



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 Bureau of Justice Information and Analysis Position -- Agenda Item XI

REQUEST

On June 27, 2023, the Department of Administration (DOA) 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 Wisconsin justice information sharing program appropriation under s. 20.455(2)(ko). The position would be assigned to the Division of Law Enforcement Services' (DLES) Bureau of Justice Information and Analysis (BJIA). The Department does not request additional expenditure authority. On July 18, 2023, an objection was raised to the request, which is now before the Committee under the provisions of s. 13.10.

ANALYSIS

The justice information surcharge supports the Wisconsin justice information sharing program appropriation under s. 20.455(2)(ko). In 2023-24, the annual appropriation is budgeted \$863,000 PR and 4.0 PR permanent and project positions.

The \$21.50 justice information system (JIS) surcharge is imposed on an individual who is assessed a court fee for the commencement of certain court proceedings. In recent years, the JIS surcharge receipts appropriation has operated in deficit. In 2022-23, the JIS surcharge receipts appropriation concluded the fiscal year with a cumulative deficit of \$11,865,800.

The BJIA is intended to develop the state's capacity to conduct research, analysis, and program evaluation efforts to address a variety of criminal justice research needs and to support data-driven decision making and policy development. The Bureau contains the state's Statistical Analysis Center (SAC) and the Uniform Crime Reporting (UCR) program. Research is conducted by the Bureau at the request of the Department, the state Criminal Justice Coordinating Council (CJCC), and the

Legislature. The Bureau also assists in developing studies and setting metrics for grant programs administered by DOJ.

Signed in March, 2022, 2021 Act 183 requires DOJ to submit an annual report to the Legislature on the issuance and execution of search warrants at physical premises by law enforcement agencies. The act was approved by voice vote in both houses and requires DOJ to collect relevant information from law enforcement agencies to prepare the report. In addition, Act 183 requires all persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies to supply DOJ with the information that DOJ requests.

The act requires that the report include, by jurisdiction, all of the following information for the preceding calendar year:

- a. The total number of search warrants that were issued and denied.
- b. Of the search warrants issued, the number that requested explicit authorization of an unannounced entry and, of those, the number that authorized versus declined to authorize an unannounced entry.
- c. Of the search warrants that declined to authorize an unannounced entry, the number of search warrants that were executed with an announced entry versus an unannounced entry.
- d. Of the search warrants that declined to authorize an unannounced entry that were executed with an unannounced entry, all of the following information: (1) the number of warrants that resulted in written inventory of property; (2) the number of warrant executions that resulted in great bodily harm to, or the death of, any person; and (3) the age, race, and gender of any suspect who was present at the warrant's execution.
- e. Of the search warrants that explicitly authorized an unannounced entry (no-knock search warrant), the number of search warrants that were executed with an announced entry versus an unannounced entry.
- f. Of the search warrants that explicitly authorized an unannounced entry (no-knock search warrant), the type of suspected crime for which it was sought.
- g. Of the search warrants that explicitly authorized an unannounced entry (no-knock search warrant) and were executed with an unannounced entry, all of the following information: (1) the number of warrants that resulted in written inventory of property; (2) the number of warrant executions that resulted in great bodily harm to, or the death of, any person; and (3) the age, race, and gender of any suspect who was present at the warrant's execution.

On June 8, 2021, DOJ indicated in its fiscal estimate that it would require 1.5 GPR positions in order to collect, analyze, and report the collected data. The Department indicates that the workload equivalent to an additional 0.5 position (in addition to the requested 1.0 PR position) would be supported through appointment of a limited-term employee. Because there would be ongoing duties

involving collecting, reviewing and resolving data errors along with training and outreach to submitting agencies, the Department requests a permanent position.

According to the Department, BJIA developed a project plan for the Act 183 data collection and completed as much of the project as is possible without additional staffing resources. The Department's next implementation step would assign responsibility for the position to build a temporary data collection tool while continuing to work with the Department of Transportation on a permanent data collection solution. The BJIA employee would then pilot test the data collection tool and provide training and technical assistance to law enforcement agencies on data submission. The Bureau estimates that it would take about a year and a half from position hire to the first annual report.

Given that no additional expenditure authority is requested to support the requested 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. 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 BJIA. [Alternative 1] This alternative would provide a permanent position in DOJ related to data collection for 2021 Act 183. 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 ongoing data collection needs. 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 Wisconsin justice information sharing program appropriation under s. 20.455(2)(ko).
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