



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873  
Email: [fiscal.bureau@legis.wisconsin.gov](mailto:fiscal.bureau@legis.wisconsin.gov) • Website: <http://legis.wisconsin.gov/lfb>

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Joint Committee on Finance

Paper #407

### **Beat Patrol Overtime Grants (Justice)**

[LFB 2017-19 Budget Summary: Page 268, #8]

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#### **CURRENT LAW**

The Department of Justice (DOJ) administers the law enforcement officer supplement grant program (also known as the beat patrol grant program). The program was created under 1993 Act 193. Through this grant program, DOJ provides grants to cities to support the salary and fringe benefits costs of employing additional uniformed law enforcement officers whose primary duty is beat patrol. The Department must make grant awards to the 10 eligible cities submitting applications that have the highest rates of violent crime offenses in the most recent full calendar year for which data is available from the FBI's uniform crime reporting (UCR) system. The Department may not award an annual grant in excess of \$150,000 to any one city, and grantees are required to provide a 25% local match to any grant funds received under the program. In order to receive a grant, a city must have a population of 25,000 or more. Cities may generally not utilize grant funding to pay for overtime costs (except in the first year of a city's initial grant under the program). Awards are made on a calendar year basis and a city may receive a grant for three consecutive years without submitting a new application each year. Grant funding provided under this program must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties, when compared to the number of uniformed law enforcement officers the city assigned to beat patrol on April 21, 1994.

Base funding for the law enforcement officer supplement grant program is \$1,224,900 PR. Program revenue for the grant program is derived from amounts received from the \$21.50 justice information system (JIS) surcharge that is assessed with a court fee for the commencement or filing of certain court proceedings.

## **GOVERNOR**

Provide \$1,000,000 GPR annually during the 2017-19 biennium only to support grants to cities to reimburse overtime costs for uniformed law enforcement officers whose primary duty is beat patrol. Provide that grants may be utilized to support salary and fringe benefits costs only, and provide that DOJ may not award a grant to an individual city in excess of \$400,000 in a calendar year. Require that DOJ may only award grants to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime offenses in the most recent full calendar year for which data is available under the FBI's UCR system. Provide that a city may receive a grant for a calendar year if the city applies before September 1<sup>st</sup> of the preceding calendar year and provides DOJ all of the following: (a) the reasons why uniformed law enforcement officers assigned to beat patrol need to work overtime; (b) the status of hiring and training new uniformed law enforcement officers who will have beat patrol duties; and (c) a proposed plan of expenditures of the grant monies. Create an annual GPR appropriation to support beat patrol overtime grants.

Under the bill, DOJ would be required to include information on the beat patrol overtime grant program in an annual report (submitted on January 15<sup>th</sup>) to the Legislature regarding its administration of various grant programs. The report is required to include the following information: (a) the amount of each grant awarded by DOJ for the previous fiscal year; (b) the grant recipient to whom each grant was awarded; (c) the methodology used by DOJ to choose grant recipients and to determine the level of grant funding for each grant recipient; (d) performance measures created by the Department; and (e) reported results from each grant recipient in each fiscal year as to the attainment of performance measures developed by DOJ.

Annual funding provided under the bill for the beat patrol overtime grant program would be provided on a one-time basis, and would, therefore, not continue after the 2017-19 biennium. However, statutory provisions under the bill creating the grant program and the appropriation for the grant program would be ongoing.

## **DISCUSSION POINTS**

1. The Department of Justice's Law Enforcement Training and Standards Bureau tracks the number of law enforcement officers in Wisconsin. According to DOJ, as of January, 2017, there are 15,448 law enforcement officers in Wisconsin, comprised of 13,192 full-time officers and 2,256 part-time officers. These officers are employed by 566 law enforcement agencies, including municipal police departments, county sheriff offices, tribal law enforcement agencies, district attorney offices, and state law enforcement agencies. The vast majority of law enforcement agencies in Wisconsin are local law enforcement agencies, such as municipal police departments and county sheriff offices.

2. In serving their local municipalities and counties, local law enforcement agencies may assign certain law enforcement officers to patrol services. Under current law, DOJ administers the law enforcement officer supplement grant program in order to enhance certain cities' ability to provide these patrol services. Through this program, DOJ awards grants to the 10 eligible cities

submitting applications that have the highest rates of violent crime offenses. Grants are awarded for the purpose of assisting municipalities employ additional uniformed law enforcement officers whose primary duty is beat patrol, and grants generally may not be utilized to support overtime costs. Table 1 identifies the grant recipients in 2015-16, as well as the purpose for which awarded funding was utilized.

**TABLE 1**

**Law Enforcement Officer Supplement Grants Awarded in 2015-16**

<u>Grantee</u>	<u>Award</u>	<u>Local Match</u>	<u>Project Description</u>
Appleton	\$121,434	\$42,500*	City of Appleton Police Department funded two officers assigned to the community resource street crime unit.
Beloit	121,434	40,478	Beloit funded a portion of two beat patrol officers.
Fond du Lac	121,434	40,478	Fond du Lac Police Department funded two street crimes officers.
Green Bay	121,434	40,478	Green Bay maintained five officers to perform beat patrol duties.
Kenosha	121,434	40,478	Kenosha funds were used to support four beat patrol officer positions.
Madison	126,714	42,238	Madison Police Department funded salary and fringe benefits of four officers.
Milwaukee	126,714	42,238	City of Milwaukee funded a portion of salary and fringe benefits of two officers assigned to beat patrol duties.
Racine	121,434	72,341*	City of Racine Police Department funded two beat patrol officers.
Sheboygan	121,434	40,478	City of Sheboygan Police Department funds were used to support one full time sworn officer and additional overtime to support increased beat patrol activities in targeted areas of the City of Sheboygan.
West Allis	<u>121,434</u>	<u>169,650*</u>	West Allis Police Department funded a portion of the salary and fringe benefits of three officers assigned to daily patrol duties.
Total	\$1,224,900	\$571,357	

\*Rather than report the minimum 25% match, these three cities reported the municipal funds utilized to support the salaries and fringe benefits of the officers that were partially supported by the state grant award.

3. Base funding for the grant program is \$1,224,900 PR annually. Program revenue for the grant program is generated from justice information system surcharge. The JIS surcharge totals \$21.50, and is assessed with a court fee for the commencement or filing of certain court proceedings. Revenue from the JIS surcharge is received, in part, in an appropriation within the Department of Administration (known as the JIS surcharge fund), and then transferred to various appropriations in state agencies to support a variety of state programs that generally relate to the criminal justice system. In recent years, the JIS surcharge fund has operated in deficit. The fund concluded 2015-16 with a negative balance of \$2,343,300.

4. The bill provides \$1,000,000 GPR annually of one-time funding during the 2017-19 biennium to create a new beat patrol grant program for overtime expenses. This program would be created in addition to the current law program. Similar to the current law program, grants under the proposed overtime grant program would be awarded to the 10 eligible cities submitting applications with the highest rates of violent crime offenses in the most recent full calendar year for which data is available under the FBI's UCR program. Beyond this provision, however, the proposed beat patrol overtime grant program would be administered in a different manner than the existing law enforcement officer supplement grant program. The significant differences are summarized in Table 2.

**TABLE 2**

**Differences in Administration of Law Enforcement Officer Supplement Grant Program and Proposed Beat Patrol Overtime Grant Program**

	<u>Law Enforcement Officer Supplement Grant Program</u>	<u>Beat Patrol Overtime Grant Program Under Bill</u>
Amount of funding	\$1,224,900 PR annually	\$1,000,000 GPR annually*
Purpose of funding	To support the salary and fringe benefit costs of employing additional beat patrol officers	To reimburse overtime costs for beat patrol officers
Maximum annual grant award	\$150,000	\$400,000
Population threshold for grant recipients	25,000	None

\*Annual funding under the bill is provided on a one-time basis, and would, therefore, not continue into the 2019-21 biennium.

5. Notably, while the current law grant program has a population threshold of 25,000 for eligible recipients, the proposed beat patrol overtime grant program does not establish a similar population threshold for grant recipients. Table 3 identifies the anticipated beat patrol overtime grant recipients with and without a 25,000 population threshold, based on 2015 data from the FBI's UCR system.

**TABLE 3****Anticipated Beat Patrol Overtime Grant Recipients\***

<u>Municipality</u>	<u>County</u>	<u>Population</u>	<u>Number of Violent Crime Offenses</u>	<u>Violent Crime Rate per 100,000 Persons</u>
<i>Without 25,000 Population Threshold</i>				
Milwaukee	Milwaukee County	600,400	9,583	1,596
Wisconsin Dells	Adams, Columbia, Sauk, and Juneau Counties	2,710	23	849
Siren	Burnett County	785	6	764
West Milwaukee	Milwaukee County	4,217	32	759
Town of Madison	Dane County	6,837	43	629
Iron River	Bayfield County	1,127	7	621
Balsam Lake	Polk County	981	6	612
Lake Delton	Sauk County	2,962	17	574
Ashland	Ashland and Bayfield Counties	8,169	42	514
Albany	Green County	1,016	5	492
<i>With 25,000 Population Threshold</i>				
Milwaukee	Milwaukee County	600,400	9,583	1,596
Beloit	Rock County	36,862	178	483
Racine	Racine County	77,887	364	467
Green Bay	Brown County	105,119	456	434
West Allis	Milwaukee County	60,633	238	393
Fond du Lac	Fond du Lac County	42,887	164	382
Madison	Dane County	248,833	890	358
Sheboygan	Sheboygan County	48,667	159	327
Kenosha	Kenosha County	100,038	286	286
Appleton	Calumet, Outagamie, and Winnebago Counties	74,310	201	270

\*Anticipated grant recipients are based on 2015 violent crime rates.

6. Funding under the bill is purposed for reimbursing municipalities for overtime expenses for beat patrol officers. With regards to local municipality need for such funding, the administration indicates, "This is largely anecdotal, but overtime is generally a large driver of costs for law enforcement."

7. In order to provide additional insight into the need for funding to support beat patrol overtime expenses, this office reviewed budget documents from each of the 10 cities that are currently receiving law enforcement officer supplement grants, and spoke to city finance personnel when necessary, to identify amounts that have been budgeted for police overtime from 2013 through 2017. The results of this review are identified in Table 4.

**TABLE 4****Budgeted Funding in Selected Cities for Police Overtime\***

<u>City</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Total</u>
Appleton	\$485,500	\$459,700	\$463,400	\$475,200	\$477,100	\$2,360,900
Beloit	356,700	357,700	440,300	528,300	669,800	2,352,800
Fond du Lac	150,000	150,000	150,000	150,000	150,000	750,000
Green Bay	1,198,500	1,265,000	986,700	1,056,600	1,077,700	5,584,500
Kenosha	627,200	665,000	646,000	741,000	741,000	3,420,200
Madison	2,529,300	2,674,900	2,767,500	2,801,900	2,877,000	13,650,600
Milwaukee	14,791,100	12,514,200**	12,414,200**	14,063,500	15,681,600	69,464,600
Racine	750,600	712,000	713,000	713,000	891,000	3,779,600
Sheboygan	413,000	413,000	388,000	370,000	372,000	1,956,000
West Allis	<u>500,000</u>	<u>504,000</u>	<u>494,000</u>	<u>474,000</u>	<u>494,000</u>	<u>2,466,000</u>
Total	\$21,801,900	\$19,715,500	\$19,463,100	\$21,373,500	\$23,431,200	\$105,785,200

\* Source: Adopted city budget documents and communications with city finance personnel.

\*\*Milwaukee amounts identified for 2014 and 2015 are lower than other years since the adopted budgets for those two years did not identify any budgeted amounts for contract-reimbursed overtime. These amounts would generally include overtime expenditures for which the City is reimbursed by another party in exchange for services.

8. As identified in Table 4, in 2017, these 10 cities budgeted \$23,431,200 for police department overtime, of which \$15,681,600 was budgeted by the City of Milwaukee. In reviewing the information in the table, note that certain city budget documents identified whether amounts budgeted for overtime were specifically budgeted for patrol services, while other city documents only identified aggregate police department overtime budgets. Amounts in the table identify total overtime budgets for the police departments, and, therefore, include amounts budgeted for overtime that relate to non-patrol services. However, information from city documents that distinguish between overtime budgets for patrol services and non-patrol services appears to indicate that patrol services is a significant portion of overtime expenditures for these police departments. Finally, note that the table includes amounts budgeted for services for which municipalities may be reimbursed. For example, the City of Green Bay budgets for police department overtime for services provided to Lambeau Field, even though the City is reimbursed for these services.

9. In order to assist cities with high rates of violent crime defray the costs of overtime for beat patrol officers, the Committee could approve the Governor's recommendation to create a beat patrol overtime grant program, in the manner recommended by the Governor [Alternative 1].

10. As noted above, the bill does not establish a population threshold for eligible beat patrol overtime grant recipients. The administration indicates that the lack of a population threshold for the proposed beat patrol overtime grant program was inadvertent, and it was its intention to create a 25,000 population threshold for eligible grant recipients, similar to the law enforcement officer supplement grant program. Small municipalities with low levels of violent crime may have a

high rate of violent crime due to the level of their population. For example, the Village of Siren in Burnett County had a violent crime rate of 764 violent crimes per 100,000 persons in 2015, based on six violent crimes in 2015. Further, these small municipalities have relatively few officers employed by their police force. Therefore, if the Committee establishes the beat patrol overtime grant program recommended by the Governor, the Committee may wish to establish a 25,000 population threshold for eligible grant recipients as intended by the Governor [Alternative 2].

11. The grant program proposed by the Governor establishes a maximum annual grant allocation of \$400,000 to a single grantee, which amounts to 40% of the total annual funding under the bill for these grants. The size of this maximum grant allocation would authorize DOJ to award a significant portion of the funding under the bill to a few cities. This could be prudent given that cities such as Milwaukee budget for significantly more police overtime expenses than other cities. On the other hand, the Committee may wish for overtime grants to be more equitable between the 10 cities receiving funding. If this is the case, the Committee could reduce the maximum grant allocation from \$400,000 annually to \$150,000 annually [Alternative 3]. Such a reduction in the maximum grant allocation would align the grant program under the bill with the current law officer supplement grant program.

12. Alternatively, the Committee may wish to keep the maximum grant allocation at \$400,000, but provide additional funding for beat patrol overtime grants, in order to increase overall grants under the program. If this is the case, the Committee could increase funding under the bill for beat patrol overtime grants to \$2,000,000 GPR annually [Alternative 4]. Under this alternative, funding under the bill would increase by \$1,000,000 GPR annually. Further, this alternative would establish a 25,000 minimum population threshold for eligible grant recipients.

13. Funding under the bill for overtime grants is provided on a one-time basis, and, therefore, would not continue after the 2017-19 biennium barring separate legislation. According to the administration, funding is one-time in nature because the provision for beat patrol overtime is new, and therefore the administration wishes to reevaluate the program at the end of the biennium. Alternatively, if the Committee approves funding for overtime grants, the Committee could decide that funding should be ongoing, as opposed to one-time, in order to provide long-term assistance to municipalities for this purpose [Alternative 5]. Under this alternative, funding for overtime grants would be included in DOJ's base budget for the 2019-21 biennium.

14. Rather than provide funding for beat patrol overtime, the Committee may wish to provide additional funding to cities to employ additional beat patrol officers. In this case, the Committee could repurpose funding under the bill to provide an additional \$1,000,000 GPR annually for the law enforcement officer supplement program [Alternative 6]. Since employing additional officers represents an ongoing cost to municipalities, funding under this alternative would be ongoing. Further, this alternative would increase the maximum grant allocation for the current law grant program from \$150,000 to \$400,000 so that DOJ could utilize the additional funding. Finally, this alternative would create a GPR appropriation to provide partial support for the grant program. Alternative 6 would have no effect on the amount of funding appropriated under the bill. Under Alternative 6, funding during the 2017-19 biennium for the law enforcement officer supplement program would total \$2,224,900 annually (\$1,000,000 GPR and \$1,224,900 PR).

15. Finally, Alternative 7 would delete the Governor's recommendation and maintain current law.

## ALTERNATIVES

1. Include the Governor's recommendation to provide \$1,000,000 GPR annually during the 2017-19 biennium only to support grants to cities to reimburse overtime costs for uniformed law enforcement officers whose primary duty is beat patrol. Create an annual GPR appropriation for beat patrol overtime grants. Under this alternative, beat patrol overtime grants would be administered in the manner proposed by the Governor. [Under the Governor's proposal, no population threshold for grant recipients is established and the maximum annual grant award DOJ could make to a city would be \$400,000.]

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

2. Modify the Governor's proposal to provide that a city must have a population of 25,000 or more in order to be eligible to receive a beat patrol overtime grant. *This alternative may be chosen in addition to Alternative 1.*

3. Modify the Governor's proposal to provide that the maximum annual grant award DOJ may make to a single city under the beat patrol overtime grant program is \$150,000, rather than \$400,000. *This alternative may be chosen in addition to Alternative 1.*

4. Modify the Governor's proposal by increasing funding under the bill for beat patrol overtime grants from \$1,000,000 GPR annually to \$2,000,000 GPR annually. In addition, modify the Governor's proposal to provide that a city must have a population of 25,000 or more in order to be eligible to receive a beat patrol overtime grant. Under this alternative, funding under the bill would be provided during the 2017-19 biennium only, and beat patrol overtime grants would be administered in the manner proposed by the Governor.

ALT 4	Change to	
	Base	Bill
GPR	\$4,000,000	\$2,000,000

5. Modify the Governor's proposal to provide that funding under the bill for beat patrol overtime grants would be ongoing, as opposed to one-time in nature. As a result, funding for beat patrol overtime grants would be included in DOJ's base budget for the 2019-21 biennium. *This alternative may be chose in addition to Alternatives 1 or 4.*

6. Provide \$1,000,000 GPR annually for the existing law enforcement officer supplement grant program, rather than for beat patrol overtime grants. The current law program awards grants to



cities to support the salary and fringe benefits costs of employing additional beat patrol officers. Create an annual GPR appropriation to support grants under the current law grant program. Amend current law to increase the maximum grant award under the current law grant program from \$150,000 to \$400,000. Funding under this alternative would be ongoing.

<b>ALT 6</b>	<b>Change to</b>	
	<b>Base</b>	<b>Bill</b>
GPR	\$2,000,000	\$0

7. Maintain current law.

<b>ALT 7</b>	<b>Change to</b>	
	<b>Base</b>	<b>Bill</b>
GPR	\$0	-\$2,000,000

Prepared by: Michael Steinschneider