

STATE OF WISCONSIN

PT 17

SENATE CHAIR
BRIAN BURKE



ASSEMBLY CHAIR
JOHN GARD

317-E Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: 266-8535

308-E Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: 266-2343

JOINT COMMITTEE ON FINANCE

August 14, 2001

Secretary George Lightbourn
Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53703

Dear Secretary Lightbourn:

We are writing to inform you that members of the Joint Committee on Finance have reviewed your budget request, dated July 26, 2001, pursuant to s. 16.515/16.505, Stats., pertaining to a request from the Department of Justice.

The Committee has no objection to the request on the condition that the amount transferred is reduced by \$31,000 to \$314,000. On this condition, the request is approved unless you notify us by August 17, 2001, that you would like the Committee to meet and review your request.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE
Senate Chair

Handwritten signature of John Gard in black ink.

JOHN GARD
Assembly Chair

BB:JG:dh

cc: Members, Joint Committee on Finance
Vicky LaBelle, Department of Administration
Michael Roberts, Department of Justice
Jack Benjamin, Department of Justice

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

317-E Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



ASSEMBLY CHAIR
JOHN GARD

308-E Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard
Co-Chairs, Joint Committee on Finance

Date: July 26, 2001

Re: s. 16.515/16.505(2), Stats. Request

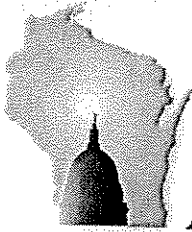
Attached is a copy of a request from the Department of Administration, received on June 19, 2001, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Justice and the District Attorneys.

Please review the material and notify **Senator Burke** or **Representative Gard**, no later than **Monday, August 13, 2001**, if you have any concerns about the request or if you would like to meet formally to consider it.

Also, please contact us if you need further information.

Attachment

BB/JG/js



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: July 26, 2001

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable John Gard, Co-Chair
Joint Committee on Finance

From: George Lightbourn, Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u>		<u>2000-01</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(1)(gh)	Investigations and prosecution			\$ 345,000 *	

* One-time expenditure authority.

As provided in s. 16.515, the request(s) will be approved on August 16, 2001, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: July 16, 2001

To: George Lightbourn
Secretary

From: Andrew J. Statz *AS*
State Budget Office

Subject: Lapse from the DOJ cost recovery appropriation

This memo responds to your question regarding a potential lapse from the cost recovery appropriation under s. 20.455 (1)(gh) *Investigations and prosecutions*.

Under s. 16.515, the Department of Justice (DOJ) has requested expenditure authority of \$345,000 PR in FY01 to cover staff training expenses and legal expenses relating to several high-profile cases.

The requested expenditure authority is intended to cover costs that have already been incurred by DOJ using two of its GPR operations appropriations. If a lapse were enacted from the cost recovery appropriation, the resulting deficit in the two GPR accounts would have to be covered by the general fund.

Also, there is no existing mechanism under current law that enables such a lapse to occur, nor has one been proposed in the current version of the 2001-03 budget.

I hope this is helpful. Please let me know if I can be of further assistance.

cc: Jim Johnston
Dave Schmiedicke

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: July 9, 2001

To: George Lightbourn, Secretary
Department of Administration

From: Andrew J. Statz, Budget Analyst
State Budget Office

Subject: Department of Justice (DOJ) request under s. 16.515 for expenditure authority of funds from court awarded cost recovery

REQUEST:

The Department of Justice (DOJ) requests increased expenditure authority of \$345,000 PR in FY01 for its cost recovery appropriation under s. 20.455 (1)(gh) *Investigations and prosecutions*.

REVENUE SOURCES FOR APPROPRIATION:

The revenue source for the appropriation under s. 20.455 (1)(gh) is monies retained by DOJ from court ordered awards to recover costs associated with cases involving medical assistance fraud, unfair trade practices, anti-trust actions, and environmental pollution and discharge elimination.

For such cases, ninety percent of the court ordered award is deposited to the general fund. DOJ retains ten percent of the award in its annual appropriation under s. 20.455 (1)(gh) as program revenue. Because of the unpredictability of revenues, expenditure authority is set at zero. The s. 16.515 process is the only way DOJ may access funds in this account.

ANALYSIS:

The requested increase is partially required to cover expenses related to training staff members in DOJ's Legal Services Division. Training expenses account for approximately \$63,600. Similar requests to cover training expenses were approved at the end of the last four fiscal years.

This fiscal year, high-profile cases have driven up legal expenses. Examples of such cases highlighted by DOJ include a class action suit against the state by Supermax inmates, a challenge to the constitutionality of the state's foster care system in Milwaukee County, a claim under the Americans with Disabilities Act by a student with Down's Syndrome who was dismissed from UW-Oshkosh, and a challenge of internal policies at the Wisconsin Resource Center regarding sex predators. Approximately \$281,400 of the requested increase is to cover legal expenses related to such cases.

Charges for staff training and legal expenses have already been incurred and charged to Legal Service's GPR program operations and legal expenses appropriations. Similar

George Lightbourn, Secretary

July 9, 2001

Page 2

to past practices, DOJ has budgeted under the assumption that this request will be approved and enable DOJ to transfer the charges from GPR to s. 20.455 (1)(gh).

As of June 30, 2001, balances in s. 20.455 (1)(gh) were sufficient to cover this request in FY01.

RECOMMENDATION:

Approve the request.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

cc: JJ
AS

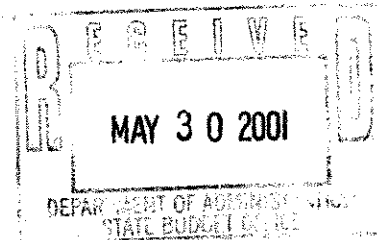
JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

May 24, 2001

David P. Schmiedicke
State Budget Director
10th Floor, Administration Building
P.O. Box 7864
Madison, WI 53707-7864



Dear Mr. Schmiedicke:

Under sec. 16.515, stats., the Department of Justice requests spending authority of \$345,000 in the PR annual appropriation under sec. 20.455(1)(gh) for FY01. The request is necessary because of significant case account expenditures which DOJ has incurred in the current fiscal year litigating cases on behalf of the state. Approval of this request will enable the Legal Services Division to use program revenues to cover certain operating costs incurred this year.

Background

1995 Wisconsin Act 27 created a PR annual appropriation to receive amounts recovered for the expense of investigating and prosecuting certain violations. Courts are authorized to award our costs in cases involving medical assistance fraud, unfair trade practices, antitrust actions, environmental pollution and pollution discharge elimination. Ten percent of amounts recovered are to be deposited in the appropriation under sec. 20.455(1)(gh), *Investigation and prosecution*. Because this appropriation was established as an *annual* appropriation and because subsequent budget acts have set the expenditure authority at zero, a request under sec. 16.515 is required. Spending authority has been approved under sec. 16.515 in FY97, FY98 and FY99, generally for staff training costs. We were able to cover these costs in FY00 without using the Cost Recovery appropriation. Given the unusual fiscal challenges we have faced this year, we have no recourse but to request this spending authority.

To elaborate, in FY01 the Division has been obliged to use savings obtained from vacant positions to cover cuts imposed by the Department of Administration. This has eliminated the flexibility that usually exists in the Division's budget to cover case expenditures that may exceed the Case Account budget [appropriation 20.455 (1)(d)]. In addition, the Department has litigated a number of exceptional cases this year that have resulted in necessary expenditures from the Case Account that are above and beyond usual case-related spending. Examples of these cases are listed below. While a small part of this request is to cover staff training expenses, the bulk of this request is necessary to meet unusual litigation costs incurred this past fiscal year.

David P. Schmiedicke
May 24, 2001

Analysis

Our budget for case account expenditures is set at \$931,400 for each year of the current biennium. Through April 30, 2001, we have paid over \$950,000 for case-related expenses for Legal Services Division staff. Budget resources for this fiscal year have proven to be inadequate for several reasons:

- 1) A DOA-mandated GPR cut for additional turnover savings reduced the primary Legal Services operations appropriation by more than \$41,000.
- 2) A second DOA-mandated GPR cut reduced this budget again by approximately \$63,400, and also reduced the Case Account appropriation by almost \$4,700.
- 3) In addition to absorbing these GPR cuts, several unusually expensive and high profile cases have depleted the current Case Account budget. Examples include the following:
 - A) Supermax (Jones v. Berge): This is a class action filed on behalf of all inmates in Wisconsin's "Supermax" prison. The inmates allege that the prison is unconstitutionally depriving them of basic human needs including medical care. They also allege that they are suffering from sensory deprivation due to prolonged confinement in their cells. Defending against these claims requires hundreds of hours of analysis by experts of the files of up to 500 inmates. In addition, due to the broad range of claims in the case, experts are needed in the fields of ophthalmology, psychiatry, psychology, and penology. Finally, Case Account expenditures have been required to begin building a database of relevant information regarding the inmate plaintiffs.
 - B) Milwaukee Child Welfare System (Jeanine B. v. DHFS): This case is a class action filed on behalf of over 5,000 children in foster care in Milwaukee County. The case challenges the constitutionality of the Milwaukee County child welfare system, which has been under the control of the state since 1998. The case requires a substantial commitment of expert resources because plaintiffs' broad claims attack many facets of an exceedingly complex system. Plaintiffs have identified approximately twelve experts on whom they will rely, all of whose reports and opinions must be countered by state experts. Defense of this case to date has also required the production and management of over 50,000 pages of documentation, requiring significant case account expenditures.

David P. Schmiedicke
May 24, 2001

- C) *West v. Macht*: This lawsuit was filed by six individuals committed as sexual predators under Wis. Stat. ch. 980 and housed at the Wisconsin Resource Center. They challenge various policies of the Resource Center under state statutes and the United States Constitution, including the use of seclusion and restraint, access to the courts and patients' access to mail. Defense of the case has required extensive review of patient treatment records in order to counter the experts hired by plaintiffs' counsel, the Wisconsin Coalition for Advocacy, who are nationally known experts on the psychological implications of seclusion and restraint. It is worth noting that these types of "conditions of confinement" cases involving ch. 980 are arising more frequently and should be expected to increase in light of the opening of the new Sand Ridge facility, as well as various legislative proposals targeted at restricting the rights of those committed under ch. 980.
- D) *Shannon v. Board of Regents*: This case involved a claim under the Americans with Disabilities Act brought by a young man with Down's Syndrome and significant mental retardation who was admitted as a student at UW-Oshkosh and then was dismissed by the school for poor academic performance. The student was admitted by one professor over the objections of the university's administration. Defense of this case required the consulting services of a psychologist and neuropsychologist who did substantial research into the capacities of individuals with Down's Syndrome in general and this plaintiff in particular. Their work was time-intensive and thus expensive. However, their thorough work enabled the state to settle this case on very favorable terms.
- E) *CWI v. State*: This case was filed against DILHR and the Department of Commerce by a firm that contracted with these agencies to provide tank inspection services. The plaintiff alleged breach of contract. Defense of the case required us to retain experts to evaluate the firm's claims of lost profits and future damages, as well as experts to defend the agencies' decision to terminate the state's contract with CWI. Through the careful work of these experts, the case was settled for a nominal amount on terms very favorable to the state.

David P. Schmiedicke
May 24, 2001

- F) *State v. Stockbridge-Munsee*: The state initiated this litigation after the Stockbridge-Munsee tribe opened a casino in 1998 outside the boundaries of its reservation. The tribe asserts that the casino is located within the boundaries of its reservation as established by treaty in 1856. The issues in the case extend far beyond the location of the casino, as the reservation's boundaries are of critical importance to non-tribal members living on what the tribe asserts are reservation lands, in addition to questions about appropriate regulatory and law enforcement authority in the disputed areas. Resolution of the legal issues has required a substantial amount of historical research by various experts in tribal history, the applicable treaties, the background and effect of various acts of Congress through the years and the understanding of what territory comprised the Stockbridge reservation throughout the past 145 years. In addition, much of this work has had to be recreated as the state's primary expert died after conducting extensive research for two years.

Many of the expenses in question have already been incurred and charged to our GPR appropriations under secs. 20.455 (1)(a) and (1)(d). The \$345,000 being requested here would cover expenses we have already had to incur, or expect to see, between now and the end of the fiscal year. Lacking spending authority for the Cost Recovery appropriation, we have no choice but to charge costs initially to the Division's primary GPR operations appropriation. If this request to spend Cost Recovery moneys is approved, then costs can be transferred to (1)(gh). Such a transfer has been a part of our operating budget plan throughout this year.

Revenue Sources

As described in the *Background* section above, 1995 Wisconsin Act 27 created a PR annual appropriation to receive amounts recovered for the expense of investigating and prosecuting certain violations. Ten percent of amounts recovered as costs in these cases are deposited in the appropriation under sec. 20.455(1)(gh). Our experience under these provisions can be summarized as follows:

<u>FY</u>	<u>Opening Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Closing Balance</u>
96	\$0	\$7,474	\$0	\$7,474
97	\$7,474	\$46,881	\$27,363	\$26,992
98	\$26,992	\$62,550	\$55,400	\$34,142
99	\$34,142	\$69,627	\$78,574	\$25,195
00	\$25,195	\$281,571	\$0	\$306,766
01	\$306,766	\$41,889	\$0	N/A

David P. Schmiedicke
May 24, 2001

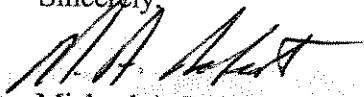
As of May 17, 2001 there is a total of \$348,655 available with the likelihood that additional revenues will be deposited in this appropriation before the books are closed for FY01. Consequently, the \$345,000 is available for these needed expenditures. A substantial portion of the Cost Recovery revenues available are attributable to the costs and attorneys fees recovered by the Department of Justice as a result of the multi-state settlement with the tobacco industry. The Department recovered \$2.7 million in costs and attorneys fees under that settlement, of which \$2.4 million was transferred to the General Fund and \$277,000 was deposited under sec. 20.455(1)(gh).

Summary

The Department of Justice requests spending authority of \$345,000 in the PR annual appropriation under sec. 20.455(1)(gh) for FY01. Approval of this request will allow us to use cost recoveries for purposes authorized by the Legislature. The use of these moneys is a budget resource we count on to cover costs in the Legal Services Division.

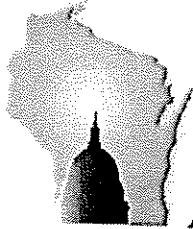
Questions should be directed to Matt Frank, Administrator of our Legal Services Division or to Jack Benjamin, the Department's Budget Director.

Sincerely,



Michael A. Roberts
Administrator
Division of Management Services

Cc: Jack Benjamin
Matt Frank
Karen Timberlake
Cindy Imhoff



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: July 26, 2001

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable John Gard, Co-Chair
Joint Committee on Finance

From: George Lightbourn, Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u>		<u>2000-01</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and Grants				6.75 *

* Authorization through June 30, 2002.

As provided in s. 16.515, the request(s) will be approved on August 16, 2001, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: July 18, 2001

To: George Lightbourn, Secretary
Department of Administration

From: Andrew J. Statz, Budget Analyst *AS*
State Budget Office

Subject: Request under s. 16.505 relating to the prosecution of domestic violence in various counties

REQUEST:

The Department of Administration (DOA), on behalf of the Marathon County district attorney office, requests the authorization of 1.0 FTE PR ADA position. On behalf of the district attorney offices of Chippewa, Dane, Jefferson, Milwaukee, and Outagamie Counties, DOA also requests the renewal of 5.75 FTE PR assistant district attorney (ADA) positions.

REVENUE SOURCE FOR APPROPRIATION:

The revenue source for the appropriation under s. 20.475 (1)(h) *Gifts and Grants* is federal funding awarded under the Violence Against Women Act (VAWA) to prosecute domestic violence cases and enhance victim services. These VAWA grants are made available by the federal Department of Justice, Office of Justice Programs and are administered by the Wisconsin Office of Justice Assistance.

Because ADAs are state employees, each county is required to use these federal funds to reimburse the state through Agency 475 (District Attorneys). As a result, these funds are treated as program revenue.

ANALYSIS:

The distribution of the 6.75 FTE follows:

<u>DA Office</u>	<u>FTE</u>	<u>Comments</u>
Chippewa	1.0	reauthorization
Dane	2.0	reauthorization
Jefferson	0.75	reauthorization
Milwaukee	1.0	reauthorization
Marathon	1.0	effective September 24, 2001
Outagamie	1.0	reauthorization
Total	6.75	

George Lightbourn, Secretary

July 18, 2001

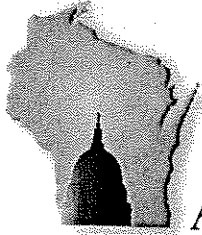
Page 2

The Governor's VAWA grant award decisions follow the recommendations of the 16-member Governor's Law Enforcement and Crime Commission. The grants include approximately \$410,600 to cover salary and benefit costs for the 6.75 FTE PR ADA positions through June 30, 2002.

Salary and benefits for the positions will be 100-percent federally funded. The exact amounts of additional PR expenditure authority in s. 20.475 (1)(h) will be determined through the DOA allotment process. Since this is a continuing appropriation, approval of the Joint Committee on Finance is required only for the position authorization.

RECOMMENDATION:

Approve the request to create 1.0 FTE ADA project position and renew 5.75 FTE ADA project positions through June 30, 2002. This approval does not constitute the commitment of current or future GPR funding for these positions.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500 TTY (608) 267-9629
stuart.morse@doa.state.wi.us

AS

DATE: July 13, 2001

TO: David Schmiedicke, Administrator
Division of Executive Budget and Finance

FROM: Charles E. McDowell, Administrator
Division of Administrative Services

SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475 TO RENEW 5.75
CURRENT PR FTE POSITIONS, TO DELETE 0.7 CURRENT PR FTE
POSITIONS AND TO ADD 1.0 PR FTE POSITION ALL FUNDED UNDER
THE VIOLENCE AGAINST WOMEN ACT IN VARIOUS DA OFFICES**

On behalf of the District Attorneys in the Chippewa, Dane, Jefferson, La Crosse, Marathon, Milwaukee and Outagamie offices, I submit the attached request for Program Revenue position authority for Department 475, District Attorneys.

If you have any questions, please direct them to Stuart Morse, Director, State Prosecutors Office (7-2700) or to Dick Wagner, Bureau of Financial Management (6-0653).

Thank you for your attention to this matter.

Attachments

cc: Stuart Morse
Dick Wagner

July 13, 2001 VAWA Grant s.16.505 request

**DEPARTMENT OF DISTRICT ATTORNEYS REQUEST UNDER S.16.505 FOR
POSITION AUTHORIZATION**

I. REQUEST (through 6/30/2002)

The Department of District Attorneys requests, under s.16.505, the authorization of 6.75 FTE Program Revenue (PR) prosecutorial positions in appropriation s.20.475(1)(h). These positions will be located in six district attorney offices: 1.0 FTE in Chippewa County, 2.0 FTE in Dane County, 0.75 FTE in Jefferson County, 1.0 FTE in Marathon County, 1.0 FTE in Milwaukee County and 1.0 in Outagamie County. All but the Marathon position are a continuation of current grants and are funded to begin on July 1, 2001 and run through June 30, 2001. The Marathon grant creates a new 1.0 FTE position effective September 24, 2001 through June 30, 2002. This action also deletes, effective July 1, 2001, a 0.7 PR FTE VAWA position in La Crosse County, which is not being refunded for FY 02.

- 1) Grant the Chippewa County DA Office position authorization to continue a 1.0 FTE PR VAWA position through June 30, 2002.
- 2) Grant the Dane County DA Office position authorization to continue 2.0 FTE PR VAWA positions through June 30, 2002.
- 3) Grant the Jefferson County DA Office position authorization to continue a 0.75 FTE PR VAWA position through June 30, 2002.
- 4) Delete the La Crosse County DA Office position authorization for 0.7 FTE PR VAWA effective June 30, 2001.
- 5) Grant the Marathon County DA Office position authorization to create a new 1.0 FTE PR VAWA position effective September 24, 2001 through June 30, 2002.
- 6) Grant the Milwaukee County DA Office position authorization to continue a 1.0 FTE PR VAWA position through June 30, 2002.
- 7) Grant the Outagamie County DA Office position authorization to continue 1.0 FTE PR VAWA position through June 30, 2002.

It is anticipated that these grants will be renewed annually so authorization to continue through June 30, 2005, if continued funding is available, is also requested.

July 13, 2001 VAWA Grant s.16.505 request

II. BACKGROUND

Wisconsin was awarded federal Violence Against Women Act (VAWA) grant funds since federal fiscal year 1996. Wisconsin VAWA grants are administered by the Office of Justice Assistance (OJA). The purpose of this federal program is to assist states in the development and enhancement of effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services. By federal law, 25 percent of the state grant must be spent on prosecution related services. The VAWA grants were awarded in May 2001 except for the Marathon grant, which was awarded in June 2001. The Governor's grant award decisions follow the recommendations of his Law Enforcement and Crime Commission.

III. ANALYSIS

These positions are in furtherance of the State's policy to fight domestic abuse, sexual abuse and assault and other violent crimes against women.

IV. FISCAL ANALYSIS

The salary and fringe benefit costs of the ADA positions in Chippewa, Dane, Jefferson, Marathon, Milwaukee and Outagamie were determined based upon the anticipated costs of specific ADAs who have been selected by their DAs to carryout the VAWA assignments. The federal grant to the state contains sufficient funds for the 6.75 FTE positions recommended by the Governor. Total costs for all positions are estimated at \$410,628 for FY 02. The program revenue appropriation is continuing and will be reestimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The sources of grant funds is s.20.505(6)(p), which is provided by the federal government to OJA for use in developing anti-violence against women crime efforts including the funding of prosecutorial staff. The funds are awarded to the six counties. The counties will reimburse salary and fringe benefit costs for the state paid ADA positions in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

July 13, 2001 VAWA Grant s.16.505 request

Table 1 indicates the LAB methodology's results and highlights the impact of the new positions requested on the six DA offices proposed for positions and on the one DA office losing a full position.. The table uses the most current court data available (1997-99) and the positions authorized as of July 9, 2001. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload such as that covered by the VAWA.

2) *An assessment of similar caseload problems in counties not addressed by the request.*

Detailed data on violence against women with which to make such an analysis are not available.

3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

All 71 DA offices were notified of the availability of the VAWA grant funds and invited to apply. Of the DA Offices applying for the funds, six offices were granted a 6.75 FTE assistant district attorney positions. The Governor approved grant requests for these positions. The Governor's decisions follow the recommendations of his Law Enforcement and Crime Commission.

4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The VAWA funds may not be used to address other types of caseloads. The fact that the federal government specifically created the VAWA and included the 25% prosecution funding requirement is an indication of the high national priority this activity is given.

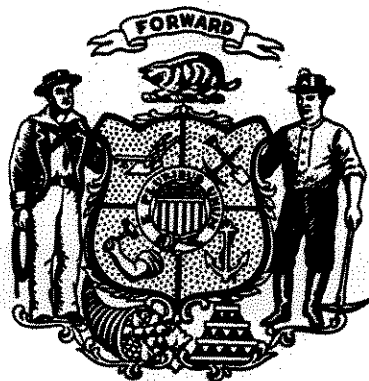
TABLE 1

DA Office	FTE needed before 16.505	FTE needed after 16.505
Adams	0.30	0.30
Ashland	0.70	0.70
Barron	0.48	0.48
Bayfield	0.22	0.22
Brown	3.49	3.49
Buffalo	-0.19	-0.19
Burnett	0.72	0.72
Calumet	0.13	0.13
Chippewa Continuing position	0.72	0.72
Clark	0.27	0.27
Columbia	1.67	1.67
Crawford	-0.06	-0.06
Dane Continuing positions	3.87	3.87
Dodge	0.58	0.58
Door	0.30	0.30
Douglas	1.15	1.15
Dunn	0.05	0.05
Eau Claire	3.04	3.04
Florence	-0.02	-0.02
Fond du Lac	2.43	2.43
Forest	0.29	0.29
Grant	0.59	0.59
Green	0.48	0.48
Green Lake	-0.10	-0.10
Iowa	-0.13	-0.13
Iron	-0.19	-0.19
Jackson	-0.32	-0.32
Jefferson Continuing position	1.35	1.35
Juneau	0.30	0.30
Kenosha	6.17	6.17
Kewaunee	-0.35	-0.35
La Crosse deleted position	2.37	3.07
Lafayette	-0.30	-0.30
Langlade	0.90	0.90
Lincoln	0.64	0.64
Manitowoc	1.92	1.92
Marathon new position	2.66	1.66
Marinette	0.20	0.20
Marquette	0.19	0.19
Milwaukee Continuing position	2.82	2.82
Monroe	0.84	0.84
Oconto	0.22	0.22

July 13, 2001 VAWA Grant s.16.505 request

DA Office	FTE needed before 16.505	FTE needed after 16.505
Oneida	0.67	0.67
Outagamie	5.15	5.15
Continuing position		
Ozaukee	0.99	0.99
Pepin	-0.04	-0.04
Pierce	-1.28	-1.28
Polk	0.52	0.52
Portage	0.26	0.26
Price	0.09	0.09
Racine	4.15	4.15
Richland	-0.39	-0.39
Rock	3.29	3.29
Rusk	-0.08	-0.08
Saint Croix	-1.54	-1.54
Sauk	1.40	1.40
Sawyer	0.51	0.51
Shaw/Men	1.00	1.00
Sheboygan	4.37	4.37
Taylor	0.32	0.32
Trempealeau	0.47	0.47
Vernon	-1.06	-1.06
Vilas	-0.64	-0.64
Walworth	0.17	0.17
Washburn	0.37	0.37
Washington	1.23	1.23
Waukesha	-1.65	-1.65
Waupaca	0.14	0.14
Waushara	0.03	0.03
Winnebago	3.48	3.48
Wood	1.73	1.73

END



END

STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

317-E Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: 266-8535



ASSEMBLY CHAIR
JOHN GARD

308-E Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: 266-2343

JOINT COMMITTEE ON FINANCE

August 14, 2001

Secretary George Lightbourn
Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53703

Dear Secretary Lightbourn:

We are writing to inform you that members of the Joint Committee on Finance have reviewed your budget request, dated July 26, 2001, pursuant to s. 16.515/16.505, Stats., pertaining to a request from the Department of Administration, on behalf of the district attorney offices of Chippewa, Dane, Jefferson, Marathon, Milwaukee and Outagamie Counties.

No objection has been raised concerning this request. Therefore, the request is approved.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE
Senate Chair

Handwritten signature of John Gard in black ink.

JOHN GARD
Assembly Chair

BB:JG:dh

cc: Members, Joint Committee on Finance
Vicky LaBelle, Department of Administration
Stuart Morse, State Prosecutors Office

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

ASSEMBLY CHAIR
JOHN GARD

317-E Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



308-E Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard
Co-Chairs, Joint Committee on Finance

Date: July 26, 2001

Re: s. 16.515/16.505(2), Stats. Request

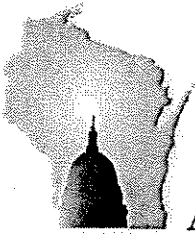
Attached is a copy of a request from the Department of Administration, received on June 19, 2001, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Justice and the District Attorneys.

Please review the material and notify **Senator Burke** or **Representative Gard**, no later than **Monday, August 13, 2001**, if you have any concerns about the request or if you would like to meet formally to consider it.

Also, please contact us if you need further information.

Attachment

BB/JG/js



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR
GEORGE LIGHTBOURN
SECRETARY
Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: July 26, 2001
To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance
The Honorable John Gard, Co-Chair
Joint Committee on Finance
From: George Lightbourn, Secretary
Department of Administration
Subject: S. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u>		<u>2000-01</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(1)(gh)	Investigations and prosecution			\$ 345,000 *	

* One-time expenditure authority.

As provided in s. 16.515, the request(s) will be approved on August 16, 2001, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.


Attachments

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: July 16, 2001

To: George Lightbourn
Secretary

From: Andrew J. Statz 
State Budget Office

Subject: Lapse from the DOJ cost recovery appropriation

This memo responds to your question regarding a potential lapse from the cost recovery appropriation under s. 20.455 (1)(gh) *Investigations and prosecutions*.

Under s. 16.515, the Department of Justice (DOJ) has requested expenditure authority of \$345,000 PR in FY01 to cover staff training expenses and legal expenses relating to several high-profile cases.

The requested expenditure authority is intended to cover costs that have already been incurred by DOJ using two of its GPR operations appropriations. If a lapse were enacted from the cost recovery appropriation, the resulting deficit in the two GPR accounts would have to be covered by the general fund.

Also, there is no existing mechanism under current law that enables such a lapse to occur, nor has one been proposed in the current version of the 2001-03 budget.

I hope this is helpful. Please let me know if I can be of further assistance.

cc: Jim Johnston
Dave Schmiedicke

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: July 9, 2001

To: George Lightbourn, Secretary
Department of Administration

From: Andrew J. Statz, Budget Analyst
State Budget Office

Subject: Department of Justice (DOJ) request under s. 16.515 for expenditure authority of funds from court awarded cost recovery

REQUEST:

The Department of Justice (DOJ) requests increased expenditure authority of \$345,000 PR in FY01 for its cost recovery appropriation under s. 20.455 (1)(gh) *Investigations and prosecutions.*

REVENUE SOURCES FOR APPROPRIATION:

The revenue source for the appropriation under s. 20.455 (1)(gh) is monies retained by DOJ from court ordered awards to recover costs associated with cases involving medical assistance fraud, unfair trade practices, anti-trust actions, and environmental pollution and discharge elimination.

For such cases, ninety percent of the court ordered award is deposited to the general fund. DOJ retains ten percent of the award in its annual appropriation under s. 20.455 (1)(gh) as program revenue. Because of the unpredictability of revenues, expenditure authority is set at zero. The s. 16.515 process is the only way DOJ may access funds in this account.

ANALYSIS:

The requested increase is partially required to cover expenses related to training staff members in DOJ's Legal Services Division. Training expenses account for approximately \$63,600. Similar requests to cover training expenses were approved at the end of the last four fiscal years.

This fiscal year, high-profile cases have driven up legal expenses. Examples of such cases highlighted by DOJ include a class action suit against the state by Supermax inmates, a challenge to the constitutionality of the state's foster care system in Milwaukee County, a claim under the Americans with Disabilities Act by a student with Down's Syndrome who was dismissed from UW-Oshkosh, and a challenge of internal policies at the Wisconsin Resource Center regarding sex predators. Approximately \$281,400 of the requested increase is to cover legal expenses related to such cases.

Charges for staff training and legal expenses have already been incurred and charged to Legal Service's GPR program operations and legal expenses appropriations. Similar

George Lightbourn, Secretary
July 9, 2001
Page 2

to past practices, DOJ has budgeted under the assumption that this request will be approved and enable DOJ to transfer the charges from GPR to s. 20.455 (1)(gh).

As of June 30, 2001, balances in s. 20.455 (1)(gh) were sufficient to cover this request in FY01.

RECOMMENDATION:

Approve the request.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

cc: JJ
AS

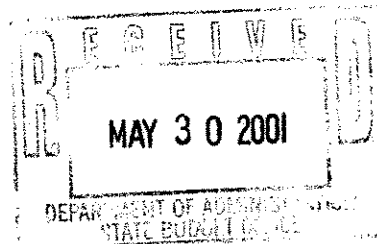
JAMES E. DOYLE
ATTORNEY GENERAL

Burnetta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

May 24, 2001

David P. Schmiedicke
State Budget Director
10th Floor, Administration Building
P.O. Box 7864
Madison, WI 53707-7864



Dear Mr. Schmiedicke:

Under sec. 16.515, stats., the Department of Justice requests spending authority of \$345,000 in the PR annual appropriation under sec. 20.455(1)(gh) for FY01. The request is necessary because of significant case account expenditures which DOJ has incurred in the current fiscal year litigating cases on behalf of the state. Approval of this request will enable the Legal Services Division to use program revenues to cover certain operating costs incurred this year.

Background

1995 Wisconsin Act 27 created a PR annual appropriation to receive amounts recovered for the expense of investigating and prosecuting certain violations. Courts are authorized to award our costs in cases involving medical assistance fraud, unfair trade practices, antitrust actions, environmental pollution and pollution discharge elimination. Ten percent of amounts recovered are to be deposited in the appropriation under sec. 20.455(1)(gh), *Investigation and prosecution*. Because this appropriation was established as an *annual* appropriation and because subsequent budget acts have set the expenditure authority at zero, a request under sec. 16.515 is required. Spending authority has been approved under sec. 16.515 in FY97, FY98 and FY99, generally for staff training costs. We were able to cover these costs in FY00 without using the Cost Recovery appropriation. Given the unusual fiscal challenges we have faced this year, we have no recourse but to request this spending authority.

To elaborate, in FY01 the Division has been obliged to use savings obtained from vacant positions to cover cuts imposed by the Department of Administration. This has eliminated the flexibility that usually exists in the Division's budget to cover case expenditures that may exceed the Case Account budget [appropriation 20.455 (1)(d)]. In addition, the Department has litigated a number of exceptional cases this year that have resulted in necessary expenditures from the Case Account that are above and beyond usual case-related spending. Examples of these cases are listed below. While a small part of this request is to cover staff training expenses, the bulk of this request is necessary to meet unusual litigation costs incurred this past fiscal year.

David P. Schmiedicke
May 24, 2001

Analysis

Our budget for case account expenditures is set at \$931,400 for each year of the current biennium. Through April 30, 2001, we have paid over \$950,000 for case-related expenses for Legal Services Division staff. Budget resources for this fiscal year have proven to be inadequate for several reasons:

- 1) A DOA-mandated GPR cut for additional turnover savings reduced the primary Legal Services operations appropriation by more than \$41,000.
- 2) A second DOA-mandated GPR cut reduced this budget again by approximately \$63,400, and also reduced the Case Account appropriation by almost \$4,700.
- 3) In addition to absorbing these GPR cuts, several unusually expensive and high profile cases have depleted the current Case Account budget. Examples include the following:
 - A) Supermax (Jones v. Berge): This is a class action filed on behalf of all inmates in Wisconsin's "Supermax" prison. The inmates allege that the prison is unconstitutionally depriving them of basic human needs including medical care. They also allege that they are suffering from sensory deprivation due to prolonged confinement in their cells. Defending against these claims requires hundreds of hours of analysis by experts of the files of up to 500 inmates. In addition, due to the broad range of claims in the case, experts are needed in the fields of ophthalmology, psychiatry, psychology, and penology. Finally, Case Account expenditures have been required to begin building a database of relevant information regarding the inmate plaintiffs.
 - B) Milwaukee Child Welfare System (Jeanine B. v. DHFS): This case is a class action filed on behalf of over 5,000 children in foster care in Milwaukee County. The case challenges the constitutionality of the Milwaukee County child welfare system, which has been under the control of the state since 1998. The case requires a substantial commitment of expert resources because plaintiffs' broad claims attack many facets of an exceedingly complex system. Plaintiffs have identified approximately twelve experts on whom they will rely, all of whose reports and opinions must be countered by state experts. Defense of this case to date has also required the production and management of over 50,000 pages of documentation, requiring significant case account expenditures.

David P. Schmiedicke
May 24, 2001

- C) West v. Macht: This lawsuit was filed by six individuals committed as sexual predators under Wis. Stat. ch. 980 and housed at the Wisconsin Resource Center. They challenge various policies of the Resource Center under state statutes and the United States Constitution, including the use of seclusion and restraint, access to the courts and patients' access to mail. Defense of the case has required extensive review of patient treatment records in order to counter the experts hired by plaintiffs' counsel, the Wisconsin Coalition for Advocacy, who are nationally known experts on the psychological implications of seclusion and restraint. It is worth noting that these types of "conditions of confinement" cases involving ch. 980 are arising more frequently and should be expected to increase in light of the opening of the new Sand Ridge facility, as well as various legislative proposals targeted at restricting the rights of those committed under ch. 980.
- D) Shannon v. Board of Regents: This case involved a claim under the Americans with Disabilities Act brought by a young man with Down's Syndrome and significant mental retardation who was admitted as a student at UW-Oshkosh and then was dismissed by the school for poor academic performance. The student was admitted by one professor over the objections of the university's administration. Defense of this case required the consulting services of a psychologist and neuropsychologist who did substantial research into the capacities of individuals with Down's Syndrome in general and this plaintiff in particular. Their work was time-intensive and thus expensive. However, their thorough work enabled the state to settle this case on very favorable terms.
- E) CWI v. State: This case was filed against DILHR and the Department of Commerce by a firm that contracted with these agencies to provide tank inspection services. The plaintiff alleged breach of contract. Defense of the case required us to retain experts to evaluate the firm's claims of lost profits and future damages, as well as experts to defend the agencies' decision to terminate the state's contract with CWI. Through the careful work of these experts, the case was settled for a nominal amount on terms very favorable to the state.

David P. Schmiedicke
May 24, 2001

- F) **State v. Stockbridge-Munsee:** The state initiated this litigation after the Stockbridge-Munsee tribe opened a casino in 1998 outside the boundaries of its reservation. The tribe asserts that the casino is located within the boundaries of its reservation as established by treaty in 1856. The issues in the case extend far beyond the location of the casino, as the reservation's boundaries are of critical importance to non-tribal members living on what the tribe asserts are reservation lands, in addition to questions about appropriate regulatory and law enforcement authority in the disputed areas. Resolution of the legal issues has required a substantial amount of historical research by various experts in tribal history, the applicable treaties, the background and effect of various acts of Congress through the years and the understanding of what territory comprised the Stockbridge reservation throughout the past 145 years. In addition, much of this work has had to be recreated as the state's primary expert died after conducting extensive research for two years.

Many of the expenses in question have already been incurred and charged to our GPR appropriations under secs. 20.455 (1)(a) and (1)(d). The \$345,000 being requested here would cover expenses we have already had to incur, or expect to see, between now and the end of the fiscal year. Lacking spending authority for the Cost Recovery appropriation, we have no choice but to charge costs initially to the Division's primary GPR operations appropriation. If this request to spend Cost Recovery moneys is approved, then costs can be transferred to (1)(gh). Such a transfer has been a part of our operating budget plan throughout this year.

Revenue Sources

As described in the *Background* section above, 1995 Wisconsin Act 27 created a PR annual appropriation to receive amounts recovered for the expense of investigating and prosecuting certain violations. Ten percent of amounts recovered as costs in these cases are deposited in the appropriation under sec. 20.455(1)(gh). Our experience under these provisions can be summarized as follows:

<u>FY</u>	<u>Opening Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Closing Balance</u>
96	\$0	\$7,474	\$0	\$7,474
97	\$7,474	\$46,881	\$27,363	\$26,992
98	\$26,992	\$62,550	\$55,400	\$34,142
99	\$34,142	\$69,627	\$78,574	\$25,195
00	\$25,195	\$281,571	\$0	\$306,766
01	\$306,766	\$41,889	\$0	N/A

David P. Schmiedicke
May 24, 2001

As of May 17, 2001 there is a total of \$348,655 available with the likelihood that additional revenues will be deposited in this appropriation before the books are closed for FY01. Consequently, the \$345,000 is available for these needed expenditures. A substantial portion of the Cost Recovery revenues available are attributable to the costs and attorneys fees recovered by the Department of Justice as a result of the multi-state settlement with the tobacco industry. The Department recovered \$2.7 million in costs and attorneys fees under that settlement, of which \$2.4 million was transferred to the General Fund and \$277,000 was deposited under sec. 20.455(1)(gh).

Summary

The Department of Justice requests spending authority of \$345,000 in the PR annual appropriation under sec. 20.455(1)(gh) for FY01. Approval of this request will allow us to use cost recoveries for purposes authorized by the Legislature. The use of these moneys is a budget resource we count on to cover costs in the Legal Services Division.

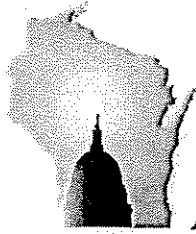
Questions should be directed to Matt Frank, Administrator of our Legal Services Division or to Jack Benjamin, the Department's Budget Director.

Sincerely,



Michael A. Roberts
Administrator
Division of Management Services

Cc: Jack Benjamin
Matt Frank
Karen Timberlake
Cindy Imhoff



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: July 26, 2001
To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable John Gard, Co-Chair
Joint Committee on Finance
From: George Lightbourn, Secretary
Department of Administration
Subject: S. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u>		<u>2000-01</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and Grants				6.75 *

* Authorization through June 30, 2002.

As provided in s. 16.515, the request(s) will be approved on August 16, 2001, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: July 18, 2001

To: George Lightbourn, Secretary
Department of Administration

From: Andrew J. Statz, Budget Analyst *AS*
State Budget Office

Subject: Request under s. 16.505 relating to the prosecution of domestic violence in various counties

REQUEST:

The Department of Administration (DOA), on behalf of the Marathon County district attorney office, requests the authorization of 1.0 FTE PR ADA position. On behalf of the district attorney offices of Chippewa, Dane, Jefferson, Milwaukee, and Outagamie Counties, DOA also requests the renewal of 5.75 FTE PR assistant district attorney (ADA) positions.

REVENUE SOURCE FOR APPROPRIATION:

The revenue source for the appropriation under s. 20.475 (1)(h) *Gifts and Grants* is federal funding awarded under the Violence Against Women Act (VAWA) to prosecute domestic violence cases and enhance victim services. These VAWA grants are made available by the federal Department of Justice, Office of Justice Programs and are administered by the Wisconsin Office of Justice Assistance.

Because ADAs are state employees, each county is required to use these federal funds to reimburse the state through Agency 475 (District Attorneys). As a result, these funds are treated as program revenue.

ANALYSIS:

The distribution of the 6.75 FTE follows:

<u>DA Office</u>	<u>FTE</u>	<u>Comments</u>
Chippewa	1.0	reauthorization
Dane	2.0	reauthorization
Jefferson	0.75	reauthorization
Milwaukee	1.0	reauthorization
Marathon	1.0	effective September 24, 2001
Outagamie	1.0	reauthorization
Total	6.75	

George Lightbourn, Secretary

July 18, 2001

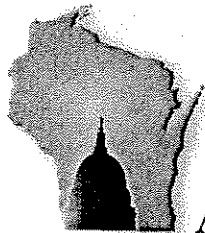
Page 2

The Governor's VAWA grant award decisions follow the recommendations of the 16-member Governor's Law Enforcement and Crime Commission. The grants include approximately \$410,600 to cover salary and benefit costs for the 6.75 FTE PR ADA positions through June 30, 2002.

Salary and benefits for the positions will be 100-percent federally funded. The exact amounts of additional PR expenditure authority in s. 20.475 (1)(h) will be determined through the DOA allotment process. Since this is a continuing appropriation, approval of the Joint Committee on Finance is required only for the position authorization.

RECOMMENDATION:

Approve the request to create 1.0 FTE ADA project position and renew 5.75 FTE ADA project positions through June 30, 2002. This approval does not constitute the commitment of current or future GPR funding for these positions.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500 TTY (608) 267-9629
stuart.morse@doa.state.wi.us

DATE: July 13, 2001

TO: David Schmiedicke, Administrator
Division of Executive Budget and Finance

FROM: Charles E. McDowell, Administrator
Division of Administrative Services

SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475 TO RENEW 5.75
CURRENT PR FTE POSITIONS, TO DELETE 0.7 CURRENT PR FTE
POSITIONS AND TO ADD 1.0 PR FTE POSITION ALL FUNDED UNDER
THE VIOLENCE AGAINST WOMEN ACT IN VARIOUS DA OFFICES**

On behalf of the District Attorneys in the Chippewa, Dane, Jefferson, La Crosse, Marathon, Milwaukee and Outagamie offices, I submit the attached request for Program Revenue position authority for Department 475, District Attorneys.

If you have any questions, please direct them to Stuart Morse, Director, State Prosecutors Office (7-2700) or to Dick Wagner, Bureau of Financial Management (6-0653).

Thank you for your attention to this matter.

Attachments

cc: Stuart Morse
Dick Wagner

**DEPARTMENT OF DISTRICT ATTORNEYS REQUEST UNDER S.16.505 FOR
POSITION AUTHORIZATION**

I. REQUEST (through 6/30/2002)

The Department of District Attorneys requests, under s.16.505, the authorization of 6.75 FTE Program Revenue (PR) prosecutorial positions in appropriation s.20.475(1)(h). These positions will be located in six district attorney offices: 1.0 FTE in Chippewa County, 2.0 FTE in Dane County, 0.75 FTE in Jefferson County, 1.0 FTE in Marathon County, 1.0 FTE in Milwaukee County and 1.0 in Outagamie County. All but the Marathon position are a continuation of current grants and are funded to begin on July 1, 2001 and run through June 30, 2001. The Marathon grant creates a new 1.0 FTE position effective September 24, 2001 through June 30, 2002. This action also deletes, effective July 1, 2001, a 0.7 PR FTE VAWA position in La Crosse County, which is not being refunded for FY 02.

- 1) Grant the Chippewa County DA Office position authorization to continue a 1.0 FTE PR VAWA position through June 30, 2002.
- 2) Grant the Dane County DA Office position authorization to continue 2.0 FTE PR VAWA positions through June 30, 2002.
- 3) Grant the Jefferson County DA Office position authorization to continue a 0.75 FTE PR VAWA position through June 30, 2002.
- 4) Delete the La Crosse County DA Office position authorization for 0.7 FTE PR VAWA effective June 30, 2001.
- 5) Grant the Marathon County DA Office position authorization to create a new 1.0 FTE PR VAWA position effective September 24, 2001 through June 30, 2002.
- 6) Grant the Milwaukee County DA Office position authorization to continue a 1.0 FTE PR VAWA position through June 30, 2002.
- 7) Grant the Outagamie County DA Office position authorization to continue 1.0 FTE PR VAWA position through June 30, 2002.

It is anticipated that these grants will be renewed annually so authorization to continue through June 30, 2005, if continued funding is available, is also requested.

II. BACKGROUND

Wisconsin was awarded federal Violence Against Women Act (VAWA) grant funds since federal fiscal year 1996. Wisconsin VAWA grants are administered by the Office of Justice Assistance (OJA). The purpose of this federal program is to assist states in the development and enhancement of effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services. By federal law, 25 percent of the state grant must be spent on prosecution related services. The VAWA grants were awarded in May 2001 except for the Marathon grant, which was awarded in June 2001. The Governor's grant award decisions follow the recommendations of his Law Enforcement and Crime Commission.

III. ANALYSIS

These positions are in furtherance of the State's policy to fight domestic abuse, sexual abuse and assault and other violent crimes against women.

IV. FISCAL ANALYSIS

The salary and fringe benefit costs of the ADA positions in Chippewa, Dane, Jefferson, Marathon, Milwaukee and Outagamie were determined based upon the anticipated costs of specific ADAs who have been selected by their DAs to carryout the VAWA assignments. The federal grant to the state contains sufficient funds for the 6.75 FTE positions recommended by the Governor. Total costs for all positions are estimated at \$410,628 for FY 02. The program revenue appropriation is continuing and will be reestimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The sources of grant funds is s.20.505(6)(p), which is provided by the federal government to OJA for use in developing anti-violence against women crime efforts including the funding of prosecutorial staff. The funds are awarded to the six counties. The counties will reimburse salary and fringe benefit costs for the state paid ADA positions in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

July 13, 2001 VAWA Grant s.16.505 request

Table 1 indicates the LAB methodology's results and highlights the impact of the new positions requested on the six DA offices proposed for positions and on the one DA office losing a full position.. The table uses the most current court data available (1997-99) and the positions authorized as of July 9, 2001. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload such as that covered by the VAWA.

2) *An assessment of similar caseload problems in counties not addressed by the request.*

Detailed data on violence against women with which to make such an analysis are not available.

3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

All 71 DA offices were notified of the availability of the VAWA grant funds and invited to apply. Of the DA Offices applying for the funds, six offices were granted a 6.75 FTE assistant district attorney positions. The Governor approved grant requests for these positions. The Governor's decisions follow the recommendations of his Law Enforcement and Crime Commission.

4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The VAWA funds may not be used to address other types of caseloads. The fact that the federal government specifically created the VAWA and included the 25% prosecution funding requirement is an indication of the high national priority this activity is given.

July 13, 2001 VAWA Grant s.16.505 request

TABLE 1

DA Office	FTE needed before 16.505	FTE needed after 16.505
Adams	0.30	0.30
Ashland	0.70	0.70
Barron	0.48	0.48
Bayfield	0.22	0.22
Brown	3.49	3.49
Buffalo	-0.19	-0.19
Burnett	0.72	0.72
Calumet	0.13	0.13
Chippewa Continuing position	0.72	0.72
Clark	0.27	0.27
Columbia	1.67	1.67
Crawford	-0.06	-0.06
Dane Continuing positions	3.87	3.87
Dodge	0.58	0.58
Door	0.30	0.30
Douglas	1.15	1.15
Dunn	0.05	0.05
Eau Claire	3.04	3.04
Florence	-0.02	-0.02
Fond du Lac	2.43	2.43
Forest	0.29	0.29
Grant	0.59	0.59
Green	0.48	0.48
Green Lake	-0.10	-0.10
Iowa	-0.13	-0.13
Iron	-0.19	-0.19
Jackson	-0.32	-0.32
Jefferson Continuing position	1.35	1.35
Juneau	0.30	0.30
Kenosha	6.17	6.17
Kewaunee	-0.35	-0.35
La Crosse deleted position	2.37	3.07
Lafayette	-0.30	-0.30
Langlade	0.90	0.90
Lincoln	0.64	0.64
Manitowoc	1.92	1.92
Marathon new position	2.66	1.66
Marinette	0.20	0.20
Marquette	0.19	0.19
Milwaukee Continuing position	2.82	2.82
Monroe	0.84	0.84
Oconto	0.22	0.22

July 13, 2001 VAWA Grant s.16.505 request

DA Office	FTE needed before 16.505	FTE needed after 16.505
Oneida	0.67	0.67
Outagamie Continuing position	5.15	5.15
Ozaukee	0.99	0.99
Pepin	-0.04	-0.04
Pierce	-1.28	-1.28
Polk	0.52	0.52
Portage	0.26	0.26
Price	0.09	0.09
Racine	4.15	4.15
Richland	-0.39	-0.39
Rock	3.29	3.29
Rusk	-0.08	-0.08
Saint Croix	-1.54	-1.54
Sauk	1.40	1.40
Sawyer	0.51	0.51
Shaw/Men	1.00	1.00
Sheboygan	4.37	4.37
Taylor	0.32	0.32
Trempealeau	0.47	0.47
Vernon	-1.06	-1.06
Vilas	-0.64	-0.64
Walworth	0.17	0.17
Washburn	0.37	0.37
Washington	1.23	1.23
Waukesha	-1.65	-1.65
Waupaca	0.14	0.14
Waushara	0.03	0.03
Winnebago	3.48	3.48
Wood	1.73	1.73