

State of Wisconsin

SENATE CHAIR
Howard Marklein

316 East, State Capitol
P.O. Box 7882
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ASSEMBLY CHAIR
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308 East, State Capitol
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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: May 11, 2022

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received May 11, 2022, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Department of Justice.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Tuesday, May 31, 2022**, 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

HM:MB:jm



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary-designee

Date: May 11, 2022

To: The Honorable Howard Marklein, Co-Chair
Joint Committee on Finance

The Honorable Mark Born, Co-Chair
Joint Committee on Finance

From: Kathy K. Blumenfeld, Secretary-designee
Department of Administration

DS
KB

MAY 11 2022
Jt. Finance

Subject: s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	2021-22		2022-23	
		AMOUNT	FTE	AMOUNT	FTE
DOJ 20.455(3)(g)	Gifts, grants and proceeds	\$355,200	0	\$671,100*	0

* One-time expenditure authority

As provided in s. 16.515, the request(s) will be approved on June 2, 2022, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at (608) 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

CORRESPONDENCE/Memorandum

State of Wisconsin
Department of Administration

Date: May 6, 2022
To: Brian Pahnke
From: Michael R. Schmidt
Subject: Section 16.515 Request

Attached is a s. 16.515 request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(3)(g)	Gifts, grants and proceeds.	\$355,200		\$671,100*	

* One-time expenditure authority.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(3)(g)	Gifts, grants and proceeds.	\$355,200		\$671,100*	

* One-time expenditure authority.

BP APPROVAL 



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary-designee
Brian Pahnke, Administrator

Date: May 6, 2022

To: Kathy Blumenfeld, Secretary-designee
Department of Administration

From: Michael R. Schmidt
Executive Policy and Budget Analyst

Subject: Request under s. 16.515 from the Department of Justice for increased expenditure authority to provide training and grants for law enforcement, and fund expense-related activities.

Request:

The Department of Justice requests expenditure authority of \$355,200 PR in fiscal year 2021-22 and \$671,100 PR in fiscal year 2022-23 in its gifts, grants and proceeds appropriation under s. 20.455(3)(g). The requested expenditure authority would be on a one-time basis in the 2021-23 biennium, and not ongoing.

Revenue Sources for Appropriation(s):

The program revenue appropriation for gifts, grants and proceeds under s. 20.455(3)(g) is funded from revenue received by the department for gifts, grants and proceeds related to administrative services. Revenue for this request would be supported by fees from department-hosted training and conferences, sale of materials, donations, and other proceeds.

Background:

The department provides training and technical assistance to stakeholders in the state's criminal justice system. These activities are funded by state funds appropriated to the department, grants awarded to it and revenue from tuition or attendance fees. The department also collects revenue from the sale of materials and other services (e.g., sale of evidence collection kits and publications). According to its request, the department would only use revenue derived from these sources, and not case-related revenue. The department requests an increase in expenditure authority to allow it to use collected revenues to support training programs and training grants, utilize donations, restock items purchased from the department, and support investigations.

The gifts, grants and proceeds appropriation under s. 20.455(3)(g) was changed from an all moneys received, continuing appropriation to an annual appropriation in 2017 Wisconsin Act 369. The current expenditure authority in the appropriation is \$0 in fiscal year 2021-22 and \$0 in fiscal year 2022-23.

Kathy Blumenfeld, Secretary-designee
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Analysis:

The department's request for expenditure authority would be supported by non-case-related revenue it has received plus projections of such revenues in the 2021-23 biennium.

The appropriation's closing balance at the end of fiscal year 2020-21 was \$807,999.40. According to the department, \$496,701.77 of that balance represents revenue from legal cases collected prior to the enactment of Act 369. The department has designated case-related revenue in the appropriation using an operating unit chartfield value in PeopleSoft. Table 1 below outlines the department's proposed allocation of the remaining \$311,297.63 in non-case-related revenue (at the close of fiscal year 2020-21).

Table 1. Requested Expenditure Authority of Non-Case-Related Revenue at the Close of Fiscal Year 2020-21

Requested Purpose	Revenue Allocated	Requested Expenditures	
		FY22	FY23
Grants for Law Enforcement Specialized Training	\$308,358.71	\$58,358.71	\$250,000.00
Donations to the Office of Crime Victim Services	330.00	-	330.00
Donations to Amber Alert Operations	1,341.76	-	1,341.76
Sales of Evidence Collection Kits	1,267.16	-	1,267.16
Subtotal	311,297.63	58,358.71	252,938.92
Biennial Total	\$311,297.63	\$311,297.63	

As illustrated above, most of this expenditure authority would be used for specialized training grants to law enforcement agencies and organizations. Awardees would use grants for certified officers to receive training in specialized and advanced subjects. The department hosts these trainings and would further develop more specific specialized trainings if its request is approved. Examples of specialized trainings include death investigation school, fire investigation school, drug investigation school and human trafficking school. The department administers specialized training grants with its registration system and training staff. In addition to department-hosted trainings, specialized training grants would be awarded to agencies and organizations to host training events for law enforcement.

The department's request notes that without the requested expenditure authority, the amount of specialized training grants provided to law enforcement agencies during the 2021-23 biennium would decrease from over \$500,000 to approximately \$200,000. According to the department, this represents the \$308,358.71 of its request for specialized law enforcement training grants and the \$200,000 of what it has currently allocated from the law enforcement training fund for specialized training for the Division of Criminal Investigations and select law enforcement. The law enforcement training fund is supported by transfers from the penalty surcharge, receipts appropriation under s. 20.455(2)(i), which at the end of fiscal year 2020-21 had an unsupported overdraft of \$23,015,514.

Kathy Blumenfeld, Secretary-designee
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May 6, 2022

The department also requests expenditure authority of \$714,930 for trainings and other activities, which would be funded by projections of non-case-related revenues in the 2021-23 biennium, including \$674,430 from training events and \$40,500 from other proceeds. The department notes that revenue from training events would be used for "training schools, courses and events that are self-funded" and provided to sworn members of law enforcement. Revenue receipts for training events would be contingent upon the number of attendees. Table 2 below summarizes the requested expenditure purpose by fiscal year for law enforcement training events and includes the supporting projected revenue.

Table 2. Requested Expenditure Authority for Law Enforcement Training

Requested Purpose	Projected Revenue		Requested Expenditures	
	FY22	FY23	FY22	FY23
Active Threat Conference	\$27,500	\$33,000	\$27,500	\$33,000
Command College	48,000	45,180	48,000	45,180
Command College Alumni refresher training	9,900	12,000	9,900	12,000
Crime scene processing/forensic evidence trainings	6,250	25,000	-	31,250
Death Investigation School	-	9,000	-	9,000
Drug Investigation School	-	21,000	-	21,000
Financial Elder Abuse Investigation training	-	1,000	-	1,000
Fire Investigation School and trainings	15,000	35,000	15,000	35,000
First-Line Supervisor	19,500	22,500	19,500	22,500
Force Science	20,700	25,000	20,700	25,000
Hartford Mini-Academy	14,000	12,500	14,000	12,500
Leadership in Police Organizations	109,200	109,200	109,200	109,200
Officer-Involved Incident training	-	1,000	-	1,000
Peer support trainings	-	10,000	-	10,000
WLEEDA ¹ specialized training program	18,000	25,000	18,000	25,000
Subtotal Training Events	288,050	386,380	281,800	392,630
Biennial Total	\$674,430		\$674,430	

As noted, the requested expenditure authority also includes \$40,500 for activities funded by other projected proceeds. Table 3 below summarizes the requested expenditure purpose by fiscal year for these other proceeds and includes the supporting projected revenue.

Table 3. Requested Expenditure Authority of Other Proceeds

Requested Purpose	Projected Revenue		Requested Expenditures	
	FY22	FY23	FY22	FY23
Donation to the MMIW ² Task Force	\$500	\$0	\$0	\$500
Sales of evidence collection kits	15,000	15,000	15,000	15,000
State forfeiture reimbursement and other donations	2,500	7,500	-	10,000
Subtotal Other Proceeds	18,000	22,500	15,000	25,500
Biennial Total	\$40,500		\$40,500	

¹ Wisconsin Law Enforcement Executive Development Association

² Missing and Murdered Indigenous Women Task Force

Kathy Blumenfeld, Secretary-designee

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The requested expenditure authority related to the sale of evidence collection kits under both parts of the request would be used to restock evidence collection kits sold to law enforcement agencies for investigations, which the department makes available at cost. The expenditure authority related to state forfeiture reimbursement and other donations would be used by the department's Division of Criminal Investigation to offset the costs of law enforcement investigations.

According to data in PeopleSoft, as of April 12, 2022, the department has received \$210,865.87 in non-case-related revenue in fiscal year 2021-22. This includes: \$206,526.24 from training events or conferences, \$2,930.02 from state forfeitures or other reimbursements, \$909.61 from the sale of evidence collection kits, and the \$500 donation to the Missing and Murdered Indigenous Women Task Force. But these figures are preliminary estimates and there may be some variation due to timing and other adjustments.

It is possible that approving the request, and a recent funding announcement, could provide some funding for the projected training events. For instance, it is possible that grants for law enforcement specialized training provided under the first part of this request would be used by awardees to pay for attendance at applicable training events outlined in the second part of the request. Also, on March 15, 2022, the Governor announced an investment of approximately \$19 million for local and tribal law enforcement agencies from the state's allocation of federal State Fiscal Relief Funds under the American Rescue Plan Act of 2021. According to the Governor's announcement, these funds will enable law enforcement agencies to address needs like training, recruitment bonuses, community policing needs and technology investments. It is possible that some law enforcement agencies may use a portion of their allocations for training events outlined in this request.

The department's request would facilitate more grants for law enforcement specialized training and allow the department to conduct more training events for law enforcement officers. The request would also enable the department to utilize donations, restock evidence collection kits and support investigations by the Division of Criminal Investigation. The department indicates that it has collected non-case-related revenue to support part of its request and that if projected revenues in the biennium for the other part are "lower than projected, the department will not incur the costs related to training and will not use any excess authority for other purposes."

Recommendation:

Approve the request.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

Room 114 East, State Capitol
PO Box 7857
Madison WI 53707-7857
(608) 266-1221
TTY 1-800-947-3529

April 7, 2022

SENT VIA EMAIL (briand.pahnke@wisconsin.gov)

Brian D. Pahnke, Administrator
Division of Executive Budget and Finance
Department of Administration
101 E. Wilson Street, 10th Floor
Madison WI 53702

Re: Request for Program Revenue Expenditure Authority

Dear Administrator Pahnke:

Pursuant to Wis. Stat. § 16.515, the Department of Justice respectfully requests to supplement its expenditure authority of the Management Services Gifts, Grants and Proceeds appropriation under Wis. Stat. § 20.455 (3)(g) by \$355,158.71 in fiscal year 2022 and \$671,068.92 in fiscal year 2023. As explained further below, the department seeks this authority to support specialized training programs and grants for law enforcement, and to fund expenses related to the activities for which the revenues are collected.

BACKGROUND

One of the department's key responsibilities is to provide training and technical assistance to support organizations and agencies involved in the state's criminal justice system. This includes law enforcement agencies, schools, courts, victim and witness support organizations, prosecutors and defense attorneys. The department provides training through a combination of hosted training events, training provided by vendors under contracts issued by the department, and training grants issued to agencies and organizations. These training activities are supported by a combination of funding from grants awarded to the department; state funds appropriated to the department, including the Law Enforcement Training Fund and School Safety grant appropriation; and revenues from tuition and fees charged to attendees.

Brian D. Pahnke, Administrator

April 7, 2022

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Revenue from training and conference events hosted by the department is deposited into the department's Gifts, Grants and Proceeds appropriation under Wis. Stat. § 20.455 (3)(g), along with proceeds received for non-training activities like sales of evidence collection kits and publications. The department uses this revenue to support directly the costs of the training or items provided, and the department sets fees and tuition amounts to reflect the actual cost to the department of providing the training or items.

The COVID-19 pandemic has disrupted the department's training programs over the past two years. To the extent possible, the department has transitioned to providing virtual training in compliance with state and local pandemic measures. As those restrictions have lifted, the department is shifting back to a combination of virtual and in-person events, with an emphasis on reinstating training that could not be provided in a virtual environment, such as criminal investigation and forensic evidence collection schools.

Prior to December 2018, the Gifts, Grants and Proceeds appropriation was a continuing, all moneys received appropriation allowing expenditure authority levels to be adjusted to reflect actual collections. 2017 Wisconsin Act 369 changed the appropriation from continuing to an annual appropriation with expenditure authority limited to the amounts in the Chapter 20 schedule. By this letter, the department requests an increase in the amount of expenditure authority under the appropriation to allow the department to use collected revenues to support training programs and training grants, and the restock of items purchased from the department.

For clarity, the department does not request authority to expend the case-related revenue that was at issue in Polk County Circuit Court case no. 21-CV-152 wherein the Court issued a final order on March 14, 2022. Rather, this request pertains only to revenue derived from other sources. An itemized list of the revenue that is at issue in this request, and the proposed expenditures from the Gifts, Grants and Proceeds appropriation, follows below.

PROPOSED USE OF FUNDS

During the fiscal year (FY) 2019-21 biennium, the department did not expend any of the revenue carried over from the prior biennium or collected during the biennium. Due to the pandemic-related disruption of law enforcement training programs, the department incurred significantly lower costs for training due to fewer

Brian D. Pahnke, Administrator

April 7, 2022

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events and the virtual nature of the training that was provided. The department supported the remaining training activities and grants using federal grants and other state appropriations.

The opening balance of the Gifts, Grants and Proceeds appropriation at the beginning of the FY22 was \$807,999.40. Of this amount, \$496,701.77 represents revenue from legal cases collected prior to the passage of 2017 Wisconsin Act 369. The department does not request authority to expend these case-related revenues. Rather, the department seeks authority to use the remaining balance from other proceeds, an amount totaling \$311,297.63.

As noted in the chart below, most of the funds in the remaining balance (*i.e.*, of the \$311,297.63) will be used for specialized training grants to law enforcement agencies and organizations. If the department does not receive this expenditure authority, the amount of specialized training grants provided to law enforcement agencies during the FY 2021-23 biennium will decrease significantly, from over \$500,000 to approximately \$200,000, based on the availability of training grant funds from other sources.

FY22 Opening Balance - Gifts, Grants and Proceeds	
Opening Balance	\$807,999.40
Less case-related revenues	<u>(\$496,701.77)</u>
Expenditure authority request	\$311,297.63
<u>Requested Expenditure Purpose</u>	
Grants for Law Enforcement specialized training	\$308,358.71
Donations to the Office of Crime Victim Services	\$330.00
Donations to Amber Alert operations	\$1,341.76
Sales of evidence collection kits	<u>\$1,267.16</u>
Total Expenditure Authority Request	\$311,297.63

In addition, the department requests authority to spend up to \$714,930 in revenue collected in FY22 and FY23 to support the purpose for which the fees are charged. As noted in the chart below, the majority of this revenue (\$674,430) will be for training schools, courses and events that are self-funded, meaning the department will not be able to provide this training without the ability to spend the collected fees. The department also requests expenditure authority to spend a \$500 donation to the

Missing and Murdered Indigenous Women Taskforce, up to \$30,000 to restock evidence collection kits, and \$10,000 of projected receipts for state asset forfeiture reimbursements of costs and other donations.

FY21-23 Collected Revenues - Gifts, Grants and Proceeds	
Active Threat Conference	\$60,500.00
Command College	\$93,180.00
Command College Alumni refresher training	\$21,900.00
Crime scene processing/forensic evidence trainings	\$31,250.00
Death Investigation School	\$9,000.00
Drug Investigation School	\$21,000.00
Financial Elder Abuse Investigation training	\$1,000.00
Fire Investigation School and trainings	\$50,000.00
First-Line Supervisor	\$42,000.00
Force Science	\$45,700.00
Hartford Mini-Academy	\$26,500.00
Leadership in Police Organizations	\$218,400.00
Officer-Involved Incident training	\$1,000.00
Peer support trainings	\$10,000.00
WLEEDA specialized training program	<u>\$43,000.00</u>
Total Training Events	\$674,430.00
Donation to the MMIW Taskforce	\$500.00
Sales of evidence collection kits	\$30,000.00
State forfeiture reimbursement and other donations	<u>\$10,000.00</u>
Total Other Proceeds	\$40,500.00

In sum, based on the timing of training activities, the department requests an increase in expenditure authority in FY22 of \$355,158.71 and \$671,068.92 in FY23.

REVENUE

As explained above, the department requests \$1,026,227.63 of additional expenditure authority to support training programs and the purchase of items sold by the department during FY22 and FY23. Of this amount, \$311,297.63 was carried forward into FY22 from prior fiscal years and, based on the department's training and event schedule, \$306,050 is projected to be collected in FY22 and \$408,880 is projected to be collected in FY23. If the revenue is lower than projected, the

Brian D. Pahnke, Administrator
April 7, 2022
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department will not incur the costs related to training and will not use any excess authority for other purposes. If the department does not receive expenditure authority for these amounts prior to the next biennial budget, the department will not realize the majority of the revenue in this biennium as there is not sufficient funding from other sources to support these training events and courses.

Thank you for your consideration of this request. The revenue and training event schedule is attached for your information. If you have questions or require additional information, please contact Michelle Gauger at gaugermc@doj.state.wi.us or (608) 267-6714.

Sincerely,



Eric J. Wilson
Deputy Attorney General

EJW:MCG:alm

Enclosure

Cc via email: Tracy Williamson, DOA, (tracy.williamson@wisconsin.gov)

FY22 Opening Balance - Gifts, Grants and Proceeds	
Opening Balance	\$807,999.40
Less case-related revenues	<u>(\$498,701.77)</u>
Expenditure authority request	\$311,297.63
Requested Expenditure Purpose	
Grants for Law Enforcement specialized training	\$308,358.71
Donations to the Office of Crime Victim Services	\$330.00
Donations to Amber Alert operations	\$1,341.76
Sales of evidence collection kits	\$1,267.16
Total Expenditure Authority Request	\$311,297.63

FY21-23 Collected Revenues - Gifts, Grants and Proceeds	
Active Threat Conference	\$60,500.00
Command College	\$93,180.00
Command College Alumni refresher training	\$21,900.00
Crime scene processing/forensic evidence trainings	\$31,250.00
Death Investigation School	\$9,000.00
Drug Investigation School	\$21,000.00
Financial Elder Abuse Investigation training	\$1,000.00
Fire Investigation School and trainings	\$50,000.00
First-Line Supervisor	\$42,000.00
Force Science	\$45,700.00
Hartford mini-academy	\$26,500.00
Leadership in Police Organizations	\$218,400.00
Officer-Involved Incident training	\$1,000.00
Peer support conference	\$10,000.00
WLEEDA specialized training program	<u>\$43,000.00</u>
Total Training Events	\$674,430.00
Donation to the MMIW Taskforce	\$500.00
Sales of evidence collection kits	\$30,000.00
State forfeiture reimbursement and other donations	<u>\$10,000.00</u>
Total Other Proceeds	\$40,500.00
	\$714,930.00

	REVENUE		EXPENDITURES	
	Pre-FY22	FY22	FY23	FY23
Specialized law enforcement training grants	\$308,358.71			\$250,000.00
OCVS donations	\$330.00			\$330.00
Amber alert donations	\$1,341.76			\$1,341.76
MMIW donation		\$500.00		\$500.00
Evidence collection kits	\$1,267.16	\$15,000.00	\$15,000.00	\$16,267.16
Active Threat Conference		\$27,500.00	\$33,000.00	\$33,000.00
Command College		\$48,000.00	\$45,180.00	\$45,180.00
Death investigation school			\$9,000.00	\$9,000.00
Drug investigation school			\$21,000.00	\$21,000.00
Financial elder abuse investigation training			\$1,000.00	\$1,000.00
Fire investigation school-basic		\$15,000.00	\$15,000.00	\$15,000.00
Fire investigation - specialized add-ons			\$20,000.00	\$20,000.00
First-line Supervisor		\$19,500.00	\$22,500.00	\$22,500.00
Force Science		\$20,700.00	\$25,000.00	\$25,000.00
Leadership in Police Organizations		\$109,200.00	\$109,200.00	\$109,200.00
Officer-involved critical incident training			\$1,000.00	\$1,000.00
Peer Support conference			\$10,000.00	\$10,000.00
WLEEDA partnership		\$18,000.00	\$25,000.00	\$25,000.00
WI Command College Alumni refresher		\$9,900.00	\$12,000.00	\$12,000.00
Hartford Mini-academy		\$14,000.00	\$12,500.00	\$12,500.00
Crime scene processing/evidence training		\$6,250.00	\$25,000.00	\$31,250.00
Asset forfeiture reimbursement, donations		\$2,500.00	\$7,500.00	\$10,000.00
Total	\$311,297.63	\$306,050.00	\$408,880.00	\$671,068.92

\$1,026,227.63

\$1,026,227.63

\$1,026,227.63