



Legislative Fiscal Bureau

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May 21, 2001

Joint Committee on Finance

Paper #381

Additional Prosecutors (District Attorneys)

CURRENT LAW

District Attorneys are authorized 412.15 full-time equivalent (FTE) prosecutor positions.

GOVERNOR

No provision.

DISCUSSION POINTS

1. Under 1999 Act 9, the Governor vetoed \$631,800 GPR in 1999-00 and \$823,500 GPR in 2000-01 and 17.0 GPR assistant district attorney (ADA) positions annually provided by the Legislature in 1999 Enrolled Assembly Bill 133. In total, Enrolled AB 133 would have provided the following 17.0 additional prosecutor positions: Adams (0.25), Chippewa (0.25), Dane (2.5), Jefferson (0.25), Kenosha (0.5), La Crosse (0.5), Manitowoc (1.0), Marathon (1.0), Milwaukee (5.75), Oneida (0.5), Outagamie (0.5), Portage (0.5), Rock (0.75), Sauk (1.0 position to serve Columbia, Marquette and Sauk Counties), Sheboygan (0.5) and Winnebago (1.25).

2. Subsequently, the Joint Committee on Finance provided, under s. 13.10 action at its May, 2000, meeting, \$239,500 GPR in 2000-01 and 5.0 GPR ADA positions for the following counties: (a) Columbia (0.5); (b) La Crosse (0.3); (c) Marathon (0.5); (d) Marquette (0.2); (e) Oneida (0.5); (f) Rock (0.75); (g) Winnebago (0.75); (h) Manitowoc (0.5); (i) Sheboygan (0.5); (j) Washburn (0.25); and (k) Burnett (0.25).

3. Under the 2001-03 biennial budget agency request, district attorney offices requested a total of 35.45 additional prosecutor positions. The Governor did not provide any caseload-related prosecutor positions in the budget bill. The bill would eliminate 10.5 PR project positions under the standard budget adjustment removal of non-continuing elements from the

base as follows: (a) 6.0 Milwaukee County ADA positions funded by federal high-intensity drug trafficking area (HIDTA) grants that terminate in September, 2002; (b) 3.0 Dane County ADA positions funded by the federal Violence Against Women Act that terminate in January, 2003; (c) 1.0 Dane County ADA position funded by the Wisconsin Department of Transportation and the Federal National Highway Traffic Safety Administration that terminates in January, 2003; and (d) 0.5 Milwaukee County children in need of protection or services (CHIPS) ADA position that terminates in April, 2003. The deletion of these 10.5 project positions would bring the number of prosecutors to 401.65. The analysis in this paper uses 401.65 positions as the position base ("authorized positions").

4. 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).

5. 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 that 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

6. 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.

7. 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 1997-99 (the most recent data available). The attachment shows, by county, the current authorized number of prosecutors, the estimated number of additional positions needed to prosecute the county's averaged 1997-99 caseload, and the resulting workload for each prosecutor. The attachment adjusts a 1.0 Outagamie County PR ADA position to account for the amount of time the Outagamie County drug prosecutor spends prosecuting in Outagamie County (50%), Fond du Lac County (25%), and Winnebago County (25%). The attachment also adjusts a 0.5 Washburn County GPR ADA position to account for the amount of time the prosecutor spends prosecuting in Washburn County (50%) and Burnett County (50%).

8. Based on this analysis, there is a net need for 51.61 prosecutor positions. This includes 49 prosecutorial units with a total need of 62.73 FTE, and 22 prosecutorial units with a combined need of -11.12 FTE (each county is its own prosecutorial unit, except for Shawano and Menominee, which are combined).

9. 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.

10. Individual DA offices submitted requests for additional prosecutor positions that were compiled and submitted to the Governor as part of the District Attorneys 2001-03 budget request. The WDAA reviewed these requests and issued its own recommendations as to which DA offices should receive additional prosecutor positions. These recommendations were forwarded in a letter to the Governor and Lieutenant Governor on January 10, 2001. In total, the WDAA supported the addition of 28.10 prosecutors over the biennium. (In addition, the WDAA recommended a 1.0 DNA evidence prosecutor position that is included in the bill as a PR position, supported by revenue from a \$5 crime lab and drug law enforcement assessment and a \$250 DNA surcharge.) The WDAA recommendations are for assistant district attorney positions, except for the requests of two part-time district attorneys (Florence and Pepin) to be increased by 0.2 FTE each.

11. The following table shows, for those counties that requested positions (except the DNA evidence prosecutor): (a) the total number of prosecutors (district attorney and deputy and

assistant district attorneys, if any) currently authorized; (b) the number of additional positions requested by the district attorney office; (c) the WDAA recommendation; and (d) the number of additional prosecutors needed according to the weighted caseload study using 1997-99 averaged caseload data.

County	Authorized Positions	Additional FTEs Requested by Individual DA Offices	Additional FTE's Recommended by WDAA*	FTE Need Based on 1997-99 Caseload Methodology
Adams	1.20	0.30	0.30	0.30
Ashland	1.50	0.50	0.50	0.60
Brown	12.00	3.00	3.50	3.29
Chippewa	3.00	1.00	0.75	1.72
Columbia	3.50	1.50	1.50	1.67
Dane	27.00	8.00	3.50	8.96
Florence***	0.50	0.20	0.20	-0.06
Grant	2.00	0.50	0.50	0.34
Green	2.00	0.50	0.10	0.11
Jefferson	4.80	0.45	0.45	1.58
Juneau	2.00	1.00	0.50	0.24
Kenosha	12.00	3.00	3.00	3.83
La Crosse	7.30	0.70	0.70	3.07
Langlade	1.50	0.50	0.10	0.46
Manitowoc	4.50	1.50	1.50	1.92
Marathon	7.50	2.50	2.50	2.66
Oconto	1.50	0.50	0.50	0.22
Outagamie**	7.50	3.00	3.00	4.36
Ozaukee	3.00	1.00	1.00	0.99
Pepin***	0.60	0.20	0.20	-0.04
Polk	2.00	2.00	0.50	0.51
Portage	4.00	1.00	0.00	-0.13
Rock	14.25	0.25	0.25	3.29
Sauk	4.50	0.50	0.50	1.36
Taylor	1.00	0.30	0.30	0.32
Winnebago**	<u>9.00</u>	<u>2.25</u>	<u>2.25</u>	<u>3.40</u>
TOTAL	139.65	36.15	28.10	44.97

*All positions recommended by WDAA to begin upon enactment of the bill with the following exceptions: Brown, 0.5 FTE on 7/02; Columbia, 1.0 FTE on 1/02; Dane, 0.5 FTE on 7/02; and Juneau, 0.5 FTE on 9/02.

**Reflects that the workload of the drug prosecutor assigned in Outagamie County is divided as follows: 50% in Outagamie County; 25% in Fond du Lac County; and 25% in Winnebago County.

*** Increase by 0.2 FTE the part-time district attorney positions in these counties.

12. The WDAA recommended providing an additional 0.5 ADA position in July, 2002, for Brown County that was not originally requested by the Brown County DA office. According to the State Prosecutors Office, this recommendation was based on the WDAA's view that the prosecutorial workload is continuing to increase for the Brown County DA Office. Likewise, the WDAA recommended positions for Grant (0.5), Juneau (0.5 in September, 2002) and Oconto (0.5)

Counties whose needs are not completely supported by the caseload data (position needs according to the weighted caseload data for these counties are 0.34, 0.24 and 0.22 respectively). The WDAA based its recommendation on the belief that the trendline for workload is up in these counties. In addition, in Grant and Juneau Counties, it was felt that the additional position authority would be needed to attract qualified candidates to accept a part-time position. Finally, the WDAA recommended position increases for the DA positions in Florence and Pepin counties essentially premised on the "philosophy that communities are best served by full-time district attorneys", not based on the caseload data. The cost of the WDAA recommendation would be \$1,010,000 GPR and 26.6 GPR positions in 2001-02 and \$1,437,600 GPR and 28.1 GPR positions in 2002-03.

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 Outagamie County, each prosecutor, on average, currently handles 158% of the caseload he or she has "time" to handle, based on the LAB methodology and the average number of cases filed in 1997-99. In Marathon County, prosecutors handle 136% of caseload levels and in Forest County, the prosecutor handles 129% 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 allocate positions to counties that have the highest caseloads per prosecutor.

15. 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. For this and the remaining alternatives, these numbers were then adjusted so that no county received more positions than requested by the DA Office or recommended by the WDAA. In addition, positions were rounded to the nearest 0.1 FTE except that, because a position must be at least 0.3 FTE in order to qualify for state fringe benefits, positions were rounded so that no DA office would receive less than 0.3 FTE unless so requested by the DA office, or recommended by the WDAA. For counties that requested delayed starting dates for positions or were recommended to have delayed starting dates by the WDAA, the costs are calculated using those delayed starting dates.

16. If additional positions were provided based on 105% of caseload, this would require 24.2 GPR positions and \$903,500 GPR in 2001-02 and 24.8 GPR positions and \$1,252,600 GPR in 2002-03.

<u>County</u>	<u>FTE Need Based on 105%</u>	<u>Additional Positions At 105% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 105%</u>	<u>Additional Positions At 105% of Caseload</u>
Adams	0.23	0.30	Manitowoc	1.61	1.50
Ashland	0.50	0.50	Marathon	2.18	2.20
Brown	2.56	2.60*	Oconto	0.13	0.00
Chippewa	1.50	0.75	Outagamie	3.79	3.00
Columbia	1.42	1.40**	Ozaukee	0.80	0.80
Dane	7.25	3.50***	Polk	0.39	0.40
Grant	0.23	0.30	Rock	2.46	0.25
Green	0.01	0.00	Sauk	1.08	0.50
Jefferson	1.28	0.45	Taylor	0.26	0.30
Juneau	0.13	0.00	Winnebago	2.81	<u>2.25</u>
Kenosha	3.08	3.00			
La Crosse	2.57	0.70	Total		24.80
Langlade	0.37	0.10			

*2.5 positions in 2001-02 and 2.6 positions in 2002-03.

**1.4 positions in 2001-02, of which 0.9 position starts in January, 2002.

***3.0 positions in 2001-02 and 3.5 positions in 2002-03.

17. If additional positions were provided based on 110% of caseload, this would require 21.4 GPR positions and \$800,200 GPR in 2001-02 and 21.9 GPR positions and \$1,106,100 GPR in 2002-03.

<u>County</u>	<u>FTE Need Based on 110%</u>	<u>Additional Positions At 110% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 110%</u>	<u>Additional Positions At 110% of Caseload</u>
Adams	0.17	0.30	Manitowoc	1.34	1.30
Ashland	0.41	0.40	Marathon	1.74	1.70
Brown	1.90	1.90	Oconto	0.06	0.00
Chippewa	1.29	0.75	Outagamie	3.28	3.00
Columbia	1.20	1.20*	Ozaukee	0.62	0.60
Dane	5.69	3.50**	Polk	0.28	0.30
Grant	0.13	0.00	Rock	1.70	0.25
Jefferson	1.00	0.45	Sauk	0.83	0.50
Juneau	0.04	0.00	Taylor	0.20	0.30
Kenosha	2.39	2.40	Winnebago	2.27	<u>2.25</u>
La Crosse	2.12	0.70			
Langlade	0.28	0.10	Total		21.90

*1.2 positions in 2001-02, of which 0.7 position starts in January, 2002.

**3.0 positions in 2001-02 and 3.5 positions in 2002-03.

18. If additional positions were provided based on 115% of caseload, this would require 17.95 GPR positions and \$672,300 GPR in 2001-02 and 18.45 GPR positions and \$931,800 GPR in 2002-03.

<u>County</u>	<u>FTE Need Based on 115%</u>	<u>Additional Positions At 115% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 115%</u>	<u>Additional Positions At 115% of Caseload</u>
Adams	0.11	0.00	Manitowoc	1.08	1.10
Ashland	0.33	0.30	Marathon	1.34	1.30
Brown	1.29	1.30	Outagamie	2.81	2.80
Chippewa	1.11	0.75	Ozaukee	0.47	0.50
Columbia	0.99	1.00*	Polk	0.19	0.30
Dane	4.27	3.50**	Rock	1.00	0.25
Grant	0.04	0.00	Sauk	0.60	0.50
Jefferson	0.75	0.45	Taylor	0.15	0.00
Kenosha	1.77	1.80	Winnebago	1.78	<u>1.80</u>
La Crosse	1.71	0.70			
Langlade	0.21	0.10	Total		18.45

*1.0 position in 2001-02, of which 0.5 position starts in January, 2002.

**3.0 positions in 2001-02 and 3.5 positions in 2002-03.

19. If additional positions were provided based on 120% of caseload, this would require \$546,300 GPR in 2001-02 and \$734,800 GPR in 2002-03 and 14.55 GPR positions annually.

<u>County</u>	<u>FTE Need Based on 120%</u>	<u>Additional Positions At 120% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 120%</u>	<u>Additional Positions At 120% of Caseload</u>
Adams	0.05	0.00	Manitowoc	0.85	0.90
Ashland	0.25	0.30	Marathon	0.97	1.00
Brown	0.74	0.70	Outagamie	2.38	2.40
Chippewa	0.93	0.75	Ozaukee	0.32	0.30
Columbia	0.81	0.80*	Polk	0.09	0.00
Dane	2.97	3.00	Rock	0.37	0.25
Jefferson	0.52	0.45	Sauk	0.38	0.40
Kenosha	1.19	1.20	Taylor	0.10	0.00
La Crosse	1.34	0.70	Winnebago	1.33	<u>1.30</u>
Langlade	0.13	0.10			
			Total		14.55

*0.8 position in 2001-02, of which 0.3 position starts in January, 2002.

20. If additional positions were provided based on 125% of caseload, this would require \$386,200 GPR in 2001-02 and \$517,700 GPR in 2002-03 and 10.25 GPR positions annually.

<u>County</u>	<u>FTE Need Based on 125%</u>	<u>Additional Positions At 125% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 125%</u>	<u>Additional Positions At 125% of Caseload</u>
Ashland	0.18	0.30	Manitowoc	0.64	0.60
Brown	0.23	0.30	Marathon	0.63	0.60
Chippewa	0.78	0.75	Outagamie	1.99	2.00
Columbia	0.63	0.60*	Ozaukee	0.19	0.30
Dane	1.77	1.80	Polk	0.01	0.00
Jefferson	0.31	0.30	Sauk	0.19	0.30
Kenosha	0.67	0.70	Taylor	0.06	0.00
La Crosse	0.99	0.70	Winnebago	0.92	<u>0.90</u>
Langlade	0.07	0.10			
			Total		10.25

*0.6 position in 2001-02, of which 0.1 position starts in January, 2002.

21. If additional positions were provided based on 130% of caseload, this would require 5.6 GPR positions annually at a cost of \$211,700 GPR in 2001-02 and \$282,800 GPR in 2002-03.

<u>County</u>	<u>FTE Need Based on 130%</u>	<u>Additional Positions At 130% of Caseload</u>	<u>County</u>	<u>FTE Need Based on 130%</u>	<u>Additional Positions At 130% of Caseload</u>
Ashland	0.12	0.00	Manitowoc	0.44	0.40
Chippewa	0.63	0.60	Marathon	0.32	0.30
Columbia	0.48	0.50	Outagamie	1.62	1.60
Dane	0.66	0.70	Ozaukee	0.07	0.00
Jefferson	0.11	0.00	Sauk	0.01	0.00
Kenosha	0.18	0.30	Taylor	0.02	0.00
La Crosse	0.67	0.70	Winnebago	0.54	<u>0.50</u>
Langlade	0.01	0.00			
			Total		5.60

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 1997-99 caseload data) are rounded down to the nearest 0.5 position, a total of 7.0 ADA positions could be deleted.

23. 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; (c) the recipient county requested additional resources for

2001-03; and (d) the position transfer is approved through passive review by the Joint Committee on Finance.

24. It should be noted that the uniform crime reports published by the Office of Justice Assistance indicate a reduction in the number of violent crimes in Wisconsin (including murder, forcible rape, robbery, and aggravated assault) from 1997 to 1998 (the last year for which data is available). Overall, violent crime decreased by 6.7% from 1997 to 1998 (from a total of 13,992 offenses in 1997 to 13,060 in 1998).

ALTERNATIVES TO BASE

A. Additional Prosecutor Positions

1. Provide \$1,010,000 and 26.6 positions in 2001-02 and \$1,437,600 and 28.1 positions in 2002-03 as recommended by the WDAA. Under this alternative, the following counties would receive positions: Adams (0.3), Ashland (0.5), Brown (3.5), Chippewa (0.75), Columbia (1.5), Dane (3.5), Florence (0.2), Grant (0.5), Green (0.1), Jefferson (0.45), Juneau (0.50), Kenosha (3.0), La Crosse (0.7), Langlade (0.1), Manitowoc (1.5), Marathon (2.5), Oconto (0.5), Outagamie (3.0), Ozaukee (1.0), Pepin (0.2), Polk (0.5), Rock (0.25), Sauk (0.5), Taylor (0.3), and Winnebago (2.25). All positions would be provided annually, with the exception of Brown and Dane Counties, which would each receive 3.0 positions in 2001-02 and 3.5 positions in 2002-03, and Juneau County, which would receive 0.5 position in 2002-03. For Florence and Pepin counties, this would increase the position authority for the part-time district attorneys in these counties by 0.2 FTE each, from 0.5 FTE to 0.7 FTE in Florence County and from 0.6 FTE to 0.8 FTE in Pepin County.

Alternative A1	GPR
2001-03 FUNDING (Change to Base)	\$2,447,600
<i>[Change to Bill]</i>	<i>\$2,447,600]</i>
2002-03 POSITIONS (Change to Base)	28.10
<i>[Change to Bill]</i>	<i>28.10]</i>

2. Provide \$903,500 and 24.2 positions in 2001-02 and \$1,252,600 and 24.8 positions in 2002-03. Under this alternative, the following counties would receive ADA positions: Adams (0.3), Ashland (0.5), Brown (2.6), Chippewa (0.75), Columbia (1.4), Dane (3.5), Grant (0.3), Jefferson (0.45), Kenosha (3.0), La Crosse (0.7), Langlade (0.1), Manitowoc (1.5), Marathon (2.2), Outagamie (3.0), Ozaukee (0.8), Polk (0.4), Rock (0.25), Sauk (0.5), Taylor (0.3), and Winnebago (2.25). All positions would be provided annually, with the exception of Brown County, which would receive 2.5 positions in 2001-02 and 2.6 positions in 2002-03, and Dane County, which would receive 3.0 positions in 2001-02 and 3.5 positions in 2002-03. For those counties requesting positions approved by the WDAA, this alternative provides positions for those counties at or above 105% of caseload.

Alternative A2	GPR
2001-03 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$2,156,100 \$2,156,100
2002-03 POSITIONS (Change to Base) <i>[Change to Bill]</i>	24.80 24.80

3. Provide \$800,200 and 21.4 positions in 2001-02 and \$1,106,100 and 21.9 positions in 2002-03. Under this alternative, the following counties would receive positions: Adams (0.3), Ashland (0.4), Brown (1.9), Chippewa (0.75), Columbia (1.2), Dane (3.5), Jefferson (0.45), Kenosha (2.4), La Crosse (0.7), Langlade (0.1), Manitowoc (1.3), Marathon (1.7), Outagamie (3.0), Ozaukee (0.6), Polk (0.3), Rock (0.25), Sauk (0.5), Taylor (0.3), and Winnebago (2.25). All positions would be provided annually, with the exception of Dane County, which would receive 3.0 positions in 2001-02 and 3.5 positions in 2002-03. For those counties requesting positions approved by the WDAA, this alternative provides positions for those counties at or above 110% of caseload.

Alternative A3	GPR
2001-03 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$1,906,300 \$1,906,300
2002-03 POSITIONS (Change to Base) <i>[Change to Bill]</i>	21.90 21.90

4. Provide \$672,300 and 17.95 positions in 2001-02 and \$931,800 and 18.45 positions in 2002-03. Under this alternative, the following counties would receive positions: Ashland (0.3), Brown (1.3), Chippewa (0.75), Columbia (1.0), Dane (3.5), Jefferson (0.45), Kenosha (1.8), La Crosse (0.7), Langlade (0.1), Manitowoc (1.1), Marathon (1.3), Outagamie (2.8), Ozaukee (0.5), Polk (0.3), Rock (0.25), Sauk (0.5), and Winnebago (1.8). All positions would be provided annually, with the exception of Dane County, which would receive 3.0 positions in 2001-02 and 3.5 positions in 2002-03. For those counties requesting positions approved by the WDAA, this alternative provides positions for those counties at or above 115% of caseload.

Alternative A4	GPR
2001-03 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$1,604,100 \$1,604,100
2002-03 POSITIONS (Change to Base) <i>[Change to Bill]</i>	18.45 18.45

5. Provide \$546,300 in 2001-02 and \$734,800 in 2002-03 and 14.55 positions annually. Under this alternative, the following counties would receive positions: Ashland (0.3), Brown (0.7), Chippewa (0.75), Columbia (0.8), Dane (3.0), Jefferson (0.45), Kenosha (1.2), La Crosse (0.7), Langlade (0.1), Manitowoc (0.9), Marathon (1.0), Outagamie (2.4), Ozaukee (0.3),

Rock (0.25), Sauk (0.4), and Winnebago (1.3). For those counties requesting positions approved by the WDAA, this alternative provides positions for those counties at or above 120% of caseload.

Alternative A5	GPR
2001-03 FUNDING (Change to Base)	\$1,281,100
<i>[Change to Bill]</i>	<i>\$1,281,100]</i>
2002-03 POSITIONS (Change to Base)	14.55
<i>[Change to Bill]</i>	<i>14.55]</i>

6. Provide \$386,200 in 2001-02 and \$517,700 in 2002-03 and 10.25 positions annually. Under this alternative, the following counties would receive positions: Ashland (0.3), Brown (0.3), Chippewa (0.75), Columbia (0.6), Dane (1.8), Jefferson (0.3), Kenosha (0.7), La Crosse (0.7), Langlade (0.1), Manitowoc (0.6), Marathon (0.6), Outagamie (2.0), Ozaukee (0.3), Sauk (0.3), and Winnebago (0.9). For those counties requesting positions approved by the WDAA, this alternative provides positions for those counties at or above 125% of caseload.

Alternative A6	GPR
2001-03 FUNDING (Change to Base)	\$903,900
<i>[Change to Bill]</i>	<i>\$903,900]</i>
2002-03 POSITIONS (Change to Base)	10.25
<i>[Change to Bill]</i>	<i>10.25]</i>

7. Provide \$211,700 in 2001-02 and \$282,800 in 2002-03 and 5.6 positions annually. Under this alternative, the following counties would receive positions: Chippewa (0.6), Columbia (0.5), Dane (0.7), Kenosha (0.3), La Crosse (0.7), Manitowoc (0.4), Marathon (0.3), Outagamie (1.6), and Winnebago (0.5). For those counties requesting positions approved by the WDAA, this alternative provides positions for those counties at or above 130% of caseload.

Alternative A7	GPR
2001-03 FUNDING (Change to Base)	\$494,500
<i>[Change to Bill]</i>	<i>\$494,500]</i>
2002-03 POSITIONS (Change to Base)	5.60
<i>[Change to Bill]</i>	<i>5.60]</i>

8. Maintain current law.

B. Redistribution of Assistant District Attorney Positions

1. Delete \$264,600 in 2001-02 and \$353,500 in 2002-03 and 7.0 ADA positions, effective October 1, 2001, to delete ADA positions, rounded down to the nearest 0.5 position, for counties which show a negative need for ADA positions using 1997-99 averaged caseload data. Under this alternative, the following counties would lose positions: Pierce (-1.5), Richland (-0.5), St. Croix (-2.0), Vernon (-1.0), Vilas (-0.5) and Waukesha (-1.5).

Alternative B1	GPR
2001-03 FUNDING (Change to Base)	- \$618,100
<i>[Change to Bill]</i>	<i>- \$618,100]</i>
2002-03 POSITIONS (Change to Base)	- 7.00
<i>[Change to Bill]</i>	<i>- 7.00]</i>

2. 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; (c) the recipient county requested additional resources for 2001-03; and (d) the position transfer is approved through passive review by the Joint Committee on Finance.

3. Maintain current law.

Prepared by: Paul Onsager
Attachment

ATTACHMENT

Prosecutor Weighted Caseload Using 1997-99 Average Cases Filed

<u>County</u>	<u>Authorized Positions*</u>	<u>Additional Positions Needed at 100%</u>	<u>Current Prosecutor Workload</u>	<u>County</u>	<u>Authorized Positions*</u>	<u>Additional Positions Needed at 100%</u>	<u>Current Prosecutor Workload</u>
Outagamie**	7.50	4.36	158%	Dodge	4.00	0.58	115%
Chippewa	3.00	1.72	157	Oconto	1.50	0.22	114
Columbia	3.50	1.67	148	Clark	2.00	0.27	113
Manitowoc	4.50	1.92	143	Juneau	2.00	0.24	112
La Crosse	7.30	3.07	142	Price	1.00	0.09	109
Ashland	1.50	0.60	140	Bayfield	1.00	0.09	109
Eau Claire	8.00	3.04	138	Racine	19.00	1.63	109
Sheboygan	7.50	2.84	138	Trempealeau	1.60	0.12	108
Winnebago**	9.00	3.40	138	Marinette	2.50	0.18	107
Marathon	7.50	2.66	136	Green	2.00	0.11	106
Burnett***	1.25	0.44	135	Door	2.00	0.08	104
Dane	27.00	8.96	133	Waushara	1.50	0.03	102
Jefferson	4.80	1.58	133	Walworth	5.00	0.05	101
Ozaukee	3.00	0.99	133	Milwaukee	113.50	0.36	100
Taylor	1.00	0.32	132	Waupaca	4.00	-0.12	97
Kenosha	12.00	3.83	132	Portage	4.00	-0.13	97
Langlade	1.50	0.46	131	Barron	3.00	-0.20	93
Lincoln	2.00	0.61	130	Green Lake	1.50	-0.10	93
Sauk	4.50	1.36	130	Pepin	0.60	-0.04	93
Forest	1.00	0.29	129	Calumet	2.00	-0.17	91
Monroe	3.00	0.84	128	Dunn	3.50	-0.31	91
Brown	12.00	3.29	127	Waukesha	18.50	-1.65	91
Oneida	2.50	0.67	127	Florence	0.50	-0.06	89
Polk	2.00	0.51	126	Crawford	1.00	-0.14	86
Shawano/Menominee	3.00	0.76	125	Rusk	1.50	-0.22	85
Adams	1.20	0.30	125	Iowa	1.75	-0.32	81
Sawyer	2.00	0.50	125	Buffalo	1.00	-0.19	81
Fond du Lac**	5.25	1.22	123	Jackson	2.00	-0.39	80
Rock	14.25	3.29	123	Iron	1.00	-0.22	78
Washington	5.00	1.14	123	Kewaunee	1.50	-0.35	77
Wood	4.00	0.74	119	Lafayette	1.00	-0.30	70
Grant	2.00	0.34	117	Richland	1.80	-0.58	68
Douglas	3.50	0.56	116	Vilas	2.00	-0.64	68
Marquette	1.20	0.19	116	Saint Croix	6.00	-2.23	63
Washburn***	1.25	0.19	116	Pierce	3.00	-1.51	50
				Vernon	<u>2.40</u>	<u>-1.23</u>	<u>49</u>
				Total	401.65	51.61	113%

*Reflects the adjusted base, minus 10.5 PR project positions deleted under the bill in 2002-03.

**Reflects that the workload of the drug prosecutor assigned in Outagamie County is divided as follows: 50% in Outagamie County; 25% in Fond du Lac County; and 25% in Winnebago County.

***Reflects that the workload of the 0.5 GPR prosecutor assigned in Washburn County is divided as follows: 50% in Washburn County and 50% in Burnett County.