



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #120

Assess, Inform, and Measure Grant to Milwaukee County (DOA -- Office of Justice Assistance)

[LFB 2009-11 Budget Summary: Page 32, #3, and Page 50, #1]

CURRENT LAW

Under 2007 Wisconsin Act 20, the Legislature provided \$500,000 GPR in 2008-09 in the Joint Committee on Finance's GPR supplemental appropriation for possible future release to the Department of Administration's Office of Justice Assistance (OJA) to provide grant funding to Milwaukee County to fund the preparation of presentencing assessments of criminal offenders. Under Act 20, each presentencing assessment must include the following information: (a) the risk that the individual will commit further crimes; (b) the needs of the individual that are directly related to criminal behavior; (c) the likelihood that the individual will respond positively to community-based treatment for the assessed needs; and (d) an assessment of the availability of community-based treatment programs to serve the individual.

By December 1, 2007, Milwaukee County was required to submit to OJA a plan for conducting these presentencing assessments for the purpose of providing courts information for sentencing decisions. The plan was required to include the following elements: (a) identification of a target group of offenders from among persons who are convicted of a Class F, G, H, or I felony or a misdemeanor; (b) collection and dissemination of information relating to the accuracy of assessments performed, the value and usefulness of information contained in the assessment reports for purposes of making sentencing decisions, the effectiveness of community-based treatment programs in addressing the assessed needs of offenders, and the effect of the treatment programs with respect to recidivism; and (c) annual reevaluation of the plan. At least 50% of the presentencing assessments had to be completed for persons subject to sentencing in connection with a felony.

GOVERNOR

Assess, Inform, and Measure Grant Funding for Milwaukee County. Provide \$500,000 GPR annually to Milwaukee County for calendar years 2010 and 2011 if the County submits to OJA by December 1 of the preceding year a plan (as under 2007 Act 20) that provides for all of the following:

a. Identification of a target group of offenders to assess, from among persons who are convicted of a Class F through I felony, or a misdemeanor.

b. Assessment of persons in the target group to determine: (1) the risk that they will commit further crimes; (2) their needs that are directly related to criminal behavior; and (3) the likelihood that they will respond positively to community-based treatment for the assessed needs, and an assessment of the availability of community-based treatment programs to serve the offenders.

c. Collection and dissemination of information relating to the: (1) accuracy of assessments performed; (2) value and usefulness of information contained in the assessment reports for purposes of making sentencing decisions; (3) effectiveness of community-based treatment programs in addressing the assessed needs of offenders; and (4) effect of the treatment programs with respect to recidivism.

d. Annual reevaluation of the plan.

Specify that at least 50% of the performed assessments must be of persons subject to sentencing in connection with a felony.

Across-the-Board 1% Funding Reduction. Reduce funding by \$5,000 GPR annually as part of an across-the-board 1% reduction to most non-federal appropriations.

DISCUSSION POINTS

1. On December 17, 2008, the Joint Committee on Finance released \$313,000 GPR in 2008-09, to Milwaukee County to provide first year funding for the County's assess, inform, and measure (AIM) program. While 2007 Wisconsin Act 20 envisioned that the AIM grant would be utilized to conduct presentencing assessments of offenders, the AIM plan developed by Milwaukee County provides information at additional points in the criminal justice process. Under the plan, jail intake evaluators work during peak volume booking periods in the Milwaukee County Criminal Justice Facility, 6:30 am to 8:30 pm-seven days a week, to conduct evaluations on arrestees booked on non-violent felony and misdemeanor charges. Acquired information is provided in a report to the prosecution and the defense prior to the initial charging conference, and is also provided at the defendant's initial appearance. The report indicates: (a) the nature of the current charges; (b) risk indicators; (c) risk score/level; (d) identified treatment or other needs; (e) arrestee demographic information; and (f) recommendations to minimize risk. Milwaukee County indicates that an

important purpose of these efforts is to identify arrestees who may be eligible for diversion or deferred prosecution programs. In calendar year 2009, Milwaukee County anticipates conducting approximately 3,500 arrestee evaluations.

2. Second, the plan provides enhanced information in diversion and deferred prosecution cases under the treatment, alternatives, and diversion (TAD) program. Individuals participating in TAD receive a risk and needs assessment, an assessment of readiness for change by alcohol abusers, and an alcohol or other drug abuse assessment. A summary of the information generated by these assessments is provided in an AIM report at the first three-month TAD review. In calendar year 2009, Milwaukee County anticipates conducting approximately 750 TAD-related assessments.

3. Third, the Milwaukee County AIM plan provides enhanced information at sentencing. Program reports provided at the sentencing stage provide a risk and needs assessment, an assessment of readiness for change by alcohol abusers, and for those individuals identified as having a substance abuse problem, an alcohol or other drug abuse assessment. In addition, the AIM report provides information on the defendant's compliance with all court ordered conditions, such as drug testing. The sentencing AIM report is provided at least 10 days prior to sentencing. In calendar year 2009, Milwaukee County anticipates conducting approximately 770 AIM sentencing assessments. Program services at sentencing are targeted to non-violent felony defendants with mental health and substance abuse issues.

4. Under AB 75, the Milwaukee County AIM program would be provided \$495,000 GPR annually to continue and expand this program. The administration indicates that this funding recommendation was modeled after the amount set aside for AIM under Act 20, and that the additional funding would permit more assessments to be conducted prior to sentencing and increase the amount of information provided to the courts.

5. The intent of Milwaukee County's AIM program is to: (a) improve the screening process of identifying individuals who may be eligible for diversion or deferred prosecution programs; (b) provide better information to the courts for individuals participating in diversion or deferred prosecution programs; and (c) provide enhanced information at sentencing, targeting non-violent felony defendants with mental health and substance abuse issues.

6. The intent of diversion and deferred prosecution programs is to: (a) provide needed services to offenders to address problems that may have led them to offend; (b) improve public safety by addressing the underlying causes of criminal behavior in individual cases; and (c) reduce criminal justice system costs by reducing the criminal caseload being processed by the courts, prosecutors, and public defenders.

7. If the Committee approves of providing increased resources to continue these efforts in Milwaukee County, the Committee could approve the Governor's recommendation to provide \$495,000 GPR annually for the County's AIM program. [Alternative 1]

8. Alternatively, given the current fiscal condition of the state, concerns could be raised that increased GPR funding for state programs is more limited. In lieu of the provisions under AB 75, the Committee could consider providing \$313,000 GPR annually for Milwaukee County's AIM program. This alternative would maintain the annual funding level received by the program for 2008-09 under s. 13.10 action in December, 2008, but reduce funding provided under the bill by \$182,000 GPR annually. [Alternative 2]

9. To the extent that the AIM program generates criminal justice system savings, these savings would arguably accrue to both the county and the state, as the program targets both misdemeanor offenders (who are typically incarcerated in county jail) and felony offenders (who are typically incarcerated in state prisons). The Committee could also consider maintaining the AIM program funding at \$313,000 annually, but require Milwaukee County to provide a 25% match for state funding, or \$78,200 annually in county funds. If the county provided the required match, the state would provide the remaining funding of \$234,800 GPR annually. This alternative would reduce funding under the bill by \$260,200 GPR annually. [Alternative 3]

10. In light of the state's fiscal condition the Committee could delete the funding entirely. However, it is unclear whether Milwaukee County would continue to operate the AIM program if state support for the program was no longer provided. [Alternative 5]

11. The Committee could also consider directing OJA to utilize federal Byrne Justice Assistance Grant funds received under the federal American Recovery and Reinvestment Act (ARRA) to provide Milwaukee County an AIM grant award of \$500,000 FED annually during each year of the 2009-11 biennium. This alternative would provide the Milwaukee County AIM program the recommended funding level of AB 75, but would permit the Legislature to reduce GPR funding under the bill. [Alternative 4]

12. The State of Wisconsin will be provided a one-time Byrne award under ARRA of \$18,843,600 FED. The administration indicates that these funds should be available to the state by July, 2009. Federal Byrne funds may be utilized for training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. In fact, under the plan developed by the administration \$834,200 FED in ARRA Byrne funding would be utilized for AIM competitive grants. The following table identifies the administration's plan for ARRA Byrne funding.

Administration Plan for Utilization of Federal ARRA Byrne Funding

<u>Program</u>	<u>Amount</u>
Programs Targeting Youthful Offenders (Age 14-25)	\$3,850,000
Multijurisdictional Crime Enforcement Task Forces	3,000,000
Department of Corrections Programming	2,700,000
Treatment, Alternatives, and Diversion (TAD) Grants	1,300,000
First Offender/Non-Violent Diversion Grants	1,300,000
Communications Interoperability	1,000,000
Assess, Inform, and Measure (AIM) Grant	834,200
Local Law Enforcement Programs	500,000
State Crime Laboratories--Digital Image Equipment	500,000
Wisconsin Justice Information Sharing Program	450,000
Felmers/Chaney Community Based Offender Reintegration	350,000
Small Police Agency Technology Improvement Grants	309,400
Racial Disparity—Data Collection Software/Traffic Stops	300,000
DOJ--Live Scan Fingerprint Workstations	250,000
Racial Disparity--Minority Law Student Internships	<u>200,000</u>
Subtotal	\$16,843,600
OJA--Administration	\$1,200,000
OJA--Program Performance Evaluation	<u>800,000</u>
Subtotal	\$2,000,000
Total State ARRA Byrne Award	\$18,843,600

ALTERNATIVES

1. Approve the Governor's recommendation to: (a) provide \$500,000 GPR annually to Milwaukee County for an assess, inform, and measure (AIM) grant; and (b) reduce the grant award by \$5,000 GPR annually as part of an across-the-board 1% reduction to most non-federal appropriations.

2. Reduce AIM grant funding to Milwaukee County by \$182,000 GPR annually. Under this alternative, Milwaukee County's AIM grant award in each year of the upcoming biennium would equal the County's 2008-09 AIM grant award of \$313,000 GPR.

ALT 2	Change to Bill
	Funding
GPR	- \$364,000

3. Reduce AIM grant funding to Milwaukee County by \$260,200 GPR annually. Under this alternative, total funding for Milwaukee County's AIM program would remain at \$313,000 annually, but Milwaukee County would be required to provide a 25% match (\$78,200

annually). The remaining \$234,800 annually to fund the program would be provided through the state's AIM grant to the County.

ALT 3	Change to Bill
	Funding
GPR	- \$520,400

4. Delete provisions. In addition, direct the Department of Administration's Office of Justice Assistance to provide Milwaukee County \$500,000 FED annually during each year of the 2009-11 biennium in federal Byrne Justice Assistance Grant funds received under the federal American Recovery and Reinvestment Act for the County's AIM program.

ALT 4	Change to Bill
	Funding
GPR	- \$990,000

5. Delete provision.

ALT 5	Change to Bill
	Funding
GPR	- \$990,000

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