



## Legislative Fiscal Bureau

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May 23, 2013

Joint Committee on Finance

Paper #398

### **Tribal Law Enforcement Services Grant Program (Justice -- General Agency Provisions)**

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

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#### **CURRENT LAW**

The tribal law enforcement services grant program provides grants to tribes for tribal law enforcement services. Of the \$695,000 PR in annual base funding for grants to tribes under the tribal law enforcement grant program, \$80,000 annually must be allocated to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. Funding for the program is provided from tribal gaming revenues.

#### **GOVERNOR**

Delete the statutory requirement to make a grant totaling \$80,000 PR annually to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians under the tribal law enforcement services grant program. [This recommendation would delete the statutory directive but not the base funding to make grants under the program.]

#### **DISCUSSION POINTS**

1. Section 165.91 of the statutes creates the tribal law enforcement services grant program. Wisconsin tribes are eligible to participate in this grant program. Under the program, a tribe must submit an application that includes a proposed plan for expenditure of the grant funds. The Department of Justice (DOJ) is required to develop criteria and procedures in administering the program.

2. Of the \$695,000 PR in annual grant funding under the program, state statute specifically directs DOJ to allocate \$80,000 annually to the Lac Courte Oreilles Band of Lake

Superior Chippewa Indians for tribal law enforcement services. The Department may not consider this designation when determining grant awards from the \$615,000 annually in remaining base funding under the program.

3. In evaluating the grant applications and making awards from the remaining \$615,000 in annual base funding, DOJ considers: (a) reservation population; (b) county crime rate; and (c) tribal unemployment rate. The Department further averages the preliminary award for a given year with up to three of the most recent grants for a given tribe, in order to mitigate large grant award fluctuations from year to year.

4. The following table identifies the current law award amounts under the tribal law enforcement services grant program for 2012-13, the amounts that would have been paid out under the program for 2012-13 under the provisions of AB 40, and the percent funding change for each tribe under the program under the provisions of AB 40, as introduced.

**Grants to Tribes under the Tribal Law Enforcement Services  
Grant Program--Current Law and AB 40**

<u>Tribe</u>	<u>Current Law</u>	<u>AB 40</u>	<u>% Change</u>
Lac Courtes Oreilles	\$143,009	\$71,205	-50.21%
Bad River	108,699	122,839	13.01
St. Croix	96,944	109,555	13.01
Lac du Flambeau	75,577	85,408	13.01
Red Cliff	73,502	83,063	13.01
Menominee	64,048	72,379	13.01
Stockbridge Munsee	46,767	52,851	13.01
Oneida	44,034	49,762	13.01
Ho Chunk	20,438	23,097	13.01
Potawatomi	13,040	14,736	13.01
Sokaogon Chippewa	<u>8,942</u>	<u>10,105</u>	13.01
Total	\$695,000	\$695,000	

5. Under AB 40, the 10 tribes other than the Lac Courte Oreilles Band of Lake Superior Chippewa Indians participating in the tribal law enforcement services grant program, would see their annual grant awards increase by 13% annually if the statutory directive for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians was deleted. Under AB 40, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians would experience a 50% reduction in its annual funding under the tribal law enforcement services grant program.

6. Department of Justice staff indicates that the Department requested the deletion of the annual \$80,000 Lac Courte Oreilles Band of Lake Superior Chippewa Indians statutory directive as this directive has "created inequities in the distribution of funds to the recipients." As the above table indicates, the statutory directive has substantially altered how funds under the program are allocated. In order to apply the DOJ formula under the program uniformly to all participants, and in order to provide additional law enforcement resources for the remaining tribes under the program,

the Committee could approve the elimination of the statutory directive for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. [Alternative 1]

7. The Chief of Police for the Lac Courte Oreilles Tribal Police Department indicated that his Department faces law enforcement challenges. According to the Chief of Police, his Department is responsible for policing a large reservation, 77,000 acres, with a small disbursed non-summer population of approximately 3,000. During the peak summer season the reservation population quadruples due to summer homes and resorts. The Chief of Police also indicated that his Department addresses a high number of calls for service for the number of sworn law enforcement officers that his department has.

8. The Chief of Police for the Lac Courte Oreilles Tribal Police Department indicated that he was uncertain how the Department would operate with a substantially reduced award under the tribal law enforcement services grant program. The calendar year 2013 award of \$143,009 under the tribal law enforcement services grant program represents 17.9% of the calendar year 2013 tribal police department budget of \$799,509. A reduction of \$71,800 annually to the Lac Courte Oreilles grant under the tribal law enforcement services grant program would represent a 9.0% reduction to the tribal police department's 2013 budget. In addition, it may be worth noting that five of the 11 sworn law enforcement officers of the Lac Court Oreilles Tribal Police Department are supported with federal grant funds. The ongoing level of federal funding to support these positions is unknown. Based on the unique law enforcement challenges faced by the Lac Courte Oreilles Tribal Police Department, and the significance of the tribal law enforcement services grant funding to the department, the Committee could also consider deleting the recommendation and maintaining the \$80,000 annual grant directive for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. [Alternative 2]

## **ALTERNATIVES**

1. Delete the statutory requirement to make a grant totaling \$80,000 PR annually to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians under the tribal law enforcement services grant program. [This alternative would delete the statutory directive to make this specific grant to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, but not the base funding to make grants under the program.]

2. Delete provision. Under this alternative, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians would continue to receive \$80,000 PR annually under a statutory directive of the tribal law enforcement services grant program.

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