Wisconsin Department of Administration
Division of Executive Budget and Finance

Fiscal Estimate - 2009 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number **09-1849/1**	Introduction Number **AB-0078**

Description
Judicial discretion in certain John Doe proceedings and the provision of attorney representation of state employees at John Doe proceedings

Fiscal Effect

State:
- ☐ No State Fiscal Effect
- ☒ Indeterminate
  - ☐ Increase Existing Appropriations
  - ☐ Decrease Existing Appropriations
  - ☐ Create New Appropriations
  - ☐ Increase Existing Revenues
  - ☐ Decrease Existing Revenues
  - ☐ Increase Costs - May be possible to absorb within agency's budget ☐ Yes ☐ No
  - ☒ Decrease Costs

Local:
- ☒ No Local Government Costs
- ☐ Indeterminate
  - 1. ☐ Increase Costs ☐ Permissive ☐ Mandatory
  - 2. ☐ Decrease Costs ☐ Permissive ☐ Mandatory
  - 3. ☐ Increase Revenue ☐ Permissive ☐ Mandatory
  - 4. ☐ Decrease Revenue ☐ Permissive ☐ Mandatory
  - 5. Types of Local Government Units Affected: ☐ Towns ☐ Village ☐ Cities ☐ Counties ☐ Others ☐ School Districts ☐ WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEGS

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 2/26/2009

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Description Judicial discretion in certain John Doe proceedings and the provision of attorney representation of state employees at John Doe proceedings		

Assumptions Used in Arriving at Fiscal Estimate

Currently, when an inmate files a John Doe petition alleging that a crime has been committed by a correctional employee, a John Doe proceeding may be convened by the judge. The employee and any other witnesses produced by the inmate are required to appear in court. If the employee seeks legal counsel, the employee would likely have to personally pay for those costs. This could also result in the Department having to pay overtime to another employee to maintain staffing of a post while the employee or other staff witnesses are in court for the John Doe proceeding.

This bill will allow law enforcement and the district attorney to investigate an alleged crime and make a determination if a crime was committed prior to involvement of the courts, which would likely reduce the court time required for John Doe proceedings. The bill would also likely reduce the amount of time inmates and staff would spend outside the institution if it is determined that there is not probable cause that a crime was committed, which could reduce potential staff overtime and costs to transport inmates to the court. The Department's legal counsel workload could also be reduced if the investigation determines that the allegations are baseless, resulting in fewer John Doe proceedings.

Although this bill could reduce the Department workload and costs related to the transport of inmate and staff witnesses and staff monitoring of John Doe hearings, the Department is unable to predict the number of complaints filed or how many of those complaints will be found baseless before a court hearing is held. As a result, a fiscal impact cannot be estimated.

There is no savings or cost increases associated with local jails at this time.

Long-Range Fiscal Implications