



Wisconsin Department of Justice 2017-2019 Biennial Report

Pursuant to Wis. Stats. §15.04(1)(d), this report provides department performance and operational information from the 2017-2019 biennium, and projects department goals and objectives as developed for the program budget.

I. Organization

The Wisconsin Department of Justice (DOJ):

- provides legal advice and representation for the State of Wisconsin,
- investigates crimes that are statewide in nature or importance,
- provides technical assistance and training to law enforcement officers and prosecutors,
- assists victims of crime in exercising their rights and accessing services,
- provides forensic analysis of evidence for prosecutors and defense upon request, and
- promotes safe school environments.

DOJ is led by the attorney general, a constitutional officer who is elected by partisan ballot to a four-year term. Public safety is the core of DOJ's mission. DOJ fulfills its mission and statutory duties through the work of five divisions and four offices.

For more information: www.doj.state.wi.us

A. Division of Criminal Investigation

<https://www.doj.state.wi.us/dci/division-criminal-investigation-dci>

The Division of Criminal Investigation (DCI) is charged with investigating crimes of statewide nature or importance. DCI employs sworn law enforcement officers possessing statewide jurisdiction and charged with the responsibility of enforcing the laws of Wisconsin. DCI Special Agents and criminal analysts work closely with local, county, tribal, state, and federal law enforcement officials to investigate and prosecute crimes involving homicide, arson, financial crimes, illegal gaming, multi-jurisdictional crimes, drug trafficking, internet crimes against children,

human trafficking, sexual assault, cybercrimes, homeland security, public integrity, and government corruption. DCI also provides focused management of officer involved death investigations, bringing extensive experience and added confidence to investigations involving use of force by law enforcement that results in death. DCI provides expertise, specialized training, and additional equipment and investigative resources to local, state, and federal law enforcement partners during major events or investigations in Wisconsin. DCI is organized into four bureaus.

The **Field Operations Bureaus** are organized into two regions, Eastern and Western. These bureaus are responsible for the majority of investigative resources deployed throughout the state by DCI. DCI has regional field offices in the cities of Madison, Milwaukee, Appleton, Eau Claire and Wausau. Additionally, supervisors and staff work in partnership with other law enforcement agencies at the High Intensity Drug Trafficking Area (HIDTA) office in Milwaukee, and the Lake Winnebago Area Multi-Agency Enforcement Group (LWAM) in the Fox Valley region.

The **Special Operations Bureau** is responsible for activities and programs of the Wisconsin Statewide Intelligence Center (WSIC), the Child Abduction Response Team (CART), Wisconsin's AMBER Alert program, Silver Alert, Green Alert, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, Wisconsin Crime Alert Network, and gaming enforcement. Special agents assigned to the Cyber Response team and the FBI Joint Terrorism Task Force are also assigned to this bureau.

The **Human Trafficking Bureau** was created in 2017 to investigate human trafficking crimes that require a comprehensive, multi-disciplinary approach. This bureau is also the home to Wisconsin's ICAC (Internet Crimes Against Children) Task Force. The ICAC task force includes a partnership with a growing list of local law enforcement agencies. DCI ICAC Special Agents provide training to law enforcement, prosecutors and the public. The ICAC unit also provides investigative and prosecutorial assistance, including forensic analysis of electronics seized as evidence and has an electronic storage detection K-9 and handler that assist agencies in locating hidden electronic media used to store illegal images or other evidence of criminal activity.

The **State Fire Marshal** oversees special agents who conduct investigations of fires and explosions for origin and cause. As Deputy State Fire Marshals, the special agents use the scientific method to conduct investigations of fires and explosions and classify these events as accidental, natural, incendiary or undetermined. Deputy State Fire Marshals work with law enforcement agencies and fire departments throughout the State of Wisconsin as well as the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Additionally, the Office of the State Fire Marshal has one ignitable liquid detection canine, trained to alert in areas of fires that may

contain potential accelerants. The K-9 and handler, certified by ATF, are used by agents and local law enforcement officers during their investigations.

B. **Division of Law Enforcement Services**

<https://www.doj.state.wi.us/dles/division-law-enforcement-services-dles>

The Division of Law Enforcement Services (DLES) administers law enforcement training standards, conducts and creates specialized training for law enforcement, manages criminal information reporting systems, administers grant funds that support training, juvenile justice and adult criminal justice initiatives, and collects, shares and analyzes criminal justice data. DLES is organized into three bureaus.

The **Bureau of Justice Information and Analysis (BJIA)** was created in 2014 to support effective policy development and data-driven decision making through criminal justice research, analysis and program evaluation. BJIA evaluates grant funded programs, manages the Wisconsin Uniform Crime Reporting (UCR) program, and works to expand the availability of criminal justice data.

The **Crime Information Bureau (CIB)** is responsible for managing statewide programs that are critical to the daily operations of law enforcement through the state. The Transaction Information for the Management of Enforcement (TIME) System is the law enforcement message switch and network that provides law enforcement with current information on warrants, driver licenses and vehicle registration, criminal histories, sex offender and corrections status, missing persons, and more. CIB provides public access to Criminal History Record Information (CHRI) and manages the Wisconsin Online Record Check System (WORCS). CIB also issues Wisconsin concealed carry permits and manages Wisconsin's Handgun Hotline, which all registered firearms dealers are required to use for background checks when any person requests to purchase a handgun in Wisconsin.

The **Training and Standards Bureau** is responsible for statewide coordination of specialized training for law enforcement and administers the programs of the Law Enforcement Standards Board (LESB). The Certification and Curriculum program section of the bureau assists LESB in establishing and maintaining professional standards for Wisconsin law enforcement as well as jail and secure detention officers. The Justice Programs section of the bureau facilitates the implementation of effective, data driven criminal justice and juvenile justice policies and practices, prioritizing public safety and just outcomes. Bureau staff support the work of the Criminal Justice Coordinating Council and the Governor's Juvenile Justice Commission.

C. Division of Legal Services

<https://www.doj.state.wi.us/dls/division-legal-services-dls>

The Division of Legal Services (DLS) provides legal representation and advice to the governor, legislature, other state offices, and state agencies in addition to representing the state in all felony appeals and prosecuting certain criminal matters. The division consists of six units organized on the substantive areas of law that maximize the advantages of specialization. Each unit is managed by a supervising attorney and is comprised of assistant attorneys general, paralegals, and secretarial staff.

The **Civil Litigation Unit** handles a wide variety of matters, such as civil rights, property rights, commercial litigation, administrative law, open government and employment law on behalf of the state, its agencies, the University of Wisconsin System, and individual state employees in their official capacities.

The **Criminal Appeals Unit** represents the state in all felony appeals before the Wisconsin Court of Appeals, Wisconsin Supreme Court, and United States Supreme Court. The unit works closely with the state's local prosecutors, providing training, support and legal advice.

The **Criminal Litigation Unit** performs functions involving criminal related matters including prosecuting selected criminal violations, sexual predator commitments, and providing training and advice to prosecutors and law enforcement. The unit has authority to initiate criminal prosecutions for violations of selected statutes including securities, tax, and the Wisconsin Organized Crime Control Act. At the request of district attorneys, members of this unit investigate and act as special prosecutors throughout Wisconsin in homicide, white-collar crime, public corruption, election fraud, multi-jurisdictional criminal cases, and other cases where the district attorney needs assistance or is unable to act.

The **Medicaid Fraud Control and Elder Abuse Unit** investigates and prosecutes crimes committed against vulnerable adults in nursing homes and other facilities, as well as fraud perpetrated by service providers against the Wisconsin Medicaid program.

The **Public Protection Unit** enforces the laws that protect Wisconsin's consumers and natural resources. The Consumer Protection and Antitrust Section of the unit enforces state consumer protection laws, which prohibit unfair and deceptive business practices in a wide variety of areas, including advertising, charitable solicitations, consumer credit matters, debt collection, mortgage-related complaints, sales practices, telecommunications, telemarketing, and landlord/tenant matters. The Environmental Protection Section enforces state laws including those relating to air pollution, water pollution, hazardous substance spills,

public nuisance, land use, and public trust in navigable waters. Many of the cases prosecuted are referred by other state agencies such as the Department of Natural Resources, Department of Agriculture, Trade and Consumer Protection, and the Department of Financial Institutions. Public Protection Unit staff also work with other states, the Federal Trade Commission, other federal agencies, and participate in multi-state investigations and enforcement actions.

The **Special Litigation and Appeals Unit** provides legal advice to the State and its agencies and handles litigation in a wide variety of substantive areas, frequently on issues relating to constitutional law and governmental authority. The complex and sometimes high-profile cases that the unit handles frequently involve challenges to the validity of state statutes and administrative rules. The unit's three primary responsibilities include representing the state in significant or complex litigation of unique importance to the state, representing the state in civil appeals, and drafting Attorney General Opinions.

D. Division of Forensic Sciences

<https://www.doj.state.wi.us/dfs/division-forensic-sciences>

The Division of Forensic Sciences (DFS) was established as an independent division in 2019, though the Wisconsin State Crime Laboratory (WSCL) was originally established in 1947. DFS employs forensic scientists, technicians, evidence specialists, and crime scene response professionals and offers impartial forensic analysis in the following areas of science: toxicology, drug identification, biology/DNA analysis, DNA database, trace evidence analysis, firearms and tool marks analysis, latent print and footwear analysis, ten print comparison, and forensic imaging. DFS crime laboratories—located in Madison, Milwaukee, and Wausau—are the only full-service forensic science laboratories in Wisconsin. DFS provides scientific testing and analysis of evidence for every community in the state, and staffs on-call Crime Scene Response Units, located at each laboratory, to assist law enforcement at major crime scenes by processing the crime scene and maintaining evidence integrity. Crime scene response staff receive special training to aid in the recognition, documentation, recovery, and preservation of physical evidence.

E. Division of Management Services

The Division of Management Services (DMS) provides operational support to the entire Department of Justice. DMS develops and monitors the department's budget, manages personnel recruitment and payroll/benefits, performs accounting and fiscal control, oversees the department's facilities, maintains data security and provides information technology services. DMS includes the Budget and Finance Bureau, Human Resources Bureau, and Bureau of Computing Services.

F. Office of the Attorney General

The Office of the Attorney General oversees the DOJ; and fulfills the duties as provided by chapter 165 of the Wisconsin Statutes and the Wisconsin Constitution.

G. Office of Crime Victim Services

<https://www.doj.state.wi.us/ocvs>

The Office of Crime Victim Services (OCVS) administers state and federal funding for programs that assist victims of crime, directly helps victims understand and exercise their crime victim rights, and works with allied professionals to enhance services for victims through training and public policy initiatives.

Victims of violent crime and family or household members of deceased victims may have significant out-of-pocket expenses through no fault of their own. The **Crime Victim Compensation Fund** administered by the OCVS helps pay for unreimbursed eligible expenses that result from the crime.

The OCVS staffs a **Victim Resource Center** to assist with questions about the rights afforded to victims and witnesses of crime as they move through the criminal justice process, and what to do if a victim or witness believes a right has been violated.

OCVS manages the **Safe at Home** program. Safe at Home is a statewide address confidentiality program that provides victims of actual or threatened domestic abuse, child abuse, sexual abuse, stalking, and trafficking, or those who simply fear for their physical safety with a legal substitute address to be used for both public and private purposes.

OCVS coordinates the Attorney General's Sexual Assault Response Team, Wisconsin Crime Victims Council and provides operational support to the Wisconsin Crime Victims Rights Board. OCVS manages and administers a number of federal grant programs and state funding streams, such as Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), Sexual Assault Victim Services (SAVS), State Child Advocacy Center Grants, and Children's Justice Act. OCVS also offers technical assistance and reimbursements to county Victim/Witness Assistance programs.

H. Office of Open Government

<https://www.doj.state.wi.us/office-open-government/office-open-government>

The Office of Open Government (OOG) is responsible for interpretation and application of Wisconsin's open meetings law and public records law. OOG manages DOJ's public records request process and strives for effective and efficient responses to such requests. OOG provides training and expert legal guidance on the open meetings law and public records law for DOJ staff and by request for the governor, legislators, other state agencies, district attorneys, local government, law enforcement, and members of the public. OOG also responds to citizen inquiries regarding open government issues and provides open meetings law and public record law compliance guides and other open government resources to the public.

I. Office of School Safety

<https://www.doj.state.wi.us/office-school-safety/office-school-safety>

The Office of School Safety (OSS) was created in 2018 to provide funding to improve safety infrastructure in schools and to implement school safety best practices. OSS provides training to help schools deter, prevent, mitigate, and respond to school violence. OSS works to develop school safety intervention teams and provides crisis management protocols and technical assistance to schools. Crisis response services are also available through OSS to schools and school districts that experience a critical incident and do not have the resources within their own district to respond.

II. Accomplishments

The following are DOJ accomplishments during the 2017-2019 biennium that merit special recognition.

A. Creation of the Office of School Safety

2017 Wisconsin Act 143 (Act 143) created the Office of School Safety (OSS) and provided \$100 million for school safety grants. In developing the school safety grant program, DOJ consulted with individuals in the fields of education, security, law enforcement, and mental health.

Act 143 provided one FTE position, and 2.8 additional full-time DOJ employees were reallocated from elsewhere in DOJ to OSS. OSS has also utilized LTEs and a project position, whose work has included reviewing grant applications and processing reimbursement submissions from grant awardees. 723 schools or school districts received grant awards in the first round of funding, which was focused on bringing schools to a baseline level of security and providing school staff with

training. 598 schools and school districts received grant awards in the second round of funding, which was focused on adolescent mental health and threat assessment training. OSS continues to expand available services in an effort to make Wisconsin schools as safe as possible.

B. Creation of the Division of Forensic Sciences

In September 2018, the National Forensic Science Technology Center (NFSTC) released a comprehensive report with recommendations to improve the productivity and efficiency of analytical operations at the crime laboratories. The report also addressed the need to improve the autonomy of the state crime labs. To improve autonomy, DOJ reorganized in April 2019 by separating the Wisconsin State Crime Laboratories (WSCL) from the Division of Law Enforcement Services to create the Division of Forensic Sciences as a standalone division at DOJ. This reaffirms DOJ's commitment to ensuring the state crime laboratories are conducting high-quality, objective scientific analysis.

C. Creation of the Public Protection Unit

In May 2019, the Public Protection Unit was created within the Division of Legal Services (DLS) by merging the Environmental Protection Unit and Consumer Protection Unit. Combining these units enables DOJ to more effectively leverage resources within DLS to revitalize the enforcement of complex consumer-protection and environmental laws.

D. Progress of the Wisconsin Sexual Assault Kit Initiative

<https://wisaki.doj.wi.gov/>

The Wisconsin Sexual Assault Kit Initiative (WiSAKI) is a statewide effort to address the accumulation of unsubmitted sexual assault kits (SAKs) in the possession of local law enforcement agencies and hospitals. Initiated by the Attorney General's Sexual Assault Response Team (AG SART) and led by DOJ, WiSAKI is a collaborative effort among law enforcement, victim advocates, sexual assault nurse examiners, prosecutors, health care systems, and the Division of Forensic Sciences.

As of July 31, 2019, 1,016 kits with foreign DNA identified have been added to a national database of DNA profiles, out of 4,471 tested sexual assault kits. In tandem with local jurisdictions, the DOJ has reviewed 1,323 cases and continues to review cases.

In August 2019, after a jury trial, DOJ attorneys obtained the first conviction to result from the testing of backlogged sexual assault kits in Wisconsin.

E. **An Open and Transparent Attorney General Opinion Process**

<https://www.doj.state.wi.us/opinions/ag-opinions>

In July 2019, DOJ implemented transparency reforms to the Attorney General Opinion process. The new process and website give anyone the opportunity to provide information and perspectives on proposed Attorney General Opinion topics prior to the DOJ drafting process.

By statute, the attorney general must, when asked, provide the legislature and designated Wisconsin state government officials with an opinion on legal questions. The attorney general may also give formal legal opinions to district attorneys and county corporation counsel under certain circumstances. Opinions of the attorney general typically provide guidance when confusion exists about the meaning of a statute and Wisconsin appellate courts have not yet definitively answered the question.

F. **Growth and Expansion of Safe at Home program**

<https://www.doj.state.wi.us/ocvs/safe-home>

Safe at Home is an address confidentiality program for victims of acts or threats of abuse or for those who fear for their safety. The program offers a legal substitute address that participants may use for all purposes, instead of disclosing their actual address, which provides a measure of security when victims need it most. Since April 1, 2017, Safe at Home has enrolled nearly 800 people in the program, most of whom are still active participants today. Over half of the enrolled households include children, and the program has reached individuals and families in 52 counties.

G. **Expansion of Treatment Alternatives and Diversion (TAD) Program**

<https://cjcc.doj.wi.gov/initiative/tad-0>

The TAD program was established in 2005 to support county efforts that provide treatment and diversion programs for non-violent adult offenders for whom substance abuse was a contributing factor in their criminal activity. The TAD program expanded throughout 2018 and 2019, and now covers 50 counties and two tribes in Wisconsin. The TAD program currently funds a total of 53 treatment courts and 27 diversion programs. DOJ staff continue to provide technical assistance to county programs, and in 2018 rolled out statewide Diversion Standards for Pre-Charge and Post-Charge Diversion models.

III. 2019-2021 Executive budget program goals and objectives

DOJ will work to achieve the following goals in the coming biennium. These goals are outlined in 2019 Wisconsin Act 9, the 2019-2021 Executive Budget.

A. Increased staff in DFS crime laboratories and DCI digital forensics

DOJ will fill 9 FTE positions to increase capacity for digital forensic analysis in the DCI ICAC Unit and at WSCL to address increasing evidence submissions by law enforcement across the state.

B. Treatment Alternatives and Diversion (TAD) Program Expansion

DOJ will provide \$1.5 million in additional funding to the TAD grant program, prioritizing the establishment of TAD programs in counties that currently do not have TAD programs, and continuing to support expansion of existing programs.

IV. Alternative work patterns

DOJ is committed to providing a productive, safe, and professional work environment for its employees. The department's Hours of Work Policy was updated in 2019 and includes provisions on alternative work patterns, job sharing, telecommuting, and flexible work hours. DOJ recognizes that employment practices that provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, and improved employee morale. Flexibility for employees to establish alternative work patterns is supported provided the scheduling is consistent with the effective and efficient operations of the department.