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Joint Committee on Finance

Paper #405

Transfer the Office of Justice Assistance (DOA -- Transfers, Corrections- Community Corrections, Justice -- Transfers, and Military Affairs)

[LFB 2013-15 Budget Summary: Page 27, #1, Page 132, #6,
Page 133, #7, Page 278, #1, and Page 302, #2]

CURRENT LAW

Office of Justice Assistance. The Department of Administration's Office of Justice Assistance (OJA) is the state administering agency for a series of federal grant programs in the areas of criminal justice and homeland security. In addition to administering federal grant programs, the Office also administers a number of state-funded grant programs. These state-funded grant programs include the youth diversion grant program, the law enforcement officer supplement grant program, the treatment alternatives and diversion (TAD) grant program, the child advocacy centers grant program, the American Indian tribal community reintegration program, and the victims of sexual assault grant program.

Law Enforcement Officer Supplement Grant Program. Under this program, the state provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. Grants are awarded to the 10 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 FBI's Uniform Crime Reporting system. No city may receive an annual grant in excess of \$150,000. Grants are supported with \$1,224,900 PR annually in base grant funding provided from the justice information system surcharge.

Youth Diversion Grant Program. Under the youth diversion grant program, the state enters into contracts with organizations for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs. The statutes specifically require youth diversion contracts to be entered into with organizations in specifically identified counties and municipalities. Grants are supported with the following annual base funding: (a) \$321,000 GPR; (b) \$672,400 PR in

penalty surcharge funding; and (c) \$281,600 PR annually in transferred federal grant funding.

Victim of Sexual Assault Grant Program. The program provides grants to nonprofit organizations that provide services to victims of sexual assault funded from revenues received from Part C of the child pornography surcharge.

Treatment Alternatives and Diversion (TAD) Grant Program. The TAD grant program is intended to provide grants to counties to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, which provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The program is supported with the following annual base expenditure authority: (a) \$1,078,400 PR in justice information system surcharge funding; and (b) \$7,500 PR in drug abuse program improvement surcharge and drug offender diversion surcharge funding. While the TAD program has a GPR annual appropriation, no funding has been provided to this appropriation.

Current law provides that OJA must enter into one or more contracts for the purpose of evaluating the TAD program and that these evaluations must be funded from revenue received by the TAD program other than the \$21.50 justice information system surcharge. Current law also requires that a report be provided to the Legislature by December 31, 2011, regarding: (a) savings generated under the TAD program; and (b) recommendations regarding how the TAD program should be structured in the future.

Child Advocacy Centers Grant Program. Under the Child Advocacy Centers grant program, the state provides 14 annual grants of \$17,000 each to child advocacy centers in 14 counties identified under state statute for education, training, medical advice, and quality assurance activities. The statutes specifically identify the grant recipients in 11 counties (Chippewa, Dane, Green, Kenosha, La Crosse, Marathon, Milwaukee, Rock, Waukesha, Winnebago, and Wood), while in Brown, Racine, and Walworth Counties the statutes specify that a child advocacy center in the county receive the annual grant. Grants are supported with \$238,100 in annual base grant funding provided from the justice information system surcharge.

American Indian Tribal Community Reintegration Program. This program is intended to facilitate the reintegration of American Indians who have been incarcerated in a state prison into their American Indian tribal communities. The program is supported with \$50,000 PR annually in base funding in Indian gaming revenue.

Statistical Analysis Center. The Office of Justice Assistance maintains a statistical analysis center supported by federal grant funding. Under s. 16.964(1m)(f) and (g) of the statutes, OJA's statistical analysis center is responsible for: (a) serving as a clearinghouse of justice system data and information; (b) conducting justice system research and data analysis; (c) collecting and publishing statewide crime and arrest data from all participating law enforcement agencies (primarily local law enforcement agencies); and (d) forwarding statewide crime and arrest data to the FBI and participating in the FBI's Uniform Crime Reporting (UCR) program.

Wisconsin Justice Information Sharing Program. The Office also administers the Wisconsin justice information sharing (WIJIS) program. The two main information technology

initiatives of WIJIS are the Justice Gateway and the WIJIS Workflow Services. The Justice Gateway is a web-based tool which provides law enforcement with a single, secure point of read-only access to information stored in separate justice-related state, local, and tribal databases from communities across Wisconsin. The Workflow Services is designed to support many different types of information exchange securely over authenticated Internet connections. The intent of Workflow Services is to streamline the processing of criminal justice records across multiple agencies. For example, the Workflow Services application eCitation supports the secure exchange of electronic citations originated by law enforcement agencies. Workflow Services routes citations to the courts, prosecutors, local municipal court systems, and multiple tracking/reporting databases, based on business routing rules established by the users of the system.

Wisconsin Interoperable System for Communications. The Office of Justice Assistance is required to provide staff support for the Interoperability Council, as well as oversight of the development and operation of a statewide public safety interoperable communication system, known as the Wisconsin interoperable system for communications (WISCOM). The WISCOM system was developed to permit state, local, and private emergency responders statewide to communicate with each other. The base WISCOM system consists of five Very High Frequency (VHF) channels that permit emergency responders to carry on four simultaneous conversations in a given area utilizing a particular radio tower.

Interoperability Council. The Interoperability Council is required to: (a) identify types of agencies and entities, including public works and transportation agencies, hospitals, and volunteer emergency services agencies to be included, in addition to public safety agencies, in a statewide public safety interoperable communication system; (b) recommend short-term and long-term goals to achieve a statewide public safety interoperable communication system; (c) recommend and periodically review a strategy and timeline for achieving such a statewide communication system including objectives for local units of government; (d) assist in identifying and obtaining funding to implement a statewide public safety interoperable communication system; and (e) advise on fund allocation, including those available for homeland security, for the purpose of achieving a statewide communication system.

Base funding for OJA in 2012-13 totals \$65,049,200 with 43.30 positions.

Department of Justice. The Department of Justice (DOJ) represents the interests of the state in court, and provides advice to state officers and agencies regarding their legal rights and responsibilities. These responsibilities include representing the state in felony criminal appeals. State statutes assign some active law enforcement duties to DOJ, typically involving crimes that are statewide in nature, importance, or influence. These responsibilities are addressed by the Department's Division of Criminal Investigation. In addition, while local units of government are primarily responsible for providing law enforcement protection, DOJ provides law enforcement services to state and local law enforcement agencies. These services include: (a) staffing the Law Enforcement Standards Board; (b) administering the training and certification requirements for law enforcement, tribal law enforcement, jail, and secure juvenile detention officers; (c) maintaining the state's criminal history database including the Automated Fingerprint Identification System; (d) maintaining the Transaction Information for the

Management of Enforcement (TIME) system, which provides law enforcement agencies across the state access to a variety of law enforcement-related databases; and (e) administering the state crime laboratories, including the state's DNA database. The Department is also responsible for administering the state's concealed weapons licensure program and the handgun purchaser record check program. Finally, DOJ administers certain crime victim and witness programs including funding for county victim and witness service programs, the crime victim compensation program, the sexual assault victim services grant program, the sexual assault forensic exams program, and federal funding received under the Victims of Crime Act (VOCA). Base funding for DOJ in 2012-13 totals \$89,449,400 with 609.49 positions.

Law Enforcement Standards Board. The 15 member Law Enforcement Standards Board is attached to DOJ. The Board has the following duties: (a) ensure that law enforcement, tribal law enforcement, jail and secure juvenile detention recruits meet the minimum qualifications for recruitment; (b) oversee and fund the training of such recruits; (c) certify such recruits as officers upon the successful completion of their training; (d) oversee and fund the annual recertification training of certified law enforcement, tribal law enforcement, jail, and secure juvenile detention officers; (e) certify schools and instructors that provide preparatory training to recruits and recertification training to certified officers; and (f) maintain an updated statewide record of all certified officers.

Department of Military Affairs. The Wisconsin Army and Air National Guard are a part of the Department of Military Affairs (DMA). In addition, Wisconsin Emergency Management is a part of DMA. Wisconsin Emergency Management is responsible for coordinating planning, preparedness, mitigation, response and recovery efforts to natural and man-made disasters. Base funding for DMA in 2012-13 totals \$83,597,700 with 416.56 positions.

Department of Corrections. The Department of Corrections is responsible for the care and treatment of adult and juvenile offenders placed under state supervision by the courts. The Department operates three primary programs: (a) adult correctional services; (b) the Parole Commission; and (c) juvenile correctional services. Adult correctional services include the operation of 36 adult correctional facilities, including 20 prisons and 16 correctional centers, correctional field services, and administrative duties. The Parole Commission is an eight-member commission responsible for granting discretionary parole for eligible inmates. The juvenile correctional services program manages the state's two juvenile facilities, field services, and administration functions for juvenile corrections. Base funding for the Department in 2012-13 totals \$1.3 billion with 10,254.37 positions.

GOVERNOR

Transfer the funding and positions and associated appropriations of the Office of Justice Assistance as identified below, to the Department of Justice, Corrections or Military Affairs.

Transfer of Administrative Resources to Justice. Delete \$249,900 GPR and 2.42 GPR positions annually provided to OJA to administer the Office. In addition, delete \$177,000 PR and 1.4 PR positions annually provided to OJA to administer its law enforcement and youth

diversion programs. Program revenue funding is provided from the penalty surcharge and deposited to the PR annual law enforcement programs and youth diversion-administration appropriation.

Provide \$203,800 GPR and 1.77 GPR positions annually to DOJ's Law Enforcement Services' general program operations appropriation. Transfer the PR annual law enforcement programs and youth diversion-administration appropriation to DOJ and provide \$161,100 PR and 1.4 PR positions annually to this appropriation.

Transfer of Federal Grant Programs to Justice and Military Affairs. Delete \$58,633,700 FED and 27.48 FED positions in 2013-14, and \$58,416,700 FED and 24.98 FED positions in 2014-15, from OJA. Delete the responsibility of OJA to administer: (a) federal homeland security grant programs not related to interoperable communications; (b) federal homeland security grant programs related to interoperable communications; and (c) criminal justice-related grant programs.

Provide \$17,013,100 FED and 16.38 FED positions in 2013-14, and \$16,954,900 FED and 15.38 FED positions in 2014-15, to DOJ to administer federal criminal justice-related grant programs as well as federal homeland security grant programs related to interoperable communications. Transfer the administration of the juvenile justice improvement plan and associated grant funding under the federal Juvenile Justice and Delinquency Prevention Act from OJA to DOJ.

Provide \$16,633,600 FED and 3.0 FED positions annually to DMA to administer federal homeland security grant programs (other than interoperable communications).

Transfer of Interoperable Communications Program to Justice. Delete \$1,016,500 PR and 2.35 PR positions annually from OJA. Provide \$1,220,200 PR and 3.30 PR positions annually to DOJ. Provide that oversight of the development and operation of a statewide public safety interoperable communication system known as the Wisconsin Interoperable System for Communications (WISCOM) be transferred from OJA to DOJ.

Delete the Executive Director of OJA, or his or her designee, as one of the 15 members of the Interoperability Council which is attached to DOA. Instead provide that the Attorney General, or his or her designee, would serve as a member of the Council.

Transfer of Wisconsin Justice Information Sharing Program to Justice. Delete \$679,400 PR and 4.7 PR positions in 2013-14, and \$673,100 PR and 4.6 PR positions in 2014-15 from OJA. Provide \$661,700 PR and 4.40 PR positions annually to DOJ. Specify that DOJ administer the WIJIS program, including its two main information technology initiatives, the Justice Gateway and the WIJIS Workflow Services.

Transfer of State-Funded Grant Programs to Justice. Delete \$3,552,900 PR and \$321,000 GPR annually in funding from OJA and transfer state-funded grant programs administered by the Office to DOJ. Provide \$3,552,900 PR and \$321,000 GPR annually to DOJ associated with these state-funded grant programs. The following programs would be transferred from OJA to DOJ: (a) law enforcement officer supplement grant program (beat patrol); (b) youth

diversion grant program; (c) victims of sexual assault grant program; (d) treatment alternatives and diversion (TAD) grant program; and (e) child advocacy centers grant program.

Eliminate the current law provision which required a report be provided to the Legislature by December 31, 2011, regarding: (a) savings generated under the TAD program; and (b) recommendations regarding how the TAD program should be structured in the future.

Transfer State-Funded American Indian Tribal Community Reintegration Program to Corrections. Delete \$50,000 PR annually from OJA, and transfer the American Indian tribal community reintegration program and its associated appropriation to Corrections. Provide \$50,000 PR annually in funding for this program to Corrections.

Other Transfers to Justice. Provide that the following additional responsibilities be transferred to DOJ:

a. Receive and Expend Grant and Other Funding. Apply for contracts or receive and expend for its purposes any appropriation or grant from the state, a political subdivision of the state, the federal government, or any other source, public or private, in accordance with the statutes.

b. Technical Assistance. Cooperate with and render technical assistance to state agencies and units of local government and public or private agencies relating to the criminal and juvenile justice system.

c. Gifts and Grants Appropriation. Transfer the OJA gifts and grants appropriation to law enforcement services under DOJ.

Delete the Responsibility to Recommend Legislation. Delete the current law responsibility of OJA to recommend appropriate legislation in the criminal and juvenile justice field to the Governor and the Legislature.

Law Enforcement Standards Board. Delete the Executive Director of OJA as one of the 15 members of the Law Enforcement Standards Board which is attached to DOJ. Provide that seven members of the Board, instead of the current law six members, must be representatives of local law enforcement in Wisconsin.

Open Records Law and Law Enforcement Investigation Information. Delete current law which provides that if OJA has custody of a record containing law enforcement investigation information, the Office and any other law enforcement agency with which the Office shares the information contained in the record are not the legal custodians of the record as it relates to that information. In addition, delete current law which provides that for such purposes the legal custodian of the record is the law enforcement agency that provided the law enforcement investigation information to OJA.

Technical College District Board. Delete the authority of the Board to accept gifts, grants and bequests to be used in the execution of its functions and to permit it to accept grants to provide fiscal and management services for OJA.

Auditing of Crime and Justice System Data. Newly provide that DOJ may conduct an audit to determine the accuracy of the data and other information it receives from law enforcement agencies and other criminal and juvenile justice system agencies.

Child Pornography Surcharge Funding from Corrections to Justice. Delete the PR continuing general operations; child pornography surcharge appropriation which receives revenue from Part A of the child pornography surcharge to operate institutions and to provide field and administrative services. Delete expenditure authority of \$5,000 annually. Transfer the unencumbered balance from the appropriation to the PR annual general operations; child pornography surcharge appropriation under DOJ. Provide that all child pornography surcharge revenue support: (a) DOJ investigations of sexual exploitation of a child or possession of child pornography; or (b) the sexual assault victim services grant program under DOJ.

Deleted Appropriations. Delete the following OJA appropriations: (a) GPR annual general program operations; (b) PR continuing interagency and intra-agency aids; (c) FED continuing federal aid, justice assistance, state operations; (d) FED continuing federal aid, homeland security; (e) FED continuing federal aid, criminal justice; and (f) FED continuing federal aid, local assistance and aids. Transfer the unencumbered balance in the OJA PR continuing interagency and intra-agency aids appropriation to the DOJ PR continuing interagency and intra-agency assistance appropriation under Law Enforcement Services. Transfer the unencumbered balance in the OJA FED continuing federal aid, justice assistance, state operations appropriation to DOJ's Law Enforcement Services FED continuing federal aid, state operations appropriation and to DOJ's Victims and Witnesses FED continuing federal aid, state operations relating to crime victim services appropriation as determined by DOA. Finally, transfer the unencumbered balance in the OJA FED continuing federal aid, local assistance and aids appropriation to DOJ's Law Enforcement Services FED continuing federal aid, local assistance appropriation and to DOJ's Victims and Witnesses FED continuing federal aid, victim assistance appropriation as determined by DOA.

Transitional Provisions. Specify that the assets, liabilities, contracts, pending matters, and employees of OJA, except those primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by DOA, become the assets, liabilities, contracts, pending matters, and employees of DOJ. Provide that the assets, liabilities, contracts, pending matters, and employees of OJA primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by DOA become the assets, liabilities, contracts, pending matters, and employees of DMA. Finally, provide that the assets, liabilities, contracts, pending matters, and employees of OJA primarily related to reintegrating American Indians who have been incarcerated, as determined by DOA become the assets, liabilities, contracts, pending matters, and employees of the Department of Corrections.

Specify that all transferred OJA employees would have the same rights and status as they had at OJA. Further, provide that OJA staff that had obtained permanent status would not have to undergo a probationary period in the new agency.

Provide that all rules and orders of OJA, except those primarily related to administering

federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, remain in effect until their specified expiration dates or until amended, modified, repealed, or rescinded by DOJ. Specify that all rules and orders of OJA primarily related to administering federal homeland security moneys, and not related to interoperable communications, remain in effect until their specified expiration dates or until amended, modified, repealed, or rescinded by DMA. Finally, provide that all rules and orders of OJA primarily related to reintegrating American Indians who have been incarcerated, remain in effect until their specified expiration dates or until amended, modified, repealed, or rescinded by the Department of Corrections.

DISCUSSION POINTS

1. The Department of Administration's Office of Justice Assistance (OJA) is the state administering agency for a series of federal grant programs in the areas of criminal justice and homeland security. In addition to administering federal grant programs, the Office also administers a number of state-funded grant programs. These state-funded grant programs include the youth diversion grant program, the law enforcement officer supplement grant program (beat patrol), the treatment alternatives and diversion (TAD) grant program, the child advocacy centers grant program, the American Indian tribal community reintegration program, and the victims of sexual assault grant program. Finally, OJA administers a statistical analysis center and the Wisconsin justice information sharing (WIJIS) program, and oversees the operation of the Wisconsin interoperable system for communications (WISCOM).

2. Under AB 40, all programs and responsibilities of OJA, except those primarily related to administering federal homeland security moneys or the American Indian tribal community reintegration program would be transferred to DOJ. The administration of federal homeland security moneys would return to the Department of Military Affairs (DMA) which administered these funds prior to their transfer to OJA during the 2003-05 biennium. The American Indian tribal community reintegration program would be transferred from OJA to Corrections.

3. Administration staff indicate that the Governor recommended the transfer of OJA programs and responsibilities as outlined above as:

"The Governor examined where programs could be the most effective and where efficiencies could be gained. DOJ works closely with law enforcement, making for a seamless transition for Beat Patrol and Youth Diversion. The Office of Crime Victim Services already administers several grant programs and will be able to handle Child Advocacy Centers and sexual assault grants, as well as administration of the VAWA [Violence Against Women Act] awards. WIJIS and SAC [Statistical Analysis Center] responsibilities can be easily folded in to the data and information support already housed at DOJ. Many different programs in DOJ already handle grant administration for various programs, with grants issued statewide, which makes a good fit for administering Byrne/JAG, JABG etc. [federal criminal justice grant programs] As for the American Indian Reintegration program, the program was transferred to the agency that already handles reintegration from prison. And due to DMA's emergency preparedness responsibilities and as the Adjutant General is the chair of the Homeland Security Council, DMA was the most effective agency to administer the Homeland Security

Program. Programs were aligned with existing knowledge and expertise to realize efficiencies and ensure a seamless transition for recipients."

4. For these reasons the Committee could consider approving the Governor's recommendation to transfer the programs and responsibilities of OJA to DOJ, DMA, and Corrections. [Alternative 1] In identifying the rationale for the dissolution of OJA, the administration did not cite any shortcomings in the current administration of its programs and responsibilities by OJA and its staff. Under the recommendation, existing OJA staff would be transferred to DOJ and DMA to continue their programmatic responsibilities in the new agency.

5. In implementing the transfer under AB 40, the provisions of the bill, in addition to deleting language that the Technical College District Board could no longer accept grants to provide fiscal and management services for OJA, inadvertently deleted the current law authority of the Technical College District Board to accept gifts, grants and bequests to be used in the execution of its function. As a result, if the Committee elects to dissolve OJA under AB 40, the Committee could also choose to restore the current law authority of the Technical College District Board to accept gifts, grants and bequests to be used in the execution of its function. [Alternative 2]

6. Table 1 provides information on the funding and position changes associated with the Governor's recommendation.

TABLE 1

Transfer of Funding and Positions from the Office of Justice Assistance under AB 40

<u>Fund</u>	<u>Agency</u>	<u>Program</u>	<u>2013-14</u>		<u>2014-15</u>	
			<u>Funding</u>	<u>FTE</u>	<u>Funding</u>	<u>FTE</u>
<i>Administrative Funding Analysis</i>						
GPR	OJA	Administration	-\$249,900	-2.42	-\$249,900	-2.42
PR	OJA	Penalty surcharge administration	-177,000	-1.40	-177,000	-1.40
GPR	DOJ	Administration	203,800	1.77	203,800	1.77
PR	DOJ	Penalty surcharge administration	<u>161,100</u>	<u>1.40</u>	<u>161,100</u>	<u>1.40</u>
GPR		Net Change	-\$46,100	-0.65	-\$46,100	-0.65
PR		Net Change	-15,900	0.00	-15,900	0.00
<i>State-funded Grant Programs Transfer Analysis</i>						
PR	OJA	Youth diversion	-\$672,400	0.00	-\$672,400	0.00
PR	OJA	Youth diversion	-281,600	0.00	-281,600	0.00
GPR	OJA	Youth diversion	-321,000	0.00	-321,000	0.00
PR	OJA	Beat patrol	-1,224,900	0.00	-1,224,900	0.00
PR	OJA	TAD	-1,078,400	0.00	-1,078,400	0.00
PR	OJA	TAD	-7,500	0.00	-7,500	0.00
PR	OJA	Child advocacy centers	-238,100	0.00	-238,100	0.00
PR	OJA	American Indian reintegration	-50,000	0.00	-50,000	0.00
PR	DOJ	Youth diversion	672,400	0.00	672,400	0.00
PR	DOJ	Youth diversion	281,600	0.00	281,600	0.00
GPR	DOJ	Youth diversion	321,000	0.00	321,000	0.00
PR	DOJ	Beat patrol	1,224,900	0.00	1,224,900	0.00

Fund	Agency	Program	2013-14		2014-15	
			Funding	FTE	Funding	FTE
PR	DOJ	TAD	\$1,078,400	0.00	\$1,078,400	0.00
PR	DOJ	TAD	7,500	0.00	7,500	0.00
PR	DOJ	Child advocacy centers	238,100	0.00	238,100	0.00
PR	DOC	American Indian reintegration	<u>50,000</u>	<u>0.00</u>	<u>50,000</u>	<u>0.00</u>
GPR		Net Change	\$0	0.00	\$0	0.00
PR		Net Change	0	0.00	0	0.00
<i>Interoperable Communications</i>						
PR	OJA	Interoperable communications	-\$1,016,500	-2.35	-\$1,016,500	-2.35
PR	DOJ	Interoperable communications	1,019,700	2.00	1,019,700	2.00
PR	DOJ	Homeland security--interoperable communications	<u>200,500</u>	<u>1.30</u>	<u>200,500</u>	<u>1.30</u>
PR		Net Change	\$203,700	0.95	\$203,700	0.95
<i>Wisconsin Justice Information Sharing Program (WIJIS)</i>						
PR	OJA	WIJIS	-\$679,400	-4.70	-\$673,100	-4.60
PR	DOJ	WIJIS	<u>661,700</u>	<u>4.40</u>	<u>661,700</u>	<u>4.40</u>
PR		Net Change	-\$17,700	-0.30	-\$11,400	-0.20
<i>Federal Funding Transfer Analysis</i>						
FED	OJA	Criminal justice-state operations	-\$3,178,100	-20.53	-\$3,090,700	-20.03
FED	OJA	Homeland security	-36,350,200	-5.65	-36,220,600	-3.65
FED	OJA	Homeland security-interoperable communications	-200,500	-1.30	-200,500	-1.30
FED	OJA	Criminal justice-local assistance	<u>-18,904,900</u>	<u>0.00</u>	<u>-18,904,900</u>	<u>0.00</u>
		OJA Subtotal	-\$58,633,700	-27.48	-\$58,416,700	-24.98
FED	DOJ	Criminal justice-state operations	\$1,250,000	13.38	\$1,191,800	12.38
FED	DOJ	Criminal justice-local assistance	11,655,000	0.00	11,655,000	0.00
FED	DOJ	Criminal justice-state operations	1,000,500	3.00	1,000,500	3.00
FED	DOJ	Criminal justice-victim assistance	<u>3,107,600</u>	<u>0.00</u>	<u>3,107,600</u>	<u>0.00</u>
		DOJ Subtotal	\$17,013,100	16.38	\$16,954,900	15.38
FED	DMA	Homeland security	<u>\$16,633,600</u>	<u>3.00</u>	<u>\$16,633,600</u>	<u>3.00</u>
FED		Net Change	-\$24,987,000	-8.10	-\$24,828,200	-6.60
<i>OJA Transfer--Net Funding Changes</i>						
GPR			-\$46,100	-0.65	-\$46,100	-0.65
PR			170,100	0.65	176,400	0.75
FED			<u>-24,987,000</u>	<u>-8.10</u>	<u>-24,828,200</u>	<u>-6.60</u>
All Funds			-\$24,863,000	-8.10	-\$24,697,900	-6.50

7. As Table 1 indicates, the recommendation would make only modest changes to the state-funded resources provided under AB 40 to carry out the current law responsibilities of OJA. Under AB 40, GPR funding and positions to carry out current law OJA programs and responsibilities would be reduced by \$46,100 GPR and 0.65 GPR positions annually. The

provisions of AB 40 would provide increased PR funding of \$170,100 PR and 0.65 PR position in 2013-14, and \$176,400 PR and 0.75 PR position in 2014-15. [However, it should be noted that PR funding and positions would also modestly decline were it not for \$200,500 and 1.3 positions annually that are federally funded under OJA that would be assigned to DOJ's PR continuing interagency and intra-agency assistance appropriation but still be supported with federal funding.]

8. While there are substantial federal funding reductions under AB 40, these reductions are primarily tied to a re-estimate of available federal funding to carry out these programs and responsibilities during 2013-15. For example, a total of \$21,001,300 FED annually in reductions under AB 40 represents reductions to expenditure authority previously provided to make grants for aids to individuals and organizations, and for local assistance when higher levels of federal funding for these activities were available. In addition, of the federally funded positions deleted under AB 40, only 2.4 positions were not vacant positions.

9. Federal criminal justice and homeland security grant programs often provide for a portion of the grant award to be provided to state agencies, with the remainder of the award to be provided to local units of government. In administering these grant funds, OJA, as primarily a grant administration agency, has been in a position to independently review grant applications from DOJ and DMA when determining whether and how much to award in grant funding to these agencies. If the Committee wishes to retain a grant administration agency to independently review the utilization of federal grant funding by other state agencies, the Committee could consider deleting the recommendation and maintaining OJA. In addition, the Committee might elect to retain OJA as the proposal under AB 40 would only generate modest reductions in the use of state-funded resources. [Alternative 3]

10. If the Committee restores OJA, the Committee could consider providing \$46,100 GPR, \$15,900 PR, and 0.65 GPR positions annually in administrative resources to OJA that were deleted under AB 40. This funding and positions could be utilized by OJA to draw down federal grant funding to provide resources to administer the responsibilities of OJA. [Alternative 4] Alternatively, the Committee could maintain these administrative reductions under AB 40 if it maintains OJA. Under this alternative, OJA would be required to utilize remaining administrative resources provided under AB 40 to carry out its responsibilities.

ALTERNATIVES

1. Approve the Governor's recommendation to transfer all programs and responsibilities of the Department of Administration's Office of Justice Assistance (OJA), except those primarily related to the administration of federal homeland security moneys or the American Indian tribal community reintegration program, to the Department of Justice (DOJ). Transfer the administration of federal homeland security moneys (other than interoperable communications) from OJA to the Department of Military Affairs (DMA). Transfer the American Indian tribal community reintegration program from OJA to the Department of Corrections. Adopt the provisions under AB 40 implementing these program and responsibility transfers.

2. Restore the current law authority of the Technical College District Board to accept gifts, grants and bequests to be used in the execution of its functions.

3. Delete provision. [Under this alternative, the funding, positions, programs and responsibilities as transferred under the bill to DOJ, DMA, and Corrections would revert to OJA.]

4. *This alternative may be adopted in addition to Alternative 3.* Provide \$46,100 GPR, \$15,900 PR, and 0.65 GPR positions annually in administrative resources that were deleted from OJA under AB 40. The program revenue funding is provided from the penalty surcharge.

ALT 4	Change to Bill	
	Funding	Positions
GPR	\$92,200	0.65
PR	<u>31,800</u>	<u>0.00</u>
Total	\$124,000	0.65

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