



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #455

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

[LFB 2019-21 Budget Summary: Page 251, #3]

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#### **CURRENT LAW**

##### **Beat Patrol Overtime**

Under 2017 Act 59, \$1,000,000 PR annually was provided 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 patrolling. Program revenue funding was provided by funds transferred from the Attorney General's discretionary settlement fund in 2017-18.

Under the program, grants may be utilized to support salary and fringe benefit costs only. Further, the Department of Justice (DOJ): (a) may not award a grant to an individual city in excess of \$400,000 for a calendar year; and (b) may only award grants to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the FBI uniform crime reporting system. In addition, a city must have a population of 25,000 or more in order to be eligible to receive a beat patrol overtime grant.

A city may receive a grant for a calendar year if the city applies before September 1st 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 the hiring and training of new uniformed law enforcement officers who will have beat patrol duties; and (c) a proposed plan of expenditures of the grant monies.

##### **Law Enforcement Officer Supplement Grant Program (Beat Patrol Grant)**

The Department also 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 in one-time funding for overtime costs for local beat patrol and community policing officers. Create a new GPR appropriation for the overtime grant program.

Modify current law to expand the overtime grant and the beat patrol grant programs to include community policing. Community policing is not defined under the bill.

## **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 March, 2019, there were 16,213 law enforcement officers in Wisconsin, comprised of 14,412 full-time officers and 1,801 part-time officers. These officers are employed by 572 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.

### **Overtime Grant Background**

2. The program revenue funding initially provided for the beat patrol overtime grant program was provided from the uncommitted settlement funds in attorney generals discretionary

settlement fund. Under 2017 Act 369, all settlement funds are required to be deposited to the general fund. As a result, PR from discretionary settlement monies are no longer available. [This legislation is currently subject to litigation.]

3. Further, as provided under 2017 Act 59 (the 2017-19 biennial budget) annual funding was provided for the beat patrol overtime grant program is provided on a one-time basis, and is, therefore, not continued after the 2019-21 biennium. However, statutory provisions creating the beat patrol overtime grant program and the appropriation for the grant program are ongoing.

4. Attachment 1 indicates that in the 2018, the City of Milwaukee received a grant of \$150,000 under the program. Four cities received grant funding under the program in 2018 of \$100,000 and the remaining five cities received grant funding of \$90,000. In addition to the amount of each grant, Attachment 1 provides, for 2018, a description of how the grant funding was utilized.

### **Beat Patrol Grant and Expansion to Community Policing**

5. 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 (beat patrol) 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.

6. In recent years the JIS surcharge fund (the PR fund source for the beat patrol grant program) has operated in deficit. In 2017-18, the JIS surcharge fund concluded the fiscal year with a cumulative deficit of \$4.5 million. The administration indicates that the deficit is expected to increase over the 2019-21 biennium.

7. Attachment 2 shows the municipalities in 2017-18 that were awarded a supplemental grant. The table also shows the amount each city's local match as well as a description of how the grant funding was utilized.

### **Overtime Grant Alternatives**

8. Since the beat patrol overtime grants program's original source of PR is no longer available, the continuation of the program requires a new funding source. The regular beat patrol grant uses PR from the JIS surcharge. However, this appropriation is currently in deficit. Due to the unavailability of a PR funding source, GPR is recommended by the Governor to continue the overtime grant program.

9. The administration indicates that GPR funding would be provided to the overtime grant program instead of the original beat patrol program to allow "local departments flexibility in using existing resources." In addition, if funding were provided to the beat patrol program, funding would need to be used for additional officers, and if state funding ended because a municipality no longer qualified for a grant, it would be up to the municipality to determine whether to continue to fund the

additional officers.

10. Given that funding the overtime grant program allows municipalities flexibility in using their existing resources rather than requiring a law enforcement agency to hire new officers, the Committee may provide the recommended funding for the program. [Alternative A1] This alternative would create a new GPR appropriation for the program and provide \$1,000,000 GPR annually over the 2019-21 biennium only.

11. Given the significant support funding the beat patrol overtime program has provided grantees and the need to change the fund the program with another source than PR, the Committee may wish to support the program, but fund a lower amount. For example, \$500,000 GPR annually could be provided. [Alternative A2] This alternative would create a new GPR appropriation for the program and provide \$500,000 GPR annually over the 2019-21 biennium only.

12. Funding for the beat patrol overtime program is not based on any specific funding need, but rather distributed annually on a formula grant basis to qualifying municipalities. Due to this annual formula, the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses may change annually for those cities on the edge. In addition, as cities in Wisconsin grow, more cities will have a population of 25,000 or more. Thus, for cities towards the bottom of the top 10, this resource for overtime funding may exist one year, but not the next.

13. The Committee could decide to provide the GPR funding to the beat patrol grant program rather than the overtime program for the 2019-21 biennium only to reduce the reliance on providing funding from the JIS surcharge since: (a) the decision whether to continue to fund overtime is ultimately the responsibility of municipalities; (b) the availability of state overtime funding may change on an annual basis; and (c) the JIS surcharge is in deficit. [Alternative A3] This alternative would use the new GPR appropriation for the Beat Patrol Grant and provide \$1,000,000 GPR annually during the 2019-21 biennium only and \$224,900 PR annually.

14. On the other hand, Committee may not wish to create another GPR appropriation and program. As a result, the Committee may choose to take no action. [Alternative A4] Under this alternative, the beat patrol grant program would remain funded from JIS fee revenues and the overtime grant program would be unfunded.

### **Community Policing**

15. Under the bill, grant eligibility under both the beat patrol grant program and the beat patrol overtime grant program, would be extended to not only beat patrol related activities, but also community policing. Community policing is not defined under the bill.

16. The administration indicates that DOJ would have flexibility to develop a definition or criteria for grant awards. According to the administration, "example features of community policing may include: (a) community outreach, (b) connecting with business and community leaders, (c) foot patrols, and (d) meetings with community groups." The administration indicates that "the terms 'beat patrol' and 'community policing' are not mutually exclusive. Beat patrols are often a key element in community policing initiatives. An example of the rationale to expand the program to community

policing would be a third shift officer could be encouraged to attend a community meeting or participate in presentations to school children during school hours when they would not ordinarily be on shift."

17. Given the flexibility adding community policing to the uses of a Beat Patrol Grant, the Committee may wish to follow the bills recommendation. [Alternative B1]

18. In order to maintain the current uses of the program funding, the Committee may choose to take no action. [Alternative B2]

**ALTERNATIVES**

**A. Beat Patrol Overtime Funding**

1. *Overtime.* Provide \$1,000,000 GPR annually in one-time funding for beat patrol overtime costs for local beat patrol.

| ALT A1 | Change to   |      |
|--------|-------------|------|
|        | Base        | Bill |
| GPR    | \$2,000,000 | \$0  |

2. *Overtime.* Provide \$500,000 GPR annually in one-time funding for beat patrol overtime costs for local beat patrol.

| ALT A2 | Change to   |              |
|--------|-------------|--------------|
|        | Base        | Bill         |
| GPR    | \$1,000,000 | -\$1,000,000 |

3. *Beat Patrol.* Provide \$1,000,000 GPR annually in one-time funding for the local beat patrol. Reduce funding for the beat patrol program by \$1,000,000 PR annually during the 2019-21 biennium only.

| ALT A3 | Change to         |                   |
|--------|-------------------|-------------------|
|        | Base              | Bill              |
| GPR    | \$2,000,000       | \$0               |
| PR     | <u>-2,000,000</u> | <u>-2,000,000</u> |
| Total  | \$0               | -\$2,000,000      |

4. Take no action.

| ALT A4 | Change to |              |
|--------|-----------|--------------|
|        | Base      | Bill         |
| GPR    | \$0       | -\$2,000,000 |

**B. Community Policing**

1. Modify current law to expand the overtime grant and the beat patrol grant programs to include community policing. Community policing is not defined under the bill.
2. Take no action.

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Attachments

## ATTACHMENT I

### Beat Patrol Overtime Grants, January 1, 2018 through December 31, 2018

| Grantee             | Brief Description  | Federal Award   |
|---------------------|--|-----------------|
| City of Milwaukee   | Funds were used to support police personnel for community police work or beat patrols targeting specific local crime issues.   | \$150,000       |
| City of Beloit      | Funds support the Community Collaboration and Targeted Enforcement project, which focuses on community policing and problem solving to reduce crime, fear, and disorder. The project uses the department's Crime Analyst to prepare crime reports to develop actionable deployment plans in beat area and report out to the community. The department focuses on firearm related violent crime specifically shots fired and shooting incidents.  | \$100,000       |
| City of Racine      | Funds were used to support police personnel for community policing work and beat patrols, targeting local crime issues throughout the city. The goal of the initiative is to reduce crime and apprehend offenders in the targeted areas. Under this initiative foot, bicycle, and vehicle patrols are used to address crime and violent offenders in areas throughout the city as crime trends dictate.  | \$100,000       |
| City of Green Bay   | Beat Patrol overtime assignments target problem issues/areas in the City of Green Bay.   | \$100,000       |
| City of Kenosha     | Funds were used to address crime in a three part manner: (a) to provide officers to youth programs so that youths may interact with officers in a positive manner; (b) to put officers on walking beats or on bikes in identified high crime areas; and (c) to follow up on criminal activity information generated by the beats to address the drug issues at a neighborhood level.   | \$100,000       |
| City of West Allis  | Funds were used to pay for officers assigned to beat patrol duties on overtime. These duties included traffic enforcement, accident investigations, criminal investigations, neighborhood patrols and overall community policing efforts.  | \$90,000        |
| City of Madison     | Funds were used to support the Violence Reduction Initiative. The Madison Police Department used crime analysts to identify violent crime "hot spots" throughout the city, looking at weapons offenses, shooting incidents and robberies. Time of day and day of week data was used to determine the best use of our police resources.   | \$90,000        |
| City of Manitowoc   | Funds were used to support efforts around Human Trafficking and the abuse of Drugs/Heroin/Methamphetamine.   | \$90,000        |
| City of Wausau      | Funds were used to further problem-oriented and community-oriented policing strategies that target underlying conditions that precipitate quality of life issues The underlying conditions include, but are not limited to: drug use, sales and distribution; prostitution, child enticement, and human trafficking; and traffic crash and pedestrian safety. Initiatives may include: drug interdiction; operations focused upon internet crimes against children, prostitution and human trafficking; details focused upon traffic violations; and improving upon community relationships through education and interaction. | \$90,000        |
| City of Fond du Lac | Funding was used to pay overtime for additional Fond du Lac Police Department officers to act as a coordinated force multiplier and as an important part of strike team operations and community-oriented policing neighborhood patrols.   | <u>\$90,000</u> |
|                     |  | \$1,000,000     |



## ATTACHMENT 2

### Law Enforcement Officer Supplement (Beat Patrol) Grants Awarded in 2017-18

| <u>Grantee</u> | <u>Award</u>   | <u>Local Match</u> | <u>Project Description</u>   |
|----------------|----------------|--------------------|--|
| Beloit         | \$121,434      | \$40,478           | Beloit funded a portion of two beat patrol officers.   |
| Fitchburg      | 121,434        | 40,478             | Fitchburg Police Department supported two 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 funds were used to support four police officers' community work through beat patrols.  |
| Milwaukee      | 126,714        | 42,238             | City of Milwaukee funded a portion of two beat patrol officers.  |
| Racine         | 121,434        | 80,024*            | 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 police officer's salary and fringe benefits 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    | \$577,018          |  |

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