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Joint Committee on Finance

Paper #396

Location and Naming of State Crime Laboratories (Justice -- General Agency Provisions)

[LFB 2013-15 Budget Summary: Page 277, #14]

CURRENT LAW

Current law provides that the state crime laboratories under the Department of Justice (DOJ) must be located in the cities of Madison, Milwaukee, and Wausau. Current law also provides that the Milwaukee Crime Laboratory be named the William J. McCauley Crime Laboratory. [William J. McCauley was Milwaukee County District Attorney from 1945 until his death in 1964.]

GOVERNOR

Delete current law which provides that: (a) the state crime laboratories must be located in the cities of Madison, Milwaukee, and Wausau; and (b) the Milwaukee Crime Laboratory be named the William J. McCauley Crime Laboratory.

DISCUSSION POINTS

1. Dating back to at least 1961, state statute has provided for a state crime laboratory to be located in the City of Madison. The provisions of 1985 Act 29 amended state statute to provide that the state crime laboratories be located in the cities of Madison and Milwaukee. Under 1989 Act 65, state statute was again amended to provide that the state crime laboratories be located in the cities of Madison, Milwaukee, and Wausau. Finally, 1991 Act 39 provided that the state crime laboratory in the City of Milwaukee be named the William J. McCauley Crime Laboratory.

2. Under AB 40, the statutory provisions would be deleted which provide that: (a) the state crime laboratories must be located in the cities of Madison, Milwaukee, and Wausau, and (b)

the Milwaukee Crime Laboratory be named the Williams J. McCauley Crime Laboratory.

3. In requesting this statutory change in its agency budget request, DOJ indicated that:

DOJ is considering relocating the Milwaukee Crime Laboratory due to capacity constraints and numerous structural and safety concerns associated with that facility. Under current law, any relocation is limited to within the Milwaukee city limits and any nearby locations outside the city boundary that offer modern, more functional, secure, and cost effective facilities cannot be considered. At some point in the future, it may become advisable to also relocate the Madison and/or Wausau labs. Likewise, under current law, those relocations would be limited only to facilities within the Madison and/or Wausau city limits. These arbitrary limitations discriminate against many citizens of Wisconsin and do not allow the crime laboratories to operate in the most cost-effective and operationally prudent manner.

4. Regarding whether or not cost-effective, functional, and secure space for a crime laboratory can be located in the cities of Madison, Milwaukee, and Wausau, DOJ staff indicated that:

The space that DOJ has in Milwaukee is not located in a safe location in Milwaukee. In addition, the building has numerous issues and the location is not easily accessible to either employees or other law enforcement agencies. There is available space in the general Milwaukee area, that would meet DOJ's needs, but the space is not located in the City of Milwaukee. The current space for the crime labs in Madison and Wausau does meet the DOJ needs. However, it would be more advantageous to have the flexibility to locate the crime labs in locations that meet the needs for being accessible, affordable, and safe.

5. In response to the concerns raised by DOJ, the Committee could approve the deletion of current law which specifies the location of the state crime laboratories and which names the Milwaukee Crime Laboratory the William J. McCauley Crime Laboratory. [Alternative 1] Deletion of current law would permit the Department to expand its search statewide for crime laboratory space which is accessible, affordable, and safe.

6. On the other hand, the Department has been successfully operating the state crime laboratories under these specific location designations for decades. In addition, it is not uncommon for law enforcement to hand deliver evidence to the state crime laboratories. The current requirements for the location of the state crime laboratories arguably provides a service and responds to this law enforcement practice as: (a) the Milwaukee Crime Laboratory is located in the largest urban center in the state; (b) the Madison Crime Laboratory is also located in a major Wisconsin city and is centrally located in the southern part of the state; and (c) the Wausau Crime Laboratory is located in the county seat for Marathon County and centrally located in the central/northern part of the state.

7. To the extent that currently available commercial and state space might not meet the needs of the Department for a state crime laboratory in one of the designated cities, the state could consider buying an appropriate parcel/building, renovating an existing building or building a new state crime laboratory on the purchased parcel/building. These planning decisions would be made by DOA's Division of Facilities Development, in conjunction with DOJ, and approved by the State Building Commission and the Legislature. In consideration of these points, the Committee could

consider deleting the recommendation and maintain current law which specifies the location of the state crime laboratories and which names the Milwaukee Crime Laboratory the William J. McCauley Crime Laboratory. [Alternative 3]

8. State statute directs that the Milwaukee Crime Laboratory be named the William J. McCauley Crime Laboratory. William J. McCauley served as Milwaukee County District Attorney from 1945 until his death in 1964. As the other state crime laboratories are not named after individuals, the Committee could adopt a uniform practice in this regard and eliminate the statutory directive to name the Milwaukee Crime Laboratory the William J. McCauley Crime Laboratory. [Alternative 1] If the Committee wishes to maintain current law in regards to the location of the state crime laboratories but eliminate the naming requirement for the Milwaukee Crime Laboratory, the Committee could choose Alternative 2. Alternatively, the Committee may wish to continue to honor the service of William J. McCauley and maintain the statutory directive. [Alternative 3]

ALTERNATIVES

1. Approve the Governor's recommendation to delete current law which provides that: (a) the state crime laboratories must be located in the cities of Madison, Milwaukee, and Wausau; and (b) the Milwaukee Crime Laboratory be named the William J. McCauley Crime Laboratory.

2. Modify the Governor's recommendation to maintain current law which provides that the state crime laboratories must be located in the cities of Madison, Milwaukee, and Wausau. Under this alternative, the Milwaukee Crime Laboratory would no longer be named after William J. McCauley.

3. Delete provision. As a result, state law would continue to provide that: (a) the state crime laboratories must be located in the cities of Madison, Milwaukee, and Wausau; and (b) the Milwaukee Crime Laboratory be named the William J. McCauley Crime Laboratory.

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