



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

September 13, 2023

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Department of Justice: Section 16.505(2) Request for Law Enforcement Training and Standards Position -- Agenda Item X

REQUEST

On June 20, 2023, the Department of Administration submitted for the Committee's approval, under a 14-day passive review, a request by the Department of Justice (DOJ) for 1.0 PR position funded from existing funds from the law enforcement training fund, state operations appropriation under s. 20.455(2)(ja). The position would be an education consultant assigned to the Division of Law Enforcement Services' (DLES) Training and Standards Bureau. The Department does not request additional expenditure authority. On July 11, 2023, an objection was raised to the request, which is now before the Committee under the provisions of s. 13.10.

ANALYSIS

The penalty surcharge supports the law enforcement training fund, state operations appropriation under s. 20.455(2)(ja). In 2023-24, the annual appropriation is budgeted \$3,242,000 PR and 15.32 PR permanent and project positions. While penalty surcharge funds support various functions of the Department, the appropriation to which position authority would be provided primarily supports the Training and Standards Bureau.

In recent years, the penalty surcharge receipts appropriation has operated in deficit. In 2022-23, the penalty surcharge receipts appropriation concluded the fiscal year with a cumulative deficit of \$33,424,400. Under 2023 Act 19, the penalty surcharge-funded DOJ appropriation for local assistance for law enforcement training was repealed and funding was replaced through a SEG appropriation from the local law enforcement training fund. The Department estimates that the resulting PR expenditure reduction of \$4.5 million in 2024-25 will reduce the expected deficit in the penalty surcharge fund from \$5 million annually to approximately \$450,000 annually.

Generally, the Division of Law Enforcement Services' Training and Standards Bureau has the following responsibilities: (a) staffing the Law Enforcement Standards Board (LESB); and (b) administering the training and certification requirements for law enforcement, tribal law enforcement, jail, and secure juvenile detention officers. The Bureau's budget in 2023-24 is \$13,836,200 and 14 permanent and project positions, comprised of \$5,293,500 GPR, \$8,295,900 PR (of which \$2,400,000 is from 20.455(2)(ja)), and \$246,800 FED and 12.5 PR and 1.5 FED positions. The Bureau's budget in 2024-25 is \$16,136,200 and 14 positions, comprised of \$3,293,500 GPR, \$3,795,900 PR, \$246,800 FED, and \$8,800,000 SEG and 12.5 PR and 1.5 FED positions.

Law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits must all successfully complete a minimum requirement of preparatory training in order to be certified as an officer in Wisconsin. Officers receive this training through academies certified by the Board based on adequacy of facilities and competence of instructional staff. The Board may authorize and approve a training program or training academy only if the program or academy is operated by an agency of the state or by a political subdivision of the state.

According to DOJ, law enforcement has requested on-line instruction for some topics to: (a) reduce time away from work and travel costs; (b) reduce barriers to entering or completing preparatory training for potential recruits; and (c) improve compliance with training requirements through reduction in time away from work. The Department indicates that LESB has approved adding some online instruction for part-time law enforcement recruit academies and expects that more approvals will follow after implementation for this initial group. It should be noted that DOJ and law enforcement agree that some training will always be in person.

In order to implement online coursework, curriculum must be developed and compliance with program requirements must be monitored. In addition, DOJ indicates that academies may require assistance with implementation. To support the development and implementation of online coursework, DOJ has requested creation of 1.0 PR position in 2023-24. Due to anticipated ongoing responsibilities, DOJ requests that this position be permanent. The Department indicates it is already relying on LTEs to conduct mandatory compliance reviews. Thus, DOJ indicates that implementation of some online academy coursework "is not possible without an additional position at the department."

Given that no additional expenditure authority is requested to support this position, the additional position is not anticipated to have a fiscal effect during the 2023-25 biennium unless DOJ subsequently requests, and the Committee subsequently approves, additional funding. The Department would support costs of the requested position within its existing budget authority. In the 2025-27 biennium, the position would be fully funded under standard budget adjustments.

If the Committee wishes, it could approve the Department's request for a position for the Training and Standards Bureau. [Alternative 1] This alternative would provide a permanent position in DOJ related to online law enforcement courses. Alternatively, the Committee could approve DOJ's request, but as a four-year project position. [Alternative 2] A four-year project position would provide the immediate resources requested by DOJ, but allow time to evaluate the degree to which online coursework is being used and adopted by local law enforcement agencies. Alternatively, the

Committee could approve DOJ's request, but as a two-year project position. [Alternative 3] A two-year project position would provide the immediate resources requested by DOJ, but allow the position to be considered in conjunction with the next biennial budget. If the request is denied, DOJ could submit a subsequent request seeking an additional position. [Alternative 4]

ALTERNATIVES

1. Approve the request for 1.0 PR position funded with existing funds from the law enforcement training fund, state operations appropriation under s. 20.455(2)(ja).
2. Approve the Department's request but specify that the position would be a project position expiring in September, 2027.
3. Approve the Department's request but specify that the position would be a project position expiring in September, 2025.
4. Deny the request.

Prepared by: Sarah Wynn