



## Legislative Fiscal Bureau

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December 12, 2007

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Justice: Section 13.10 Request to Create 2.0 PR Intelligence Analyst Project Positions  
--Agenda Item I

On September 5, 2007, the Department of Administration (DOA) filed a s. 16.505(2), Stats., request on behalf of the Department of Justice (DOJ) to create 2.0 PR intelligence analyst project positions. By letter dated September 25, 2007, the Co-Chairs of the Joint Committee on Finance indicated that an objection had been raised to the request, and that the request would be reviewed at a future meeting of the Committee under s. 13.10. By letters dated November 21, 2007, the Deputy Attorney General modified DOJ's request for additional position authority (attached). The following memorandum addresses the modified request for position authority for DOJ.

### REQUEST

The Department requests the creation of 2.0 PR intelligence analyst project positions funded with Project Safe Neighborhood federal grants: (a) a 1.0 gang analyst for the Fox Valley region authorized from the date of approval of this request through June 30, 2009; and (b) a 1.0 statewide gang analyst authorized from January 1, 2008, through December 31, 2010. The Department requests the positions be created under its Law Enforcement Services' interagency and intra-agency assistance appropriation [s. 20.455(2)(k)]. As the positions would be funded from a PR continuing appropriation, there is no accompanying request for an increase in expenditure authority.

### BACKGROUND

In its original request dated September 5, 2007, the Department of Administration on behalf of DOJ requested the creation of 2.0 PR intelligence analyst project positions: (a) a 1.0 intelligence

liaison with the Southeast Terrorism Alert Center in Milwaukee, funded under the federal Urban Areas Security Initiative (UASI) Program through June 30, 2008; and (b) a 1.0 gang analyst for the Fox Valley Region, funded under the federal Project Safe Neighborhood Program through December 31, 2007. The request identified \$46,670 in UASI funding for the intelligence liaison position, and \$60,266 in Project Safe Neighborhood funding for the gang analyst position.

By letter to the Co-Chairs dated November 21, 2007, the Deputy Attorney General indicated that DOJ was withdrawing the request to create a 1.0 intelligence liaison funded with a federal UASI grant. [While the letter inadvertently referred to the grant funding expiring on December 31, 2007, the UASI grant funds are scheduled to expire on June 30, 2008, as originally indicated to the Committee.]

Department staff indicates that this request is being withdrawn primarily because it now appears that additional UASI federal funding for the envisioned project position will not be available after the current grant period expires. The \$46,670 in funding for the intelligence liaison position was provided from the federal fiscal year (FFY) 2006 UASI award to the Milwaukee Urban Area which totaled \$8,570,000 FED. For FFY 2007, the UASI award to the Milwaukee Urban Area has been reduced to \$4,630,000 FED. Department staff indicates that the current plan is to reallocate the \$46,670 in federal UASI funding to fund additional communication lines and associated infrastructure to permit the Milwaukee Southeast Terrorism Alert Center under court order to access telephone call data available through DOJ.

By separate letter to the Co-Chairs dated November 21, 2007, the Deputy Attorney General: (a) renewed the Department's request for 1.0 gang analyst position for the Fox Valley region funded with a federal Project Safe Neighborhood grant; and (b) requested a 1.0 statewide gang analyst position again funded with a federal Project Safe Neighborhood grant.

## ANALYSIS

*Fox Valley Region Gang Analyst.* According to Department staff, the U.S. Attorney's Office for the Eastern District of Wisconsin, in consultation with local law enforcement in the Fox Valley region, felt there was a need to assess the gang problem in the region and to develop a response. In its grant application, the Department noted that, "This region has recently seen an increase in gang activity, especially Asian and Hispanic gangs that are very mobile. The gangs have used their mobility to elude law enforcement focus from a single jurisdiction."

The U.S. Attorney's Office for the Eastern District of Wisconsin awarded DOJ a Project Safe Neighborhood federal grant from June 1, 2007, through December 31, 2007. While the grant award of \$60,266 for the Fox Valley Region gang analyst was originally awarded through December 31, 2007, the grant period for these funds has now been extended by the federal government through June 30, 2008. Department staff indicates that this funding would be sufficient to support the position through June 30, 2008.

In its original application, DOJ indicated an intent to seek multiple years of federal grant funding for this initiative. In addition, DOJ staff indicates that the Department has been invited to apply for additional federal grant funding to continue the initiative beyond the original grant award. As a result, the Department requests that the Joint Committee on Finance approve this position through June 30, 2009.

In anticipation of possibly receiving additional federal funding, the Committee could consider approving a project position to serve as the Fox Valley region gang analyst through June 30, 2009. If additional federal funding is not received, the Department would be expected to hold the position vacant after available federal funding was exhausted and delete the position as a noncontinuing element under the 2009-11 biennial budget.

Alternatively, as the state has only received the \$60,266 in grant funding for this position to date, the Committee could also consider approving the position through June 30, 2008. If additional federal funds for the position become available, the Department could seek extended position authority for the project position under 14-day passive review.

If the Committee approves the position, the Fox Valley region gang analyst would be responsible for: (a) developing and presenting an assessment of the gang problem in the Fox Valley region; (b) gathering input on strategies for addressing the gang problem in the Fox Valley region; (c) identifying the gangs, gang types, members and associates of the gangs in the region; (d) developing charts on the gang structure, hierarchy, and identifiers for the gangs in the region; (e) identifying the criminal activities and modes of operation used by identified gangs; (f) assisting in gathering and entering the information on gangs and gang members into a shared database and migrate data from local law enforcement systems into a shared system; (g) creating awareness and training on data entry and use of the gang information-sharing system; (h) providing assistance in developing cases on gangs that act as continuing criminal enterprises; (i) providing analytical resources to assist local agencies in gang-related criminal investigations; and (j) developing prosecutorial exhibits to assist in the prosecution of crimes involving gangs. The Department indicates that the position would be located within the Wisconsin Statewide Intelligence Center in Madison in order to provide the analyst greater access to certain law enforcement IT-based analytical tools.

*Statewide Gang Analyst.* In applying for funds for a statewide gang analyst, the Department noted that, "Many law enforcement agencies have requested a single source for entry and query of gang information. The mobility of gangs and gang members requires a coordination of efforts across jurisdictions." The U.S. Attorney's Office for the Western District of Wisconsin awarded DOJ a Project Safe Neighborhood federal grant totaling \$63,441 from January 1, 2008, through December 31, 2008. Department staff indicates that this funding would be sufficient to support the position through December 31, 2008. In addition, the U.S. Attorney's Office for the Western District of Wisconsin has indicated that three years of funding will be available for this initiative. As a result, the Department requests that the Joint Committee on Finance approve the statewide

gang analyst project position through December 31, 2010.

In anticipation of receiving additional federal funding, the Committee could consider approving a project position to serve as a statewide gang analyst through December 31, 2010. If additional federal funding is not received, the Department would be expected to hold the position vacant after available federal funding was exhausted and delete the position as a noncontinuing element under the subsequent biennial budget.

Alternatively, as the state has only received the \$63,441 in grant funding for this position to date, and not knowing the level of future grant funding that the federal government may provide, the Committee could also consider approving the position through December 31, 2008. If sufficient additional federal funds for the position become available, the Department could seek extended position authority for the project position under 14-day passive review.

If the Committee approves the position, the statewide gang analyst would be responsible for: (a) gathering, maintaining and posting contact information for gang investigators in all counties and major municipalities; (b) acting as a liaison with and between various gang investigation organizations; (c) hosting a website for Wisconsin law enforcement to permit access to statewide gang information and information regarding gang investigation organizations; (d) promoting and providing training on the statewide gang information program; (e) developing a statewide gang assessment and publishing the findings; (f) providing investigative case analysis to local law enforcement for gang investigations; and (g) providing prosecutorial exhibits for state and federal gang member prosecutions. The statewide gang analyst would also be located in the Wisconsin Statewide Intelligence Center in Madison and would be able to coordinate, where appropriate, with the Fox Valley region gang analyst.

## **ALTERNATIVES**

### **A. Fox Valley Region Gang Analyst**

1. Approve a 1.0 intelligence analyst position, effective on the date of approval through June 30, 2009, to the Law Enforcement Services' interagency and intra-agency assistance appropriation [s. 20.455(2)(k)] under the Department of Justice to serve as a Fox Valley region gang analyst.

2. Modify Alternative A1 by authorizing the project position from the date of approval through June 30, 2008.

3. Deny the request.

**B. Statewide Gang Analyst**

1. Approve a 1.0 intelligence analyst position, effective January 1, 2008 through December 31, 2010, to the Law Enforcement Services' interagency and intra-agency assistance appropriation [s. 20.455(2)(k)] under the Department of Justice to serve as a statewide gang analyst.
2. Modify Alternative B1 by authorizing the project position from January 1, 2008 through December 31, 2008.
3. Deny the request.

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Attachments





STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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November 21, 2007

The Honorable Mark Miller, Co-Chair  
Joint Committee on Finance

The Honorable Kitty Rhoades, Co-Chair  
Joint Committee on Finance

Dear Senator Miller and Representative Rhoades:

Under section 13.10, Wisconsin Statutes, the Department of Justice (DOJ) requests approval of two Program Revenue-Service project positions for the Division of Criminal Investigation (DCI). Emerging gang problems across Wisconsin, and particularly in the Fox Valley, warrant this approval. Funding has been approved by the US Attorney's Offices for the Eastern and Western Districts of Wisconsin, and sub-granted to DOJ by the Office of Justice Assistance (OJA). Both positions will be funded under the federal Project Safe Neighborhoods program.

On April 24, 2007, the Department received a sub-grant of \$60,266 in Project Safe Neighborhoods funding from OJA for a gang analyst position to focus on the Fox Valley. While initially awarded through December 31, 2007, the award has been extended through June 30, 2008. We understand that new funding may then become available, which could fund the position beyond the grant's current end date. Our request for position authority to begin this project was approved by the Department of Administration and forwarded under section 16.505 to the Joint Committee on Finance on September 5, 2007. Prior to its scheduled approval on September 26, 2007, we were informed that an objection had been raised and that the request would be reviewed at a future meeting of the Committee under 13.10. We request that this item be included in the agenda for the next 13.10 meeting, and that a Program Revenue-Service project position be authorized to help address gang issues in the Fox Valley. The Department has received funding commitments that warrant approval of a two-year project position, with a reasonable possibility of additional funding beyond FY2009.

On October 25, 2007, the Department received an additional sub-grant of \$63,441 for a statewide gang project. While this grant is currently authorized through December 31, 2008, it is our understanding that funds will be available for up to three years under this new award. Consequently, we request Program Revenue-Service project position authority for a three-year period.

The Honorable Mark Miller, Co-Chair  
The Honorable Kitty Rhoades, Co-Chair  
November 21, 2007

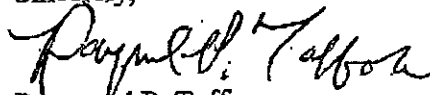
Wisconsin has seen a growing gang problem, including greater violence and an increasing variety of criminal activity. No area of the state is immune from criminal gang influence. As with the award relating to Fox Valley issues, the availability of additional funding is recognition of the seriousness of gang activity in Wisconsin, and the complexity posed to law enforcement agencies.

The requested Intelligence Analyst positions will support criminal investigations associated with gangs and their members in the Fox Valley and across the state. These analysts will work with law enforcement agencies, gather and disseminate gang-related information, provide reports on a regular basis, and coordinate regional meetings on gang-related issues. The positions will be a resource for developing and prosecuting cases. The analysts will have access to the considerable analytical tools and other resources used in DCI and will, in fact, work within the structure of the Wisconsin Statewide Information Center. DCI is working with the Milwaukee Police Department to provide them with access to a shared program for gang information. The Fox Valley initiative will be facilitated by DCI's presence in the area, both by having a regional office in Appleton and by providing a supervisor for the Lake Winnebago Area Metropolitan Enforcement Group.

This request satisfies the criteria under section 13.101. First, the growing gang problems in Wisconsin constitute an emergency that deserves a state-level response. Second, while sub-granted federal funds are available for this purpose, action under this statutory authority is needed to secure the necessary Program Revenue positions, particularly given that an objection was raised to our previous request under section 16.505. Third, as a law enforcement issue of statewide importance, addressing gang issues is clearly authorized by the Legislature, as reflected in section 165.50 of the statutes.

Federal funds have been sub-granted to the Department of Justice for the purposes described here. Given the gang problems that justified the award of funds, and the time-limited nature of these awards, there is a compelling need for two project Intelligence Analyst positions to be authorized at the earliest possible time.

Sincerely,



Raymond P. Taffora

Deputy Attorney General





STATE OF WISCONSIN  
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November 21, 2007

The Honorable Mark Miller, Co-Chair  
Joint Committee on Finance

The Honorable Kitty Rhoades, Co-Chair  
Joint Committee on Finance

Mr. Michael Morgan, Secretary  
Department of Administration

Dear Senator Miller, Representative Rhoades, and Secretary Morgan:

On September 5, 2007, the Department of Administration forwarded a request under section 16.505, Wisconsin Statutes, for a Criminal Intelligence Analyst position for the Department of Justice, to be funded by a sub-grant of federal Homeland Security funds under the Urban Area Security Initiative. On September 25, 2007, the Department of Justice received notice that an objection had been raised to this request, and that it would be *reviewed at a future meeting of the Committee under s. 13.10*. This is to inform you that we are withdrawing this request due to the fact that the grant funding is scheduled to expire on December 31, 2007.

Sincerely,

Raymond P. Taffora  
Deputy Attorney General