

State of Wisconsin

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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: April 5, 2018

Re: 14-Day Passive Review Approval – DOJ

Pursuant to s. 165.10, Stats., attached is a 14-day passive review request from the Department of Justice, received on April 5, 2018.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Tuesday, April 24, 2018**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN;jm



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL
ATTORNEY GENERAL

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April 5, 2018

APR 05 2018

VIA INTERDEPARTMENTAL MAIL and EMAIL

St. Francis

The Honorable Alberta Darling
Co-Chair, Joint Committee on Finance
Room 317 East, State Capitol
(Alberta.Darling@legis.wisconsin.gov)

The Honorable John Nygren
Co-Chair, Joint Committee on Finance
Room 309 East, State Capitol
(John.Nygren@legis.wisconsin.gov)

RE: Discretionary Spending Request

Dear Senator Darling and Representative Nygren:

Under Wis. Stat. § 165.10, before Wisconsin Department of Justice may expend settlement funds under s. 20.455(3)(g) that are not committed under the terms of the settlement, the Department is required to submit a proposed spending plan to the Joint Committee on Finance.

Please find attached to this cover letter the Department's proposed expenditure plan as well as Attachment A. Please note that the items highlighted in red are projects for which planning and spending began prior to the passage of 2017 Wisconsin Act 59 which imposed the requirements under s. 165.10. These expenditures are for basic law enforcement operations or crime victim restitution claims and failure to fund these projects would be catastrophic. This is explained in further detail in Attachment A. Thank you for your consideration.

Very truly yours,

Paul Connell

Paul W. Connell
Deputy Attorney General

SPENDING PLAN **FY18** **FY19** **Total**

DRAFT

OFFICE OF SCHOOL SAFETY

TRAINING AND ADMINISTRATIVE BUDGET

Training	\$	5,000	\$	55,000	\$	60,000	A critical component of long term school safety is the training of law enforcement, educational staff and students. Built into this cost is facility fees for training conferences, and training materials, including web-based training modules and any potential contract fees for groups who do conduct training. These funds support the costs of outreach and training activities that are not covered by the grant funding, including the development and promulgation of best practices, providing technical assistance to schools on applying for and managing grant funds, community outreach, assistance to law enforcement agencies, and development of school safety expertise in the community.
Implementation and Technology Support	\$	40,000	\$	130,000	\$	170,000	The Attorney General has pledged to get the Office of School Safety up and running as quickly as possible. In order to comply with some critical requirements in the School Safety Package, DOJ will need to utilize resources for certain technology costs. These include information technology costs related to acquiring, customizing and implementing a school safety data system for receiving, filing, maintaining and providing school safety plans and blueprints. This also includes the creation of a school safety website, grant management system, communication solution and ongoing maintenance.
Technical Assistance and Outreach	\$	15,000	\$	50,000	\$	65,000	In order to quickly effectuate the requirements of the Office of School Safety, LTE support would allow for prompt outreach to stakeholders, technical assistance for training and grantmaking and provide necessary office support.
SUBTOTAL					\$	295,000	

OPIATE AND METH

PUBLIC AWARENESS AND PREVENTION

Narcan purchase and public training	\$	25,000	\$	40,000	\$	65,000	Naloxone is a vital tool for combating the opioid epidemic. This medication is used to block the effects of opioids in an emergency situation. Discretionary funds would be used to provide Naloxone to law enforcement agencies for use on their own officers as needed in emergency situations. While most city and county EMS providers currently have Naloxone for use with members of the public, as law enforcement agencies are often the first responders as well as come in contact with dangerous drugs such as fentanyl in traffic stops, it is vital for those officers to have access to Naloxone for their own safety. Naloxone would also be provided to entities such as colleges and universities, high schools and other community groups. Funding would be used to create and conduct training modules for law enforcement, colleges (specifically resident advisors (RAs), high school staff and additional groups as identified. DOJ will use findings from the OD map pilot project commencing in the summer of 2018 to identify commonalities in where overdoses take place. This information will help inform DOJ on where OD's are taking place further educating us on who needs the training and the Naloxone. Finally, discretionary funding would be used to incorporate a personal protective equipment (PPE) component to law enforcement trainings. This is a vital training topic to educate law enforcement officers on how to identify harmful substances that are commonly found during traffic stops and other interactions and inform them on the necessary precautions for protecting themselves to exposure.
Dose of Reality (Opiates)	\$	225,000	\$	400,000	\$	625,000	DOJ's award-winning Dose of Reality campaign to end prescription painkiller abuse in Wisconsin is the only statewide educational and public awareness campaign discouraging prescription drug misuse. Dose of Reality provides materials and messages for the following audiences: medical professionals, students, parents, HR/management, educators, coaches, and senior citizens. The campaign requires additional funding to continue outreach to the previously mentioned audiences, as well as expanding to include educational and public awareness materials targeted at veterans.
Dose of Reality (Meth)	\$	100,000	\$	125,000	\$	225,000	As detailed in a joint DCI-FBI report in late 2016, methamphetamine abuse is rapidly spreading across Wisconsin with the biggest impact in Northern and Western Wisconsin. DOJ has partnered with the Marshfield Clinic and Northwoods Coalition a substance abuse prevention coalition representing 37-counties and 11-tribes on a prevention campaign. This prevention campaign will work in tandem with the Dose of Reality, and similarly, contain resources and materials for target audiences that can be used by community organizations, local law enforcement, and public health to prevent methamphetamine abuse.
Northern Wisconsin Mailback/Drop box Pilot expansion	\$	20,000	\$	20,000	\$	40,000	Currently, CVS is conducting a mail back program in several of their city of Milwaukee pharmacies. This program is available to anyone requesting a mailer and not exclusive to CVS customers. This program allows people to mail back any unused or unwanted medications in order to safely dispose of such medications. Medications are mailed to the city of Milwaukee Police Department where they are secured and ultimately turned over to DOJ for disposal. An expansion of this model to increase access to drug take back in rural communities could be done in two ways. We could provide funding for permanent drug drop boxes in law enforcement agencies in rural areas where they don't currently have them (although if funding is an issue for the \$700 box, I typically direct them to the CVS grant program which has provided many LE depts with boxes) or partnering with pharmacies and local law enforcement agencies so that we help them set up a mail back program. Such a program would be similar to the Milwaukee/CVS model whereby drugs are mailed to a law enforcement agency and secured in their evidence locker until the next Drug Take Back event and LE can turn them over to DOJ for disposal.
Project Manager assistance	\$	15,000	\$	50,000	\$	65,000	New projects related to opiates and meth take additional resources. These LTEs would largely be used for planning and tracking projects and training. Our intent is to use interns or other temporary employees as support staff for the projects.
TRAINING							
Drug Investigation School (x2)	\$	8,000	\$	8,000	\$	16,000	Drug investigation school is a well-established program that is part of the foundational training for Wisconsin Law enforcement. This training is put on by DCI and DLES, to bring law enforcement up to speed on current trends and methods, as well as review basic drug investigatory methods, and safety procedures. Historically, discretionary was used to fund this type of training.
Clandestine Lab Equipment	\$	6,500	\$	6,500	\$	13,000	Meth labs, including clandestine labs with multiple drugs present, are becoming more common and our clandestine lab response team must replace consumable safety equipment.

Clan Lab Enforcement Course	\$	8,000	\$	8,000	\$	16,000	This is a course currently taught by DOJ, and was historically funded with the help of discretionary money. This course trains local law enforcement partners on the proper way to respond to scenes suspected to be clandestine labs, including those with unknown substances.
Drug Endangered Children	\$	10,000	\$	10,000	\$	20,000	This conference brings together those involved in protecting children from the dangers of drug use. It is an annual conference which DOJ has historically helped to sponsor with discretionary money. Last year, the conference featured U.S. Attorney General Sessions as the keynote.
Wisconsin Narcotics Officers Association	\$	8,000	\$	8,000	\$	16,000	This is an association that brings together all of Wisconsin's law enforcement involved in narcotics enforcement. DCI members sit on the board, and the conferences give all members the opportunity to network, and discuss current tactics and issues arising in Wisconsin
SUBTOTAL					\$ 1,101,000		

PUBLIC SAFETY - COMMUNICATIONS & INFORMATION SUPPORT

BCS Network - TIME/Crim Hx share	\$	522,063	\$	522,063	\$	1,044,127	See Attachment A
BCS DataCenter conversion-TIME/Crim Hx	\$		\$	561,418	\$	561,418	See Attachment A
BCS DataCenter ongoing ops - TIME/Crim Hx	\$	1,110,496	\$	1,110,496	\$	2,220,993	See Attachment A
SUBTOTAL					\$ 3,826,538		

VIOLENCE AGAINST WOMEN

OCVS	Salesforce maintenance	\$	75,000	\$	75,000	\$	150,000	This is a necessary database for crime victims to make and track restitution claims. Note: OCVS's budget has regulary operated at a deficit, which has historically been filled with discretionary funds. Discretionary funds were used to cover the cost of this software in the past.
DCI	Human Trafficking Lead-Follow-up LTEs	\$	10,000	\$	40,000	\$	50,000	Law enforcement is struggling to keep up with the increase in human trafficking. These LTEs would assist the program by taking and logging tips, assist with organizing trainings, and following-up on cases as needed with law enforcement agencies.
OCVS	By Your Side campaign	\$	40,000	\$	100,000	\$	140,000	Engaging survivors is critical to improving the system response to sexual assault. By Your Side is an outreach campaign that provides survivors an overview of Wisconsin's Sexual Assault Kit Initiative (WiSAKI), including resources for information about their sexual assault kit, referrals for local advocacy services and support, and materials for service providers to raise awareness about WiSAKI in their community.
DLES	Forensic Biologist/identification LTEs	\$	20,000	\$	80,000	\$	100,000	With the increase in DNA and controlled substances submissions to the lab, we are looking for efficiencies in our testing processes. These LTE(s) would create more efficient processes at the crime labs by allowing pre-screening in the case of DNA cases and identification cases, allowing analysts to focus on the more in-depth scientific work.
SUBTOTAL					\$ 440,000			

TOTAL						\$ 5,662,538
						5,662,722
	Unallocated	\$				184

Attachment A

Funding Detail for Public Safety – Communications & Information Support

One of the most essential functions DOJ provides is access to the statewide law enforcement information systems, including:

- TIME (Transaction Information for the Management of Enforcement):
 - Links 10,700 criminal justice computers in Wisconsin and 400,000 in the US/Canada.
 - Provides law enforcement information on state, national and international wants/warrants, driver's license and vehicle registration, criminal histories, protection orders and injunctions, sex offender and corrections information, stolen property and missing persons.
- Criminal History Database – Fingerprint-based criminal history repository used to confirm identity and criminal history for law enforcement and other background check purposes, and also used for latent print identification by crime labs.
- State Crime Lab systems – Collect, document, retain and submit forensic testing results.
- Digital Forensics Unit – Collect, document and retain forensic evidence recovered from electronic devices, primarily related to Internet Crimes Against Children.
- Wisconsin Statewide Information Center systems – Use specialized federal and state systems and information tools to collaboratively develop, analyze and share intelligence on criminal and terrorist activity.

The TIME system is the information sharing system law enforcement agencies throughout the state rely on for almost instantaneous access to records related to all functions of the requesting agency. Because of the type of information managed by DOJ, the system is also a significant target for cyber-attacks.

DOJ is approximately 75% through the implementation of a law enforcement IT modernization project. The project was initially estimated to cost \$20 million, but due to increased contractor cost and increased security requirements it will likely surpass the allocated funding before completion. The project, which ensures that DOJ can recover all Law Enforcement-facing systems in a matter of hours—even after the loss of a datacenter, is essential for public safety.

Although DOJ collects fee revenue for criminal history background checks and access to the TIME system, the cost of the systems are heavily subsidized by the department to ensure access remains affordable for law enforcement agencies. Because of this subsidy, DOJ has relied on one-time money to support this much-needed IT modernization. Since FY15, DOJ has invested \$16.8 million in data center infrastructure, migration, and security measures. It is estimated that approximately \$17.7 million is needed to complete this project. The additional cost is due largely to reliance on contract labor after DOJ was unable to retain IT professionals with necessary skill sets. DOJ relies on funding sources such as program revenue and federal program funding (\$8.8 million for FY18-19) and GPR from division operating budgets (\$3.4 million for FY18-19). However, during the IT modernization planning, DOJ was also relying on \$5.5 million in one-time funding to complete this important

initiative. Balances in fee revenues, if available, are used to support application conversion and improvements while discretionary and other department funds are used for datacenter, information security, and other infrastructure investments.

DOJ's IT modernization project was initiated to ensure law enforcement officers were never put in a position where they could not run a warrant check because of a technology failure. As previously mentioned, the IT modernization costs are unavoidable, as the current commitments must be fulfilled for project completion. The new facilities have been built and are operational, and the vast majority of DOJ's databases have already been migrated to the new, secure datacenters. The final steps of the IT modernization includes: migration of remaining applications, completion of the network, and ongoing maintenance. Cutting off funding at this point in the IT modernization project will threaten DOJ's ability to provide crucial law enforcement-sensitive data to agencies in a reliable and secure way, and will jeopardize the entire project. The IT modernization project is made up of many small projects that are building blocks, and the project cannot be concluded until the final steps have been completed.

DOJ was relying on the VW settlement funds in the discretionary account to backfill what would have otherwise been requested in GPR. Without either the VW settlement money, or GPR funding to backfill the amount DOJ must lapse, there are serious concerns regarding the DOJ's ability to maintain the level of service historically provided to law enforcement to protect public safety.