



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #101

### **District Attorney Information Technology (DOA -- General Agency Provisions)**

[LFB 2005-07 Budget Summary: Page 23, #8]

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#### **CURRENT LAW**

Under s. 16.971(9) of the statutes, the Department of Administration (DOA) is authorized to maintain and coordinate automated justice information systems in conjunction with the Public Defender Board, the Director of State Courts, the Departments of Corrections and Justice and District Attorneys. The systems must be compatible among the state's 72 counties and the various state agencies and individuals cited above. The Department's efforts currently focus primarily on information technology (IT) services provided to the 71 District Attorneys offices in the state.

A portion of the costs of the justice information systems is funded from the justice information surcharge. DOA receives \$2 of a \$9 justice information surcharge that is assessed upon the commencement of any of the following court proceedings: civil, small claims, forfeiture, wage earner, or garnishment actions, an appeal from municipal court, a third party complaint in a civil action, or a filing of a counterclaim or cross complaint in a small claims action. [Excluded from the surcharge in these types of proceedings are actions for safety belt use violations or a first time violation for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile, if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1]. Of the remaining \$7 collected from the surcharge, the Circuit Court Automation Program (CCAP) receives \$6 and the general fund receives \$1.

The remaining costs of the justice information systems are supported by federal Byrne grant awards received by the state pursuant to the federal Anti-Drug Abuse Act of 1988. DOA's Office of Justice Assistance (OJA) administers the Byrne grant program. Up to 10% of a given Byrne grant award may be used for state administrative purposes. After deducting amounts for administration, the remaining Byrne grant award is distributed to state and local units of

government. Historically, these grant funds have been utilized to address drug control and violent and serious crime. In federal fiscal year (FFY) 2004, OJA received a federal Byrne award totaling \$8,929,400 FED.

For FFY 2005, the federal Byrne grant program has been consolidated with the federal Local Law Enforcement Block Grant Program and renamed the Edward Byrne Memorial Justice Assistance Grant Program. For FFY 2005, the amount of the state's award under the consolidated Byrne grant program has been reduced to \$4,949,100 FED.

Total base funding for the justice information systems is \$3,474,700 PR and 19.0 PR positions annually. Of these amounts, \$1,721,700 PR [\$1,408,200 for salaries and fringe benefits and \$313,500 for supplies and services] and 19.0 PR positions are funded from the justice information systems surcharge and \$1,753,000 PR [all supplies and services] is funded from federal Byrne grants through OJA.

## **GOVERNOR**

Delete \$776,400 PR annually of federal Byrne grant funding currently used to support information technology services for District Attorney offices statewide.

Increase the justice information system surcharge by \$3 to \$12. Provide that five-twelfths of the surcharge (an increase from \$ 2 to \$5) would be allocated to DOA for justice information systems, one-half of the surcharge (unchanged at \$6) would be allocated to fund the Circuit Court Automation Programs (CCAP), and the remaining one-twelfth (unchanged at \$1) would be credited to the general fund.

## **DISCUSSION POINTS**

1. DOA provides information technology (IT) services to District Attorney (DA) offices on a statewide basis. State prosecutor positions (DAs, Deputy DAs, and Assistant DAs) are state positions. The IT services provided by DOA include: (a) computers for every attorney in the DA office along with an office computer network; (b) software, including legal research tools; (c) internet access; (d) access to criminal history information; (e) electronic access to the Wisconsin Department of Justice's legal brief bank, operating while intoxicated prosecutor's manual, and a DA case management system; (f) high-speed telecommunications access; (g) toll-free help desk support; (h) software training; (i) on-site computer hardware maintenance; and (j) hardware and software upgrades.

2. Participation in the District Attorney IT service is voluntary on the part of each DA office and county. In order to participate, counties sign a memorandum of understanding with DOA agreeing to provide, among other items, comparable computing equipment for non-state supported DA staff. To date 69 of 71 DA offices in the state (the Racine County and Vernon County DA offices do not participate) have installed local area networks (LANs). Of the 69 DA offices with

LANs, 62 have also installed the DOA-developed case management system and 59 have access to CCAP (the Circuit Court's case management system).

3. Funding of DA offices is a shared responsibility between the state and the counties with the state funding the DA, Deputy DA, and Assistant DA positions and the counties funding each office's support staff and other general administrative costs. In order to fund these IT systems for the DA offices, the current justice information system surcharge was created in 1995-96. At the time, \$4 of what was then a \$5 surcharge was credited to DOA to support these justice information systems activities. In 1996-97, the surcharge was increased to \$7, with \$4 continuing to be credited to DOA for the operation of these systems. In 1999-00, the surcharge was increased to \$9, but the portion of the fee provided to DOA was reduced from \$4 to \$2. These decreased surcharge revenues were offset by a corresponding increase in Byrne grant and penalty assessment funding allocated to DOA for the purpose of supporting these justice information systems activities.

4. In reviewing the current funding recommendations by the Governor for District Attorney IT activities, several questions emerge regarding the total funding level for the program, the increased surcharge, the revenue balance in the justice information systems surcharge appropriation, and the availability of federal Byrne grant monies that should be addressed by the Committee.

5. Under the bill, total funding for District Attorney IT systems would be decreased by \$580,900 PR and 1.85 PR positions in 2005-06 and by \$795,700 PR and 3.25 PR positions in 2006-07 (to \$2,893,800 PR and 17.15 PR positions in 2005-06 and \$2,679,000 PR and 15.75 PR positions in 2006-07).

6. Total funding for the District Attorney IT function would be affected by four separate decision items: (a) full funding of positions; (b) DOA agencywide budget reductions; (c) an IT network server consolidation initiative; and (d) Byrne grant funding reductions. Table 1 summarizes these changes as they would affect those portions of the District Attorney IT function funded by the justice information surcharge and by federal Byrne grant funding.

**TABLE 1**

**AB 100 Funding and Position Modifications to the District Attorney IT Function**

	<u>2005-06</u>		<u>2006-07</u>	
	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>
<b>Justice Information Surcharge Funding</b>				
<u>AB 100 Item</u>				
Base Funding	\$1,721,700	19.00	\$1,727,700	19.00
Full Funding	256,600	0.00	256,600	0.00
Budget Efficiency Measures	0	-1.00	-211,600	-2.40
IT Consolidation Initiative	<u>-61,100</u>	<u>-0.85</u>	<u>-64,300</u>	<u>-0.85</u>
Total Justice Information Surcharge	\$1,917,200	17.15	\$1,702,400	15.75
Change to Base	\$195,500	-1.85	-\$19,300	-3.25
<b>Federal Byrne Grant Funding</b>				
Base Funding	\$1,753,000	0.00	\$1,753,000	0.00
District Attorney IT Byrne Funding Reduction	<u>-776,400</u>	<u>0.00</u>	<u>-776,400</u>	<u>0.00</u>
Total Federal Byrne Grant Funding	\$976,600	0.00	\$976,600	0.00
Change to Base	-\$776,400	0.00	-\$776,400	0.00
Total AB 100 Funding	\$2,893,800	17.15	\$2,679,000	15.75
Change to Total Base Funding	-\$580,900	-1.85	-\$795,700	-3.25

7. The most significant funding reduction in Table 1 to the District Attorney IT function is due to the impact of a 45% reduction in federal funding for Byrne grant awards for 2005-06. As this cut relates to the DA's justice information systems, Byrne funding is reduced by \$776,400 PR annually. Further, current budget proposals now before the Congress would eliminate all future federal Byrne grant funding, beginning in FFY 2006.

8. While there would be an overall funding and position reduction to the District Attorney IT function during the next biennium, the bill would also increase the justice information systems surcharge from \$9 to \$12. The entire \$3 increase would be credited to DOA's justice information systems appropriation. According to the *Executive Budget Book*, "Revenue for the increase is needed to avoid a deficit related to funding for district attorney information systems." Further, the *Budget in Brief* states that the fee increase will "help provide for the information technology needs of the state's district attorney offices."

9. Each \$1 from the justice information systems surcharge generates an estimated \$688,800 annually. Assuming six months of increased surcharge collections in 2005-06, it is estimated that the \$3 surcharge increase recommended under the bill would generate an additional \$1,033,200 in 2005-06 and \$2,066,400 in 2006-07 to DOA's justice information systems appropriation account.

10. Table 2 identifies the projected estimated appropriation balances under this appropriation account during each fiscal year of the next biennium, based on actual 2003-04 data, year-to-date 2004-05 revenue, current 2004-05 budget authority under the appropriation, and the revenue estimates and expenditures provided under the bill.

**TABLE 2**

**DOA Justice Information Systems Projected Appropriation Balances under AB 100  
(PR Funds)**

	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>
<b>Revenues</b>				
Opening Balance	\$308,100	\$45,700	-\$203,800	\$278,000
Justice Information Surcharge	1,395,100	1,418,600	2,410,800	3,444,000
Miscellaneous Revenue	<u>2,800</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
Total Revenues	\$1,706,000	\$1,465,300	\$2,208,000	\$3,723,000
<b>Expenditures</b>				
Actual and Budgeted Expenditures	\$1,660,300	\$1,669,100	\$1,917,200	\$1,702,400
Reserves	<u>0</u>	<u>0</u>	<u>12,800</u>	<u>23,300</u>
Total Expenditures	\$1,660,300	\$1,669,100	\$1,930,000	\$1,725,700
Closing Balance	\$45,700	-\$203,800	\$278,000	\$1,997,300

11. The proposed justice information surcharge increase credited to this DOA appropriation account would have the effect of liquidating the account's projected 2004-05 year-end deficit by the end of the 2005-06 fiscal year and would result in a 2006-07 year-end appropriation balance approaching \$2.0 million. The reason for the dramatic growth to the ending balances under the justice information surcharge-funded appropriation during the next biennium is due to the fact that the bill does not provide for any increased expenditure authority under this appropriation in order to offset the impact of the federal Byrne fund reductions on the District Attorney IT function. Although the federal Byrne funds have been reduced by \$776,400 PR annually, the IT system costs that have been supported by these funds will continue to be incurred by this function.

12. Consequently, agency staff indicate that the total funding appropriated under the bill (\$2,893,800 PR in 2005-06 and \$2,679,000 PR in 2006-07) will be sufficient to support the costs of providing District Attorney IT services only for approximately nine months during each fiscal year.

13. DOA has advised that if the amount of the reduction in Byrne funding (\$776,400 PR

annually) were replaced with a corresponding increase to justice information surcharge-funded expenditure authority from the increased surcharge revenues, DOA could continue to provide "basic IT services to District Attorney offices in the state throughout the biennium." These services would include scheduled replacement of equipment, connection to the state's telecommunications system, legal research tools, and support for the 69 DA offices using the IT system.

14. As an alternative to the Governor's recommended funding for the District Attorney IT function, the Committee could consider providing the additional expenditure authority of \$776,400 PR annually under the justice information surcharge appropriation to provide \$2,693,600 PR in 2005-06 and \$2,478,800 PR in 2006-07 to fully fund the operation of the program during each fiscal year of the next biennium. Under the alternative, the total funding available for the District Attorney IT function would be \$3,670,200 PR in 2005-06 and \$3,455,400 PR in 2006-07. Under the recommended \$3 increase in the justice information system surcharge credited to this appropriation, the projected closing balance in the appropriation at the end of 2006-07 would be estimated at \$444,500 under this alternative.

15. As an additional alternative, the Committee could choose to provide the level of funding that DOA identified as being required to operate the District Attorney IT function under the agency's 2005-07 biennial budget request. Under that request, DOA requested total justice information system surcharge funding and federal Byrne grant funding for the program of \$3,432,900 PR annually. (Position authority for the function would also have been reduced to 16.0 PR positions.) The request assumed that base level Byrne funding would continue to be provided.

16. The Committee could choose to provide the Byrne funding amounts recommended by the Governor for the District Attorney IT function (\$976,600 PR annually), along with sufficient additional expenditure authority under the justice information system surcharge appropriation to provide the total funding equivalent to the amounts requested in the agency's original budget request. Under this alternative, the Committee could consider providing the additional expenditure authority of \$539,100 PR in 2005-06 and \$753,900 PR in 2006-07 under the justice information surcharge appropriation to provide \$2,456,300 PR in 2005-06 and \$2,456,300 PR in 2006-07 to fund the operation of the program at the levels proposed in the agency's budget request. Under the alternative, the total funding available for the District Attorney IT function would be \$3,432,900 PR annually. Under the recommended \$3 increase in the justice information system surcharge credited to this appropriation, the projected closing balance in the appropriation at the end of 2006-07 would be estimated at \$704,300 under this alternative.

17. In order to eliminate the current projected deficit in the justice information systems surcharge appropriation for 2004-05 and to provide increased justice information systems surcharge expenditure authority, the current surcharge would need to be increased. Under either of the above alternatives, an increase of less than \$3 to the surcharge would result in an appropriation revenue deficit at the end of 2006-07.

18. While the Committee might consider as a possible further alternative a lapse to the general fund of a portion of the projected 2006-07 ending balance in the justice information system

surcharge-funded appropriation account, it should be recognized that there is a real possibility that federal Byrne grant funds will be eliminated (or further curtailed) in the near future. In such an event, the Committee will need to find alternative funding for that portion of the District Attorney IT systems supported by Byrne monies. Having an available unobligated program revenue balance in the event of a federal funding reduction would greatly enhance the Committee's ability to replace such funding.

**ALTERNATIVES**

1. Approve the Governor's recommendation to delete \$776,400 PR annually in federal Byrne grant funding currently used to support information technology services for District Attorney offices statewide. Further, increase the justice information system surcharge by \$3 to \$12. Provide that five-twelfths of the surcharge (\$5) would be allocated to DOA for justice information systems.

2. Modify the Governor's recommendation to provide an additional \$776,400 PR annually under the justice information surcharge appropriation funded from justice information systems surcharge revenues to replace decreased federal Byrne grant funding and to fund the District Attorney information technology activities at \$3,670,200 PR in 2005-06 and \$3,455,400 PR in 2006-07.

<b>Alternative 2</b>	<b>PR</b>
<b>2005-07 FUNDING</b> (Change to Bill)	\$1,552,800

3. Modify the Governor's recommendation to provide increased expenditure authority of \$539,100 PR in 2005-06 and \$753,900 PR in 2006-07 under the justice information surcharge appropriation funded from justice information systems surcharge revenues to fund the District Attorney information technology activities at \$3,432,900 PR annually.

<b>Alternative 3</b>	<b>PR</b>
<b>2005-07 FUNDING</b> (Change to Bill)	\$1,293,000

4. Delete the provision.

<b>Alternative 4</b>	<b>PR-REV</b>	<b>PR</b>
<b>2005-07 REVENUE</b> (Change to Bill)	- \$3,100,000	
<b>2005-07 FUNDING</b> (Change to Bill)		\$1,552,800

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