

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/7/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Zabawa (DS)**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - district attys**

Extra Copies:

**Pre Topic:**

LFB:.....Zabawa (DS) -

**Topic:**

Redistribution of DA positions

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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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**

*Use 1995-97 data*

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

*Use 1997 data*

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

*Draft*

**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.

*New stat?*



## 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>	FTE	<u>FTEs</u>	<u>WDAA</u>	FTE	Modified
	<u>Positions</u>			<u>Requested</u>	<u>Need Based</u>
	<u>Under Bill</u>		<u>Recommendation</u>	<u>Caseload</u>	<u>Based on</u>
				<u>Study</u>	<u>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	<u>8.05<sup>2</sup></u>	<u>2.00</u>	<u>2.00</u>	<u>3.45</u>	<u>2.00</u>
<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.

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

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

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

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

<b>Alternative A8</b>	<b>GPR</b>
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).

<b>Alternative B1</b>	<b>GPR</b>
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).

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

*algebra*

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.

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B4. Maintain current law.

Prepared by: Barbara Zabawa  
Attachment

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

County	2000-01 Positions Under the Bill*	Additional Positions Needed at 100%	Current Prosecutor Workload	County	2000-01 Positions Under the Bill*	Additional Positions Needed at 100%	Current Prosecutor Workload
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
Poik	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.



State of Wisconsin  
1999 - 2000 LEGISLATURE

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LFB:.....Zabawa – Redistribution of DA positions

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 1389, line 14: after that line insert:

3 “(3t) REDISTRIBUTION OF ASSISTANT DISTRICT ATTORNEY POSITIONS.

4 (a) In this subsection, “weighted prosecutor caseload measurement formula”

5 means the weighted prosecutor caseload measurement formula developed by the

6 state prosecutors office in the department of administration and the Wisconsin

7 district attorneys association to assist in determining the comparative need for

8 assistant district attorneys in this state based on the number of cases filed in a given

9 year and the time needed to prosecute the cases, as applied to the average number

10 of cases filed by a prosecutorial unit during the 1995-97 biennium.

11 (b) Notwithstanding sections 978.03 and 978.04 of the statutes, during the

12 1999-2001 biennium the department of administration shall transfer an authorized

1 assistant district attorney position from the prosecutorial unit to which it is allocated  
2 to another prosecutorial unit if all of the following apply:

3 1. A vacancy occurs in the position during the 1999–2001 biennium.

4 2. The prosecutorial unit from which the position is transferred has a  
5 prosecutor workload of less than 100% of the standard full–time workload, according  
6 to the weighted prosecutor caseload measurement formula, and transferring the  
7 position from the prosecutorial unit would not result in the prosecutorial unit having  
8 a prosecutor workload of more than 100% of the standard full–time workload,  
9 according to the weighted prosecutor caseload measurement formula.

10 3. The prosecutorial unit to which the position is transferred requested  
11 ~~additional~~ additional assistant district attorney position authorization for the 1999–2001  
12 biennium and has a prosecutor workload of more than 100% of the standard  
13 full–time workload, according to the weighted prosecutor caseload measurement  
14 formula.”.

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(END)



State of Wisconsin  
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LFB:.....Zabawa - Redistribution of DA positions

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

"Section 3209m. CR; 978.042

978.042 Prosecutor caseload measurement; redistribution of assistant district attorney positions. (1) The department of administration shall develop a

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1361, line 17 after that line insert:

3 ~~321~~ REDISTRIBUTION OF ASSISTANT DISTRICT ATTORNEY POSITIONS

4 ~~In this subsection, "weighted prosecutor caseload measurement formula"~~

text: (5)

5 means the weighted prosecutor caseload measurement formula developed by the state prosecutors office in the department of administration and the Wisconsin

6 District Attorneys Association to assist in determining the comparative need for

7 ~~assistant district attorneys in this state~~ based on the number of cases filed in a given

8 year and the time needed to prosecute the cases, as applied to the average number

9 of cases filed by a prosecutorial unit during the ~~most recent fiscal~~ biennium,

for which data is available

10 ~~1999-2000~~ biennium, ~~the department of administration shall transfer an authorized~~

11 ~~Notwithstanding sections 978.03 and 978.04 of the statutes,~~ ~~the department of administration shall transfer an authorized~~

12 ~~the department of administration shall transfer an authorized~~

The department may consult with the Wisconsin District Attorneys Association in developing the formula.

1 assistant district attorney position from the prosecutorial unit to which it is allocated  
2 to another prosecutorial unit if all of the following apply:

3 (a) A vacancy occurs in the position ~~during the 1999/2001 biennium.~~ *period stays*

4 (b) The prosecutorial unit from which the position is transferred has a  
5 prosecutor workload of less than 100% of the standard full-time workload, according  
6 to the weighted prosecutor caseload measurement formula, *developed under sub. (1)* and transferring the  
7 position from the prosecutorial unit would not result in the prosecutorial unit having  
8 a prosecutor workload of more than 100% of the standard full-time workload,  
9 according to the weighted prosecutor caseload measurement formula.

10 (c) The prosecutorial unit to which the position is transferred requested  
11 additional assistant district attorney position authorization for the *fiscal* ~~1999/2001~~  
12 *in which the transfer is made* biennium and has a prosecutor workload of more than 100% of the standard  
13 full-time workload, according to the weighted prosecutor caseload measurement  
14 formula.".

15

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

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LFB:.....Zabawa (DS) – Redistribution of DA positions

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 1361, line 17: after that line insert:

3 "SECTION 3209m. 978.042 of the statutes is created to read:

4 978.042 Prosecutor caseload measurement; redistribution of assistant

5 district attorney positions. (1) The department of administration shall develop

6 a weighted prosecutor caseload measurement formula to assist in determining the

7 comparative need for assistant district attorneys in this state. The formula shall be

8 based on the number of cases filed in a given year and the time needed to prosecute

9 the cases, as applied to the average number of cases filed by a prosecutorial unit

10 during the most recent <sup>3-year period</sup> ~~biennium~~ for which data is available. The department

11 may consult with the Wisconsin District Attorneys Association in developing the

12 formula.







State of Wisconsin  
1999 - 2000 LEGISLATURE

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LFB:.....Zabawa (DS) - Redistribution of DA positions

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1361, line 17: after that line insert:

3 “SECTION 3209m. 978.042 of the statutes is created to read:

4 **978.042 Prosecutor caseload measurement; redistribution of assistant**  
5 **district attorney positions.** (1) The department of administration shall develop  
6 a weighted prosecutor caseload measurement formula to assist in determining the  
7 comparative need for assistant district attorneys in this state. The formula shall be  
8 based on the number of cases filed in a given year and the time needed to prosecute  
9 the cases, as applied to the average number of cases filed by a prosecutorial unit  
10 during the most recent 3-year period for which data is available. The department  
11 may consult with the Wisconsin District Attorneys Association in developing the  
12 formula.

1           (2) Notwithstanding s. 978.03 and 978.04, the department of administration  
2 shall transfer an authorized assistant district attorney position from the  
3 prosecutorial unit to which it is allocated to another prosecutorial unit if all of the  
4 following apply:

5           (a) A vacancy occurs in the position.

6           (b) The prosecutorial unit from which the position is transferred has a  
7 prosecutor workload of less than 100% of the standard full–time workload, according  
8 to the weighted prosecutor caseload measurement formula developed under sub. (1),  
9 and transferring the position from the prosecutorial unit would not result in the  
10 prosecutorial unit having a prosecutor workload of more than 100% of the standard  
11 full–time workload, according to the weighted prosecutor caseload measurement  
12 formula developed under sub. (1).

13           (c) The prosecutorial unit to which the position is transferred requested  
14 additional assistant district attorney position authorization for the fiscal biennium  
15 in which the transfer is made and has a prosecutor workload of more than 100% of  
16 the standard full–time workload, according to the weighted prosecutor caseload  
17 measurement formula developed under sub. (1).”.

18   (END)