

OUTAGAMIE COUNTY

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Jeffrey S. Froehlich

March 3, 1999

Assemblyman John Gard
315 North
State Capitol
P O Box 8952
Madison WI 53708-8952

RE: Additional State Prosecutors in Upcoming Budget

Dear John:

Over the next several weeks, the people of Outagamie County will watch with great interest the important budget decisions that will be made by the Joint Committee on Finance and the Governor. As you and the committee members make many difficult decisions, I strongly urge you to address the critical need for additional prosecutor positions in several counties within the State, including Outagamie County.

Outagamie County has not added a permanent assistant district attorney position since 1988. However, the caseload in our county has close to doubled over the last ten years. In 1998, felony files (821) were up 128% from 1991. Temporary help has been received in the form of a drug prosecutor position through grant funds, but that position covers Winnebago, Outagamie and Fond du lac Counties. Further, that position is not permanent and is renewed on a year-to-year basis depending on the sometimes questionable availability of funds.

The people of Outagamie County and Northeast Wisconsin are very proud of the efforts of you and many other lawmakers made on behalf of law enforcement over the last several years. Your enthusiastic and hard work on law enforcement issues is greatly appreciated. During the same time, prosecutors and law enforcement officers have been enthusiastic and have worked many

March 3, 1999

PAGE 2

hours to fight crime despite significant limitations on our resources. Despite the efforts of many on behalf of law enforcement, a point has been reached where the significant caseloads can't be handled with the limited amount of resources. We have done our best over the last ten years without help from the State, but we have now reached the critical point where we must get some help.

I have enclosed materials in support of Outagamie County's budget request. I, and the people of Outagamie County, would greatly appreciate your support and the support of other committee members in obtaining additional prosecutor positions for our county. If you have any questions on this issue, please do not hesitate to contact me.

Sincerely,



Vince Biskupic
District Attorney

cc: VIA FAX: Assemblyman Steven Wieckert
VIA FAX: Assemblyman Dean Kaufert
VIA FAX: Assemblyman Al Ott
VIA FAX: Senator Robert T. Welch

attachments

**OUTAGAMIE COUNTY
DISTRICT ATTORNEY'S OFFICE
1990 - 1998 CASELOAD**

According to computer generated case numbers assigned by Clerk of Courts.

YEAR	CASES						
	CF	CM	CT	JV	TR	JC-TP-JO	SC-CV-FO
1998	821	2011	1036	572	657	194	117
1997	719	2031	984	451	671	159	103
1996	688	1712	1032	361	815	255	99
1995	516	1297	988	461	716	257 231/12/14	90
1994	493	1309	880	401	704	298	62
1993	426	1273	705	448	656	316	60
1992	363	1123	694	376	603	284	30
1991	360	1081	653	374	417	240	42
1990	378	1020	711	306	402	232	67

CF = CRIMINAL FELONY
 CM = CRIMINAL MISDEMEANOR
 CT = CRIMINAL TRAFFIC
 JV = JUVENILE VIOLATION
 TR = TRAFFIC (CIVIL/FORFEITURE)
 JC = JUVENILE CHIPS (CHILD IN NEED OF PROTECTIVE SERVICE)
 TP = TERMINATION OF PARENTAL RIGHTS
 JO = JUVENILE ORDINANCE
 SC = SMALL CLAIMS
 CV = CIVIL
 FO = FORFEITURE

CASELOAD.DA

THE POST-CRESCENT

WEDNESDAY, DECEMBER 23, 1998

Wisconsin's Best Newspaper

506

Felonies at record high in Outagamie

Caseload has more than doubled since '92

By Andy Thompson
Post-Crescent staff writer

The crime rate in the Fox Valley has been declining or stabilizing in recent years, but the number of felony prosecutions in Outagamie County continues to rise significantly.

As of this week, county prosecutors had filed 792 felony charges during 1998, eclipsing the previous

record of 719 that was set in 1997.

The county's felony caseload has more than doubled since 1992, and has been steadily rising every year since then.

"This is just a continuation of a trend," said Outagamie County Dist. Atty. Vince Biskupic.

Biskupic said it is conceivable that felony case filings could reach 800 by the end of 1998. This year's felonies will be at least 10 percent higher than last year's record level, according to the county's chief prosecutor.



BISKUPIC

Juvenile cases are up by more than 100 over the 1997 level, and criminal traffic cases - which

Biskupic said felony charges run the gamut in terms of the types of offenses, ranging from violent crime to white-collar criminal activities to property offenses and crimes against children.

include repeat drunken-driving offenses and driving with a revoked license - also have increased in 1998. Misdemeanor cases and traffic cases are down slightly.

Biskupic said the continual rise in felonies - despite statistics that reveal crime has leveled off or dropped - reflects solid police work by area agencies and a harmonious relationship between law enforcement departments and prosecutors.

Over the last three or four years, law enforcement, prosecutors and court personnel are maximizing our

efforts to promptly get cases through the court system, Biskupic said. "Beyond these concerted efforts, there has been an increase in serious property crimes and we're charging more failure-to-pay child support cases than had been charged in previous years."

Biskupic said his office has placed an emphasis on working with county law enforcement agencies in an effort to ensure that cases that police refer to the district attorney

Please see FELONIES, A-6

FELONIES: Number of cases hits all-time high in 1998

From A-1

for prosecution actually result in felony and misdemeanor case filings.

The number of cases in which prosecution is declined after police have made a referral is dropping, Biskupic said.

"Our office is trying to devote more time to assisting law enforcement in the investigation stages to make sure the cases are thoroughly prepared and ready for court as soon as they're sent over (for prosecution)," he said.

That assistance can include preparing search warrants, issuing subpoenas and providing advice on the pursuit of follow-up interviews in an investigation, according to Biskupic.

"It's a team effort," he said. "It's a reflection of law enforcement and prosecutors working together to bring better cases to court."

Biskupic said training and recruitment standards for law enforcement have been enhanced in recent years, raising the level of police expertise in preparing cases.

OUTAGAMIE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD

YEAR	FELONY	MISDEMEANOR	CRIMINAL TRAFFIC	TRAFFIC	JUVENILE
1998 (to 12/21)	792	1,982	1,035	543	553
1997	719	2,031	984	671	451
1996	688	1,712	1,032	815	361
1995	516	1,297	988	716	461
1994	493	1,309	880	704	401
1993	426	1,273	705	656	448
1992	363	1,123	694	603	376
1991	360	1,081	653	417	374
1990	378	1,020	711	402	306

SOURCE: computer generated case numbers assigned by the Clerk of Courts

"We're seeing very effective law enforcement with the staff that the agencies have at this time," he said. Biskupic said he is not taken

aback that felony case filings have risen every year since 1991.

"It doesn't surprise me in that every day, I see my staff of prose-

cutors and secretaries tirelessly working to get their cases to court fast so victims can receive prompt accountability," he said.

12/95

Outagamie DA feeling the heat of more cases

■ **Biskupic is seeking state funds to hire another prosecutor**

By Andy Thompson
Post-Crescent staff writer

A 15% hike in felony cases in 1994 reflects an increase in serious crime in the Fox Cities coupled with solid police work, according to Outagamie County Dist. Atty. Vince Biskupic.

Biskupic said 491 felonies were filed in 1994, compared with 426 in 1993. Misdemeanor cases were up slightly, from 1,273 in 1993 to 1,293 in 1994.

"I think it's a combination of things: An increase in serious crime plus better detection by police agencies in solving these crimes," said Biskupic.

Biskupic, who took over as the county's chief prosecutor in September, said about 40% of the felonies were filed in the last quarter of 1994. Felonies in Outagamie County have risen by nearly 35% since 1992, according to Biskupic.

Biskupic said the statistics are evidence that another assistant district attorney is needed in Outagamie County. There now are six assistant prosecutors but Biskupic said the heavy workload supports the hiring of a seventh assistant.

Efforts are under way to obtain authorization from the state to hire another prosecutor. Biskupic said legislators will consider the request early in 1995.

Biskupic said the number of prosecutors in Outagamie County has not changed since the spring of



DIST. ATTY. VINCE BISKUPIC says Outagamie County hasn't added any prosecutors in nearly seven years.

1988. He noted that there are seven circuit courts in the county and an active court commissioner's office, making it difficult to cover all of the various proceedings with the current staff.

"The workload and the stress level are pushing them to their limit," he said. "We think it's time we get (another prosecutor)."

Biskupic said criminal traffic cases increased by 24% in 1994 and non-criminal traffic cases rose by 7%.

Juvenile case filings dropped from 448 in 1993 to 398 in 1994. Biskupic said the reduction may have been due to an attempt to try diversionary programs in some cases instead of prosecutions.

OUTAGAMIE COUNTY
LAB TIME AVAILABLE WORKSHEET

(BASED ON 1997 FIGURES)

1.	Number of Class A Homicides	0 (x 100 hrs/case)	=	0
2.	Number of Class B Homicides	2 (x 100 hrs/case)	=	200
3.	Number of Sexual Predators	2 (x 100 hrs/case)	=	200
4.	Number of Felonies	719 (x 8.49 hrs/case)	=	6,104
5.	Number of Misdemeanors	2031 (x 2.17 hrs/case)	=	4,407
6.	Number of Criminal Traffic	984 (x 1.68 hrs/case)	=	1,653
7.	Number of Juvenile Delinq.	451 (x 3.32 hrs/case)	=	1,497
8.	Number of CHIPS Cases	145 (x 2.61 hrs/case)	=	378
9.	Number of TPR Cases	55 (x 7.00 hrs/case)	=	385
10.	Number of Writs of Habeas Corpus	6 (x 2.00 hrs/case)	=	12
11.	Number of Inquests	0 (x 64 hrs/case)	=	<u>0</u>
			TOTAL:	<u>14,836</u>

Divided by 1227
equals # of FTEs
needed in office: 12.1

Divided by 1411
as changed by state
officials 6/98: 10.5

**NUMBERS BASED ON CASES ACTUALLY FILED WITH THE OUTAGAMIE COUNTY CLERK OF COURTS OFFICE

SECOND AMENDED
OUTAGAMIE COUNTY
LAB TIME AVAILABLE WORKSHEET

(BASED ON 1997 FIGURES)

1.	Number of Class A Homicides	0 (x 100 hrs/case)	=	0
2.	Number of Class B Homicides	2 (x 100 hrs/case)	=	200
3.	Number of Sexual Predators	2 (x 100 hrs/case)	=	200
4.	Number of Felonies	628 (x 8.49 hrs/case)	=	5,332
5.	Number of Misdemeanors	1797 (x 2.17 hrs/case)	=	3,899
6.	Number of Criminal Traffic	1023 (x 1.68 hrs/case)	=	1,719
7.	Number of Juvenile Delinq.	443 (x 3.32 hrs/case)	=	1,471
8.	Number of CHIPS Cases	145 (x 2.61 hrs/case)	=	378
9.	Number of TPR Cases	55 (x 7.00 hrs/case)	=	385
10.	Number of Writs of Habeas Corpus	6 (x 2.00 hrs/case)	=	12
11.	Number of Inquests	0 (x 64 hrs/case)	=	0
			TOTAL:	<u>13,596</u>

Divided by 1227
equals # of FTEs
needed in office: 11.08

Divided by 1411
as changed by state
officials 6/98: 9.64

**NUMBERS BASED ON PROCEDURES FOLLOWED BY STATE COURTS INDICATING THAT CASES SHOULD NOT BE COUNTED UNTIL AN INITIAL APPEARANCE TAKES PLACE IN COURT.

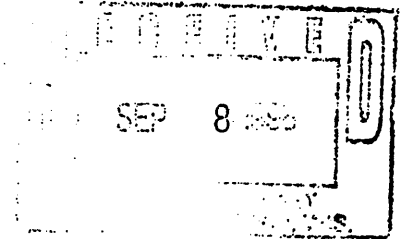
MICHAEL G. ELLIS
MAJORITY LEADER



Wisconsin State Senate

19TH SENATE DISTRICT

September 3, 1998



Vince Biskupic, District Attorney
Outagamie County
320 S. Walnut Street
Appleton, WI 54911

Dear Vince:

Thank you for your letter documenting the need for more prosecutor positions in Outagamie County.

I read your letter with great interest and concur with the need for another prosecutor position for your office. Caseloads have dramatically increased which warrant additional manpower to ensure speedy justice. Your request has my full support. Rest assured that I will work on this issue with Outagamie County's needs in mind as the next state budget continues to develop.

Please let me know if you have further concerns.

Thanks again for bringing this important matter to my attention, Vince.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Ellis".

MICHAEL G. ELLIS
State Senator
19th Senate District

The Brown County District Attorney's Office makes two requests in submitting its 1999-2001 biennium budget.

- I. WE ARE REQUESTING THAT AN EXISTING ASSISTANT DISTRICT ATTORNEY POSITION WHICH IS OUR SEXUAL PREDATOR PROSECUTOR BE MADE FULL-TIME AND GIVEN FTE STATUS.
- II. SECONDLY, WE ARE REQUESTING AN ADDITIONAL 100.0 FTE POSITION IN LIGHT OF OUR NEED AS DEMONSTRATED BY THE STATE-WIDE PROSECUTOR WORKLOAD DATA.
 - I. Sexual Predator Position As Full-Time FTE - We are seeking to convert the full-time sexual predator position to permanent status based upon:
 - A. We already have a full-time prosecutor in the position.
 - B. The United States Supreme Court has ruled sexual predator laws such as Chapter 980 constitutional and thus sexual predator cases will continue.
 - C. The position has been included in state-wide data analyses. It states Brown County has 11 FTE positions. Even with this position included in statistical data the studies indicate the need for additional prosecutors in the Brown County District Attorney's Office.
 - D. The sexual predator position is supporting 17 other counties as envisioned when the position was created.
 1. We are handling referrals in other counties.
 2. Other counties have consulted with our sexual predator prosecutor for assistance on Chapter 980 issues.
 - E. The sexual predator prosecutor is handling a full caseload of sexual predator cases which are often as difficult and more time consuming as major homicide prosecutions.
 1. An average file contains hundreds of pages of documents and usually measures four to eight inches in depth.
 2. A national seminar recently held in Washington, D.C., indicates the average preparation time for a sexual predator case is 240 hours. The cases usually involve four hearings. Almost all sexual predator cases go to trial, which usually last greater than one day.
 3. Defense attorneys have become more aggressive in this area, seeking depositions, interrogatories and other time consuming discovery procedures which are often not available in normal criminal cases. Our attorney has attended numerous out-of-town depositions.
 4. A Seattle prosecutors office, which prosecutes comparable sexual predator cases, has four full-time attorneys handling six sexual predator

cases. Our sexual predator prosecutor is currently handling nine active sexual predator files.

F. Based upon a regional survey our office expects to handle between 10 and 20 new sexual predator cases in 1998 and 12 to 14 new cases in 1999.

1. These numbers do not include old cases which will come back to court year after year when the respondent petitions the court for supervised release and discharge.

2. We anticipate more post-commitment petitions under Sections 980.08, 980.09 and 980.10 in the next two years.

G. Our sexual predator prosecutor often must cover courts and dictate complaints when needed due to other staff shortages.

H. New victim's rights legislation creates additional burdens on all prosecutors including the amount of work which must be done in sexual predator cases.

I. To remove this attorney, especially one with expertise in this area, would have a severe negative impact in our office.

1. The ability to effectively handle increasing complex Chapter 980 cases may be compromised.

2. It will result in other prosecutors having decreasing time to devote to other criminal cases.

II. The State Is Requesting An Additional Full-Time Position Due To Work Load And Staffing Needs.

A. The state statistical analyses supports the addition of additional prosecutors for Brown County based upon caseload.

1. There is a need for 2.3 FTE using the 1227 hours analysis and .62 FTE using the 1411 hours guideline.

2. The numbers listing cases filed do not correctly state the amount of complaints actually filed and in court in Brown County during 1997. Felonies and misdemeanors have been understated by 11% and 10% respectively.

3. There will be an 11% increase in felony filings and a 12% increase in misdemeanor complaints in 1998.

B. Newly passed victim rights legislation will create enormous burdens not only on victim witness programs but also prosecutors with large caseloads.

1. There will be increased pressure on prosecutors to maintain their level of effectiveness while complying with the new law.

2. The attorneys will have less time to review all incoming referrals.

CASE STATISTICS

BROWN COUNTY

	<u>1998</u>	<u>1997</u>
Felonies:	1,186	1,029
Misdemeanors:	2,593	1,960
Criminal Traffic:	1,535	1,601
*Traffic:	6,428	7,244
Juv. Delinquency:	321	227
Juv. Chips:	148	136

***In 1997 the Clerk of Courts counted *each traffic citation* rather than each incident date as they did in 1996 and resumed the practice in 1998. Therefore, 1997 numbers are distorted.**

****The above numbers do not reflect civil case filings or sexual predator filings by Brown County.**

JUSTIFICATION FOR MAINTAINING SEXUAL PREDATOR POSITION

It makes sense to convert this position in our office to full time FTE status. We currently have an assistant district attorney position whose funding expires in June of 1999. This is one of the four sexual predator positions which was awarded state-wide during the last budget session. Its function was to handle all aspects of sexual predator cases. This attorney was also to provide technical training and expertise to other neighboring counties who had sexual predator referrals. (Actually, the specific obligations of the sexual predator positions in relation to other counties were never specifically delineated.)

Supporting other counties. - Kendall Kelley is currently our sexual predator prosecutor. He has handled all sexual predator referrals in Brown County and also is in the process of handling referrals from Waupaca and Kewaunee Counties. Because the original position was funded with the understanding that the attorney was to give technical assistance to other counties in the same geographical area, we sent out a questionnaire to the 17 neighboring counties in northeastern Wisconsin. This comprises one-fourth of the counties in the state. We offered a range of assistance from supplying forms to providing consultation to handling the entire referral through trial and commitment. (For example, one such case he is involved in is the Waupaca case of *State v. Robert Addington*.) Time spent on sexual predator cases in other specified counties should be considered for the sexual predator position in Brown County because in the future we will be completing the work for said counties such as Waupaca. We have included copies of the correspondence which was sent to other counties and their responses. Our office is complying with the stated purpose of the original sexual predator legislation.

Sexual predator cases are time consuming. - A national conference on sexual predator laws around the country indicated that the average preparation time for a sexual predator case is 240 hours. This is because of the voluminous files which must be reviewed by the prosecutor. The paperwork consists of court records, the Department of Corrections file, and psychiatric reports including risk factor analysis. Our experience has been that an average file contains hundreds of pages anywhere from four to eight inches in depth.

Furthermore, there are a number of lengthy court appearances associated with sexual predator cases. There are normally four hearings which include a probable cause hearing, a motion hearing, trial and dispositional hearing. Almost all sexual predator cases go to trial. These trials are multiple day affairs and have lasted as long as an entire week. This is due in part to the necessarily lengthy direct and cross-examinations of expert witnesses. Prosecutor Kelley has already tried three sexual predator cases this year. Two have been successfully prosecuted and a third trial is to be completed in September. Others are calendared for later in the year. As a further example of how time consuming these cases are, a Seattle prosecutor's office which prosecutes under a comparable sexual predator law, has four full time attorneys handling six sexual predator

files. The Brown county sexual predator attorney is currently handling nine active sexual predator cases (Dobeck, Jorgenson, Sanders, Linders, Loret, Eagans, Bergmann, Wilson, and Addington).

The unique quasi-civil nature of sexual predator cases has also added to the time invested in these matters. Defense attorneys have become more aggressive and are utilizing depositions, interrogatories and other time consuming discovery procedures which are often not available in normal criminal cases. Our prosecutor has had to attend numerous out-of-town depositions.

The number of cases will increase. - It is our understanding that a primary reason that the sexual predator positions were originally funded for only two years was that at the time of their inception there was a question as to whether or not there would continue to be sexual predator cases in the future. When the last state budget was being debated, the United States Supreme Court was hearing arguments on the constitutionality of sexual predator statutes around the country. There was a very real possibility that the sexual predator laws (such as Chapter 980 in Wisconsin) would be invalidated as unconstitutional.

However, by a five to four vote the Supreme Court ruled that sexual predator laws were constitutional. Therefore it is correct to say that sexual predator cases are here to stay, and that they will continue to increase in number as more individuals fit the definition of "sexually violent person".

The increase in workload for our sexual predator prosecutor will be due to two factors: 1) an increase in the number of new cases referred from the Department of Corrections and 2) old cases will continue to come back to court year after year as the respondent petitions the court for supervised release or actual discharge from his commitment.

The Department of Corrections grossly underestimated the number of Chapter 980 cases which were to find their way into the criminal justice system. At the time the law was enacted in 1994, it was said there would be 10 to 20 sexual predator referrals state-wide. The actual number has been over 100. Based upon a survey of all counties the Brown County District Attorney's Office expects to handle between 10 and 20 new sexual predator cases in 1998, 12 to 14 new cases in 1999, and a similar quantity in the year 2000.

Under Chapter 980 a respondent can petition the court every six months after commitment for supervised release, and once a year he can petition for discharge. Most of the Chapter 980 cases handled by the Brown County District Attorney's Office have been relatively recently completed. Most persons committed prior to 1997 have not spent a considerable amount of time in Chapter 980 confinement. Most have not been at the Wisconsin Resource Center long enough to complete the 2 year 8 month treatment

program. As more of these individuals complete this program it is expected their petitions for supervised release or discharge will be filed with the court.

New area of the law requires expertise. - Prior to the creation of the sexual predator position, the attorney who handled the defendant's underlying sexual assault case would be assigned the sexual predator Chapter 980 referral. If the current position was eliminated, we would have to revert back to the old method where five to six prosecutors would be tired up with these lengthy files. Clearly it is more efficient to have one prosecutor who handles all such cases and who is able to stay abreast with current developments in this area of the law.

The sexual predator laws, although held constitutional by the courts, remain new and in many ways unclear, thereby creating an ambiguous legal area. For example, Chapter 980 has a criminal and civil element to its cases. This hybrid has made for some confusion and therefore more work in the handling of these cases. Research is an evolutionary process and research time in this area will continue to increase. New cases are being decided in the appellate courts (for example, a recent 30 page Court of Appeals decision defining the term "substantially probable").

This area is also complex due to the substantial work with expert testimony. Therefore, to effectively implement Chapter 980 commitments it is necessary to have specialists, or in other words, prosecutors who are experts in this area. Due to the heavy caseloads facing every prosecutor in our office as well as other counties, there is really nowhere else to refer Chapter 980 cases other than to individuals with a specific expertise.

The Brown County District Attorney's Office has that expertise in prosecutor Kelley. He has attended conferences around the country concerning aspects of sexual predator laws such as Chapter 980. He has rapidly gained knowledge and developed the much needed expertise to be effective. He spend time researching legal issues on the many motions brought in these cases. They range from *Zanelli* (the release of information contained in presentence investigations to psychiatrists) to the hybrid nature of the proceedings (arguing questions of whether criminal or civil rules apply). Kelley has worked to set up a system involving forms and briefs with our computers geared specifically towards Chapter 980 cases.

Workload shows need for additional prosecutors. - The data compiled by the Department of Administration and Wisconsin District Attorneys Association to varying degrees both show the need for additional prosecutors in the Brown County District Attorney's Office. These statistics already count Brown County with 11 full time equivalent positions. In other words, state statistics already include the sexual predator position as a full-time position on par with the other assistants in our office. Even keeping this position full-time will not erase the additional need for prosecutors. If we

lose a full-time position, the adverse effect on our office will be immediately felt. With the sexual predator cases having to be handled by other prosecutors they will have a harder time being as effective given the need for expertise. Furthermore, they will experience less time to devote to other cases assigned to them.

The position has duties beyond sexual predator duties. - Although for the foregoing reasons the position is needed to continue handling sex predator cases, this position is also extremely important in our office because it is often necessary for Kelley to appear in court to handle felony and misdemeanor hearings. This is due to the occasions when due to a shortage of attorneys there are not enough prosecutors to cover the ten criminal courts (which includes the court commissioners). Kelley also dictates misdemeanor complaints to assist our misdemeanor prosecutors. His position is full time but often due to circumstances beyond our control we must utilize him in another capacity.

The victim rights legislation will increase prosecutorial burdens. - The passage of victim rights legislation which becomes effective on December 1, 1998, will undoubtedly increase time spent on all cases handled by the District Attorney's office. This will include sexual predator cases. We interpret the right to confer portion of the new law to mean that all former victims of the Chapter 980 defendant must be contacted and met with prior to the disposition of the case.

Summary: The need to protect the public. - These are very serious cases. Most predators who have been deemed sexually violent individuals have already been convicted of a number of serious sex offenses. The justification for sexual predator legislation has been the need to protect the public from future sexual violence where there is a reasonable likelihood of re-offending. Given the complexities of the new law, the time which must be devoted to these cases to adequately prepare and try them, and the other case workloads on the Brown County District Attorney's Office, we respectfully request maintaining our sexual predator position in the next budget by converting it to a full-time FTE position.

C. Other unique reasons still exist in Brown County which justify an additional prosecutor position.

- 1. Due to scheduling and court calendars there are still times when there are not enough attorneys to cover all courts in session.**
- 2. The number of violent crime among youth and increased white collar crime requires more prosecutor time to review.**

D. We have utilized temporary assistant district attorneys and special prosecutors in an attempt to continue our normal levels of effectiveness. The change in requirements for special prosecutor appointments makes it unlikely said patchwork solutions will be available in the future.

JUSTIFICATION FOR NEW PROSECUTOR POSITION

The Brown County District Attorney's Office has in other years presented complete documentation as to the many unique reasons why additional staff is necessary in Brown County. This was done in times before a state-wide statistical study was in place. Many of the same unique situations still exist; however, this year the workload study also supports additional prosecutors for Brown County.

Unique circumstances. In past years there have been occasions when our office did not have enough attorneys to cover court due to the number of courts handling criminal cases at the same time. The Brown County judges have attempted to work with our office to help alleviate some of the scheduling problems. However, the fact is the bulk of the increase in overall caseload in Brown County courts is due to criminal cases. There are simply not enough spaces on court calendars to avoid the overlapping of criminal cases in many of these courts. Therefore, this continues to be an intermittent problem.

Another concern of the attorneys has been there is often not enough time to adequately review many of the referrals. Caseload backup has increased due to the number of evidentiary hearings which take up much of the assistant district attorney's time.

Statistical inaccuracies. - We have often pointed out some of the short comings of the past numerical studies used to justify new attorneys. Brown County has always felt that tabulating referrals would be much more informative and accurate in terms of need. Attorneys can only produce so many complaints with just so much time. It is the number of complaints issued which are counted in the statistical analyses. The number of referrals is a true indication of just how busy the office is. It tells just how much more work needs to be done. In effect, it forecasts the workload of any newly created prosecutor's position.

There is still some question as to the accuracy of the state statistics. They show a figure of 911 felonies in Brown County for 1997. We have heard that the state counts only cases which have an initial appearance within the year in question.

We have included a copy of our final felony file created in 1997. The number is 97-CF-1035. This is the actual number of felony cases our office reviewed and issued in 1997. We pulled file 97-CF-911. It shows the initial appearance was in November 1997. Obviously there were a number of felonies greater than 911 which were not only issued but had their initial appearance in 1997. They were not included in the statistics and thus the total number of felonies in Brown County is understated by approximately 11%.

This same analysis holds for misdemeanor cases. The state lists a total of 1,742 misdemeanor cases filed. A copy of our final 1997 misdemeanor file, 97-CM-1968, is enclosed. There were 1,968 misdemeanor referrals reviewed and complaints filed in 1997. The number 97-CM-1742 indicates the initial appearance date was December 4,

1997. Once again a significant number of misdemeanors (approximately 10%) were excluded from the final totals for Brown County.

There may be a state-wide skewering of statistics, but clearly there is a significant understatement of Brown County cases.

State statistics alone show necessity for additional positions. - Even using these third party state tabulated and apparently understated statistics, there is shown to exist a need for additional prosecutors in Brown County. There is a need for 2.3 FTE positions using the Wisconsin District Attorneys Association analysis and .62 FTE using the Department of Administration numbers.

The current statistical data trend shows Brown County to have a need for additional prosecutors. Whatever standard is used (1227 or 1411 hours) there is a trend for an increasing need over the last three years. The figure of need in 1997 taken alone is greater than the average from 1995 to 1997.

Projected 1998/1999 statistics. - The following is a showing of those types of cases filed in Brown County through August 1, 1998 (7 months of 1998) and the projected year end totals if the current rate of prosecution continues.

<u>Type</u>	<u>Total</u> <u>8/01/98</u>	<u>12/31/98</u> <u>Projected</u>	<u>% Increase</u> <u>Over 1997</u>	<u>Projected 1999</u>
Felony	675	1,157	11.6%	1,291
Misdemeanor	1,267	2,172	12.1%	2,434
Criminal Traffic	911	1,561	1.9%	1,591
Juvenile Delinq.	190	325	30.2%	423
Juvenile Chips	114	195	41.5%	276

It is interesting to note that during the last Brown County proposed budget request for 1997-1998, we projected an 11% increase in felonies for 1997 to 1998 and only a 7% increase in misdemeanors for the same time period. Depending upon the impact of victim rights legislation, the projected rates of increase are expected to be greater than originally thought for 1997 to 1998 and 1998 to 1999.

Types of cases prosecuted. - Brown County is the fourth largest county in the state. While state crime rate statistics may be leveling off, the number of referrals to Brown County continues to increase. This is especially true in relation to serious crimes by teenagers (note the increase in delinquency petitions). Unfortunately, drive-by-shootings and other violent gang conduct is becoming more common place in referrals in our office. The more serious cases often require more significant amounts of time on the part of our prosecutors.

The other type of felony case we are experiencing more is the embezzlement case. We currently are prosecuting a situation where a deputy treasurer stole more than

\$200,000 from the Brown County Treasurer's Office. More internal theft referrals are being sent to our office. Most likely this increase is a result of society creating situations where more such thefts occur, more employees are reporting these cases, and the fact police agencies are more adept at investigating and solving these crimes.

Victim rights legislation will require additional time spent on cases and create a greater need for more attorneys. - The past needs and justification for new prosecutor positions in Brown County continue to exist. However, an important new factor which justifies the addition of another prosecutor (in addition to maintaining the current sexual predator position) is the advent of victims' rights legislation which becomes effective December 1, 1998. Although well intentioned, this legislation was passed with apparently little consideration for the impact that it would have especially in larger district attorney offices.

Enclosed is a copy of an article expressing concerns of the Milwaukee County District Attorney's Office. Our office had expressed similar concerns at hearings across the state. We agree the bulk of the bill is good, positive legislation for victims. Yet the cold hard fact is that the legislation will increase the responsibilities and therefore the workload on the prosecutors who handle cases involving victims.

Specifically, the right to confer will take up considerable amounts of time in many cases. Time spent dealing with victims in one case will take away time that could be spent reviewing and issuing charges in another referral. This effect is to lower the statistics of complaints which are filed. While one victim is exercising the right to confer another victim's case will sit longer unless there is an additional prosecutor to pick up the slack. Prosecutors in Brown County have always been willing to meet with victims and have initiated discussions with victims in certain cases. However, most cases are prosecuted based on reports generated by police agencies and never go to trial. It is anticipated most of the victims will exercise their right to confer and thus there will be more time consumed with more conferences. We have already had victims believe the new law means they can veto plea negotiations or that the attorney must meet with them a third or fourth time even if there really is nothing new to discuss.

The new legislation could lead prosecutors to become much more cautious in their charging decisions and in the handling of a case. This is to avoid having problems which could lead to referral of the new victim rights board. Those complaints could result in the attorney held liable for violation of the new legislation and subject to forfeitures up to \$1,000.

Summary - If one used population average per prosecutor in comparison with other counties, Brown County would require roughly 14 attorneys. Many of the same facts in Brown County raised in the past necessitating new prosecutor positions still exist. There is now a new factor -- that of victim rights legislation and its impact on prosecutors' offices across the state which will increase the need for more attorneys.

Brown County needs to keep its sexual predator position. Further, even with this prosecutor already in the office there appears to be only 10 to 12 counties that have an FTE need greater than Brown County based on state-wide workload studies. Most of the counties are in the same numerical ballpark in needing two to three new FTE positions. If the state authorizes additional prosecutors in view of the state budget surplus, we respectfully request Brown County receive one of the new prosecutor positions. We are asking that the 1999-2001 budget reflect 12 FTE positions for our office.

1997
DA only (1227 Hours)

DA Office Code	Filename: CSLD9597.xls	All Fel.	Class A Hom.	Class B Hom.	All other Fel.	Misdemeanor	Writs of Habeas Corpus	Inquests	Sex Predator cases	Total hours needed	Anticipated FTE*	Total hours available (1227/FTE)	Dif (=needed- available)	FTE equivalent (=dif/1227)	FTE needed	FTE needed a % of current FTE
	time weights in hours:	100.00	100.00	8.49	2.17	2.00	64.00	100.00				Source: DOA, DAS, State Courts, DOJ				
1	Adams	81.00	1.00	1.00	79.00	286.00	0.00	0.00	0.00	1,890.61	1.00	1,227.00	663.61	0.54	54.08	
2	Ashland	122.00	0.00	0.00	122.00	401.00	0.00	0.00	0.00	2,406.23	1.50	1,840.50	565.73	0.46	30.74	
3	Barron	148.00	0.00	0.00	148.00	536.00	0.00	0.00	0.00	3,402.84	3.00	3,681.00	-278.16	-0.23	-7.56	
4	Bayfield	68.00	0.00	0.00	68.00	198.00	0.00	0.00	0.00	1,350.78	1.00	1,227.00	123.78	0.10	10.05	
5	Brown	63.00	11.00	0.00	900.00	1,742.00	0.00	0.00	2.00	16,400.89	1.00	13,487.00	2,903.89	2.37	21.52	
6	Buffalo	124.00	0.00	0.00	63.00	152.00	0.00	0.00	0.00	1,178.27	1.00	1,227.00	-48.73	-0.04	-3.97	
7	Burnett	110.00	1.00	0.00	123.00	173.00	0.00	0.00	0.00	2,312.22	1.00	1,227.00	1,085.22	0.88	88.44	
8	Calumet	110.00	1.00	0.00	109.00	293.00	0.00	0.00	0.00	2,561.60	2.00	2,454.00	107.60	0.09	4.36	
9	Chippewa	261.00	0.00	0.00	261.00	999.00	0.00	0.00	1.00	5,664.60	3.50	4,294.50	1,370.10	1.12	31.90	
10	Clark	126.00	0.00	0.00	126.00	398.00	0.00	0.00	0.00	2,499.48	2.00	2,454.00	45.48	0.04	1.86	
11	Columbia	315.00	0.00	0.00	314.00	769.00	2.00	0.00	0.00	5,847.80	3.00	3,681.00	2,166.80	1.77	58.86	
12	Crawford	51.00	0.00	0.00	51.00	82.00	1.00	0.00	0.00	913.21	1.00	1,227.00	-313.79	-0.26	-25.57	
13	Dane	2,387.00	23.00	0.00	2,364.00	4,932.00	21.00	0.00	5.00	42,879.26	29.00	35,583.00	7,296.26	5.95	20.50	
14	Dodge	234.00	1.00	0.00	233.00	639.00	5.00	0.00	0.00	8,009.68	4.00	4,908.00	3,101.68	2.53	63.20	
15	Door	147.00	0.00	0.00	147.00	305.00	0.00	0.00	0.00	2,612.66	2.00	2,454.00	158.66	0.13	6.47	
16	Douglas	227.00	1.00	0.00	226.00	526.00	0.00	0.00	0.00	4,461.29	3.50	4,294.50	166.79	0.14	3.88	
17	Dunn	234.00	0.00	0.00	234.00	502.00	2.00	0.00	0.00	4,232.02	3.50	4,294.50	-62.48	-0.05	-1.44	
18	Eau Claire	645.00	2.00	0.00	643.00	2,347.00	1.00	0.00	2.00	13,355.18	8.00	9,816.00	3,539.18	2.88	36.06	
19	Florence	29.00	0.00	0.00	29.00	89.00	0.00	0.00	0.00	551.07	0.50	613.50	-62.43	-0.05	-10.18	
20	Fond du Lac	299.00	0.00	0.00	299.00	1,097.00	2.00	0.00	2.00	7,834.39	5.00	6,135.00	1,699.39	1.38	27.70	
21	Forest	74.00	0.00	0.00	74.00	251.00	0.00	0.00	0.00	1,563.05	0.60	736.20	826.85	0.67	112.3	
22	Grant	151.00	1.00	0.00	150.00	397.00	0.00	0.00	0.00	2,877.52	2.00	2,454.00	423.52	0.35	17.20	
23	Green	134.00	0.00	0.00	134.00	411.00	0.00	0.00	0.00	2,644.90	2.00	2,454.00	190.90	0.16	7.70	
24	Green Lake	66.00	0.00	0.00	66.00	176.00	1.00	0.00	0.00	1,370.19	1.50	1,840.50	-470.31	-0.38	-25.57	
25	Iowa	87.00	0.00	0.00	86.00	231.00	0.00	0.00	0.00	1,651.04	1.75	2,147.25	-496.21	-0.40	-23.1	
26	Iron	63.00	0.00	0.00	63.00	46.00	0.00	0.00	0.00	784.80	1.00	1,227.00	-442.20	-0.36	-36.0	
27	Jackson	95.00	0.00	0.00	95.00	251.00	1.00	0.00	0.00	1,884.31	2.00	2,454.00	-569.69	-0.46	-23.2	
28	Jefferson	385.00	0.00	0.00	384.00	936.00	0.00	0.00	1.00	7,684.14	5.30	6,503.10	1,181.04	0.96	18.1	
29	Juneau	150.00	1.00	0.00	149.00	334.00	2.00	0.00	0.00	2,555.98	2.00	2,454.00	101.98	0.08	4.1	
30	Kenosha	1,057.00	6.00	2.00	1,049.00	1,762.00	5.00	0.00	1.00	17,984.43	13.00	15,951.00	2,033.43	1.66	12.7	
31	Kewaunee	73.00	1.00	0.00	72.00	167.00	0.00	0.00	0.00	1,403.67	1.50	1,840.50	-436.83	-0.36	-23.7	
32	La Crosse	749.00	7.00	0.00	742.00	1,733.00	0.00	0.00	0.00	12,924.15	7.80	9,570.60	3,353.55	2.73	35.0	
33	Lafayette	47.00	0.00	0.00	47.00	99.00	0.00	0.00	0.00	805.46	1.00	1,227.00	-421.54	-0.34	-34.3	
34	Langlade	116.00	0.00	0.00	116.00	261.00	0.00	0.00	0.00	2,199.64	1.50	1,840.50	359.14	0.29	19.5	
35	Lincoln	183.00	0.00	0.00	183.00	297.00	1.00	0.00	0.00	2,846.45	2.00	2,454.00	392.45	0.32	15.9	
36	Manitowoc	359.00	2.00	0.00	357.00	1,025.00	0.00	0.00	0.00	8,264.06	4.00	4,908.00	3,356.06	2.74	68.3	
37	Marathon	610.00	3.00	0.00	607.00	2,137.00	2.00	1.00	0.00	12,910.91	7.00	8,589.00	4,321.91	3.52	50.3	

DA Data (1227 Hours)

DA office code	Filename: CSLD9597.xls	Year	Number	Class A Hom.	Class B Hom.	All other Fel.	All TPR*	Writs of Habeas Corpus	Inquests	Sex Predator cases**	Total hours needed	Anticipated FTE***	Total hours available (1227/FTE)	Dif (=needed- (=diff/1227) available)	FTE needed (=diff/1227)	FTE needed as a % of current FTE
1	Adams	3 yr ave	XXXXX	1.00	0.67	68.67	0.00	0.33	0.00	0.00	1,745.19	1.00	1,227.00	518.19	0.42	42.23%
2	Ashland	3 yr ave	XXXXX	0.00	0.00	125.00	2.67	0.00	0.00	0.50	2,510.69	1.50	1,840.50	670.19	0.55	36.41%
3	Barton	3 yr ave	XXXXX	0.00	0.00	133.33	14.67	0.33	0.00	0.00	3,303.88	3.00	3,681.00	-377.12	-0.31	-10.24%
4	Bayfield	3 yr ave	XXXXX	0.00	0.00	67.67	5.00	0.00	0.67	0.00	1,435.16	1.00	1,227.00	208.16	0.17	16.97%
5	Brown	3 yr ave	XXXXX	8.00	0.67	843.00	0.00	2.00	0.00	5.50	15,989.69	13.00	13,497.00	2,492.69	2.03	18.47%
6	Buffalo	3 yr ave	XXXXX	0.00	0.00	56.00	0.00	0.00	0.00	0.00	981.24	1.00	1,227.00	-245.76	-0.20	-20.03%
7	Burnett	3 yr ave	XXXXX	0.00	0.33	104.00	7.33	1.67	0.00	1.00	2,025.70	1.00	1,227.00	798.70	0.65	65.09%
8	Calumet	3 yr ave	XXXXX	0.33	0.00	98.67	9.67	0.00	0.00	0.00	2,236.21	2.00	2,454.00	-217.79	-0.18	-8.87%

DA Data (1411 hrs)

DA Office Code	Filename: CSLD9597.xls	Year	Number	Class A Hom.	Class B Hom.	All other Fel.	All TPR*	Writs of Habeas Corpus	Inquests	Sex Predator cases**	Total hours needed	Anticipated FTE***	Total hours available (1411/FTE)	Dif (=needed- available)	FTE needed (=dif/1411)	FTE needed as a % of current FTE
				100.00	100.00	8.49	7.00	2.00	64.00	100.00						
		1995	62.00	2.00	1.00	59.00	0.00	1.00	0.00	NA	XX	XX	XX	XX	XX	X
		1996	68.00	0.00	0.00	68.00	0.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
		1997	81.00	1.00	1.00	79.00	0.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
1	Adams	3 yr ave	XXXXX	1.00	0.67	68.67	0.00	0.33	0.00	0.00	1,745.19	1.00	1,411.00	334.19	0.24	23.68
		1995	94.00	0.00	0.00	94.00	1.00	0.00	0.00	NA	XX	XX	XX	XX	XX	X
		1996	159.00	0.00	0.00	159.00	3.00	0.00	0.00	1.00	XX	XX	XX	XX	XX	X
		1997	122.00	0.00	0.00	122.00	4.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
2	Ashland	3 yr ave	XXXXX	0.00	0.00	125.00	2.67	0.00	0.00	0.50	2,510.69	1.50	2,116.50	394.19	0.28	18.62
		1995	115.00	0.00	0.00	115.00	8.00	1.00	0.00	NA	XX	XX	XX	XX	XX	X
		1996	137.00	0.00	0.00	137.00	21.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
		1997	148.00	0.00	0.00	148.00	15.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
3	Barton	3 yr ave	XXXXX	0.00	0.00	133.33	14.67	0.33	0.00	0.00	3,303.88	3.00	4,233.00	-929.12	-0.66	-21.95
		1995	50.00	0.00	0.00	50.00	2.00	0.00	1.00	NA	XX	XX	XX	XX	XX	X
		1996	85.00	0.00	0.00	85.00	8.00	0.00	1.00	0.00	XX	XX	XX	XX	XX	X
		1997	68.00	0.00	0.00	68.00	5.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
4	Bayfield	3 yr ave	XXXXX	0.00	0.00	67.67	5.00	0.00	0.67	0.00	1,435.16	1.00	1,411.00	24.16	0.02	1.71
		1995	703.00	11.00	2.00	690.00	0.00	2.00	0.00	NA	XX	XX	XX	XX	XX	X
		1996	941.00	2.00	0.00	939.00	0.00	4.00	0.00	9.00	XX	XX	XX	XX	XX	X
		1997	31.00	11.00	0.00	900.00	0.00	0.00	0.00	2.00	XX	XX	XX	XX	XX	X
5	BROWN	3 yr ave	XXXXX	8.00	0.67	843.00	0.00	2.00	0.00	5.50	15,989.69	15.00	15,521.00	468.69	0.33	3.02
		1995	59.00	0.00	0.00	59.00	0.00	0.00	0.00	NA	XX	XX	XX	XX	XX	X
		1996	46.00	0.00	0.00	46.00	0.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
		1997	63.00	0.00	0.00	63.00	0.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
6	Buffalo	3 yr ave	XXXXX	0.00	0.00	56.00	0.00	0.00	0.00	0.00	981.24	1.00	1,411.00	-429.76	-0.30	-30.46
		1995	84.00	0.00	0.00	84.00	1.00	5.00	0.00	NA	XX	XX	XX	XX	XX	X
		1996	105.00	0.00	0.00	105.00	9.00	0.00	0.00	0.00	XX	XX	XX	XX	XX	X
		1997	124.00	0.00	1.00	123.00	12.00	0.00	0.00	2.00	XX	XX	XX	XX	XX	X
7	Burnett	3 yr ave	XXXXX	0.00	0.33	104.00	7.33	1.67	0.00	1.00	2,025.70	1.00	1,411.00	614.70	0.44	43.56

Sources: DOA, Das, State Courts, DOJ

DA Workload

DA Office Code	Filename: CSLD9597.xls	All Fel. Number	Class A Hom. Number	Class B Hom. Number	All other Fel. Number	Misdemeanor Number	Juv. Del. Number	Inquests Number	Sex Predator cases Number	Total hours needed Hours	Anticipated FTE * FTE	Total hours available (1411/FTE) 1,411	Dif. Hours (needed - available) Hours	FTE needed (=#div/1411) FTE	FTE needed as a % of current FTE % FTE
		81.00	1.00	1.00	79.00	286.00	56.00	0.00	0.00	1,890.61	1.00	1,411.00	479.61	0.34	33.9%
1	Adams	122.00	0.00	0.00	122.00	401.00	97.00	0.00	0.00	2,406.23	1.50	2,116.50	289.73	0.21	13.6%
2	Ashland	148.00	0.00	0.00	148.00	536.00	152.00	0.00	0.00	3,402.84	3.00	4,233.00	-830.16	-0.59	-19.6%
3	Barron	68.00	0.00	0.00	68.00	198.00	59.00	0.00	0.00	1,350.78	1.00	1,411.00	-60.22	-0.04	-4.2%
4	Bayfield	91.00	11.00	0.00	900.00	1,742.00	227.00	0.00	2.00	16,400.89	11.00	15,521.00	879.89	0.62	5.6%
5	Brown	63.00	0.00	0.00	63.00	152.00	57.00	0.00	0.00	1,178.27	1.00	1,411.00	-232.73	-0.16	-16.4%
6	Buffalo	124.00	0.00	1.00	123.00	173.00	80.00	0.00	2.00	2,312.22	1.00	1,411.00	901.22	0.64	63.8%
7	Burnett	110.00	1.00	0.00	109.00	293.00	139.00	0.00	0.00	2,561.60	2.00	2,822.00	-260.40	-0.18	-9.2%
8	Calumet	261.00	0.00	0.00	261.00	999.00	214.00	0.00	1.00	5,664.60	3.50	4,938.50	726.10	0.51	14.7%
9	Chippewa	126.00	0.00	0.00	126.00	398.00	86.00	0.00	0.00	2,499.48	2.00	2,822.00	-322.52	-0.23	-11.4%
10	Clark	315.00	0.00	1.00	314.00	769.00	184.00	0.00	0.00	5,847.80	3.00	4,233.00	1,614.80	1.14	38.1%
11	Columbia	51.00	0.00	0.00	51.00	82.00	56.00	0.00	0.00	913.21	1.00	1,411.00	-497.79	-0.35	-35.2%
12	Crawford	2,387.00	23.00	0.00	2,364.00	4,932.00	1,358.00	0.00	5.00	42,879.26	29.00	40,919.00	1,960.26	1.39	4.7%
13	Dane	234.00	1.00	0.00	233.00	639.00	196.00	0.00	0.00	8,009.68	4.00	5,644.00	2,365.68	1.68	41.9%
14	Dodge	147.00	0.00	0.00	147.00	305.00	95.00	0.00	0.00	2,612.66	2.00	2,822.00	-209.34	-0.15	-7.4%
15	Door	227.00	1.00	0.00	226.00	526.00	199.00	0.00	0.00	4,461.29	3.50	4,938.50	-477.21	-0.34	-9.6%
16	Douglas	234.00	0.00	0.00	234.00	502.00	129.00	0.00	0.00	4,232.02	3.50	4,938.50	-706.48	-0.50	-14.3%
17	Dunn	645.00	2.00	0.00	643.00	2,347.00	410.00	0.00	2.00	13,355.18	8.00	11,288.00	2,067.18	1.47	18.3%
18	Eau Claire	29.00	0.00	0.00	29.00	89.00	18.00	0.00	0.00	551.07	0.50	705.50	-154.43	-0.11	-21.8%
19	Florence	299.00	0.00	0.00	299.00	1,097.00	301.00	0.00	2.00	7,834.39	5.00	7,055.00	779.39	0.55	11.0%
20	Fond du Lac	74.00	0.00	0.00	74.00	251.00	75.00	0.00	0.00	1,563.05	0.60	846.60	716.45	0.51	84.6%
21	Forest	151.00	1.00	0.00	150.00	397.00	91.00	0.00	0.00	2,877.52	2.00	2,822.00	55.52	0.04	1.9%
22	Grant	66.00	0.00	0.00	66.00	176.00	61.00	0.00	0.00	2,644.90	1.50	2,116.50	-746.31	-0.53	-35.2%
23	Green	87.00	0.00	0.00	86.00	231.00	38.00	0.00	0.00	1,651.04	1.75	2,469.25	-818.21	-0.58	-33.1%
24	Green Lake	63.00	0.00	0.00	63.00	46.00	22.00	0.00	0.00	784.80	1.00	1,411.00	-626.20	-0.44	-44.3%
25	Iowa	95.00	0.00	0.00	95.00	251.00	46.00	0.00	0.00	1,884.31	2.00	2,822.00	-937.69	-0.66	-33.2%
26	Iron	385.00	0.00	1.00	384.00	936.00	249.00	0.00	1.00	7,684.14	5.30	7,478.30	205.84	0.15	2.7%
27	Jackson	150.00	1.00	0.00	149.00	334.00	23.00	0.00	0.00	2,555.98	2.00	2,822.00	-266.02	-0.19	-9.4%
28	Jefferson	1,057.00	6.00	2.00	1,049.00	1,762.00	481.00	0.00	1.00	17,984.43	13.00	18,343.00	-358.57	-0.25	-1.9%
29	Juneau	73.00	1.00	0.00	72.00	167.00	33.00	0.00	0.00	1,403.67	1.50	2,116.50	-712.83	-0.51	-33.6%
30	Kenosha	749.00	7.00	0.00	742.00	99.00	40.00	0.00	0.00	12,924.15	7.80	11,005.80	1,918.35	1.36	17.4%
31	Kewaunee	47.00	0.00	0.00	47.00	261.00	95.00	0.00	0.00	2,199.64	1.50	2,116.50	83.14	0.06	3.9%
32	La Crosse	183.00	0.00	0.00	183.00	297.00	114.00	0.00	0.00	2,846.45	2.00	2,822.00	24.45	0.02	0.8%
33	Lafayette	359.00	2.00	0.00	357.00	1,025.00	422.00	0.00	0.00	8,264.06	4.00	5,644.00	2,620.06	1.86	46.4%
34	Langlade	610.00	3.00	0.00	607.00	2,137.00	364.00	1.00	0.00	12,910.91	7.00	9,877.00	3,033.91	2.15	30.7%
35	Lincoln														
36	Manitowoc														
37	Marathon														

Source: DOA, DAS, State Courts, DOJ

Right From The Start Coalition of Wisconsin

1202 Northport Avenue, Room 444
Madison, Wisconsin 53704
(608) 242-6422; FAX (608) 242-6293

ANOTHER FIRST FOR WISCONSIN?

The Truth in Sentencing Act (1997 Wisconsin Act 283) offers Wisconsin the opportunity to be the first state in the nation to link preventing crime and other social problems with the rising costs of punishing crime. The Act (Section 29) directs the Secretary of the Department of Health and Family Services to request an amount equivalent to 1% or greater of the total Department of Corrections budget (\$1.76 billion) for the prevention of child abuse – the most important underlying cause of juvenile and adult crime.

The next step is to fund the prevention promise of the Truth in Sentencing Act in the next biennium budget.

The *Right From The Start Coalition*, representing organizations and individuals devoted to the primary prevention of child abuse and neglect, is working to insure that the promise of the Truth in Sentencing Act is kept.

The *Right From The Start Coalition* recommends the following:

- The promise of the Truth in Sentencing Act should be fulfilled by allocating new money for the prevention of child abuse and neglect.
- The new funds should be dedicated to the primary prevention of child abuse and neglect before they occur by making family resources and home visitation available to the parents of all Wisconsin newborns. The most effective prevention begins before and at childbirth.
- The new funds should be made available to local jurisdictions with sufficient flexibility to permit designing and implementing programs that fit local circumstances and that draw upon local funding sources.

Proposed Motion to Joint Committee on Finance

The purpose of this motion is to provide the fiscal resources required to implement the intent of Section 29 of 1997 Wisconsin Act 283 (Truth in Sentencing Act).

1. A sum sufficient equal to 1% of the total amounts appropriated and estimated to be expended from all sources for the Department of Corrections for each fiscal year as shown in the schedule under s. 20.005 (3) will be used for grants to a statewide Child Abuse and Neglect Primary Prevention Initiative to be administered by the Department of Health and Family Services.
2. These funds shall be distributed to community planning/coordinating bodies as designated by counties or tribes and representing the ethnic, socio-economic, and geographic composition of the community according to a formula based on the number of annual births. Priority shall be given to building on existing primary prevention services. The goal shall be to offer all parents of newborn children family resource and home visitation services.
3. Each county or tribe receiving these funds shall provide an annual report to the Department of Health and Family Services detailing the services provided, the number of families using these services, and the status of key child development indicators.
4. The Department of Health and Family Services shall submit an annual report on the status of Child Abuse and Neglect Primary Prevention Initiative to the Governor, Attorney General, and Legislature.

CHILD ABUSE AND NEGLECT PRIMARY PREVENTION INITIATIVE

Legislative Considerations

(Implementing Section 29 of 1997 Wisconsin Act 283, Truth in Sentencing Act)

1. Additional funding equal to 1% of the Department of Corrections budget for each biennium shall be allocated to the Department of Health and Family Services for a statewide Child Abuse and Neglect Primary Prevention Initiative.
2. The goal of this Initiative is to increase the accessibility of family resource and home visitation services for the parents of all newborns in Wisconsin.
3. Funds shall be allocated according to a formula based on the number of births in each county or tribe.
4. Prior to receiving funds each county or tribe shall submit a plan to DHFS that includes the following elements:
 - Have the goal of offering family resource and home visitation services to all parents of newborn children.
 - Be developed by a local planning/coordinating body, with priority given to working through or building on existing prevention planning/coordinating entities. This planning entity must include individuals or organizations representing the racial, socio-economic, and geographic diversity of the community.
 - Build on existing services and programs currently working to prevent the initial occurrence of child abuse and neglect, including home visitation programs and family resource centers.
 - Include assurances that high-risk families are a priority for receiving services.
 - Develop programs/services that have measurable outcomes and a mechanism to evaluate them.
 - Assure that services are available to both parents on a voluntary basis.
5. Services and programs offered shall not discriminate based on parents'/caregivers' race, religion, socio-economic status, marital status, age, or sexual orientation.
6. Each county or tribe receiving these funds shall provide an annual report to DHFS detailing
 - the services provided, the number of families using these services, and program outcomes.
 - child well-being indicators as identified by DHFS (e.g., infant mortality, child abuse and neglect reports, domestic violence reports, prenatal care, well baby care, and immunizations).
7. DHFS shall submit an annual report on the status of this program to the Governor, Attorney General, and Legislature.

My name is Laurie Jorgensen and I have worked for the past 8 years in the field of domestic violence as a Legal Advocate. I worked in Marinette and Oconto Counties and currently work in four Central Wisconsin Counties. I also serve on the Justice Committee of the Governor's Council on Domestic Abuse and sit on the Wisconsin Crime Victim's Council by appointment of the Attorney General.

I am here to speak in support of the amendment to the budget that would provide monies for civil legal services. This is a tremendous need in Wisconsin. During my years as an advocate, I have attended countless court hearings with victims of domestic violence. All hearings related to divorce, custody, child support, and restraining orders are considered civil. In many of these situations, low income victims of domestic violence end up representing themselves because they do not have the money to hire an attorney. Yet, they are unable to articulate the legal reasoning behind their need for protection for themselves and their children.

Every time victim service providers conduct surveys of needs, the need for legal service monies is one of the top two priorities listed by both victims and domestic abuse programs. Perpetrators of domestic violence are often tenacious about fighting for custody of their children, and victims left without options return to violent situations so that they do not lose their children or put them at risk. Many attorneys that work with low income clients do it as pro bono or do it at cut rates. Other attorneys are reluctant to get involved in divorce and custody cases with low income families because they know it is unlikely they will be paid.

There is often a misperception that victim service monies, such as VOCA or VAWA, assist with civil legal needs. But those funds are reserved for needs related to the criminal process and can't be used for many civil law issues. So, many victims who receive support and positive outcomes in the criminal arena are then left on their own to fight for safety in the civil legal arenas without legal representation.

The laws and legal remedies available in the courts should be available to everyone, not just those who can afford it. Money set aside for civil legal services assist our most vulnerable citizens and help insure that access to the courts is fair. The proposal to create a state grant to assist with civil legal services will be a welcome step in addressing this problem.

POLK COUNTY CIRCUIT COURT
Branch 1
James R. Erickson, Circuit Court Judge

Polk County Courthouse
100 Polk County Plaza, Suite 240
Balsam Lake, WI 54810

Becky S. Berhow, Court Reporter (715) 485-9289
Bonnie F. Jerrick, Judicial Assistant
Margaret M. Maier, Register in Probate (715) 485-9238

Phone: (715) 485-9293
FAX: (715) 485-9275

April 14, 1999

Joint Committee on Finance
Wisconsin State Legislature
Madison, WI

Re: Reserve Judge Compensation, Section 753.075(3), Wisconsin Statutes

Dear Committee Members,

Thank you for visiting us here in Polk County. We sincerely appreciate you being here.

One of the primary roles of every Wisconsin Circuit Judge is to resolve each dispute between parties in a manner that is fair, effective, fast, and efficient. Trial judges do not get to pick and choose which cases are brought before us. We have to deal with every case that may be filed. In order to assist us in meeting our obligation, it is crucial that we have available a competent and willing pool of Reserve Judges to call upon to assist us on an as-needed basis.

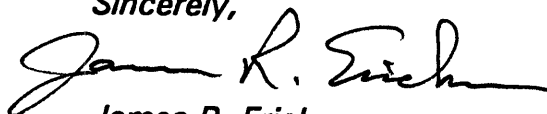
The problem is that Section 753.075(3) of the Wisconsin Statutes sets the per diem pay for a Reserve Judge at less than \$32.00 per hour, based upon an eight-hour day. It is not unusual for a judge day to go well into the evening, especially when conducting a jury trial.

It would be fair and equitable to everyone concerned to at least offer equal pay to Reserve Judges. At least, the per diem ought to match the per diem of an active Circuit Judge. Modifying the statute slightly could thus avoid the risk of losing this valuable resource to other more lucrative areas of law practice.

There is significant competition out there in the legal world for the time, talent and services of our Reserve Judges.

I urge you to be fair and equitable. Doing so will at least help make sure that we have access to this very important resource, the Reserve Judge.

Sincerely,



James R. Erickson
Circuit Judge

JRE/bfj

JOINT COMMITTEE ON FINANCE TESTIMONY

Circuit Judge Thomas H. Barland

Chair, Criminal Penalties Study Committee

April 14, 1999

Good Morning Chairman Gard, Chairman Burke, and Members of the Joint Committee on Finance. My name is Thomas Barland. I am appearing today wearing two hats--the one as a trial judge of 32 years' experience and the other as Chair of the Criminal Penalties Study Committee. I am appearing to support the Circuit Court Automation Program (CCAP) original budget request, wearing my circuit judge hat, and urging you to consider not only approving the CCAP budget request, but enhancing it, wearing my Criminal Penalties Study Committee hat.

Speaking first as a trial judge, I am now totally dependent upon CCAP for my calendar and case management. It has saved me a great deal of time, because I can quickly look up cases on the computer without having to call or run to the Clerk of Court's office to physically secure the file or ask someone else to do it. It has speeded up my processing of cases. It has allowed me to keep better track of cases. There is less of a chance of losing track of a case. It has reduced the need for additional staff people because I can do much on the computer that I formerly would have asked others to do. For example, in Eau Claire County each judge shares a secretary with another judge. Without CCAP we would each have needed an individual secretary. My final comment as a trial judge is that in my 32 years of experience, CCAP is the most important and significant advance in judicial

administration during that time. I have reviewed Chief Justice Shirley Abrahamson's comments to this committee delivered on March 25th and concur with her conclusions. Having served on the original CCAP Advisory Committee, I can tell you that unless the original budget requests are met, there is a clear and present danger that the system with its increased workload will degrade in its ability to serve the courts.

Now let me give you a few comments as Chair of the Criminal Penalties Study Committee. I know that you and the Legislature as a whole are well aware of the fact that the increasing prison population in Wisconsin is beginning to have a significant impact on other important segments of the state budget, particularly education. Under Truth-in-Sentencing there is the potential for that problem to be exacerbated to the point that the prisons will so dominate the biennial budget that the state will be forced into making very harmful budget cuts elsewhere unless the state takes some steps to control the exploding prison population. That can be done with the wise use of powers given to a Sentencing Commission without impeding individual judges' discretionary sentencing decisions provided that the state, through the Sentencing Commission, has the data to analyze charging and sentencing practices and predict costs. This can only be done if the state has an adequate data base and a sophisticated computer analytical system. It presently has neither.

CCAP has the potential of being the most important single source of information to analyze what is happening in the criminal justice system, but it's not in operation throughout the

entire state. Ozaukee, Wood, and Waukesha Counties presently are only partially on CCAP. Those three counties will not have their criminal cases on CCAP until January, 2000. Portage County only has probate on CCAP. Outagamie and Walworth Counties, both large counties in terms of criminal sentencing, are not on CCAP. All Wisconsin courts should be on CCAP within the next biennium if we are to wisely manage our criminal justice system.

CCAP must be able to talk to the Department of Corrections data base. This should be done electronically. At the present time, the Department of Corrections is manually entering sentencing information into its computer system. DOC has valuable information which a Sentencing Commission needs in preparing sentence guidelines to shape the sentencing policy of the state. Much data received from DOC by the Criminal Penalties Study Committee has proved to be too unreliable to be of help. It, too, needs to be and is in the process of being upgraded to carry out this function.

The upgrading of the two data bases, that is CCAP and DOC, together with the bringing on line of all counties in Wisconsin, will take several years to accomplish under the best of circumstances. The prison population time bomb under Truth-in-Sentencing could start to cause problems beginning in the biennium after next. We need to prepare for that eventuality now.

The Criminal Penalties Study Committee final report will set forth that problem in greater detail and explain the important role that a Sentencing Commission can play in studying and

monitoring what is occurring in the criminal justice system and thereby help to educate both the Legislature and the judiciary as to appropriate sentencing decisions.



Wisconsin Troopers' Association, Inc.

P.O. Box 769
East Troy, Wisconsin 53120

INCREASING THE NUMBER OF TROOPERS SERVING WISCONSIN:

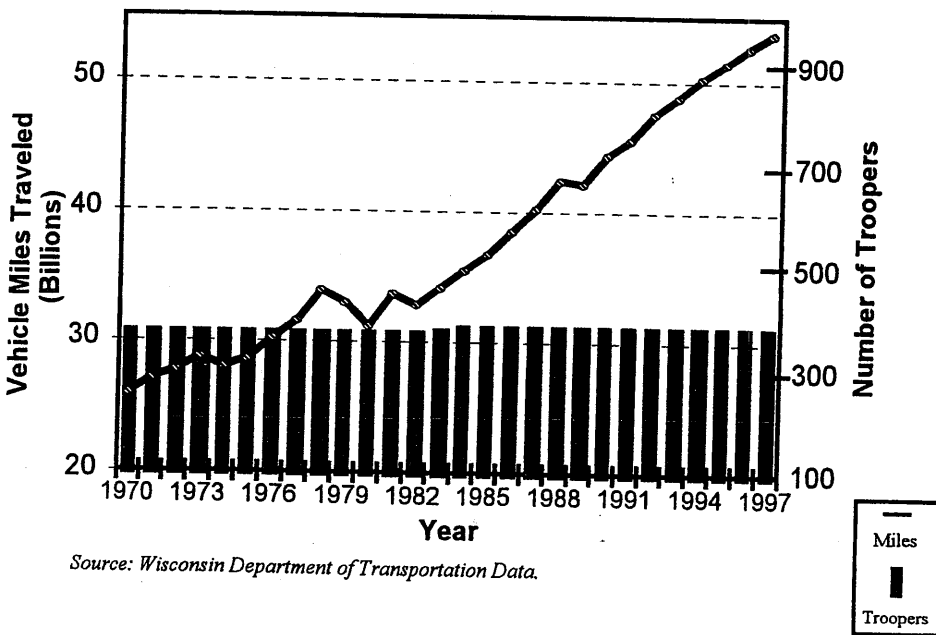
- ➔ THE NEED
- ➔ THE SUPPORT
- ➔ THE SOLUTION

Wisconsin's Troopers currently face the greatest workload in their history. The workload has steadily increased, while State Patrol manpower has remained stagnant. Our Wisconsin Troopers are not able to provide the safety services Wisconsin's citizens expect. Our citizens realize the need for change — Wisconsin must increase the number of state troopers to meet the demands of its roadways.

➔ **The Need** ➔

In 1968, the Wisconsin State Patrol employed 375 Troopers. The only increase since then came in 1984, when eleven Troopers were added to the Patrol — a 3% increase in a matter of 30 years. Here's what else happened during that time:

**Vehicle Miles Traveled & Number of Troopers:
A Comparison: 1970-1997**

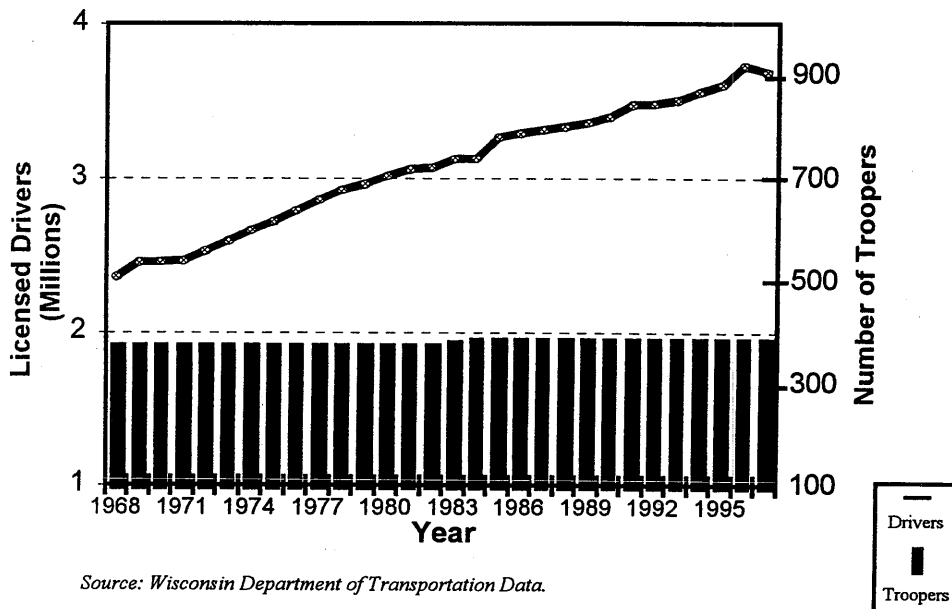


◆ *Since 1970, vehicle miles traveled in Wisconsin have more than doubled, from 26 billion to 54 billion. Meanwhile, the number of Wisconsin Troopers increased less than 3%.*

Source: Wisconsin Department of Transportation Data.

INCREASING THE NUMBER OF WISCONSIN TROOPERS

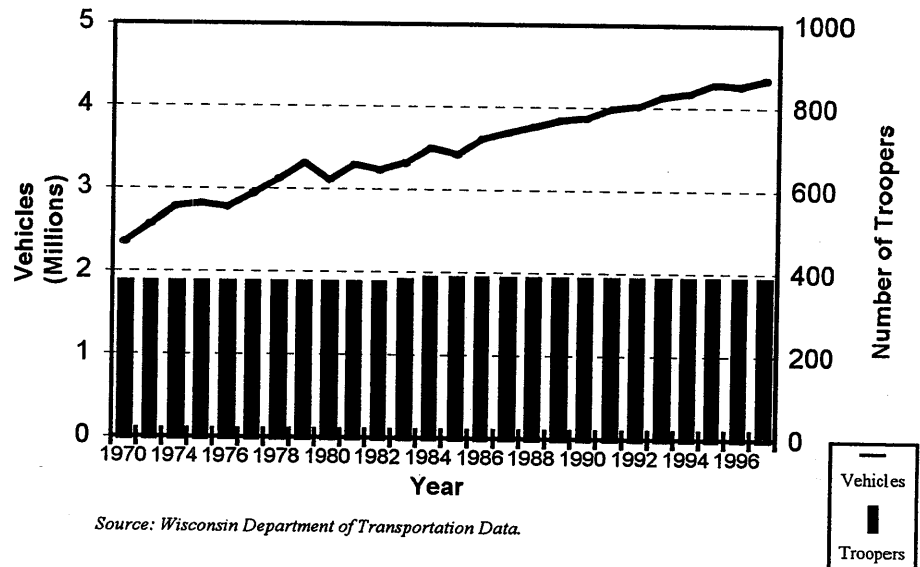
**Licensed Drivers & Number of Troopers:
A Comparison: 1968-1997**



Source: Wisconsin Department of Transportation Data.

◆ While the number of **Troopers** increased less than 3% since 1968, the number of **licensed drivers** in Wisconsin increased **56%**, from 2.36 million to 3.68 million.

**Registered Vehicles & Number of Troopers:
A Comparison: 1970-1997**



Source: Wisconsin Department of Transportation Data.

◆ While the number of **Troopers** increased less than 3% since 1970, Wisconsin's **registered vehicles** increased **85%**, from 2.35 million to 4.34 million.

IN ADDITION . . .

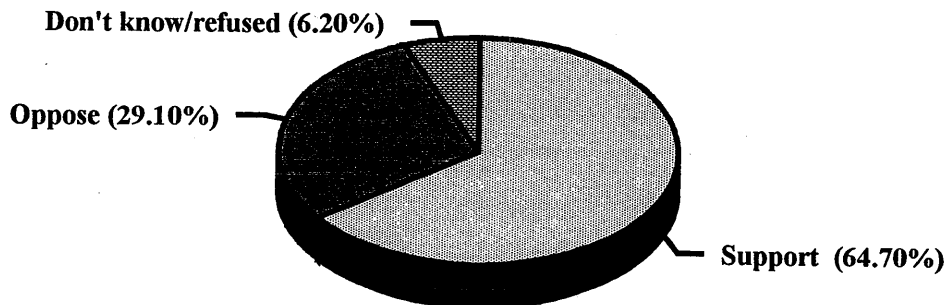
- ◆ State Troopers have increased the number of roadway assists by 75% in the last 10 years.
- ◆ Accident investigations by Troopers have increased by 57% in the last 12 years.
- ◆ Assists to other law enforcement departments have tripled since 1991.
- ◆ Controlled substance arrests made by Troopers have more than tripled, from 400 to 1400, since 1991.

In 1955, Northwestern University Traffic Institute recommended that Wisconsin increase the number of Troopers to 609 in order to meet the traffic safety demands of the roadways. Today, nearly 45 years later, Wisconsin has 386 Troopers. Although Wisconsin ranks 16th in the nation in population, we are 49th in the number of Troopers per capita (49th is dead last, as Hawaii does not have a state patrol). Wisconsin has one Trooper per 13,700 residents. The national average is one Trooper per 4,670 residents. We would need to add 725 additional Troopers to merely meet the national average.



The Support

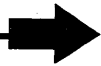
Support for Trooper Increase with a \$5 Vehicle Registration Fee Increase



*February 1999 Scientific Poll of 600 Wisconsin State Residents,
Chamberlain Research Consultants.*

Wisconsin citizens clearly recognize the need for additional Troopers on Wisconsin's highways and interstates. Seventy-seven percent of people surveyed said they support an increase of 50 Troopers per year for 4 years. When asked if they support that increase if it meant paying an additional \$5 in vehicle registration fees, the level of support remains high — at 65% (see above). Demographically, every age, income, gender, and geographic region supported the Trooper increase with a fee increase.

In addition, our data is supported by the 1997 American Automobile Association of Wisconsin member survey showing 60.6% favor increased police patrols, 26% oppose it, and 13.4% had no opinion.

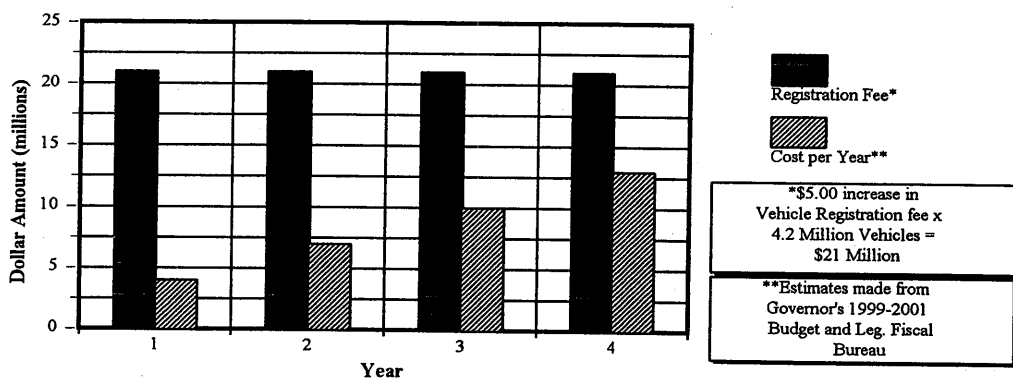


The Solution

The Wisconsin State Patrol Academy can reasonably train 50 more Troopers per year. Based on information from the Legislative Fiscal Bureau, the total cost of a Trooper is \$80,000 in the first year and less than \$60,000 in subsequent years. This means adding 50 Troopers per year will cost approximately \$4 million in year 1, \$7 million in year 2, \$10 million in year 3, and \$13 million in year 4 (subsequent years will cost \$12 million to maintain the total Trooper increase). In the aforementioned poll, Wisconsin citizens state they are willing to support these 200 Troopers with a \$5 increase in their vehicle registration fees. The \$5 increase will bring \$21 million per year, well beyond the necessary funding for the increased Trooper proposal.

Adding 200 Troopers by the year 2004 would be a 51% increase, still lagging behind the steady pace of the workload increase. The total of 586 Troopers would fall far short of the national average. However, we know 200 Troopers will relieve the current shortcomings and help ensure safety on our highways.

**Adding 200 Trooper Over Four Years
-Funding vs. Cost-**



The number of drivers, vehicles, and miles driven have increased steadily in the last 30 years. Each of these increases has brought more revenue into the state transportation fund (registration and licensing fees and gas tax). Those dollars have built new roads and better highways resulting in more travel. Now citizens want the state to give appropriate attention to the safety and enforcement needs of the increased traffic and travel.

Compared to 30 years ago, Troopers have more duties, and there are more miles of interstate, more tourists, higher speeds, radar detectors, and road rage. Our Patrol is overworked and understaffed. Wisconsin citizens recognize that too few Troopers compromises their safety, and they are willing to pay for an increase. **The time to act is now. The Wisconsin Troopers Association urges you to consider a Trooper increase in the state budget — a positive choice for the safety of Wisconsin citizens.**

*For further information contact the Wisconsin Troopers Association at 800-232-1392; or Martin Schreiber & Associates, Inc. at 608-259-1212.

Visit the Wisconsin Troopers Association website at www.wisconsin-troopers.org

Good Afternoon

Thank you for allowing me to address you today.

I am Mary Roach, a CPA from Waubesa County. I am here as the Treas. of AWSC to address a critical issue. The appropriation of GPR funds for law enforcement, safety education and administration is necessary to maintain and strengthen the entire snowmobile program here in Wisconsin.

Local law enforcement agencies are being reimbursed by the trail program on a prorated basis. DNR wardens are currently allotted only 8 hours to the snowmobile program for the entire season.

We need the mandatory safety education for all snowmobilers, not just the 12-16 year olds. Those classes will be taught by over 2000 volunteer instructors who have been doing so for over 27 years. But more funds are needed to complete this.

Snowmobilers pump an estimated 16^{18} billion \$ ^{over 2 years} into the economy of Wis each year. We need \$1 mill. more each year than currently proposed to 1.8 mill. to accomplish our goals.

The work of developing and maintaining this fantastic trail program is done by volunteers. Over 30,000 of them are members of 600+ clubs in all 72 counties.

There are currently over 211,000 registered snowmobiles in Wisconsin & the program needs your help to fund the additional law enforcement, safety education and administration costs by increasing the current ^{proposed} \$775,000 to \$1.8 million.

Thank You for your consideration

Mary Roach
755 Glacier Road
Pewaukee, WI 53072

Treasurer, Assn. of Wis. Snowmobile Clubs