to receive an increased shared revenue payment of \$4,010,500 GPR in 2008-09, for use by the City in calendar year 2008. In calendar year 2007, the City of Milwaukee will receive \$229,856,500 GPR in shared revenue funding.

The recommended grant program would provide funding to employ additional uniformed law enforcement officers. Arguably, this is the type of broad funding need that is intended to be addressed through shared revenue payments. As a result, the Committee could also consider deleting the funding provided under SB 40.

18. On the other hand, given the law enforcement needs in Wisconsin's cities, in the City of Milwaukee in particular, the Committee could consider providing additional resources for law enforcement under one of the alternatives identified above.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$750,000 GPR annually under a new GPR annual appropriation for law enforcement officer supplement grants to 1st class cities to employ additional uniformed law enforcement officers. Require 1st class cities receiving grant funding to provide matching funds of at least 25% of the amount of the grant. Permit the Department of Administration's Office of Justice Assistance (OJA) to make grants under this program in addition to any grants it provides under the existing OJA law enforcement officer supplement grant program.

ALT 1	Change to Bill Funding	Change to Base Funding
GPR	\$0	\$1,500,000

2. Modify the recommendation by providing \$750,000 GPR annually under a new GPR annual appropriation under the Department of Administration's Division of Administrative Services for an annual payment to the City of Milwaukee to employ additional uniformed law enforcement officers. Under this alternative, the Secretary of Administration would issue an annual check to the City of Milwaukee from this appropriation with the requirement that the City would comply with the conditions for receipt of the funds.

ALT 2	Change to Bill Funding	Change to Base Funding
GPR	\$0	\$1,500,000

3. Reduce funding provided to the new GPR annual appropriation for law enforcement officer supplement grants to 1st class cities to \$250,000 GPR annually. Provide an additional \$500,000 GPR annually to OJA's law enforcement officer supplement grant program to increase funding available to ten eligible cities that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available from the Federal Bureau of Investigation's uniform crime reporting system.

ALT 3	Change to Bill Funding	Change to Base Funding
GPR	\$0	\$1,500,000

4. Specify that under the new law enforcement officer supplement grants to 1st class cities program: (a) the grant funding must result in a net increase in the number of uniformed law enforcement officers in the City; and (b) the City must appropriate new funding to provide the required 25% match under the program. [*This alternative may be selected in addition to any of the above alternatives.*]

5. Delete provision and instead provide \$750,000 GPR annually to the law enforcement community policing grants program under the Department of Justice (DOJ) to provide grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime.

ALT 5	Change to Bill Funding	Change to Base Funding
GPR	\$0	\$1,500,000

6. Delete provision and instead provide: (a) \$500,000 GPR annually to the law enforcement officer supplement grant program under OJA, to permit the Office to provide grants of \$150,000 GPR annually to the 10 cities submitting applications that have the highest rates of violent crime index offenses as reported in the Federal Bureau of Investigation's uniform crime reporting system; and (b) \$250,000 GPR annually to the law enforcement community policing grants program under DOJ to provide grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime.

ALT 6	Change to Bill Funding	Change to Base Funding
GPR	\$0	\$1,500,000

7. Delete provision and instead provide \$500,000 GPR annually to the law enforcement community policing grants program under DOJ to provide grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime.

ALT 7	Change to Bill Funding	Change to Base Funding
GPR	-\$500,000	\$1,000,000

8. Delete provision and instead provide \$250,000 GPR annually to the law enforcement community policing grants program under DOJ to provide grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime.

ALT 8	Change to Bill Funding	Change to Base Funding
GPR	-\$1,000,000	\$500,000

9. Delete provision.

ALT 9	Change to Bill Funding	Change to Base Funding
GPR	- \$1,500,000	\$0

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