



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873  
Email: [fiscal.bureau@legis.wisconsin.gov](mailto:fiscal.bureau@legis.wisconsin.gov) • Website: <http://legis.wisconsin.gov/lfb>

---

May, 2019

Joint Committee on Finance

Paper #271

### **Additional Assistant District Attorney Positions (District Attorneys)**

[LFB 2019-21 Budget Summary: Page 111, #3]

---

#### **CURRENT LAW**

Prior to January 1, 1990, District Attorneys (DAs), assistant district attorneys (ADAs), and deputy district attorneys (DDAs) were county employees. Under 1989 Act 31, prosecutors became state employees on January 1, 1990. As a result, the state currently supports the costs of prosecutors' salaries and fringe benefits. These costs are primarily supported by the District Attorneys' salaries and fringe benefits annual GPR appropriation [s. 20.475(1)(d)]. Other costs associated with the operations of the District Attorney offices (such as support personnel and office supplies) are supported directly by the county.

On the date of transition to state service, 332.05 prosecution positions became state employees. As of March, 2019, 431.46 prosecutor positions were authorized, including 384.46 funded from general purpose revenue and 47.0 funded from program revenue. Of the 431.46 prosecutors statewide, 69.8 are elected DAs, 25 are Deputy DAs, and the remaining 336.66 are ADAs. Salary and fringe benefit funding for DAs, ADAs, and deputy DAs in 2018-19 is \$46,317,800 GPR and \$2,739,100 PR.

#### **GOVERNOR**

Provide \$2,498,400 GPR in 2019-20, \$2,986,400 GPR in 2020-21, and 34.0 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. In addition, modify funding by -\$608,200 PR in 2019-20, and -\$632,500 PR in 2020-21 and -7.50 PR positions annually. Funding assumes new positions would start on October 1, 2019. [Note that the GPR funding for new positions includes funding for pay progression in 2020-21.] Funding and positions would be provided as follows:

*New State Prosecutor Positions.* Provide \$1,069,500 GPR in 2019-20, \$1,466,900 GPR in 2020-21, and 19.6 GPR-funded positions annually, to provide an additional ADA with an anticipated start date of October 1, 2019 to the following 20 offices: Barron, Bayfield (0.6), Brown, Dunn, Eau Claire, Forest, Jackson, La Crosse, Langlade, Lincoln, Manitowoc, Monroe, Outagamie, Ozaukee, Polk, Portage, Racine, Sawyer, Washington, and Wood.

*Convert PR-Funded ADA Positions.* Provide \$608,200 GPR, and -\$608,200 PR in 2019-20, and \$632,500 GPR and -\$632,500 PR in 2020-21, and 7.5 GPR positions and -7.5 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue. The 7.5 GPR positions would include 1.0 ADA position in Fond du Lac County, 2.5 ADA positions in Marathon County, and 4.0 ADA positions in Milwaukee County. The administration indicates that funding currently supporting the positions is not available for the 2019-21 biennium.

*Increase Existing Part-Time ADA Positions.* Provide \$820,700 GPR in 2019-20, \$887,000 GPR in 2020-21, and 6.9 GPR positions annually, to increase part-time prosecutor positions in the following 14 counties: Adams (0.80), Buffalo (0.20), Burnett (0.75), Columbia (0.25), Douglas (0.50), Green Lake (0.50) Iowa (0.25), Juneau (0.50), Marinette (0.40), Pierce (0.50), Rusk (0.50), Sheboygan (0.50), Washburn (0.75), and Waupaca (0.50). Note that Buffalo has a 0.5 elected DA and a 0.5 ADA. The recommended 0.2 position in Buffalo County would be used to increase two 0.5 positions to 0.6 positions. Note that one 0.5 ADA splits time between Burnett and Washburn Counties. Under the bill, both Burnett and Washburn Counties would have a full-time ADA.

## **DISCUSSION POINTS**

1. In addition to GPR, local and federal grants are utilized to support program revenue positions in certain prosecutorial units. Prosecutorial units typically receive these grants directly, and utilize the funding to reimburse the state for the costs of the prosecutors' salaries and fringe benefits. [Each county is its own prosecutorial unit, except Shawano and Menominee Counties which form one prosecutorial unit.] The state receives these reimbursement payments in the District Attorneys' gifts and grants annual PR appropriation.

2. Attachment 1 identifies the prosecutor positions (including DAs, ADAs, and DDAs) authorized for each District Attorney office, as of August, 2018, (the date of the last workload analysis) by fund source. As indicated, the District Attorney function was authorized 425.45 prosecutor positions, comprised of 385.45 GPR prosecutors and 40.0 PR prosecutors. In reviewing the attachment, note that the number of PR-funded prosecutor positions changes throughout the year as position authority for certain grant-funded project positions expires and position authority for new grant-funded positions is authorized by the Joint Committee on Finance under s. 16.505 of the statutes.

3. Of the 40.0 PR prosecutor positions currently authorized for the District Attorney function, 39.0 PR positions are funded from various local and federal grants. The remaining 1.0 PR position (assigned to the Milwaukee County DA office) is supported by state revenue from the crime laboratory and drug law enforcement surcharge and DNA surcharge. While this prosecutor position is assigned to Milwaukee County, the position acts as a statewide DNA evidence prosecutor position. In addition, the 1.0 ADA sex predator prosecutor position in Brown serves approximately 20 other

DA offices.

4. Of the 39.0 PR positions funded from various local and federal grants, 5.0 PR positions are supported by grants from the corresponding county. These 5.0 PR positions are identified below in Table 1. Note that the grant-funded positions identified in the table are those positions for which a grant is provided directly from a county agency. Additional grant-funded positions may be supported by federal grants for which the county provides a match requirement or grants from other agencies for which the county provides indirect support. Further, positions supported by grants that only "pass through" the county are not included in Table 1.

**TABLE 1**

**Program Revenue Funded Prosecutor Positions Supported by County Grants**

<u>DA Office</u>	<u>FTE</u>	<u>Grant Funding Source(s)</u>
Dane	1.0	Dane County Narcotics Task Force
Marathon	2.5	Marathon County Board
Sheboygan	0.5	Sheboygan County Board
Waukesha	1.0	Waukesha County Drug Enforcement Grant

5. From the 2005-06 through 2017-18, 9.05 new GPR positions have been added to the District Attorney function under 2005 Act 25, 2007 Act 20, 2013 Act 20, and 2015 Act 59. The counties to which these 9.05 GPR positions were allocated, as well as the legislative action that authorized these positions, are identified in Table 2. None of the new GPR positions provided under these legislative actions resulted in a corresponding decrease in program revenue position authority. Note, however, that it is possible that some of these positions were authorized to replace a grant-funded prosecutor position for which grant funding was eliminated or fully expended.

**TABLE 2****New GPR Prosecutor Positions Authorized, 2005-06 through 2015-16**

<u>DA Office</u>	<u>GPR Prosecutors Authorized</u>	<u>Legislative Action</u>
Ashland	0.25	2013 Act 20
Chippewa	1.25	1.0 position under 2005 Act 25 and 0.25 position under 2013 Act 20
Columbia	0.25	2013 Act 20
Kenosha	2.00	2007 Act 20
Marinette	0.50	0.4 project position and 0.1 position at an April, 2018, 13.10 meeting
Oconto	0.50	2013 Act 20
Polk	1.00	2007 Act 20
Rock	0.50	2007 Act 20
Sauk	0.50	2013 Act 20
St. Croix	1.30	0.5 position under 2007 Act 20 and 0.8 position under 2013 Act 20
Trempealeau*	0.40	2007 Act 20
Vernon*	0.10	2007 Act 20
Waushara	0.50	2013 Act 20
Total	9.05	

\*The 0.4 position provided to the Trempealeau County DA office and the 0.1 position provided to Vernon County DA office were provided to increase the elected District Attorney to full-time status.

6. As noted above, under 1989 Act 31, prosecutors became state employees. Further, according to the State Prosecutors Office (SPO), some counties have also utilized county resources to assist the District Attorney and his or her staff prosecute cases. For example, the SPO indicates that county corporation counsel in certain counties handle some children in need of protection or services (CHIPS) and juveniles in need of protection or services (JIPS) cases. Further, some counties provide payment to public service special prosecutors for further prosecutorial assistance. Public service special prosecutors are attorneys appointed by the District Attorney who are willing to serve as a special prosecutor without state compensation. The extent to which these additional resources are utilized by each county is not tracked on a statewide basis.

7. In addition to county provided resources, the state provides additional resources to prosecutors resources through DOJ. The Department identified the following positions providing direct assistance to DAs : (a) 6.0 general criminal litigation assistance positions; (b) 2.0 traffic safety resource prosecutor positions; (c) 2.0 Milwaukee district attorney gun unit positions; (d) 4.0 drug enforcement resource prosecutor positions assigned to Eau Claire, Wausau, Appleton and Madison; (e) 1.0 sexual assault kit initiative (SAKI) Prosecutor position; (f) 3.0 sex predator prosecutor positions; (g) 3.0 white collar crime positions; (h) 1.0 unemployment and worker's compensation fraud positions; and (i) 1.0 statewide prosecutors education and training coordinator and electronic

evidence resource prosecutor position.

### **Workload Analysis**

8. The Wisconsin District Attorneys Association (WDAA) is an association of elected DAs that meets to discuss various issues that affect DAs. Since DAs do not have an official state governing board, the WDAA acts, de facto, on behalf of elected DAs. The WDAA utilizes a caseload measurement of prosecutorial workload to estimate the need for prosecutors in the 71 DA offices across the state. Changes to the caseload measurement of prosecutorial workload and the methodology employed to make these changes are determined solely by the WDAA. The WDAA caseload measurement of prosecutorial workload is intended to identify the number of prosecutors that could be added to or deleted from DA offices across the state to permit prosecutors, on average, to work 40-hour work weeks.

9. Under the WDAA caseload measurement, a full-time prosecutor begins with 2,080 hours per year available for prosecution (this assumes a 40 hour work week). The caseload measurement then reduces this estimate of available time by seven and a half weeks per year (300 hours) attributable to the number of state holiday hours, personal hours, sick leave, and vacation time per prosecutor. The caseload measurement then reduces the estimate of available time by an additional 15 and a half weeks per year (626 hours) associated with various other responsibilities of prosecutors that do not involve the prosecution of criminal and other cases for which prosecutors receive credit under the WDAA's caseload measurement of prosecutorial workload.

10. The WDAA caseload measurement estimates that, on average, a prosecutor spends: (a) five weeks per year (200 hours) reviewing law enforcement referrals for cases that are not charged and investigative work with law enforcement; (b) more than four weeks per year (169 hours) on general administrative duties, prosecutor training, community service, service on boards and commissions, and providing training for law enforcement; (c) two and a half weeks per year (100 hours) on contested civil ordinance and civil traffic cases; (d) 50 hours per year on criminal appeals; (e) 30 hours per year on search warrants; (f) 25 hours per year on post-conviction hearings; (g) 20 hours per year on John Doe proceedings; (h) 20 hours per year on document subpoenas; and (i) 12 hours per year on wage claims, public record requests, writs, weatherizations, and probation revocations.

11. In total, the WDAA estimates that for approximately 23 working weeks per year (926 hours) a full-time prosecutor's time is reserved for the activities and leave time addressed above. The WDAA estimates that a full-time prosecutor has the remaining 29 working weeks per year (1,162 hours) available to prosecute specific cases for which a prosecutor receives credit under the WDAA caseload measurement of prosecutorial workload, including all criminal cases. Based on recommendations included in the 1995 LAB audit, the WDAA caseload measurement of prosecutorial workload then estimates the number of prosecutorial hours required for different types of cases.

12. Finally, the WDAA caseload measurement of prosecutorial workload multiplies the number of annual cases for each case type by the estimated number of hours required to complete the case type, to determine the annual number of prosecutorial hours for each prosecutorial office and

statewide. This estimate of prosecutorial hours is divided by 1,162 hours (the number of hours available per year per full-time prosecutor for prosecution) to estimate the number of prosecutors needed for each prosecutorial office and statewide. The last workload analysis was completed in August, 2018.

### **New GPR positions**

13. The bill provides 34.0 GPR ADA positions annually and funding to support these positions. Of the 34.0 positions, 19.6 are new GPR ADA positions, 7.5 are ADA positions converted from PR to GPR and 6.9 ADA positions are included to add on to existing part-time positions. Note that the additional 6.9 ADA positions represents the full request for part-time increases under the individual office agency requests. Under the bill these additions and conversions would affect 37 of 71 county DA offices.

14. The Department of Administration indicates that the 19.6 positions are provided to the specified counties whose GPR and PR staffing level was at 60% or less of the staffing suggested by the WDAA workload analysis. These counties who made requests for increased position authority received a either one additional position or the position authority requested by the DA, whichever was lower. The Administration indicates that any requests to increase part-time position authority were included in the bill.

15. Without the increase proposed in the bill, 30 of 71 counties are below 60% of the staffing level suggested by the WDAA workload analysis and nine of 71 counties are below 50%. The lowest staffing level at a DA office is 35% (Adams County) of the staffing level suggested by the workload analysis.

16. The proposed staffing would bring all but nine (including one county that did not request an increase in position authority) of 71 counties to 60% of the suggested staffing level and would bring all at or above 53% of the suggested staffing level.

### **Conversion of PR Positions**

17. In addition, any requests for conversion of permanent PR positions to GPR positions were included in the bill. Specifically, the administration indicates that 7.5 PR positions in three counties were created on a permanent basis funded from what was anticipated to be on-going PR funding. However, federal or county grant funding has declined and, therefore, funding may no longer be available. These counties are identified below.

18. *Milwaukee*. One of four positions for which funding is recommended, an ADA on a drug team for the Milwaukee County speedy trial drug courts, currently is funded by a federal Byrne JAG grant from the Wisconsin Department of Justice to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG). The federal Byrne JAG program grant from DOJ to MMDEG currently provides full PR funding for 4.0 ADAs and 5.0 law enforcement officers. Although federal Byrne JAG funding has declined in recent years, DOJ has made funding of multi-jurisdictional drug enforcement task forces a priority and provided level funding for the state's drug enforcement task forces from 2012 to 2018. Funding for all 4.0 ADAs was maintained over the last biennium because law enforcement

agreed to new larger reductions in their part of the award. According to the Milwaukee DA's office, funding through the award is expected to continue to decline and law enforcement cannot be expected to take additional reductions to maintain the 4.0 ADA prosecutor positions. This means that funding for the one of the four positions may only be available for six to nine months. These four positions are four of nine positions that staff three speedy trial felony drug courts. One other position is funded by a separate grant and the remaining four are funded by GPR. These nine prosecutors are assigned to three, three person teams, which staff one speedy trial drug court. The administration indicates that reducing one team to two instead of three would significantly hinder the team's ability to review and prosecute cases due to the volume of court orders reviewed by the teams, the number of felony drug arrests and law enforcement referrals, and the volume of early intervention referrals. In a three person team two attorneys review referrals while the other conducts preliminary hearings on felony drug cases. Current staffing of the teams does not account for staff vacation time.

19. The bill recommends the conversion of an additional 3.0 PR positions to GPR funding for the violent crimes unit in Milwaukee County. Funding is currently provided by a grant from the North Central High Intensity Drug Trafficking area and office of National Drug Control Policy. The Milwaukee County DA's office has been advised that the three positions will no longer be funded after December 31, 2019. These three positions are half of six ADA positions that provided legal assistance and advice in support of HIDTA initiative in order to help target drug trafficking organizations and violent gangs. The ADAs work with HIDTA officers during investigations including: drafting, reviewing and approving applications for search warrants, subpoenas for records, wiretap orders, and electronic surveillance orders, and prosecute criminal cases in state court. The ADAs help coordinate referrals for federal prosecution when that venue is more appropriate. In addition, HIDTA ADAs work to identify non-violent, low level offenders, whose criminal activity is motivated by substance abuse, in order to redirect them into alternatives to traditional prosecution.

20. *Fond Du Lac.* The Fond Du Lac PR position is currently paid for by the county and funding is not guaranteed from year to year in the county budget. Until June 30, 2012, the position was funding though a federal Violence Against Women Act (VAWA) grant and since that time has been county funded. The request is to convert this county PR funding to a state GPR funded position. The positions prosecutes domestic violence and sexual assault cases. The DA office indicates that "If the position ceased to exist, the cases would have to either be disbursed to every ADA in the office, or another ADA would be assigned this dedicated caseload, and create a shortfall in another area of the office."

21. *Marathon County.* Marathon County DA indicated in the office's agency request that this budget cycle is critical to the DA's Office because of the concern that county funding for 2.5 positions may end due to a budget shortfall in Marathon County. One of the county funded positions had received VAWA funding from 2002 until 2015, when a change in the grant structure meant that the office no longer received VAWA funding. Marathon County funded this prosecutor position. The Office has received county funding for a prosecutor specialized in restorative justice and community conferencing. The Marathon DA's office indicates that this program gives a greater voice to victims by facilitating discussions with the defendant. Defendants who choose to participate may receive charging or penalty reductions. Through these charging or penalty reductions, the program reduces the jail population. The Office indicates that it will not be able to maintain a specialized restorative

justice prosecutor if funding for the position is discontinued. Further, a position that is funded half through the county and half from GPR specializes in traffic and operating while intoxicated (OWI) prosecutions. Marathon County indicates that this position is the attorney for the county's OWI Court as part of a concerted effort to address OWI issues in the county. If the position drops down to the current state funded half-time position, the office indicates that it will have retention and recruitment issues.

### **Funding and Staffing Alternatives**

22. In order to bring staffing levels at county DA to approximately 60% of WDAA suggested staffing levels and convert 7.5 positions from PR to GPR, the Committee could approve the modifications recommended in the bill and provide \$2,498,400 GPR in 2019-20, \$2,986,400 GPR in 2020-21, and 34.0 GPR positions annually, to provide additional prosecutors to District Attorney offices across the state as shown in Attachment 1. In addition, funding would be modified by -\$608,200 PR in 2019-20, and -\$632,500 PR in 2020-21 and -7.50 PR positions annually. [Alternatives A1, B1, B2, and B3] This alternative would provide positions to 37 DA offices which requested additional positions and require the positions to achieve an increased staffing level as indicated by the WDAA workload analysis.

23. The 2018 workload analysis suggested that an additional 166 prosecutors would be necessary to handle the average workload from 2015-2017. If the Committee, however, wished to provide additional ADA positions above that recommended under the bill, but at a more moderate number than identified by the WDAA, positions and funding identified in Attachment 2 would result in staffing levels of at least 70% to counties who requested additional positions. [Alternative A2] This alternative would provide \$2,796,400 GPR in 2019-20, \$3,803,100 GPR in 2020-21, and 51.25 GPR positions annually, to provide additional prosecutors to 45 DA Offices across the state.

24. A coalition of justice organizations including Assistant District Attorneys, have recommended providing 60.85 new ADAs. Assembly Bill 145/Senate Bill 127 reflects the position authority recommended by this agreement. Given that this was an agreement made between multiple state justice agencies, the Committee may wish to provide the additional ADA positions as shown in Attachment 3. [Alternative A3] This alternative would provide \$3,320,200 GPR in 2019-20, \$4,515,900 GPR in 2020-21, and 60.85 GPR positions annually, to provide additional prosecutors to DA Offices across the state.

25. Given that PR funding may not be available for PR funded positions discussed above, the Committee may wish to convert funding for one or multiple counties. [Alternative B1, B2, and/or B3]

26. It should be noted that the DA caseload data is unaudited, and two DA's offices may choose to charge similar situations differently. For example, a situation where a person hits two different individuals but within the same time frame, may be charged as two counts of battery in one case or two separate cases with one count of battery each. Since DA's make their own charging decisions to a certain extent and, therefore, determine their own caseloads, the Committee could decide to take no action. [Alternatives A4 and B4] As a result, caseloads would continue to be addressed utilizing base resources.

**ALTERNATIVES**

**A. GPR Positions**

1. Provide \$1,890,200 GPR in 2019-20, \$2,353,900 GPR in 2020-21, and 26.5 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. New GPR positions would have an anticipated start date of October 1, 2019.

ALT A1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$4,244,100	26.50	\$0	0.00

2. Provide \$2,796,400 GPR in 2019-20, \$3,803,100 GPR in 2020-21, and 51.25 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. New GPR positions would have an anticipated start date of October 1, 2019.

ALT A2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$6,599,600	51.25	\$2,355,500	24.75

3. Provide \$3,320,200 GPR in 2019-20, \$4,515,900 GPR in 2020-21, and 60.85 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. New GPR positions would have an anticipated start date of October 1, 2019.

ALT A3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$7,835,800	60.85	\$3,591,700	34.35

4. Take no action.

ALT A4	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	-\$4,244,100	- 26.50

**B. PR Positions [Choose B1, B2, and/or B3, or B4]**

1. *Milwaukee County*. Provide \$346,500 GPR, and -\$346,500 PR in 2019-20, and \$353,500 GPR and -\$353,500 PR in 2020-21, and 4.0 GPR positions and -4.0 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue.

ALT B1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$700,000	4.00	\$0	0.00
PR	<u>- 700,000</u>	<u>- 4.00</u>	<u>0</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

2. *Marathon County*. Provide \$180,000 GPR, and -\$180,000 PR in 2019-20, and \$195,700 GPR and -\$195,700 PR in 2020-21, and 2.5 GPR positions and -2.5 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue.

ALT B2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$375,700	2.50	\$0	0.00
PR	<u>- 375,700</u>	<u>- 2.50</u>	<u>0</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

3. *Fond du Lac County*. Provide \$81,700 GPR, and -\$81,700 PR in 2019-20, and \$83,300 GPR and -\$83,300 PR in 2020-21, and 1.0 GPR positions and -1.0 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue.

ALT B3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$165,000	1.00	\$0	0.00
PR	<u>- 165,000</u>	<u>- 1.00</u>	<u>0</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

4. Take no action.

ALT B4	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	-\$1,240,700	- 7.50
PR	<u>0</u>	<u>0.00</u>	<u>1,240,700</u>	<u>7.50</u>
Total	\$0	0.00	\$0	0.00

Prepared by: Sarah Wynn  
Attachments

## ATTACHMENT 1

### Alternatives A1, B1, B2, and B3: Prosecutor Positions Authorized, By Prosecutorial Unit and Fund Source, as of August, 2018 and Recommendations in the Budget Bill

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecuor Positions Authorized	Staffing Rate	Budget Bill			New Prosecuor Positions Authorized	Staffing Rate
					New FTE	Increased Part-Time	Converted PR to GPR		
Adams	1.20	0.00	1.20	35%	0.00	0.80	0.00	2.00	58%
Ashland	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Barron	3.00	0.00	3.00	51	1.00	0.00	0.00	4.00	68
Bayfield	1.00	0.00	1.00	53	0.60	0.00	0.00	1.60	85
Brown <sup>1</sup>	12.00	1.00	13.00	54	1.00	0.00	0.00	14.00	58
Buffalo <sup>2</sup>	1.00	0.00	1.00	54	0.00	0.20	0.00	1.20	65
Burnett <sup>3</sup>	1.25	0.00	1.25	36	0.00	0.75	0.00	2.00	58
Calumet	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Chippewa	5.00	0.00	5.00	67	0.00	0.00	0.00	5.00	67
Clark	2.00	0.00	2.00	90	0.00	0.00	0.00	2.00	90
Columbia	4.75	0.00	4.75	56	0.00	0.25	0.00	5.00	59
Crawford	1.00	0.00	1.00	98	0.00	0.00	0.00	1.00	98
Dane	26.85	2.00	28.85	85	0.00	0.00	0.00	28.85	85
Dodge	4.00	0.00	4.00	65	0.00	0.00	0.00	4.00	65
Door	2.00	0.00	2.00	93	0.00	0.00	0.00	2.00	93
Douglas	3.50	0.00	3.50	48	0.00	0.50	0.00	4.00	55
Dunn	3.00	0.00	3.00	49	1.00	0.00	0.00	4.00	65
Eau Claire	8.00	1.00	9.00	56	1.00	0.00	0.00	10.00	62
Florence	0.50	0.00	0.50	128	0.00	0.00	0.00	0.50	128
Fond du Lac	5.00	2.00	7.00	61	0.00	0.00	1.00	7.00	61
Forest	1.00	0.00	1.00	48	1.00	0.00	0.00	2.00	97
Grant <sup>4</sup>	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Green	2.00	0.00	2.00	71	0.00	0.00	0.00	2.00	71
Green Lake	1.50	0.00	1.50	58	0.00	0.50	0.00	2.00	78
Iowa	1.75	0.00	1.75	52	0.00	0.25	0.00	2.00	60
Iron	1.00	0.00	1.00	135	0.00	0.00	0.00	1.00	135
Jackson	2.00	0.00	2.00	56	1.00	0.00	0.00	3.00	84
Jefferson	5.30	0.00	5.30	69	0.00	0.00	0.00	5.30	69
Juneau	2.50	0.00	2.50	75	0.00	0.50	0.00	3.00	90
Kenosha	15.00	1.00	16.00	70	0.00	0.00	0.00	16.00	70
Kewaunee	1.50	0.00	1.50	120	0.00	0.00	0.00	1.50	120
La Crosse	8.00	0.00	8.00	58	1.00	0.00	0.00	9.00	65
Lafayette	1.00	0.00	1.00	73	0.00	0.00	0.00	1.00	73
Langlade	1.50	0.00	1.50	41	1.00	0.00	0.00	2.50	68
Lincoln	2.00	0.00	2.00	55	1.00	0.00	0.00	3.00	83
Manitowoc	5.00	0.00	5.00	51	1.00	0.00	0.00	6.00	62
Marathon	8.50	2.50	11.00	62	0.00	0.00	2.50	11.00	62
Marinette	3.00	0.00	3.00	100	0.00	0.40	0.00	3.40	113
Marquette	1.00	0.00	1.00	68	0.00	0.00	0.00	1.00	68
Milwaukee <sup>5</sup>	87.00	27.50	114.50	119	0.00	0.00	4.00	114.50	119

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecutor Positions Authorized	Staffing Rate	Budget Bill			New Prosecutor Positions Authorized	Staffing Rate
					New FTE	Increased Part-Time	Converted PR to GPR		
Monroe	3.00	0.00	3.00	41%	1.00	0.00	0.00	4.00	55%
Oconto	2.00	0.00	2.00	77	0.00	0.00	0.00	2.00	77
Oneida <sup>4</sup>	2.50	0.00	2.50	56	0.00	0.00	0.00	2.50	56
Outagamie	9.00	0.00	9.00	53	1.00	0.00	0.00	10.00	58
Ozaukee	3.00	0.00	3.00	51	1.00	0.00	0.00	4.00	68
Pepin	0.80	0.00	0.80	127	0.00	0.00	0.00	0.80	127
Pierce	2.50	0.00	2.50	58	0.00	0.50	0.00	3.00	70
Polk	3.00	0.00	3.00	59	1.00	0.00	0.00	4.00	79
Portage	4.00	0.00	4.00	59	1.00	0.00	0.00	5.00	74
Price	1.00	0.00	1.00	88	0.00	0.00	0.00	1.00	88
Racine	18.00	0.00	18.00	57	1.00	0.00	0.00	19.00	60
Richland	1.80	0.00	1.80	97	0.00	0.00	0.00	1.80	97
Rock	14.00	0.00	14.00	86	0.00	0.00	0.00	14.00	86
Rusk	1.50	0.00	1.50	65	0.00	0.50	0.00	2.00	86
Saint Croix	6.00	0.00	6.00	70	0.00	0.00	0.00	6.00	70
Sauk	5.00	1.00	6.00	90	0.00	0.00	0.00	6.00	90
Sawyer	2.00	0.00	2.00	46	1.00	0.00	0.00	3.00	69
Shawano/ Menominee	3.00	0.00	3.00	62	0.00	0.00	0.00	3.00	62
Sheboygan	7.50	0.00	7.50	62	0.00	0.50	0.00	8.00	67
Taylor	1.00	0.00	1.00	65	0.00	0.00	0.00	1.00	65
Trempealeau	2.00	0.00	2.00	87	0.00	0.00	0.00	2.00	87
Vernon	2.00	0.00	2.00	96	0.00	0.00	0.00	2.00	96
Vilas	2.00	0.00	2.00	70	0.00	0.00	0.00	2.00	70
Walworth	5.00	0.00	5.00	64	0.00	0.00	0.00	5.00	64
Washburn <sup>3</sup>	1.25	0.00	1.25	54	0.00	0.75	0.00	2.00	86
Washington	5.00	0.00	5.00	57	1.00	0.00	0.00	6.00	68
Waukesha	14.50	2.00	16.50	65	0.00	0.00	0.00	16.50	65
Waupaca	3.50	0.00	3.50	64	0.00	0.50	0.00	4.00	73
Waushara	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Winnebago	10.00	0.00	10.00	64	0.00	0.00	0.00	10.00	64
Wood	<u>4.00</u>	<u>0.00</u>	<u>4.00</u>	43	<u>1.00</u>	<u>0.00</u>	<u>0.00</u>	<u>5.00</u>	53
TOTALS	383.45	40.00	423.45		19.60	6.90	7.50	449.95	

<sup>1</sup> In Brown the total positions used is 13.00 rather than 14.00 because the 1.0 ADA sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.

<sup>2</sup> In Buffalo the increase of 0.2 positions would be used to bring both part-time positions up to 0.6 positions which are then eligible for benefits.

<sup>3</sup> The 0.5 GPR position in Washburn (0.25 position) that also serves Burnett (0.25 position) is divided by the position shown in parentheses.

<sup>4</sup> DA did not request additional position authority.

<sup>5</sup> In Milwaukee, the total positions used is 114.5 rather than higher due to the following factor: (a) the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data; and (b) various PR positions had no federal funding and were vacant.

## ATTACHMENT 2

### Alternative A2: Prosecutor Positions Authorized, By Prosecutorial Unit and Fund Source, as of August, 2018

<u>Prosecutorial Unit</u>	<u>GPR-Funded Prosecutors</u>	<u>PR-Funded Prosecutors</u>	<u>Total Prosecutor Positions Authorized</u>	<u>Staffing Rate</u>	<u>New FTE</u>	<u>New Total Prosecutor Positions Authorized</u>	<u>New Staffing Rate</u>
Adams	1.20	0.00	1.20	35%	1.40	2.60	75%
Ashland	2.00	0.00	2.00	61	0.60	2.60	79
Barron	3.00	0.00	3.00	51	1.00	4.00	68
Bayfield	1.00	0.00	1.00	53	0.60	1.60	85
Brown <sup>1</sup>	12.00	1.00	13.00	54	4.00	17.00	70
Buffalo	1.00	0.00	1.00	54	0.60	1.60	86
Burnett <sup>2</sup>	1.25	0.00	1.25	36	1.35	2.60	76
Calumet	2.00	0.00	2.00	61	0.60	2.60	79
Chippewa	5.00	0.00	5.00	67	0.60	5.60	76
Clark	2.00	0.00	2.00	90	0.00	2.00	90
Columbia	4.75	0.00	4.75	56	1.20	5.95	70
Crawford	1.00	0.00	1.00	98	0.00	1.00	98
Dane	26.85	2.00	28.85	85	0.00	28.85	85
Dodge	4.00	0.00	4.00	65	0.60	4.60	75
Door	2.00	0.00	2.00	93	0.00	2.00	93
Douglas	3.50	0.00	3.50	48	1.50	5.00	69
Dunn	3.00	0.00	3.00	49	1.60	4.60	75
Eau Claire	8.00	1.00	9.00	56	2.60	11.60	72
Florence	0.50	0.00	0.50	128	0.00	0.50	128
Fond du Lac	5.00	2.00	7.00	61	1.00	8.00	69
Forest	1.00	0.00	1.00	48	0.60	1.60	77
Grant <sup>3</sup>	2.00	0.00	2.00	61	0.00	2.00	61
Green	2.00	0.00	2.00	71	0.00	2.00	71
Green Lake	1.50	0.00	1.50	58	0.70	2.20	85
Iowa	1.75	0.00	1.75	52	0.85	2.60	78
Iron	1.00	0.00	1.00	135	0.00	1.00	135
Jackson	2.00	0.00	2.00	56	0.60	2.60	73
Jefferson	5.30	0.00	5.30	69	0.30	5.60	73
Juneau	2.50	0.00	2.50	75	0.00	2.50	75
Kenosha	15.00	1.00	16.00	70	0.00	16.00	70
Kewaunee	1.50	0.00	1.50	120	0.00	1.50	120
La Crosse	8.00	0.00	8.00	58	1.60	9.60	70
Lafayette	1.00	0.00	1.00	73	0.00	1.00	73
Langlade	1.50	0.00	1.50	41	1.10	2.60	71
Lincoln	2.00	0.00	2.00	55	0.60	2.60	72
Manitowoc	5.00	0.00	5.00	51	1.80	6.80	70
Marathon	8.50	2.50	11.00	62	1.60	12.60	71
Marinette	3.00	0.00	3.00	100	0.00	3.00	100
Marquette	1.00	0.00	1.00	68	0.00	1.00	68
Milwaukee <sup>4</sup>	87.00	27.50	114.50	119	0.00	114.50	119

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecutor Positions Authorized	Staffing Rate	New FTE	New Total Prosecutor Positions Authorized	New Staffing Rate
Monroe	3.00	0.00	3.00	41%	2.00	5.00	69%
Oconto	2.00	0.00	2.00	77	0.00	2.00	77
Oneida <sup>3</sup>	2.50	0.00	2.50	56	0.00	2.50	56
Outagamie	9.00	0.00	9.00	53	3.00	12.00	70
Ozaukee	3.00	0.00	3.00	51	1.00	4.00	68
Pepin	0.80	0.00	0.80	127	0.00	0.80	127
Pierce	2.50	0.00	2.50	58	0.50	3.00	70
Polk	3.00	0.00	3.00	59	0.60	3.60	71
Portage	4.00	0.00	4.00	59	0.80	4.80	71
Price	1.00	0.00	1.00	88	0.00	1.00	88
Racine	18.00	0.00	18.00	57	4.00	22.00	70
Richland	1.80	0.00	1.80	97	0.00	1.80	97
Rock	14.00	0.00	14.00	86	0.00	14.00	86
Rusk	1.50	0.00	1.50	65	0.10	1.60	69
Saint Croix	6.00	0.00	6.00	70	0.00	6.00	70
Sauk	5.00	1.00	6.00	90	0.00	6.00	90
Sawyer	2.00	0.00	2.00	46	1.00	3.00	69
Shawano/ Menominee	3.00	0.00	3.00	62	0.60	3.60	75
Sheboygan	7.50	0.00	7.50	62	0.70	8.20	68
Taylor	1.00	0.00	1.00	65	0.00	1.00	65
Trempealeau	2.00	0.00	2.00	87	0.00	2.00	87
Vernon	2.00	0.00	2.00	96	0.00	2.00	96
Vilas	2.00	0.00	2.00	70	0.00	2.00	70
Walworth	5.00	0.00	5.00	64	0.60	5.60	71
Washburn <sup>2</sup>	1.25	0.00	1.25	54	0.35	1.60	69
Washington	5.00	0.00	5.00	57	1.00	6.00	68
Waukesha	14.50	2.00	16.50	65	1.10	17.60	70
Waupaca	3.50	0.00	3.50	64	0.70	4.20	77
Waushara	2.00	0.00	2.00	61	0.60	2.60	79
Winnebago	10.00	0.00	10.00	64	1.00	11.00	70
Wood	<u>4.00</u>	<u>0.00</u>	<u>4.00</u>	43	<u>2.60</u>	<u>6.60</u>	70
TOTALS	383.45	40.00	423.45		51.25	474.70	

<sup>1</sup> In Brown the total positions used is 13.00 rather than 14.00 because the 1.0 ADA sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.

<sup>2</sup> The 0.5 GPR position in Washburn (0.25 position) that also serves Burnett (0.25 position) is divided by the position shown in parentheses.

<sup>3</sup> DA did not request additional position authority.

<sup>4</sup> In Milwaukee, the total positions used is 114.5 rather than higher due to the following factor: (a) the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data; and (b) various PR positions had no federal funding and were vacant.

### ATTACHMENT 3

#### Alternative A3: Prosecutor Positions Authorized, By Prosecutorial Unit and Fund Source, as of August, 2018

<u>Prosecutorial Unit</u>	<u>GPR-Funded Prosecutors</u>	<u>PR-Funded Prosecutors</u>	<u>Total Prosecutor Positions Authorized</u>	<u>Staffing Rate</u>	<u>New FTE</u>	<u>New Total Prosecutor Positions Authorized</u>	<u>New Staffing Rate</u>
Adams	1.20	0.00	1.20	35%	0.80	2.00	58%
Ashland	2.00	0.00	2.00	61	0.60	2.60	79
Barron	3.00	0.00	3.00	51	1.00	4.00	68
Bayfield	1.00	0.00	1.00	53	0.40	1.40	74
Brown <sup>1</sup>	12.00	1.00	13.00	54	3.00	16.00	62
Buffalo	1.00	0.00	1.00	54	0.20	1.20	65
Burnett <sup>2</sup>	1.25	0.00	1.25	36	0.75	2.00	58
Calumet	2.00	0.00	2.00	61	1.00	3.00	91
Chippewa	5.00	0.00	5.00	67	1.00	6.00	81
Clark	2.00	0.00	2.00	90	0.00	2.00	90
Columbia	4.75	0.00	4.75	56	1.25	6.00	70
Crawford	1.00	0.00	1.00	98	0.00	1.00	98
Dane	26.85	2.00	28.85	85	0.15	29.00	86
Dodge	4.00	0.00	4.00	65	1.00	5.00	81
Door	2.00	0.00	2.00	93	0.00	2.00	93
Douglas	3.50	0.00	3.50	48	1.50	5.00	69
Dunn	3.00	0.00	3.00	49	2.00	5.00	81
Eau Claire	8.00	1.00	9.00	56	2.00	11.00	68
Florence	0.50	0.00	0.50	128	0.10	0.60	154
Fond du Lac	5.00	2.00	7.00	61	2.00	9.00	78
Forest	1.00	0.00	1.00	48	1.00	2.00	97
Grant <sup>3</sup>	2.00	0.00	2.00	61	0.00	2.00	61
Green	2.00	0.00	2.00	71	0.50	2.50	88
Green Lake	1.50	0.00	1.50	58	0.50	2.00	78
Iowa	1.75	0.00	1.75	52	0.25	2.00	60
Iron	1.00	0.00	1.00	135	0.00	1.00	135
Jackson	2.00	0.00	2.00	56	1.00	3.00	84
Jefferson	5.30	0.00	5.30	69	0.70	6.00	78
Juneau	2.50	0.00	2.50	75	0.50	3.00	90
Kenosha	15.00	1.00	16.00	70	1.00	17.00	75
Kewaunee	1.50	0.00	1.50	120	0.00	1.50	120
La Crosse	8.00	0.00	8.00	58	2.00	10.00	73
Lafayette	1.00	0.00	1.00	73	0.00	1.00	73
Langlade	1.50	0.00	1.50	41	1.00	2.50	68
Lincoln	2.00	0.00	2.00	55	1.00	3.00	83
Manitowoc	5.00	0.00	5.00	51	2.00	7.00	72
Marathon	8.50	2.50	11.00	62	2.00	13.00	73
Marinette	3.00	0.00	3.00	100	0.00	3.00	100
Marquette	1.00	0.00	1.00	68	0.60	1.60	110
Milwaukee <sup>4</sup>	87.00	27.50	114.50	119	0.00	114.50	115

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecutor Positions Authorized	Staffing Rate	New FTE	New Total Prosecutor Positions Authorized	New Staffing Rate
Monroe	3.00	0.00	3.00	41%	2.00	5.00	69%
Oconto	2.00	0.00	2.00	77	0.00	2.00	77
Oneida <sup>3</sup>	2.50	0.00	2.50	56	0.00	2.50	56
Outagamie	9.00	0.00	9.00	53	2.00	11.00	64
Ozaukee	3.00	0.00	3.00	51	1.70	4.70	80
Pepin	0.80	0.00	0.80	127	0.00	0.80	127
Pierce	2.50	0.00	2.50	58	0.50	3.00	70
Polk	3.00	0.00	3.00	59	1.00	4.00	79
Portage	4.00	0.00	4.00	59	2.00	6.00	88
Price	1.00	0.00	1.00	88	0.50	1.50	133
Racine	18.00	0.00	18.00	57	2.00	20.00	64
Richland	1.80	0.00	1.80	97	0.00	1.80	97
Rock	14.00	0.00	14.00	86	0.00	14.00	86
Rusk	1.50	0.00	1.50	65	0.50	2.00	86
Saint Croix	6.00	0.00	6.00	70	1.00	7.00	81
Sauk	5.00	1.00	6.00	90	0.00	6.00	86
Sawyer	2.00	0.00	2.00	46	1.00	3.00	69
Shawano/ Menominee	3.00	0.00	3.00	62	1.00	4.00	83
Sheboygan	7.50	0.00	7.50	62	2.00	9.50	79
Taylor	1.00	0.00	1.00	65	0.50	1.50	97
Trempealeau	2.00	0.00	2.00	87	0.00	2.00	87
Vernon	2.00	0.00	2.00	96	0.00	2.00	96
Vilas	2.00	0.00	2.00	70	0.00	2.00	70
Walworth	5.00	0.00	5.00	64	1.00	6.00	77
Washburn <sup>2</sup>	1.25	0.00	1.25	54	0.75	2.00	86
Washington	5.00	0.00	5.00	57	1.00	6.00	68
Waukesha	14.50	2.00	16.50	65	2.50	19.00	75
Waupaca	3.50	0.00	3.50	64	0.50	4.00	73
Waushara	2.00	0.00	2.00	61	0.60	2.60	79
Winnebago	10.00	0.00	10.00	64	2.00	12.00	76
Wood	<u>4.00</u>	<u>0.00</u>	<u>4.00</u>	43	<u>2.00</u>	<u>6.00</u>	64
TOTALS	383.45	40.00	423.45		60.85	484.30	

<sup>1</sup> In Brown the total positions used is 13.00 rather than 14.00 because the 1.0 ADA sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.

<sup>2</sup> The 0.5 GPR position in Washburn (0.25 position) that also serves Burnett (0.25 position) is divided by the position shown in parentheses.

<sup>3</sup> DA did not request additional position authority.

<sup>4</sup> In Milwaukee, the total positions used is 114.5 rather than higher due to the following factor: (a) the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data; and (b) various PR positions had no federal funding and were vacant.