

👉 **99hr\_AC-JPP\_ab0615\_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**1999-00**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy  
(AC-JPP)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

## Assembly

### Record of Committee Proceedings

#### **Committee on Judiciary and Personal Privacy**

##### **Assembly Bill 615**

Relating to: assistant district attorney positions for certain counties and making an appropriation.

By Representatives Sykora, Huebsch, Porter, Kaufert, Huber, Hahn, Owens, Staskunas, Hebl, Pocan, Balow, Berceau, Bock, Hasenohrl, Kreuser, La Fave, F. Lasee, Lassa, Meyerhofer, Miller, Olsen, Plale, Richards, Schneider, Schooff, Steinbrink, Wasserman, Waukau, Ziegelbauer and Meyer; cosponsored by Senators Burke, Decker, Farrow, Huelsman, Robson, Rosenzweig, Wirch, Welch and Rude.

December 1, 1999      Referred to committee on Judiciary and Personal Privacy.

January 18, 2000      **PUBLIC HEARING HELD**

Present:    (9)      Representatives Huebsch, Gundrum, Walker,  
Suder, Grothman, Sherman, Colon, Hebl and  
Staskunas.

Excused:   (0)      None.

##### Appearances for

- Representative Tom Sykora, 67th Assembly District
- Tom Scobie, Chippewa County District Attorney, Chippewa County Bar
- Gerald Mowris, State Bar of Wisconsin
- Susan Karaskiwicz, Kenosha District Attorney
- Paul Bucher, WI District Attorneys Association
- Jane Kohlwey, Columbia County District Attorney
- Diane Nicks, Dane County District Attorney's Office
- Representative Joe Leibham, 26th Assembly District

##### Appearances against

- None.

##### Appearances for Information Only

- None.

##### Registrations for

- Robert Hamele, Columbia County
- Bren Bailey, Domestic Abuse Intervention Services
- Amy Lyle, Domestic Abuse Intervention Services

- Senator Brian Burke, 3rd Senate District
- Ami Orlin, Safe Harbor
- Representative Joan Wade Spillner, 42nd Assembly District
- Representative Mark Meyer, 95th Assembly District
- Representative Peter Bock, 7th Assembly District
- Senator Robert Wirch, 22nd Senate Districts
- Representative Jim Kreuser, 64th Assembly District
- Kevin Lindsey, Dane County Chief's of Police Association
- Representative Steve Kestell, 27th Assembly District
- Gail Richardson, 5th Judicial District
- Kimberly Baker, Cottage Grove
- Patti Seger, Madison
- Richard Williams, Madison Police Department
- Phil Boatwell, Rock County
- Michael Serpe, Kenosha County
- Jason Hanson, Madison
- Becky Westerfelt, Rape Crisis Center, Madison

Registrations against

- None.

March 30, 2000

**Failed to pass pursuant to Senate Joint Resolution 1.**



Robert Delaporte  
Committee Clerk





## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

DATE: January 20, 2000  
TO: REPRESENTATIVE MICHAEL HUEBSCH, CHAIRPERSON, ASSEMBLY  
COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY  
FROM: Don Dyke, Senior Staff Attorney  
SUBJECT: Background Information on District Attorney Weighted Caseloads

At the January 18, 2000 public hearing on 1999 Assembly Bill 615, relating to assistant district attorney positions for certain counties, members of the Assembly Committee on Judiciary and Personal Privacy expressed interest in information on weighted caseload data for district attorneys. In response, attached to this memorandum are the following:

1. Excerpt, from Legislative Fiscal Bureau Informational Paper No. 75, *Wisconsin Court System* (January 1999). The excerpt: (a) consists of pages 12 through 16 and appendices IV and V of that document; and (b) provides general background information (particularly pages 14 through 16 and the two appendices) on weighted caseload methodology and data for district attorneys.
2. Legislative Fiscal Bureau Paper No. 378, *Additional Prosecutors (District Attorneys)* (May 5, 1999). This paper, prepared in connection with consideration by the Joint Committee on Finance of additional prosecutors in the 1999-2001 Biennial Budget, contains more detailed information than the above document.

If you need additional information, please contact me directly at the Legislative Council Staff offices.

DD:tl;rv

Attachments

Excerpt from LFB Informational Paper No. 75

ending on the following June 30, so that a direct comparison cannot be made between county calendar year and state fiscal year expenditures and revenues. The state spent \$75,182,700 in 1997-98 and, as reported by the Director of State Courts from information reported to the State Treasurer, received \$74,427,600 in revenue from fines, forfeitures, surcharges and filing fees. Much of the revenue received by the state, while still offsetting total state costs, is earmarked for specific programs, such as schools, law enforcement training, victim witness assistance, drug abuse treatment and domestic abuse.

While direct comparisons may be of limited value given the inconsistencies in reported data and the differences between the calendar year and state fiscal year, Table 4 would indicate that total circuit court operating expenditures exceeded revenue from circuit court operations by approximately \$70.7 million. These expenditures are largely financed at the state level by revenue collected from general state taxes; and at the county level by local property taxes, state shared revenues and state-funded mandate relief, and other state-funded circuit court grant programs.

Table 4

**Circuit Court Expenditures and Revenues at the State and County Levels (in Millions)**

	Fiscal Year 1997-98 STATE	Calendar 1997 COUNTY
Revenues	574.4	547.5
Expenditures	75.2	117.4
Net Total	-\$0.8	-\$69.9

District attorneys are required to perform, within their respective prosecutorial units, the following duties:

- a. prosecute all criminal actions in state courts;
- b. except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws;
- c. participate in John Doe proceedings;
- d. when requested, appear before grand juries to examine witnesses and provide advice and legal services to the grand jury;
- e. assist the Department of Workforce Development to conduct welfare fraud investigations;
- f. at the request and under the supervision of the Attorney General, brief and argue criminal cases brought by appeal or writ of error or certified from a county to the court of appeals or supreme court;
- g. commence or appear in certain civil actions;
- h. perform duties in connection with certain court proceedings under the Juvenile Justice Code (Chapter 938) including juvenile delinquency actions;
- i. enforce certain provisions relating to the sale, transportation and storage of explosives.

In addition to these duties, counties have the option to designate the district attorney as its representative in certain proceedings involving

---

**Other Participants in the Justice System**

---

**District Attorneys**

There are 71 district attorneys in Wisconsin. A district attorney (DA) is elected for a two-year term at the general election held in each even-numbered year. Each county in the state is termed a "prosecutorial unit" except that Shawano and Menominee counties form a two-county prosecutorial unit and jointly elect a single district attorney. Under current law, district attorneys are part-time positions in Buffalo, Florence, Forest, Pepin, Richland, Rusk, Trempealeau and Vernon counties.

children or juveniles including those relating to: (a) children or juveniles alleged to have violated civil laws or ordinances; (b) children alleged to be in need of protection or services; (c) the termination of parental rights to a minor; (d) the appointment and removal of a guardian; and (e) the adoption of children.

While some counties have a single district attorney to perform these duties, most DAs have one or more assistant DAs who are also authorized to fulfill the duties specified above. If a county has a population over 100,000, the DA may appoint between one and four deputy DAs, depending on total population. Deputy DAs perform supervisory and administrative responsibilities in addition to prosecuting cases.

Prior to January 1, 1990, district attorneys, deputy DAs and assistant DAs were county employees. Under 1989 Act 31, prosecutors became state employees on January 1, 1990. Counties continue to have financial responsibility for all other costs related to the operation of the district attorney's office, including support staff. (However, county costs for special prosecutors are reimbursed by the state.) On the date of transition, 332.05 prosecution positions transferred to state employment.

As of December 31, 1998, 395.8 prosecutor positions are authorized, including 364.0 funded from general purpose revenue and 31.8 from program revenue. Base funding for DAs in 1998-99 is \$32,526,100 GPR and \$1,308,300 PR. The program revenue positions include: (a) 18 positions for criminal drug prosecution which are funded from federal anti-drug abuse funds (two in Dane County, 14 in Milwaukee County, one in Waukesha County, and one in Outagamie County, which also serves Winnebago, Fond du Lac and Calumet Counties) funded from drug forfeiture funds; (b) 8.8 positions to prosecute crimes against women (0.5 position in Chippewa County, two positions in Dane County, 0.5 position in Jefferson County, one position in Kenosha County, 0.8

position in La Crosse County and four positions in Milwaukee County) funded by the Violence Against Women Act; (c) one position in Milwaukee County for the prosecution of child support cases, funded from federal funds under a grant from the Department of Health and Family Services; (d) two positions in Milwaukee County for the prosecution of termination of parental rights cases funded from child welfare services funding under the Department of Health and Family Services; and (e) one position in Milwaukee County to expedite the prosecution of felony cases; and (f) one position awarded to the Dane County DA office by the Department of Health and Family Services to prosecute statutory rape cases.

Under current law, the salaries of district attorneys are established in the state compensation plan. The compensation plan must establish separate salary rates for DAs depending on the population size of each prosecutorial unit. For DA terms beginning January 1, 1999, the rates have been established as shown in Table 5.

**Table 5: District Attorney Salaries**

Prosecutorial Unit Population	Salary
More than 500,000	\$104,500
250,000 to 500,000	94,200
100,000 to 250,000	89,100
75,000 to 100,000	84,000
50,000 to 75,000	79,700
35,000 to 50,000	79,700
20,000 to 35,000	70,600
Not more than 20,000	70,600

Assistant district attorney compensation is established under a collective bargaining agreement with the state. Under the current agreement, which is in effect until June 30, 1999, the minimum annual assistant DA salary is \$37,100 and the maximum is \$93,100. The salary range for deputy DAs is established under the state compensation plan and is identical to the assistant DA salary range. However, deputies may qualify

for an additional \$2.75 per hour supervisory differential (\$5,700 annually), if certain conditions are met.

Table 6 shows the number of prosecutor positions currently authorized for each county.

Given the substantial requests from counties to add state-funded assistant DA positions, efforts have been made to determine the relative caseload of prosecutorial units. Caseload has been viewed by both the Governor and Legislature as an important factor in determining the allocation of prosecution staff. Generally, caseload has been measured by totaling various types of case filings and applying a relative weight to each of these types. This provides a basis for estimating the relative weighted caseload per prosecutor in each county.

However, the methodology for measuring county prosecutorial caseloads and the need for additional ADAs is evolving. In 1995, a number of legislators and district attorneys raised questions regarding the existing caseload measurement. In response to those concerns, the Joint Legislative Audit Committee directed the Legislative Audit Bureau (LAB) to review options for measuring prosecutorial workload and improving the system for assessing the need for prosecutorial resources.

The results of the LAB findings were released in December, 1995, and identified a number of problems with the existing caseload weighting system. After reviewing Wisconsin's and other states' methods of measuring prosecutorial caseload, the LAB made a number of recommendations, including improving the caseload measurement to: (1) use currently available data to express caseload in hours; (2)

Table 6: State Prosecutor Positions - 1998-99

County	Positions	County	Positions
Adams	1.00	Marathon	7.00
Ashland	1.50	Marinette	2.50
Barron	3.00	Marquette	1.00
Bayfield	1.00	Milwaukee	108.50
Brown	11.00	Monroe	3.00
Buffalo	1.00	Oconto	1.50
Burnett	1.00	Oneida	2.00
Calumet	2.00	Outagamie	8.00
Chippewa	3.50	Ozaukee	3.00
Clark	2.00	Pepin	0.60
Columbia	3.00	Pierce	3.00
Crawford	1.00	Polk	2.00
Dane	30.00	Portage	4.00
Dodge	4.00	Price	1.00
Door	2.00	Racine	19.00
Douglas	3.50	Richland	1.75
Dunn	3.50	Rock	13.50
Eau Claire	8.00	Rusk	1.50
Florence	0.50	Saint Croix	6.00
Fond du Lac	5.00	Sauk	4.50
Forest	0.60	Sawyer	2.00
Grant	2.00	Shawano/Menominee	3.00
Green	2.00	Sheboygan	7.00
Green Lake	1.50	Taylor	1.00
Iowa	1.75	Trempealeau	1.60
Iron	1.00	Vernon	2.40
Jackson	2.00	Vilas	2.00
Jefferson	5.30	Walworth	5.00
Juneau	2.00	Washburn	1.00
Kenosha	13.00	Washington	5.00
Kewaunee	1.50	Waukesha	18.50
LaCrosse	7.80	Waupaca	4.00
Lafayette	1.00	Waushara	1.50
Langlade	1.50	Winnebago	8.00
Lincoln	2.00	Wood	4.00
Manitowoc	4.00	Total	395.80

recognize that certain types of cases within a broader category may take more time than other cases within that category (for example, homicides require more time than other felonies); (3) identify whether the case is being prosecuted by a district attorney or other prosecutor, such as corporation counsel; (4) include time spent on children in need of protective services and involuntary termination of parental rights cases; (5) include cases such as contested forfeitures; and (6) use a three-year average for case filing data.

The LAB also recommended that, once a more



accurate case measurement system is developed, a productivity standard be created for DAs to determine the time that a prosecutor has available to prosecute cases (similar to the method used to determine judicial resources). The LAB conducted the first step of the calculation in estimating the average number of state holiday hours, personal hours, sick leave, and vacation time per prosecutor. This total, estimated at 300 hours per year, was then subtracted from 2,088 hours (the total number of hours per prosecutor position per year) to come up with 1,788 working hours available. The LAB recommended that either a Legislative Council special committee be established or a committee be organized by the State Prosecutors Office (SPO) with appropriate prosecutor representation to estimate the average time spent on other duties such as administrative and investigative work, training, reviewing cases that are never charged and community service. The average time spent on other duties could then be subtracted from the available working hours estimate to calculate the average number of hours available to prosecute cases.

In response to the LAB's recommendations the SPO, in conjunction with the Wisconsin District Attorney Association (WDAA), reviewed available data and surveyed district attorneys to estimate this "time-available" standard for prosecutors. The WDAA is an association of state district attorneys which meets to discuss various issues that affect DAs. Since DAs do not have any type of official state governing board, the WDAA has decided to act as the official voice for state prosecutors. In this regard they appointed a committee to rework the measurement of district attorney position allocation, taking into account some of the LAB recommendations.

The committee estimated time spent by district attorneys on various non-prosecutorial activities including administrative work, community service, search warrants, appeals, contested ordinance and civil traffic cases, training and other such duties. The estimate was then sent to and reviewed by all

district attorney offices. The resulting estimate indicated that on average DAs spend approximately 561 hours per year on duties other than prosecuting cases. Based on the LAB's estimate of 1,788 working hours available per prosecutor (2,088 less holiday, sick leave and vacation hours), this leaves 1,227 hours per prosecutor available for prosecution.

The committee also estimated average prosecutorial hours required for different types of cases. This estimate was based on: (1) information resulting from a time study conducted by DAs in 1993-94 for which DAs recorded hours spent on various cases; and (2) various modifications to the time study as recommended by committee members.

Once these estimates were complete, the SPO received caseload filing data for each county from the Director of State Courts, and averaged it over a three-year period, as recommended by the LAB to limit the effect of differences in charging practices and annual fluctuations in caseload. For each county, the SPO then calculated the total hours required to handle the cases filed in that county. This was compared to a calculation of the total number of prosecutor hours available in that county (1,227 times the number of prosecutors).

The results of this methodology, using 1995-97 data, are shown in Appendix IV. The last column indicates the difference between the current level of prosecutorial resources and the level as determined by this analysis. It should be noted that, while taking into account a number of the recommendations made by the LAB, the analysis may still involve some inherent inaccuracies based on the information and assumptions used to compile the estimate. For instance, the caseload data is based on the number of cases filed, as opposed to the number of charges, and therefore, may incorrectly demonstrate the need for additional prosecutor positions. In addition, there may also be some questions regarding the number of prosecutorial hours spent on different types of

cases and tasks and the applicability of these same hours for all counties. Further, the WDAA disagrees with the LAB's recommendation that a three-year average of caseload filings be used for the analysis. They indicate that due to rising caseloads, the three-year average understates the current need for additional prosecutor resources. For comparison, Appendix V demonstrates the same analysis using only 1997 caseload data.

### Public Defenders

The Office of the State Public Defender (SPD) provides legal representation for indigent persons who are accused of crimes or are defendants in certain specified civil matters. The SPD determines indigency based on an analysis of the applicant's income, assets, family size and essential expenses, pursuant to Wisconsin statutes and administrative rules. Under current law, a person with an income level below the federal poverty guidelines may not meet the financial standards for SPD representation, yet cannot afford to hire a private attorney. In such cases, the court may appoint an attorney, at county expense, to assure that the individual's constitutional right to counsel is satisfied.

The Office of the State Public Defender was created by state statute in 1965. Until 1972, the Office consisted of one attorney, an employee of the Wisconsin Supreme Court, who represented indigents seeking post-conviction relief. Counties were responsible for indigent defense at the trial level, which was provided by assigned counsel. The Office became an independent agency under Chapter 29, Laws of 1977, and gradually began to represent indigents at the trial level (still with private attorneys). In 1979, the state provided funding for the public defender program and established a certain proportion of each county's indigent cases to be handled by public and private counsel. The program had a sunset date of November, 1985, at which time the appointment of indigent defense would have reverted back to strictly the appointment of private attorneys. In

1985, the sunset was repealed and the SPD's responsibilities were expanded from 47 counties to the entire state.

The Office of the State Public Defender is overseen by the Public Defender Board, which promulgates rules for determining indigency and for certifying attorneys who are assigned to counsel. The Board consists of nine members appointed by the Governor with the advice and consent of the Senate, who serve three-year terms. At least five of the nine must be members of the State Bar of Wisconsin. A State Public Defender is appointed by the Board and supervises administration of the office and the assignment of attorneys to counsel indigent defendants.

The Office of the State Public Defender is divided into four divisions: trial, appellate, administrative and assigned counsel. The trial division consists of 280 attorneys who provide legal representation at the trial level to indigent persons charged with adult crimes or juvenile offenses punishable by imprisonment, petitioned as mentally ill or are involved in certain family disputes, such as termination of parental rights. Each attorney and attorney supervisor must meet one of the following annual caseload requirements: (a) 184.5 felony cases; (b) 15 homicide or sexual predator cases; (c) 492 misdemeanors cases; (d) 246 other cases; or (e) some mix of these categories. In practice, most staff attorneys work on a variety of cases with some (such as new attorneys) taking fewer cases than the statutory requirement and others taking more in order to meet the overall requirement for the agency. The appellate division consists of 27.5 attorneys who provide assistance to indigents involved in appeals, including postconviction and postcommitment proceedings. While appellate attorneys do not have statutory caseload levels, the caseload standard is 60 cases per year. Staff attorney annual salaries currently range from \$37,100 to \$93,100.

The assigned counsel division oversees certification and appointment of private attorneys

APPENDIX IV

District Attorney Allocation and Need Analysis by County  
(Using 1995-97 Averaged Caseload Data)

County	1998-99 Positions	Hours Available	Hours Required	Net Change in Positions	County	1998-99 Positions	Hours Available	Hours Required	Net Change In Positions
Adams	1	1,227	1,745	0.42	Marathon	7	8,589	12,252	2.99
Ashland	1.5	1,841	2,511	0.55	Marinette	2.5	3,068	3,368	0.25
Barron	3	3,681	3,304	-0.31	Marquette	1	1,227	1,382	0.13
Bayfield	1	1,227	1,435	0.17	Milwaukee	108.5	133,130	160,120	22.00
Brown	11	13,497	15,990	2.03	Monroe	3	3,681	4,894	.99
Buffalo	1	1,227	981	-0.20	Oconto	1.5	1,841	1,998	0.13
Burnett	1	1,227	2,026	0.65	Oneida	2	2,454	3,763	1.07
Calumet	2	2,454	2,236	-0.18	Outagamie	8	9,816	12,044	1.82
Chippewa	3.5	4,295	4,791	0.41	Ozaukee	3	3,681	4,435	0.61
Clark	2	2,454	2,278	-0.14	Pepin	0.6	736	530	-0.17
Columbia	3	3,681	5,514	1.49	Pierce	3	3,681	1,825	-1.51
Crawford	1	1,227	909	-0.26	Polk	2	2,454	3,149	0.57
Dane	30	36,810	42,048	4.27	Portage	4	4,908	4,790	-0.10
Dodge	4	4,908	6,108	0.98	Price	1	1,227	1,106	-0.10
Door	2	2,454	2,562	0.09	Racine	19	23,313	25,006	1.38
Douglas	3.5	4,295	4,247	-0.04	Richland	1.75	2,147	1,277	-0.71
Dunn	3.5	4,295	4,091	-0.17	Rock	13.5	16,565	21,800	4.27
Eau Claire	8	9,816	12,607	2.27	Rusk	1.5	1,841	1,300	-0.44
Florence	0.5	614	470	-0.12	St. Croix	6	7,362	4,267	-2.52
Fond du Lac	5	6,135	7,567	1.17	Sauk	4.5	5,522	6,908	1.13
Forest	0.6	736	1,323	0.48	Sawyer	2	2,454	3,375	0.75
Grant	2	2,454	3,198	0.61	Shawano/Men.	3	3,681	4,734	0.86
Green	2	2,454	2,484	0.02	Sheboygan	7	8,589	11,454	2.34
Green Lake	1.5	1,841	1,321	-0.42	Taylor	1	1,227	1,470	0.20
Iowa	1.75	2,147	1,441	-0.58	Trempealeau	1.6	1,963	1,770	-0.16
Iron	1	1,227	479	-0.61	Vernon	2.4	2,945	1,516	-1.16
Jackson	2	2,454	1,692	-0.62	Vilas	2	2,454	1,719	-0.60
Jefferson	5.3	6,503	7,841	1.09	Walworth	5	6,135	5,860	-0.22
Juneau	2	2,454	2,538	0.07	Washburn	1	1,227	1,768	0.44
Kenosha	13	15,951	15,607	-0.28	Washington	5	6,135	6,529	0.32
Kewaunee	1.5	1,841	1,311	-0.43	Waukesha	18.5	22,700	19,040	-2.98
La Crosse	7.8	9,571	11,818	1.83	Waupaca	4	4,908	4,411	-0.40
Lafayette	1	1,227	624	-0.49	Waushara	1.5	1,841	1,547	-0.24
Langlade	1.5	1,841	2,165	0.26	Winnebago	8	9,816	14,107	3.50
Lincoln	2	2,454	2,656	0.16	Wood	4	4,908	4,972	0.05
Manitowoc	4	4,908	7,811	2.37					
					Total	395.80	485,647	548,215	50.99

APPENDIX V

District Attorney Allocation and Need Analysis by County  
(Using 1997 Caseload Data Only)

County	1998-99 Positions	Hours Available	Hours Required	Net Change in Positions	County	1998-99 Positions	Hours Available	Hours Required	Net Change In Positions
Adams	1	1,227	1,891	0.54	Marathon	7	8,589	12,911	3.52
Ashland	1.5	1,841	2,406	0.46	Marinette	2.5	3,068	3,282	0.17
Barron	3	3,681	3,403	-0.23	Marquette	1	1,227	1,789	0.46
Bayfield	1	1,227	1,351	0.10	Milwaukee	108.5	133,130	165,090	26.05
Brown	11	13,497	16,401	2.37	Monroe	3	3,681	5,037	1.11
Buffalo	1	1,227	1,178	-0.04	Oconto	1.5	1,841	1,926	0.07
Burnett	1	1,227	2,312	0.88	Oneida	2	2,454	4,029	1.28
Calumet	2	2,454	2,562	0.09	Outagamie	8	9,816	12,533	2.21
Chippewa	3.5	4,295	5,665	1.12	Ozaukee	3	3,681	4,931	1.02
Clark	2	2,454	2,499	0.04	Pepin	0.6	736	645	-0.07
Columbia	3	3,681	5,848	1.77	Pierce	3	3,681	1,910	-1.44
Crawford	1	1,227	913	-0.26	Polk	2	2,454	3,303	0.69
Dane	30	36,810	42,879	4.95	Portage	4	4,908	4,950	0.03
Dodge	4	4,908	8,010	2.53	Price	1	1,227	1,230	0.00
Door	2	2,454	2,613	0.13	Racine	19	23,313	24,954	1.34
Douglas	3.5	4,295	4,461	0.14	Richland	1.75	2,147	1,501	-0.53
Dunn	3.5	4,295	4,232	-0.05	Rock	13.5	16,565	23,193	5.40
Eau Claire	8	9,816	13,355	2.88	Rusk	1.5	1,841	1,549	-0.24
Florence	0.5	614	551	-0.05	St. Croix	6	7,362	4,390	-2.42
Fond du Lac	5	6,135	7,834	1.38	Sauk	4.5	5,522	7,946	1.98
Forest	0.6	736	1,563	0.67	Sawyer	2	2,454	3,085	0.51
Grant	2	2,454	2,878	0.35	Shawano/Men.	3	3,681	4,949	1.03
Green	2	2,454	2,645	0.16	Sheboygan	7	8,589	12,860	3.48
Green Lake	1.5	1,841	1,370	-0.38	Taylor	1	1,227	1,604	0.31
Iowa	1.75	2,147	1,651	-0.40	Trempealeau	1.6	1,963	2,077	0.09
Iron	1	1,227	785	-0.36	Vernon	2.4	2,945	1,408	-1.25
Jackson	2	2,454	1,884	-0.46	Vilas	2	2,454	1,694	-0.62
Jefferson	5.3	6,503	7,684	0.96	Walworth	5	6,135	5,506	-0.51
Juneau	2	2,454	2,556	0.08	Washburn	1	1,227	1,762	0.44
Kenosha	13	15,951	17,984	1.66	Washington	5	6,135	7,371	1.01
Kewaunee	1.5	1,841	1,404	-0.36	Waukesha	18.5	22,700	21,477	-1.00
La Crosse	7.8	9,571	12,924	2.73	Waupaca	4	4,908	4,437	-0.38
Lafayette	1	1,227	805	-0.34	Waushara	1.5	1,841	1,802	-0.03
Langlade	1.5	1,841	2,200	0.29	Winnebago	8	9,816	13,812	3.26
Lincoln	2	2,454	2,846	0.32	Wood	4	4,908	5,311	0.33
Manitowoc	4	4,908	8,264	2.74					
					Total	395.80	485,647	576,066	73.69



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 5, 1999

Joint Committee on Finance

Paper #378

### Additional Prosecutors (District Attorneys)

---

#### CURRENT LAW

Under current law, District Attorneys are authorized 388.0 full-time equivalent (FTE) prosecutor positions, as of July 1, 1998.

#### GOVERNOR

No provision.

#### DISCUSSION POINTS

1. District attorney offices requested a total of 57.5 additional prosecutor positions for the 1999-01 biennium. The Governor did not address any caseload-related requests in the budget bill. Instead, the Governor makes permanent 2.0 GPR assistant district attorneys (ADA) positions of sexually violent person (sex predator) commitment cases; 2.0 PR ADAs of Termination of Parental Rights (TPR) cases; and 1.0 PR anti-drug ADA position in Outagamie County. (The Outagamie anti-drug prosecutor is shared between Fond du Lac, Outagamie and Winnebago counties.) In addition, the bill would eliminate the following ten project positions: (a) 7.0 PR positions funded by the federal Violence Against Women Act (2.0 positions in Dane County, 4.0 positions in Milwaukee County and 1.0 position in Kenosha County), all of which end on June 30, 1999; (b) 1.0 PR anti-drug ADA position in Milwaukee County funded through the Office of Justice Assistance that terminates in January, 2000; (c) 1.0 PR statutory rape ADA position in Dane County funded by the Department of Health and Family Services that terminates on June 30, 2000; and (d) 1.0 PR technical deletion. The deletion of these ten project positions would bring the number of prosecutors to 378.0 FTE. The analysis in this paper uses 378.0 FTE as the position base.

2. In response to the substantial requests by counties in the past and questions regarding the prosecutorial caseload management in 1995, the Legislative Audit Bureau (LAB) reviewed the methodology used to measure prosecutorial caseload and recommended changes to improve the methodology. The LAB recommended that once a more accurate case measurement system was developed, a productivity standard be created for DAs to determine the time that a prosecutor has available to prosecute cases (similar to the method used to determine judicial resources).

3. In response to the LAB report, the State Prosecutors Office, in conjunction with the Wisconsin District Attorneys Association (WDAA), reviewed available data and surveyed district attorneys to estimate the average time needed to prosecute different types of cases. (The WDAA is an association of state district attorneys which meets to discuss various issues that affect prosecutors.) The revised prosecutor need analysis assigns the following times to case types:

<u>Type of Case</u>	<u>Average Hours Required</u>
Class A Homicide	100.00
Class B Homicide	100.00
Sexually Violent Person Commitment	100.00
Other Felony	8.49
Misdemeanor	2.17
Delinquency	3.32
Children in Need of Protection or Services	2.61
Criminal Traffic	1.68
Termination of Parental Rights	7.00
Writ of Habeas Corpus	2.00
Inquest	64.00

4. A "time available" standard for prosecutors was also estimated through a district attorney survey. The analysis assumes that, on average, each prosecutor has 1,227 hours per year to prosecute cases. This is based on 2,088 total hours per position less: (a) an average of 300 hours annually for holiday, personal, sick and vacation time; and (b) an average of 561 hours annually for other prosecutorial duties such as administration, John Doe proceedings, post-conviction hearings, training, review of referrals not charged, search warrants, wage claims, public records, probation revocations and community services.

5. This methodology has been used to analyze prosecutorial workload by county. The attachment to this paper indicates the results of this analysis using averaged case filings for 1995-97 (the most recent data available). The attachment shows, by county, the authorized number of prosecutors under the Governor's budget recommendations, the estimated number of additional positions needed to prosecute the county's averaged 1995-97 caseload, and the workload for each prosecutor under the Governor's budget recommendations. The attachment adjusts an Outagamie County ADA position to account for the amount of time the Outagamie County drug prosecutor

spends prosecuting in Outagamie County (65%), Fond du Lac County (30%), and Winnebago County (5%).

6. Based on this analysis, there is a net need for approximately 67.23 prosecutor positions. This includes 43 prosecutorial units with a total need of 83.11 FTE, and 28 prosecutorial units with a combined need of -15.88 FTE (each county is its own prosecutorial unit, except for Shawano and Menominee).

7. It should be noted that this analysis makes a number of assumptions which may not apply to all offices. For instance, single DA offices have unique challenges. Larger offices may have more staff to perform administrative and investigative duties, so that DAs in those counties have more time to prosecute cases. Further, there may be different practices among counties which would not be reflected in this type of analysis. However, despite such problems, the analysis takes into account a number of improvements suggested by the LAB and can be used as a general measurement for ADA need.

8. Victims rights legislation took effect on December 1, 1998, under 1997 Act 181. This legislation imposes duties on prosecutors, such as providing: (a) written information about a victim's rights; (b) contact information; (c) information about potential outcomes of the case; and (d) information about decisions not to charge, charge dismissals, court proceedings, case dispositions, and conditional releases. Prosecutors argue that these additional duties further support the need for additional prosecutors in those counties that demonstrate a need.

9. The WDAA has supported the addition of 51.25 prosecutors over the biennium. The WDAA recommendations include support for the requests of two part-time district attorneys (Trempealeau and Forest) to become full-time (each from 0.6 FTE). It should be noted that making the DAs full-time would require a statutory change.

10. The WDAA recommendations are based on the average of 1995-97 case filings, as recommended by the LAB, and only counties which requested positions were considered for additional positions. The following table shows, for those counties that requested positions: (a) the total number of prosecutors (district attorney and deputy and assistant district attorneys, if any) authorized under the bill; (b) the number of additional positions requested by the district attorney office; (c) the WDAA recommendation; (d) the number of additional prosecutors needed according to the weighted caseload study using 1995-97 averaged caseload data; and (e) the WDAA recommendation adjusted according to the caseload study.

<u>County</u>	<u>FTE Positions Under Bill</u>	<u>FTEs Requested</u>	<u>WDAA Recommendation</u>	<u>FTE Need Based on 1995-97 Caseload Study</u>	<u>Modified WDAA Recommendation Based on Study</u>
Adams	1.00	0.50	0.50	0.42	0.50
Brown	11.00	2.00 <sup>3</sup>	2.00	2.03	2.00
Chippewa	3.00	0.50	0.50	0.91	0.50
Columbia	3.00	1.00	1.00	1.49	1.00
Dane	27.00	9.00	6.00	7.27	6.00
Fond du Lac	5.30 <sup>2</sup>	1.00	1.00	0.87	0.75
Forest <sup>1</sup>	0.60	0.40	0.40	0.48	0.40
Jefferson	4.80	0.70	0.70	1.59	0.70
Manitowoc	4.00	2.00	2.00	2.37	2.00
Marathon	7.00	3.00	3.00	2.99	3.00
Marinette	2.50	0.50	0.25	0.25	0.25
Milwaukee	97.50	22.00	22.00	33.00	22.00
Oconto	1.50	0.50	0.50	0.13	0.25
Oneida	2.00	1.00	1.00	1.07	1.00
Outagamie	7.65 <sup>2</sup>	2.00 <sup>4</sup>	2.00 <sup>4</sup>	2.43	2.00
Polk	2.00	1.00	0.50	0.57	0.50
Portage	4.00	1.00	0.00	-0.10	0.00
Rock	13.50	2.00	2.00	4.27	2.00
Sauk	4.50	2.00	1.50	1.13	1.25
Sheboygan	7.00	2.00	2.00	2.34	2.00
Taylor	1.00	1.00	0.00	0.20	0.00
Trempealeau <sup>1</sup>	1.60	0.40	0.40	-0.16	0.00
Winnebago	8.05 <sup>2</sup>	2.00	2.00	3.45	2.00
<b>TOTAL</b>	<b>219.50</b>	<b>57.50</b>	<b>51.25</b>	<b>69.00</b>	<b>50.10</b>

<sup>1</sup>Request to make part-time district attorney full-time.

<sup>2</sup>Adjusted to reflect that the Outagamie County anti-drug position works 65% in Outagamie County, 30% in Fond du Lac County, and 5% in Winnebago County.

<sup>3</sup>Brown County originally requested 1.0 position, but modified its request based on the workload study and the WDAA recommendation.

<sup>4</sup>Adjusted to reflect Governor's recommendation to make permanent 1.0 PR anti-drug position, rather than have half the position GPR funded, as was requested by Outagamie County.

11. The WDAA recommends 0.25 ADA position in Fond du Lac, Oconto and Sauk counties respectively, which is not supported by the caseload data (when rounded to the nearest 0.25 position). The WDAA supports the 0.5 position in Oconto County because, with the addition of a second circuit court in Oconto County, two courts now handle criminal cases and the additional 0.5 position is needed to accommodate the scheduling demands of the two courts. For Sauk County, a position would specialize in child abuse prosecutions and would provide these services half-time to



Columbia County (40%) and Marquette County (10%). The WDAA supports the innovation of this multi-county concept. Likewise, the recommendation to make the Trempealeau County DA full-time is not supported by the caseload data. The WDAA believes that the creation of a full-time district attorney position would be "consistent with the philosophy behind the 1990 legislative change in making Wisconsin prosecutors state employees." The WDAA further suggests that the FTE equivalent for the Trempealeau County ADA position be re-evaluated when that position becomes vacant. The cost of the WDAA recommendation would be \$1,850,100 in 1999-00 and \$2,465,100 in 2000-01 and 51.25 positions annually.

12. If the Committee chose to approve requested additional prosecutor positions based on the caseload study alone (rounded to the nearest 0.25 position, unless otherwise requested), 50.10 positions would be required at a cost of \$1,808,600 in 1999-00 and \$2,409,800 in 2000-01.

13. The weighted caseload measurement is based on attorneys working full-time less vacation, sick leave and holidays. This assumes that each prosecutor handles 100% of a caseload. The "current prosecutor workload" column of the attachment shows what percent of a full-time caseload prosecutors currently work, using 100% as the standard full-time workload. According to this analysis, caseloads in a number of counties require prosecutors to handle more cases than they have "time" to handle based on the "time available" analysis. For example, in Milwaukee County, under the bill, each prosecutor, on average, would handle 134% of the caseload he or she has "time" to handle, based on the LAB methodology and the average number of cases filed in 1995-97. In Marathon County, prosecutors would handle 143% of caseload levels and in Forest County, the prosecutor would handle 180% of the caseload a full-time position would have "time" to do.

14. Given the limited funding available, the Committee may wish to consider adding fewer positions than what the 100% standard would indicate. The Committee could use this analysis to provide additional positions to counties which have the highest caseloads per prosecutor. In the 1997-99 budget deliberations, the Committee chose this approach to prioritize additional position requests, and approved a total of 10.5 additional positions for those counties whose prosecutors handled, on average, 115% or more of a caseload. Subsequently, the Senate added an additional 3.5 positions.

15. There has been some misinterpretation on the part of the WDAA and others of the Committee's action regarding the 1997-99 budget. The Committee did not assume that prosecutors had more time available than the caseload methodology indicated. Rather, the Committee used the caseload study results to balance available resources with prosecutorial needs and provided increased resources to those counties with the greatest needs.

16. The table below indicates, for counties which requested positions, the number of additional prosecutors that would be required so that no county requesting positions would average more than 105% of caseload per prosecutor. This would require 47.35 additional prosecutors at a cost of \$1,709,300 in 1999-00 and \$2,277,500 in 2000-01.

<u>County</u>	<u>FTE Need Based on 105%</u>	<u>Additional FTE Positions Using 105% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 105%</u>	<u>Additional FTE Positions Using 105% of Caseload</u>
Adams	0.35	0.25	Oconto	0.05	0.00
Brown	1.41	1.50	Oneida	0.92	1.00
Chippewa	0.72	0.50	Outagamie	1.95	2.00
Columbia	1.28	1.00	Polk	0.45	0.50
Dane	5.64	5.75	Portage	-0.29	0.00
Fond du Lac	0.58	0.50	Rock	3.42	2.00
Forest	0.43	0.40	Sauk	0.86	0.75
Jefferson	1.29	0.70	Sheboygan	1.90	2.00
Manitowoc	2.07	2.00	Taylor	0.14	0.00
Marathon	2.51	2.50	Trempealeau	-0.23	0.00
Marinette	0.12	0.00	Winnebago	<u>2.90</u>	<u>2.00</u>
Milwaukee	26.79	22.00			
			Total	55.26	47.35

17. If the Committee approved additional positions based on 110% of caseload, the number of positions provided would be 41.60, as shown below. The cost of this proposal would total \$1,501,800 in 1999-00 and \$2,001,000 in 2000-01.

<u>County</u>	<u>FTE Need Based on 110%</u>	<u>Additional FTE Positions Using 110% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 110%</u>	<u>Additional FTE Positions Using 110% of Caseload</u>
Adams	0.29	0.25	Oconto	-0.02	0.00
Brown	0.85	0.75	Oneida	0.79	0.75
Chippewa	0.55	0.50	Outagamie	1.51	1.50
Columbia	1.08	1.00	Polk	0.34	0.25
Dane	4.15	4.25	Portage	-0.45	0.00
Fond du Lac	0.31	0.25	Rock	2.65	2.00
Forest	0.38	0.40	Sauk	0.62	0.50
Jefferson	1.01	0.70	Sheboygan	1.49	1.50
Manitowoc	1.79	1.75	Taylor	0.09	0.00
Marathon	2.08	2.00	Trempealeau	-0.29	0.00
Marinette	0.00	0.00	Winnebago	<u>2.40</u>	<u>2.00</u>
Milwaukee	21.14	21.25			
			Total	42.77	41.60

18. If the Committee approved additional positions based on 115% of caseload, the number of positions provided would be 32.60, as shown below. The cost of this proposal would total \$1,176,900 in 1999-00 and \$1,568,100 in 2000-01.

<u>County</u>	<u>FTE Need Based on 115%</u>	<u>Additional FTE Positions Using 115% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 115%</u>	<u>Additional FTE Positions Using 115% of Caseload</u>
Adams	0.23	0.25	Oconto	-0.08	0.00
Brown	0.33	0.25	Oneida	0.67	0.75
Chippewa	0.40	0.50	Outagamie	1.12	1.00
Columbia	0.90	1.00	Polk	0.23	0.25
Dane	2.80	2.75	Portage	-0.61	0.00
Fond du Lac	0.07	0.00	Rock	1.95	2.00
Forest	0.34	0.40	Sauk	0.40	0.50
Jefferson	0.76	0.70	Sheboygan	1.12	1.00
Manitowoc	1.54	1.50	Taylor	0.04	0.00
Marathon	1.69	1.75	Trempealeau	-0.35	0.00
Marinette	-0.11	0.00	Winnebago	<u>1.95</u>	<u>2.00</u>
Milwaukee	15.98	16.00			
			Total	31.37	32.60

19. If the Committee approved additional positions based on 120% of caseload, the number of positions provided would be 22.55, as shown below. The cost of this proposal would total \$814,100 in 1999-00 and \$1,084,700 in 2000-01.

<u>County</u>	<u>FTE Need Based on 120%</u>	<u>Additional FTE Positions Using 120% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 120%</u>	<u>Additional FTE Positions Using 120% of Caseload</u>
Adams	0.18	0.25	Oconto	-0.14	0.00
Brown	-0.14	0.00	Oneida	0.56	0.50
Chippewa	0.26	0.25	Outagamie	0.75	0.75
Columbia	0.74	0.75	Polk	0.14	0.25
Dane	1.56	1.50	Portage	-0.75	0.00
Fond du Lac	-0.16	0.00	Rock	1.31	1.25
Forest	0.30	0.30	Sauk	0.19	0.25
Jefferson	0.53	0.50	Sheboygan	0.78	0.75
Manitowoc	1.31	1.25	Taylor	0.00	0.00
Marathon	1.33	1.25	Trempealeau	-0.40	0.00
Marinette	-0.21	0.00	Winnebago	<u>1.53</u>	<u>1.50</u>
Milwaukee	11.25	11.25			
			Total	20.92	22.55

20. If the Committee approved additional positions based on 125% of caseload, the number of positions provided would be 14.50, as show below. The cost of this proposal would total \$523,500 in 1999-00 and \$697,500 in 2000-01.

<u>County</u>	<u>FTE Need Based on 125%</u>	<u>Additional FTE Positions Using 125% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 125%</u>	<u>Additional FTE Positions Using 125% of Caseload</u>
Adams	0.14	0.25	Oconto	-0.20	0.00
Brown	-0.58	0.00	Oneida	0.46	0.50
Chippewa	0.13	0.25	Outagamie	0.41	0.50
Columbia	0.59	0.50	Polk	0.06	0.00
Dane	0.42	0.50	Portage	-0.88	0.00
Fond du Lac	-0.36	0.00	Rock	0.72	0.75
Forest	0.26	0.25	Sauk	0.00	0.00
Jefferson	0.31	0.25	Sheboygan	0.47	0.50
Manitowoc	1.10	1.00	Taylor	-0.04	0.00
Marathon	0.99	1.00	Trempealeau	-0.45	0.00
Marinette	-0.30	0.00	Winnebago	<u>1.15</u>	<u>1.25</u>
Milwaukee	6.90	7.00			
			Total	11.29	14.50

21. If the Committee approved additional positions based on 130% of caseload, the number of positions provided would be 7.0, as shown below. The cost of this proposal would total \$252,700 in 1999-00 and \$336,700 in 2000-01.

<u>County</u>	<u>FTE Need Based on 130%</u>	<u>Additional FTE Positions Using 130% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 130%</u>	<u>Additional FTE Positions Using 130% of Caseload</u>
Adams	0.09	0.00	Oconto	-0.25	0.00
Brown	-0.98	0.00	Oneida	0.36	0.25
Chippewa	0.01	0.00	Outagamie	0.10	0.00
Columbia	0.45	0.50	Polk	-0.02	0.00
Dane	-0.64	0.00	Portage	-1.00	0.00
Fond du Lac	-0.55	0.00	Rock	0.17	0.25
Forest	0.23	0.25	Sauk	-0.17	0.00
Jefferson	0.12	0.00	Sheboygan	0.18	0.25
Manitowoc	0.90	1.00	Taylor	-0.08	0.00
Marathon	0.68	0.75	Trempealeau	-0.49	0.00
Marinette	-0.38	0.00	Winnebago	<u>0.80</u>	<u>0.75</u>
Milwaukee	2.88	3.00			
			Total	2.42	7.00

22. The above proposals do not take into account counties which, using the revised weighted caseload methodology, show a negative need for positions. Given the large variability in

need among counties, as shown in the attachment, it could be argued that the current assignment of resources is not efficient and some reassignment should occur to allow for a more equitable distribution of existing prosecution resources statewide. If counties that show a negative need in the attachment (using 1995-97 caseload data) are rounded down to the nearest 0.5 position, a total of 9.5 ADA positions could be deleted.

23. It could be argued that while using the most recent three-year averaged data to compare needs by county evens out any one-time spikes or decreases in caseload, it may not be considered an appropriate measure when deleting existing positions. Using the most recent year of data only may be more appropriate for this analysis. Accordingly, if counties that show a negative need using 1997 caseload data only are rounded down to the nearest 0.5 position, a total of 6.5 ADA positions could be deleted.

24. Alternatively, the Committee could consider requiring DOA to transfer position authority from a county which has a negative need for positions to a county with a positive need for positions, if: (a) a vacancy in an ADA position occurs in a county that has a negative need; (b) following the transfer, the county losing the position does not indicate a need for positions based on the weighted caseload measurement; and (c) the recipient county requested additional resources for 1999-01.

25. It should be noted that the Office of Justice Assistance recently released figures indicating a reduction in the number of violent crimes in Wisconsin (including murder, forcible rape, robbery, and aggravated assault). Overall, violent crime has decreased by 6.7% from 1997 to 1998 (from a total of 13,992 offenses in 1997 to 13,060 in 1998).

26. Department of Administration officials indicate that part of the reason that requests for additional prosecutors were not addressed under the Governor's recommendations is that the bill would provide for additional automation of DA offices. This is expected to make prosecutors more productive and reduce the need for additional positions.

## **ALTERNATIVES**

### **A. Additional Prosecutor Positions**

A1. Provide \$1,850,100 in 1999-00 and \$2,465,100 in 2000-01 and 51.25 positions annually as recommended by the WDAA. Under this alternative, the following counties would receive positions: Adams (0.5), Brown (2.0), Chippewa (0.5), Columbia (1.0), Dane (6.0), Fond du Lac (1.0), Forest (0.4), Jefferson (0.7), Manitowoc (2.0), Marathon (3.0), Marinette (0.25), Milwaukee (22.0), Oconto (0.5), Oneida (1.0), Outagamie (2.0), Polk (0.5), Rock (2.0), Sauk (1.5), Sheboygan (2.0), Trempealeau (0.4) and Winnebago (2.0). Provide that the district attorney positions in Forest and Trempealeau counties be full-time.

<u>Alternative A1</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$4,315,200
2000-01 POSITIONS (Change to Bill)	51.25

A2. Provide \$1,808,600 in 1999-00 and \$2,409,800 in 2000-01 and 50.10 positions annually. Under this alternative, the following counties would receive positions: Adams (0.5), Brown (2.0), Chippewa (0.5), Columbia (1.0), Dane (6.0), Fond du Lac (0.75), Forest (0.4), Jefferson (0.7), Manitowoc (2.0), Marathon (3.0), Marinette (0.25), Milwaukee (22.0), Oconto (0.25), Oneida (1.0), Outagamie (2.0), Polk (0.5), Rock (2.0), Sauk (1.25), Sheboygan (2.0) and Winnebago (2.0). Provide that the district attorney position in Forest County be full-time. This alternative reflects the prosecutorial need as measured by the weighted caseload study for those counties requesting positions.

<u>Alternative A2</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$4,218,400
2000-01 POSITIONS (Change to Bill)	50.10

A3. Provide \$1,709,300 in 1999-00 and \$2,277,500 in 2000-01 and 47.35 positions annually. Under this alternative, the following counties would receive positions: Adams (0.25), Brown (1.5), Chippewa (0.5), Columbia (1.0), Dane (5.75), Fond du Lac (0.5), Forest (0.4), Jefferson (0.7), Manitowoc (2.0), Marathon (2.5), Milwaukee (22.0), Oneida (1.0), Outagamie (2.0), Polk (0.5), Rock (2.0), Sauk (0.75), Sheboygan (2.0) and Winnebago (2.0). Provide that the district attorney position in Forest County be full-time. This alternative provides positions for those counties at or above 105% of caseload.

<u>Alternative A3</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$3,986,800
2000-01 POSITIONS (Change to Bill)	47.35

A4. Provide \$1,501,800 in 1999-00 and \$2,001,000 in 2000-01 and 41.60 positions annually. Under this alternative, the following counties would receive positions: Adams (0.25), Brown (0.75), Chippewa (0.5), Columbia (1.0), Dane (4.25), Fond du Lac (0.25), Forest (0.4), Jefferson (0.7), Manitowoc (1.75), Marathon (2.0), Milwaukee (21.25), Oneida (0.75), Outagamie (1.5), Polk (0.25), Rock (2.0), Sauk (0.5), Sheboygan (1.5) and Winnebago (2.0). Provide that the district attorney position in Forest County be full-time. This alternative provides positions for those counties at or above 110% of caseload.

<u>Alternative A4</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$3,502,800
2000-01 POSITIONS (Change to Bill)	41.60

A5. Provide \$1,176,900 in 1999-00 and \$1,568,100 in 2000-01 and 32.60 positions annually. Under this alternative, the following counties would receive positions: Adams (0.25), Brown (0.25), Chippewa (0.5), Columbia (1.0), Dane (2.75), Forest (0.4), Jefferson (0.7), Manitowoc (1.5), Marathon (1.75), Milwaukee (16.0), Oneida (0.75), Outagamie (1.0), Polk (0.25), Rock (2.0), Sauk (0.5), Sheboygan (1.0) and Winnebago (2.0). Provide that the district attorney position in Forest County be full-time. This alternative provides positions for those counties at or above 115% of caseload.

<u>Alternative A5</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$2,745,000
2000-01 POSITIONS (Change to Bill)	32.60

A6. Provide \$814,100 in 1999-00 and \$1,084,700 in 2000-01 and 22.55 positions annually. Under this alternative, the following counties would receive positions: Adams (0.25), Chippewa (0.25), Columbia (0.75), Dane (1.5), Forest (0.3), Jefferson (0.5), Manitowoc (1.25), Marathon (1.25), Milwaukee (11.25), Oneida (0.5), Outagamie (0.75), Polk (0.25), Rock (1.25), Sauk (0.25), Sheboygan (0.75), and Winnebago (1.5). This alternative provides positions for those counties at or above 120% of caseload.

<u>Alternative A6</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$1,898,800
2000-01 POSITIONS (Change to Bill)	22.55

A7. Provide \$523,500 in 1999-00 and \$697,500 in 2000-01 and 14.50 positions annually. Under this alternative, the following counties would receive positions: Adams (0.25), Chippewa (0.25), Columbia (0.5), Dane (0.5), Forest (0.25), Jefferson (0.25), Manitowoc (1.0), Marathon (1.0), Milwaukee (7.0), Oneida (0.5), Outagamie (0.5), Rock (0.75), Sheboygan (0.5), and Winnebago (1.25). This alternative provides positions for those counties at or above 125% of caseload.

<u>Alternative A7</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$1,221,000
2000-01 POSITIONS (Change to Bill)	14.50

A8. Provide \$252,700 in 1999-00 and \$336,700 in 2000-01 and 7.0 positions annually. Under this alternative, the following counties would receive positions: Columbia (0.5), Forest (0.25), Manitowoc (1.0), Marathon (0.75), Milwaukee (3.0), Oneida (0.25), Rock (0.25), Sheboygan (0.25), and Winnebago (0.75). This alternative provides positions for those counties at or above 130% of caseload.

<u>Alternative A8</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$589,400
2000-01 POSITIONS (Change to Bill)	7.00

A9. Maintain current law.

**B. Redistribution of Assistant District Attorney Positions**

B1. Delete \$343,000 in 1999-00 and \$457,000 in 2000-01 and 9.5 ADA positions, effective October 1, 1999, to delete ADA positions, rounded down to the nearest 0.5 position, for counties which show a negative need for ADA positions using 1995-97 averaged caseload data. Under this alternative, the following counties would lose positions: Iowa (-0.5), Jackson (-0.5), Pierce (-1.5), Richland (-0.5), St. Croix (-2.5), Vernon (-1.0), Vilas (-0.5) and Waukesha (-2.5).

<u>Alternative B1</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	- \$800,000
2000-01 POSITIONS (Change to Bill)	- 9.50

B2. Delete \$234,700 in 1999-00 and \$312,700 in 2000-01 and 6.5 ADA positions, effective October 1, 1999, to delete ADA positions, rounded down to the nearest 0.5 position, for counties which show a negative need for ADA positions using 1997 caseload data. Under this alternative, the following counties would lose positions: Pierce (-1.0), Richland (-0.5), St. Croix (-2.0), Vernon (-1.0), Vilas (-0.5), Walworth (-0.5) and Waukesha (-1.0).

<u>Alternative B2</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	- \$547,400
2000-01 POSITIONS (Change to Bill)	- 6.50

B3. Require DOA to transfer position authority from a county which has a negative need for positions to a county with a positive need for positions, if: (a) a vacancy in an ADA position occurs in a county that has a negative need; (b) following the transfer, the county losing the position does not reflect a need for positions based on the weighted caseload measurement; and (c) the recipient county requested additional resources for 1999-01.



B4. Maintain current law.

Prepared by: Barbara Zabawa  
Attachment

**ATTACHMENT**  
**Prosecutor Weighted Caseload**  
**Using 1995-97 Average Cases Filed**

<u>County</u>	<u>2000-01 Positions Under the Bill*</u>	<u>Additional Positions Needed at 100%</u>	<u>Current Prosecutor Workload</u>	<u>County</u>	<u>2000-01 Positions Under the Bill*</u>	<u>Additional Positions Needed at 100%</u>	<u>Current Prosecutor Workload</u>
Forest	0.60	0.48	180%	Racine	19.00	1.38	107%
Burnett	1.00	0.65	165	Washington	5.00	0.32	106
Manitowoc	4.00	2.37	159	Kenosha	12.00	0.72	106
Oneida	2.00	1.07	154	Door	2.00	0.09	105
Columbia	3.00	1.49	150	Juneau	2.00	0.07	104
Washburn	1.00	0.44	144	Dodge	4.00	0.12	103
Winnebago**	8.05	3.45	143	Wood	4.00	0.05	101
Marathon	7.00	2.99	143	Green	2.00	0.02	101
Adams	1.00	0.42	142	Douglas	3.50	-0.04	99
La Crosse	7.00	2.63	138	Portage	4.00	-0.10	98
Sawyer	2.00	0.75	138	Walworth	5.00	-0.22	96
Ashland	1.50	0.55	137	Dunn	3.50	-0.17	95
Milwaukee***	97.50	33.00	134	Clark	2.00	-0.14	93
Sheboygan	7.00	2.34	133	Calumet	2.00	-0.18	91
Jefferson	4.80	1.59	133	Price	1.00	-0.10	90
Monroe	3.00	0.99	133	Trempealeau	1.60	-0.16	90
Outagamie**	7.65	2.43	132	Waupaca	4.00	-0.40	90
Rock	13.50	4.27	132	Barron	3.00	-0.31	90
Grant	2.00	0.61	131	Waushara	1.50	-0.24	84
Chippewa	3.00	0.91	130	Waukesha	18.50	-2.98	84
Shawano/Men.	3.00	0.86	129	Buffalo	1.00	-0.20	80
Polk	2.00	0.57	129	Florence	0.50	-0.12	76
Eau Claire	8.00	2.27	128	Crawford	1.00	-0.26	74
Dane	27.00	7.27	127	Green Lake	1.50	-0.42	72
Sauk	4.50	1.13	125	Pepin	0.60	-0.17	72
Ozaukee	3.00	0.61	120	Kewaunee	1.50	-0.43	71
Taylor	1.00	0.20	120	Rusk	1.50	-0.44	71
Brown***	11.00	2.03	118	Vilas	2.00	-0.60	70
Langlade	1.50	0.26	117	Jackson	2.00	-0.62	69
Bayfield	1.00	0.17	117	Iowa	1.75	-0.58	67
Fond du Lac**	5.30	0.87	116	Richland	1.75	-0.71	59
Marquette	1.00	0.13	113	St. Croix	6.00	-2.52	58
Marinette	2.50	0.25	110	Vernon	2.40	-1.16	52
Oconto	1.50	0.13	109	Lafayette	1.00	-0.49	51
Lincoln	2.00	0.16	108	Pierce	3.00	-1.51	50
				Iron	1.00	-0.61	39
				<b>TOTAL</b>	<b>378.00</b>	<b>67.23</b>	<b>118%</b>

\* This column reflects the adjusted base, minus 10.0 PR project positions deleted under the bill in 1999-00.

\*\* Reflects that the workload of the drug prosecutor assigned in Outagamie County is divided as follows: 65% in Outagamie County; 30% in Fond du Lac County; and 5% in Winnebago County.

\*\*\* Includes 1.0 sexually violent person commitment prosecutor.





Wisconsin Speaker Pro Tempore  
**Representative Stephen J. Freese**

February 1, 2000

Mike Huebsch, Chairman  
Committee on Judiciary and Personal Privacy  
Room 20 North, State Capitol

Dear Representative Huebsch,

As you are aware, Assembly Bill 615 (AB 615), relating to assistant district attorney positions for certain counties and making an appropriation, is currently in your committee.

The District Attorney of Grant County, Emil Everix, explained in the enclosed letter that there is a need for additional staffing due to a proposed added courtroom in the Grant County Courthouse.

I believe not only is there a staffing need, but an alarming number of methamphetamine cases and higher rates of juvenile crime being brought before our courts in southwestern Wisconsin proving the Grant County District Attorney's Office need for assistance. Therefore, I'm requesting that you consider an amendment to AB 615 to add an additional half-time position to the Grant County District Attorney's Office.

As always, I appreciate your attention to this request! If you have any questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen J. Freese'.

STEPHEN J. FREESE  
51<sup>st</sup> Assembly District

SJF:jjs

Cc: Emil Everix, Grant County District Attorney

**Fifty-First Assembly District**

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952  
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us  
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789



Ami Orlin 251-0004

Safe Harbor

836 E Main St Madison WI 53703

AB 615 10am Tuesday - Room 225NW

Date?

My name is Ami Orlin. I have worked for 16 years in Child Protection at Dane County Department of Human Services. I am currently Project Director of Safe Harbor.

Safe Harbor is a collaborative project between Child Protection, Law Enforcement and the District Attorney's Office (along with community resources) to improve services to children who are alleged victims of abuse. Safe Harbor is a child-friendly place where children come to be interviewed, on videotape, regarding the allegations. The interviewer is specially trained. A multidisciplinary team observes the interview and is able to communicate with the interviewer, through an earpiece. This communication and team approach assures that children need not be put through multiple interviews as all parties are present and can get their questions asked. It is imperative that juvenile and felony ADA's be present to assure that the elements of the crime have been addressed and to problem-solve with the team on how to proceed, following the interview. \*\*\*

*Prior to the existence of SA...*

The goals of Safe Harbor include:

- Reducing the # of interviews the child must endure\*
- Reducing the secondary trauma caused by the investigation
- Improving services to the victim and family by making more timely charging decisions, streamlining communication\*\* and providing easy access to the decision-makers\*\*
- Reducing the likelihood that children will have to testify on court\*\*

The Dane County District Attorney's Office has been very supportive of Safe Harbor. This has been a time consuming project but Dane County is committed to improving our services to our most vulnerable and traumatized population. The staffing levels at the prosecutors office have made it incredibly difficult for attorneys to attend interviews, pre and post-briefings and participate in Safe Harbor related activities. The pool of prosecutors available is small, as many of the current attorneys are on special projects and grants that limit their activities. Also the prosecution of child abuse requires specific knowledge and abilities and the lack of staff precludes the office from specializing to meet this very distinct need.

We believe that not only individual victims and families reap the benefits of the DA's involvement in Safe Harbor, so does the community and the taxpayers. Studies confirm that a significant portion of incarcerated adults, both male and female, were abused as children. By providing quality service to victims of child abuse we interrupt the cycles of violence that lead children to become abusers themselves. We also raise children who later become healthy and protective

parents. This intervention is crucial to the long-term goal of reducing prison population and mental health hospitalization and treatment expenditures.

The District Attorney's understaffing deprives the children and families of Dane County quality services. Their excellent staff has inadequate time for case preparation and review and it is difficult to be timely about their work. Children await their intervention and protection and it is unfair to ask them to wait any longer. This problem has existed for many years and now more than ever it is important to rectify the situation.

Safe Harbor demonstrates the commitment of Dane County to better serve children who have been maltreated. We require the full participation of the Dane County District Attorney's Office and without the 2.5 requested positions our efforts will fall short.

Please support this request.