



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #397

### County Law Enforcement Services Grant Funding (Justice -- General Agency Provisions)

[LFB 2013-15 Budget Summary: Page 277, #15]

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#### CURRENT LAW

The county law enforcement services grant program provides funding for county law enforcement services in counties that border tribal reservations. Of the \$490,000 PR in annual base funding for grants to counties under the program, \$300,000 annually must be allocated to Forest County. Funding for the program is provided from tribal gaming revenues.

#### GOVERNOR

Delete the statutory requirement to make a grant totaling \$300,000 PR annually to Forest County under the county law enforcement services grant program. [This recommendation would delete the statutory directive but not the base funding to make grants under the program.]

#### DISCUSSION POINTS

1. Section 165.89 of the statutes creates the county law enforcement services grant program. A county is eligible to participate in the grant program if the county: (a) borders one or more federally-recognized Indian reservations; (b) has not established a cooperative county-tribal law enforcement program with each such tribe or band; (c) demonstrates a need for grant-eligible law enforcement services; and (d) applies for a grant and submits a proposed plan showing how the funds will be used to support law enforcement services.

2. The Department of Justice (DOJ) is required to develop criteria and procedures to be used in administering the grant program. Of the \$490,000 PR in annual grant funding under the program, state statute specifically provides that DOJ must allocate \$300,000 PR annually under the

program to Forest County. The Department utilizes a three-criteria formula (county population, county crime rate, and county unemployment rate) to make awards of the remaining \$190,000 PR annually in funding under this program to Wisconsin counties. In order to mitigate large grant award fluctuations from year to year, DOJ averages the preliminary award for a given year with up to three of the most recent grants for a given county. State statute also provides that apart from the annual directive to provide \$300,000 to Forest County, no grant recipient under the program may receive an annual grant award in excess of \$50,000.

3. The following table identifies the current law award amounts under the county law enforcement services grant program for 2012-13, the amounts that would have been paid out under the program for 2012-13 under the provisions of AB 40 to current grant recipients, and the percent funding change for each county under the program under the provisions of AB 40, as introduced.

**Grants to Counties under the County Law Enforcement Services  
Grant Program--Current Law and AB 40**

<u>County</u>	<u>Current Law</u>	<u>AB 40</u>	<u>% Change</u>
Forest	\$300,000	\$50,000	-83.33%
Shawano	33,970	50,000	47.19
Oneida	33,289	50,000	50.20
Burnett	31,012	50,000	61.23
Menominee	28,990	50,000	72.47
Oconto	25,851	50,000	93.42
Langlade	21,731	50,000	130.09
Barron	<u>15,157</u>	<u>50,000</u>	229.88
Total	\$490,000	\$400,000	

4. Under AB 40, the seven counties other than Forest County would have experienced increased grant awards ranging from a 47.19% increase for Shawano County to a 229.88% increase for Barron County. Although it is unclear whether any additional counties qualify to participate in the program, barring increased future participation by additional counties, the statutory requirement that no participating county under the program may receive more than \$50,000 annually in funding under the program eliminated the need to utilize the DOJ formula to allocate funding under the program. Under AB 40, as introduced, the program would be budgeted \$490,000 PR annually in grant funding, but would only need \$400,000 PR annually to fully fund \$50,000 annual grants for each of the eight counties currently participating in the program. As a result, the Committee could consider modifying the Governor's recommendation by reducing funding for the program by \$90,000 PR annually. Since the program is funded from tribal gaming revenue, a reduction in PR expenditures would result in a corresponding increase in tribal gaming revenue to the general fund (\$90,000 GPR-Tribal annually). [Alternative 2]

5. Under AB 40, Forest County would experience an 83% reduction in its annual funding under the county law enforcement services grant program. Department of Justice staff

indicates that the Department requested the deletion of the annual \$300,000 Forest County statutory directive because it has "created inequities in the distribution of funds to the recipients." As the above table indicates, the statutory directive substantially altered how funds under the program have been allocated.

6. In order to uniformly apply program requirements and any formula to allocate funding to all participants, and in order to provide increased law enforcement resources for the remaining counties under the program, the Committee could approve the elimination of the statutory directive for Forest County. [Alternative 1] If no additional counties qualify to participate in the program, this alternative could overfund the program by \$90,000 PR annually.

7. Forest County is the fifth least populated county in the state with an estimated population on January 1, 2012, of 9,197 people. Forest County is 1,014 square miles in size with a 2010 average of 9.2 persons per square mile. In contrast, Wisconsin as a whole is 54,157 square miles in size with an average of 105 persons per square mile. According to the Forest County website, 59% of the county's land is public land. For calendar year 2013, Forest County has budgeted property tax collections of \$5,192,134. If the Committee were to delete \$250,000 annually from the award to Forest County under the county law enforcement services grant program, this \$250,000 in reduced grant funding would represent 4.8% of total property tax collections that Forest County has budgeted to collect for calendar year 2013.

8. The Forest County Sheriff has indicated that the County experiences certain law enforcement challenges. Due to the geographic size of the County, the Sheriff indicated that when responding to a call the nearest back-up within the County may sometimes be 45 minutes away. In addition to its large geographic size, the County has two Indian reservations and two casinos. In providing law enforcement resources for the County, the 2013 Forest County budget provides a Sheriff's budget totaling \$1,744,088. This budget supports 18 full-time sworn law enforcement officers, including the Sheriff, nine part-time sworn law enforcement officers, and two secretaries.

9. Of the \$1,744,088, calendar year 2013 Forest County Sheriff's budget (which includes its \$300,000 annual grant award under the county law enforcement services grant program), a \$250,000 annual reduction in grant funding under the county law enforcement services grant program would represent 14.3% of the total budget for the Forest County Sheriff's office. The Forest County Sheriff indicated that he did not know how his office could operate without the state grant funding. Based on the law enforcement challenges faced by Forest County, the significance of the county law enforcement services grant funding to the Forest County Sheriff's office, and the more limited financial resources of Forest County, the Committee could also consider deleting the recommendation and maintain the \$300,000 annual grant award to Forest County under the county law enforcement services grant program. [Alternative 3]

## **ALTERNATIVES**

1. Delete the statutory requirement to make a grant totaling \$300,000 PR annually to Forest County under the county law enforcement services grant program. [This alternative would delete the statutory directive to provide this specific grant to Forest County, but not the base funding

to make grants under the program.]

2. Delete \$90,000 PR annually in grant funding from the county law enforcement services grant program. Increase tribal gaming revenue to the general fund by a corresponding \$90,000 GPR-Tribal annually. This alternative would fully fund annual \$50,000 grants to all eight counties currently participating in the program, but would delete additional base funding not utilized to fund these grants.

<b>ALT 2</b>	<b>Change to Bill Funding</b>
GPR-Tribal	\$180,000
PR	- \$180,000

3. Delete provision. Under this alternative, Forest County would continue to receive a \$300,000 PR annual grant under the county law enforcement services grant program.

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