

State of Wisconsin

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ASSEMBLY CHAIR
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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: June 20, 2023

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

Attached is a copy of a request from the Department of Administration, received June 20, 2023, 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 **Monday, July 10, 2023**, 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

Date: June 20, 2023
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 ^{DS}
Department of Administration *KB*
Subject: s. 16.515/16.505(2) Request(s)

JUN 20 2023
St. Finance

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:

| <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(2)(ja) | Law enforcement training fund, state operations | | | | 1.0 |

As provided in s. 16.515, the request(s) will be approved on July 12, 2023, 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: June 20, 2023
To: Brian Pahnke
From: Michael R. Schmidt
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) 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(2)(ja) | Law enforcement training fund, state operations | | | | 1.0 |

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(2)(ja) | Law enforcement training fund, state operations | | | | 1.0 |

BP APPROVAL 



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

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

Date: June 20, 2023

To: Kathy K. Blumenfeld, Secretary
Department of Administration

From: Michael R. Schmidt
Executive Policy and Budget Analyst

Subject: Request under s. 16.505(2) from the Department of Justice for the Creation of a 1.0 FTE Program Revenue-Service Permanent Position for the Training and Standards Bureau.

Request:

The Department of Justice requests the creation of a 1.0 FTE program revenue-service permanent position in the law enforcement training fund, state operations appropriation under s. 20.455(2)(ja) to implement virtual components of law enforcement and jail officer training programs.

Revenue Sources for Appropriation(s):

The law enforcement training fund, state operations appropriation under s. 20.455(2)(ja) is funded by revenue from the penalty surcharge.

Background:

The department requests a 1.0 FTE program revenue-service permanent position to help develop and administer virtual, online coursework for law enforcement academies and other training. The requested position would be an education consultant assigned to the department's Training and Standards Bureau, which is part of the Division of Law Enforcement Services. The bureau provides staffing to the Law Enforcement Standards Board. The board is responsible for establishing minimum educational and training standards to be admitted for employment as a law enforcement, tribal law enforcement, jail or juvenile detention officer; establishing the minimum curriculum requirement for courses and programs; and certifying and decertifying law enforcement officers, jail or juvenile detention officers. The bureau administers programs related to training and certifying officers and reimbursing training expenses for participants.

At the request of technical colleges, the department and the Law Enforcement Standards Board commissioned a survey to explore moving parts of the law enforcement and jail officer recruit training to virtual, online platforms. After the survey's results were reported in December 2021, the department received requests to provide virtual training options. It is anticipated that, where appropriate, virtual options could reduce a participant's time away from work and travel costs, which would remove barriers to participation and increase candidate pools. The board has approved adding online instruction for part-time law

Kathy K. Blumenfeld, Secretary

Page 2

June 20, 2023

enforcement recruit academies, and it is anticipated that more online curriculums for full-time academies and other trainings would follow.

According to PeopleSoft, as of June 14, 2023, the Training and Standards Bureau has 10.0 FTE all funds permanent and project positions (8.5 FTE program revenue-service positions, which, like this request, are funded by the law enforcement training fund, state operations appropriation, and 1.5 FTE federal positions). The law enforcement training fund, state operations appropriation is currently authorized 23.32 FTE program revenue-service positions.

The law enforcement training fund, state operations appropriation is funded by revenue from the penalty surcharge. With certain exceptions, the penalty surcharge is 26 percent of any fine or forfeiture imposed. Penalty surcharge revenues are credited to the department's penalty surcharge, receipts appropriation under s. 20.455(2)(i). Surcharge funds are used for the law enforcement training fund. Funds are also distributed, based on the respective amounts in the schedule under s. 20.005(3), to appropriations in the Department of Justice, Circuit Courts, Department of Administration, Department of Corrections, Department of Public Instruction and State Public Defender.

The current expenditure authority for the law enforcement training fund, state operations appropriation is \$3,407,400 in fiscal year 2022-23, as provided in the schedule under s. 20.005(3). According to PeopleSoft, as of June 14, 2023, the appropriation has \$968,981 in remaining available budget for fiscal year 2022-23. The department does not request additional expenditure authority for the appropriation.

Analysis:

The law enforcement training fund, state operations appropriation is funded by revenue from the penalty surcharge. The penalty surcharge, receipts appropriation is in overdraft. Table 1 below summarizes information from the department's respective program revenue unsupported overdraft plan submitted to the Department of Administration under s. 16.513(3) illustrating the unsupported overdraft in the penalty surcharge, receipts appropriation from fiscal year 2017-18 through 2021-22.

Table 1. Unsupported Overdraft in the Penalty Surcharge, Receipts Appropriation

| | FY18 | FY19 | FY20 | FY21 | FY22 |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| Unsupported Overdraft | (\$10,631,365) | (\$12,607,134) | (\$17,565,105) | (\$23,015,514) | (\$27,697,330) |

The penalty surcharge, receipts appropriation has, through the end of May 2023, collected \$11,096,860 in fiscal year 2022-23. Based on the amounts in the schedule under s. 20.005(3), there is \$18,721,200 of expenditure authority in fiscal year 2022-23 funded by the penalty surcharge.

The department requests a 1.0 FTE program revenue-service permanent position under s. 16.505(2) but does not request supplemental funding under s. 16.515. According to the department's request, it is not requesting increased expenditure authority because it can absorb the position's costs within the appropriation's existing budget. The department

Kathy K. Blumenfeld, Secretary

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June 20, 2023

estimates that the annual salary, fringe benefits and other related costs associated with the position are \$115,000.

Historically, as a sum certain annual appropriation, the appropriation has had minimal to no remaining balance at the close of a fiscal year (e.g., fiscal years 2020-21 and 2021-22). The department's request indicates that its request would not affect the funding available to provide training to law enforcement officers because the virtual training would provide cost savings for participants. It also indicates that the law enforcement agencies that benefit from law enforcement training reimbursements understand that funding for specialized training programs may be decreased to offset the costs of the requested position if mandatory reimbursements for new recruit or recertification training are particularly high during a fiscal year.

According to the department's request, it is unable to offer a virtual curriculum for some academy coursework without an additional position. While the Law Enforcement Standards Board has authorized virtual training, implementation has been unable to start without an additional position. The department indicates that training could start within three to six months after the requested position is filled, which may vary depending on testing. The position would assist with implementing the new program and would have ongoing duties related to creating and developing new training modules, updating modules, and providing train-the-trainer training courses.

According to the department, there are no vacant positions funded by the law enforcement training fund, state operations appropriation under s. 20.455(2)(ja), or by other appropriations, that could be reassigned to this project. For instance, any law enforcement training positions have specific responsibilities related to other full-time training areas or administering compliance, grant or reimbursement programs. Other positions in the Division of Law Enforcement Services are assigned to state or federal grant administration, data collection and reporting, or activities funded by fee revenues that cannot be reassigned and would result in processing delays.

While the requested position would allow the department to implement virtual components of law enforcement and jail officer training programs, it is possible that approving its request could affect law enforcement training reimbursements and may potentially limit the ability of the overdraft in the justice information fee receipts appropriation to be eliminated.

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

March 14, 2023

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-Funded Position Authority

Dear Administrator Pahnke:

Pursuant to Wis. Stat. § 16.505(2), the Department of Justice respectfully requests the creation of 1.0 full-time equivalent (FTE) permanent position funded by program revenue from the penalty surcharge, appropriated for the operations of the Law Enforcement Standards Board and Training and Standards Bureau in the law enforcement training fund, state operations appropriation under Wis. Stat. § 20.455 (2)(ja). The position is necessary to implement online components of law enforcement and jail officer training programs that will help address law enforcement recruitment and staffing challenges throughout the state.

Background

Over the past several years, Wisconsin law enforcement agencies have faced unprecedented challenges filling police and jail positions and retaining personnel, resulting in severe staff shortages across the state. Pursuant to Wis. Stat. § 165.85, the Law Enforcement Standards Board (LESB), with administrative support from the department, establishes minimum qualifications for police, jail and juvenile detention officers, including the authorization of preparatory and ongoing recertification training. In cooperation with law enforcement and technical college leadership, the LESB seeks to reduce barriers for qualified candidates to complete preparatory training and comply with certification requirements, while maintaining the quality and integrity of the training programs.

In September 2020, technical colleges in Wisconsin requested that the Department of Justice Training and Standards Bureau and the LESB explore moving portions of law enforcement and jail officer recruit training to online platforms. The LESB members supported a recommendation to establish an advisory group to study the

Brian D. Pahnke, Administrator
March 14, 2023
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issue. The group surveyed students, instructors and academy directors, and issued a report in December 2021, a copy of which is enclosed. The report provides recommendations specifying the portions of recruit training that can only be provided or should be provided in-person, as well as the portions that are as effective or more effective when delivered in a virtual or hybrid setting.

Subsequent to the release of the report, the Department of Justice has received requests to provide virtual training options consistent with the recommendations of the LESB advisory committee from police chiefs, jail administrators and the state technical colleges. Providing some instruction virtually is expected to reduce time away from work and travel costs for employing agencies and reduce barriers to entering or completing preparatory training for potential recruits, resulting in an increase in the pool of qualified candidates. Providing appropriate instruction through an online environment also may improve compliance with training requirements, given the increasing number of jail and juvenile detention facilities requiring waivers of one-year training deadlines in part due to staffing shortages.

To date, the LESB has approved adding online instruction for the part-time law enforcement recruit academies, and jail administrators have requested approval of online instruction for portions of the jail and juvenile detention officer curriculums. Additional online curriculums for full-time academies and other trainings are expected to follow the successful implementation of the initial modules.

Offering an online-based curriculum for some of the academy coursework is not possible without an additional position at the department. The department has limited staffing devoted to developing, reviewing and approving academy training and relies heavily on limited term employees to conduct mandatory compliance reviews. Adding one position to the department's Training and Standards Bureau will allow online coursework to be developed for all academies cost-effectively without duplicative efforts by technical colleges and agencies running their own academies.

Revenue Source

Wisconsin's Law Enforcement Training Fund is supported by a portion of the revenue collected from the penalty surcharge, a statutory surcharge of 26 percent of the fine or forfeiture for violation of state law or municipal or county ordinances, imposed pursuant to Wis. Stat. § 757.05(1)(a). The position requested by the department will be supported by the State Law Enforcement Training Fund appropriation under Wis. Stat. § 20.455 (2)(ja)—the appropriation that funds training provided to state law enforcement officers and the administrative support of the mission of the LESB, including maintaining records of certified officers; developing, revising and administering

Brian D. Pahnke, Administrator
March 14, 2023
Page 3

qualification requirements; providing ongoing and specialized training programs; and ensuring compliance of academies, agencies and officers with training requirements.

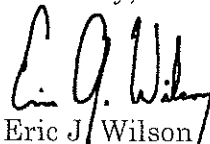
In the fiscal year 2023, there is \$3,407,400 appropriated in the State Law Enforcement Training Fund appropriation, of which \$1,200,300 is budgeted for provision of training to state law enforcement officers and other supplies and services costs and \$2,207,100 is for the salary and fringe costs of 23.32 FTE positions.

The department proposes funding an additional 1.0 FTE position from this appropriation beginning in FY23, but does not request to increase the expenditure authority in the appropriation because the costs of the position can be absorbed within the existing budget. The costs of the position are projected to be approximately \$115,000 annually for salary, fringe and related expenses.

Adding a position to this appropriation will not impact the amount of funding available to support the provision of training to law enforcement officers. To the extent that the implementation of online training reduces travel and time away from work for recruits, there will be savings that can be applied to increase the amount of funding to provide training.

Thank you for your review and consideration of this request. Should you have questions or require additional information, please contact Michelle Gauger, Director of the Bureau of Budget and Finance, directly at (608) 267-6714 or gaugermc@doj.state.wi.us.

Sincerely,



Eric J. Wilson
Deputy Attorney General

EJW:MCG:alm

cc: Tracy Williamson, Department of Administration