

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

Date: September 9, 2024

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Joe Lamers, Director, Office of Strategy, Budget and Performance *JOSEPH LAMERS*

Subject: Requesting Reallocation of State Allocated American Rescue Plan Act (ARPA) Funding and Tax Levy Funding due to Revised Memorandum of Understanding for ARPA funding allocated to the Court System: (Revised 9/9/24)

File Type: Action Report

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**REQUEST**

The Director of the Office of Strategy, Budget and Performance, at the request of Milwaukee County Courts and the Milwaukee Community Justice Council, respectfully requests reallocation of \$2,313,170.45 in State ARPA funding that was dedicated to the Courts system for backlog management and a reallocation of tax levy in an equal amount. This adjustment is necessary to cover critical public safety needs and account for adjustments in the Memorandum of Understanding (MOU) with the State of Wisconsin regarding use of American Rescue Plan Act (ARPA) funds that the State dedicated to Milwaukee County to address courts backlog management.

**BACKGROUND**

Milwaukee County received an ARPA allocation of nearly \$16 million from the State of Wisconsin, earmarked in large part for Milwaukee County's court system in order to meet the needs of our constituents and help clear a pandemic-related case backlog while ensuring public safety. The MOU between Milwaukee County and the State of Wisconsin regarding use of these funds was executed on November 30, 2022.

Since that time, District 1 of the Wisconsin State Court System has made demonstrable progress in addressing the criminal case backlog, notably eliminating misdemeanor and criminal traffic backlogs, but a felony case backlog remains. With 5,714 felony cases filed in 2023, the number of serious criminal cases entering the criminal legal system grew, exceeding the pre-pandemic figure of 5,222 felony cases in 2019. The number of felony cases awaiting resolution has also increased since 2019. By the end of 2023, there were 5,027 pending felony cases in the system, an increase of +2.2% (4,918) from December 31, 2022 and +42.6% (3,525) from December 31, 2019. Case disposition time captures how long cases are in the system before adjudication. Among felony cases, the median age to disposition was 286 days in 2023. This is a roughly 5% decline from a pandemic high of 301 days to disposition in 2022 but still higher (+51.3%) than the median pre-pandemic disposition age of 189 days in 2019. In short, cases are taking longer to reach adjudication than they did before the pandemic.

In March 2024, Milwaukee County submitted a request to the State of Wisconsin, asking for revisions to the State ARPA MOU. This request was approved by the State, and the State and County jointly agreed to update the ARPA MOU accordingly.

Among its changes, the revised MOU adjusts the ARPA budget, reallocating unspent funds and creating a \$2,313,170.45 line item for "Milwaukee County Sheriff Office personnel and other related expenditures or Milwaukee County Courts operations." This line allows Milwaukee County to use ARPA funds to cover courts backlog and operational needs that were initially supported with 2024 county tax levy funding. The current resolution seeks to reallocate the equivalent amount of 2024 county tax levy funds for the following areas:

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| <b>Clerk of Circuit Courts Evidence Room</b> (Capital Project WC027801) | \$900,000.00 |
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| <b>AXON Justice Premier Digital Discovery Platform (Capital Project WI021701)</b>   | \$375,000.00 |
| <b>Sheriff Overtime Budget for Courthouse Staffing</b>  | \$353,602.00 |
| <b>Court Interpreter Staffing</b>   | \$250,000.00 |
| <b>Expansion Court Clerk &amp; Sheriff Staffing</b>   | \$230,000.00 |
| <b>District Attorney Investigator &amp; Victim Witness Support Staffing</b>   | \$176,801.00 |
| <b>Equipment &amp; Supplies</b><br><i>Courtroom TV Mounts, Evidence Safe for Courtroom 509, Hearing Assist Devices, Interpreter Equipment, Jury Selection Cordless Microphones, Mobile Zoom Cart for Out-of-Custody Court</i> | \$27,767.45  |

Following is a brief description of the above allocations:

- Evidence Room (\$900,000): The Clerk of Courts currently stores evidence in multiple rooms in the safety building. Existing space is running out of room for evidence storage. Additionally, the current evidence room space is in poor condition which presents risks of damaged evidence. Insufficient evidence room capacity and condition could have potentially negative impacts on caseload processing. The Clerk of Courts is partnering with the Department of Administrative Services to relocate the evidence room from the safety building to the courthouse, increasing existing Evidence Room project WC027801 by to cover estimated costs of \$900,000.
- AXON Justice Digital Discovery Platform (\$375,000): This allocation provides continued funding through 2025 for the digital discovery platform utilized by the District Attorney's Office.
- Sheriff Overtime Budget for Courthouse Staffing (\$353,602): The Sheriff's Office has incurred additional overtime costs due to increased court activities intended to address the backlog.
- Court Interpreters (\$250,000): The County has incurred increased costs for Court Interpreters which are required for cases where translation is needed.
- Expansion Court: Clerk & Sheriff Staffing (\$230,000): An additional courtroom was opened to further address backlog cases. The additional courtroom is staffed by Court Clerk and Sheriff staffing, often through overtime costs. This allocation covers estimated staffing costs needed to maintain the additional courtroom in 2025.
- District Attorney staffing (\$176,801): This allocation will allow the District Attorney to maintain a portion of the Investigator and Victim/Witness advocate staffing in 2025, which have been funded through the State ARPA allocation.
- Equipment and Supplies (\$27,767.45): Various equipment and staffing needs have been identified for court operation needs.

### **2025 Impacts and Resolution Detail (REVISED 9-9-24)**

This request is intended to provide funding in 2024 and 2025, and to maintain courts backlog operations and funding in 2025. To maintain funding into 2025 the resolution in this file requests the following:

Capital Projects: Two of the items requested are proposed to be funded as capital projects. Capital project funds which are not spent at year end will carry forward to the subsequent year.

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| • Clerk of Circuit Courts Evidence Room (Capital Project WC027801)           | \$900,000.0  |
| • AXON Justice Premier Digital Discovery Platform (Capital Project WI021701) | \$375,000.00 |

Operating Items: The resolution for this file includes a proposal which would allow for use of approved operating funds in 2024 or 2025. Under the proposal, each of the approved operating budget allocations will be placed into unique accounts with designated activity codes for tracking and monitoring purposes. Funds which are not expended in 2024 will be lapsed and placed into the Debt Service Reserve (DSR) at year-end 2024. In 2025, an equal amount of unexpended funds for each allocation, will be placed back into approved projects to re-establish budget authority in 2025. Lapsed 2024 budget authority will be placed into the DSR and used to pay 2025 principal (debt) expenses, allowing for a like amount of budget authority from the DSR to be freed up

to re-establish budget authority for these items in Sheriff, District Attorney, and Courts operating budgets. This process will occur for approved allocations which are not spent in 2024, including for departments that are in an overall deficit in 2024. The County's 2024 deficit is being addressed in a separate file. This authorization is requested for the below operating projects, to maintain courts backlog operations in 2025.

- Sheriff Overtime Budget for Courthouse Staffing \$353,602.00
- Court Interpreter Staffing \$250,000.00
- Expansion Court Clerk & Sheriff Staffing \$230,000.00
- District Attorney Investigator & Victim Witness Support Staffing \$176,801.00
  
- Equipment & Supplies \$27,767.45

**RECOMMENDATION**

This file includes the following recommended actions:

- Reallocate \$2,313,170.45 of unspent State ARPA funding to support Milwaukee County Sheriff's Office personnel and other related expenditures or Milwaukee County Courts operations;
- Reallocate \$2,313,170.45 of tax levy funding to support courts-related needs identified in this file; and,
- Provide authorization for allocations approved in this file to be utilized in 2024 or 2025, as requested in the resolution attached to this file.

**VIRTUAL MEETING INVITES**

- carl.ashley@wicourts.gov
- stephanie.garbo2@wicourts.gov
- eperkins@milwaukeeccjc.org

**ATTACHMENTS:**

Resolution

Fiscal Note

cc: Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors  
Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk