



Legislative Fiscal Bureau

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

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Joint Committee on Finance

Paper #511

Criminal Investigation Support (Justice -- Law Enforcement Services)

[LFB 2023-25 Budget Summary: Page 371, #4 (part)]

CURRENT LAW

Various provisions of the Wisconsin Statutes require DOJ to become involved in active law enforcement activities. Under s. 165.50 of the statutes, DOJ is required to investigate crime that is statewide in nature, importance or influence, and to conduct arson investigations.

Further, the Department is specifically authorized to enforce Chapter 108 of the statutes (Unemployment Insurance and Reserves), and selected statutory provisions regulating or prohibiting the following: (a) prostitution; (b) illegal gambling; (c) smoking; and (d) carrying carry concealed weapons.

Finally, under s. 165.70 of the statutes, DOJ is authorized to investigate and enforce selected statutory provisions regulating certain conduct or prohibiting certain crimes that are statewide in nature, importance, or influence. These provisions include: (a) prostitution; (b) illegal gambling; (c) controlled substances; (d) battery or intimidation of jurors and witnesses; (e) machine guns; (f) extortion; (g) usurious loans; (h) loan sharking; (i) obstruction of justice; (j) arson; and (k) use of a computer to facilitate a child sex crime. With respect to these latter provisions under s. 165.70, the statutes stipulate that it is not the intent to deprive local law enforcement of its concurrent power and duty to enforce these provisions.

The statutes generally provide DOJ agents the powers of peace officers in carrying out these responsibilities. Under s. 939.22(22) of the statutes, a peace officer is defined as "any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes."

The Department of Justice's Division of Criminal Investigation (DCI) is charged with the responsibility of carrying out and meeting the statutory law enforcement obligations of the

Department. In addition, in representing the state, or any state department, agency, official, employee or agent, the Department's Division of Legal Services may utilize the investigative expertise of DCI. Finally, DCI will also provide investigative assistance to local law enforcement, when requested, to help solve serious crimes.

The budget for the Division in 2022-23 is \$23,952,500 (all funds) and 157.15 positions. The Division is organized into four bureaus: the Field Operations Bureau Eastern Region, the Field Operations Bureau Western Region, the Special Operations Bureau, and the Human Trafficking Bureau. The narcotics enforcement activities of the Division are separately budgeted, but narcotics enforcement is a part of the Field Operations Bureaus. The internet crimes against children task force unit is also separately budgeted but elements of the unit report to both the Field Operations Bureaus and the Special Operations Bureau.

DISCUSSION POINTS

1. The Field Operations Bureau is responsible for the majority of investigative resources deployed throughout the state. There are regional field offices in Madison, Milwaukee, Appleton, Eau Claire and Wausau. Additionally, supervisors and staff work at the High Intensity Drug Trafficking Area (HIDTA) in Milwaukee, and the Lake Winnebago Area Multi-Agency Enforcement Group (LWAM) in the Fox Valley region. Special agents and civilian staff work with Wisconsin's local, county, state and federal partners as well as agencies in other states investigating crimes of statewide significance or importance.

2. Requests for assistance from local law enforcement related to increased identification of cybercrimes and trafficking targeting children; opiate and child abuse death prevention; forensic genetic genealogy case review and evidence identification; crimes against the elderly; and assistance to local and federal law enforcement regarding violent crimes in southeast Wisconsin may be trending upward. In 2022, there was a dip in annual cases. However, during that year, turnover increased due to several retirements, thus temporarily reducing DCI's ability to respond to requests for assistance. In 2023, DCI's caseload is increasing with decreased caseload capacity due to the training of 20 new special agents starting in March, 2023.

3. The table below shows cases assigned to a DCI agent that had a local assistance component, requests from law enforcement partners for information and assistance relating to a non-DCI involved case (non-investigative assists). (DCI-only cases are not included.)

<u>CY</u>	<u>Cases</u>	<u>Non-Investigative Assists</u>	<u>Total</u>	<u>Officer Involved Critical Incidents</u>
2020	4,506	2,526	7,032	19
2021	5,095	2,396	7,491	21
2022	4,406	2,082	6,488	14
2023 Jan-Apr	1,644	706	2,350	8
2023 Projection			7,050	

4. In order to provide criminal investigative support and technical assistance for local law enforcement agencies, the bill would provide \$550,500 GPR in 2023-24 and \$682,400 GPR in 2024-25 and 7.0 GPR positions annually (6.0 special agents and 1.0 criminal analyst) for criminal investigations. [Alternative 1] The Division has identified the likely assignments for the 7.0 positions as 2.0 financial crimes/elder financial exploitation special agents and 5.0 major crimes special agents. These caseloads are described below.

5. *Major Crime Caseload.* The Field Operations Bureaus are in charge of investigating major crimes. According to DOJ, major crimes include violent crimes and cases of a sensitive nature. Sensitive cases are those cases of statewide nature, scope, or importance that may require special investigative techniques and close coordination with local law enforcement or a prosecutor. Sensitive cases may also require special victim resources, depending on the nature of the criminal conduct. Examples of sensitive cases could include: serial sexual assaults; missing person investigations; child abductions; or crimes committed against a public official. These cases are handled at the field office level within the Bureau. In 2021-22, the Bureau opened 81 major crime investigations and closed 83 investigations.

6. *Financial Crimes Caseload.* The Field Operations Bureaus conduct criminal investigations of complaints relating to: (a) economic or "white collar" crimes (such as embezzlement, theft, bank fraud, security fraud, health care fraud, insurance fraud and identity theft); and (b) antitrust violations (such as bid rigging, territory allocation and restraint of trade). The Bureau generally conducts investigations at the request of local district attorney offices and local law enforcement agencies, as well as through coordination with assistant attorneys general or as a result of citizen reports. In 2021-22, the Bureau opened seven financial crimes cases and closed 23 cases.

7. The Division has 98.25 special agents (75.6 GPR, 18.15 PR, 2.5 FED, and 2.0 SEG) and all positions are either currently filled or seven have been vacant for less than six months. Further, DCI has 29 criminal analysts (21.5 GPR, 4.5 PR and 3.0 FED) and all positions are currently filled.

8. In order to provide assistance, but at a lower level, the Committee could provide 5.0 GPR positions. [Alternative 2] This alternative would provide \$393,200 GPR in 2023-24 and \$487,500 GPR in 2024-25 and 5.0 GPR positions annually for criminal investigations. Alternatively, 3.0 GPR positions and \$235,900 and \$292,400 could be provided. [Alternative 3]

9. If no additional positions are provided, DCI will continue to use base resources to assist local law enforcement. [Alternative 4]

ALTERNATIVES

1. Provide \$550,500 GPR in 2023-24 and \$682,400 GPR in 2024-25 and 7.0 GPR positions annually for criminal investigations.

ALT 1	Change to Base	
	Funding	Positions
GPR	\$1,232,900	7.00

2. Provide \$393,200 GPR in 2023-24 and \$487,500 GPR in 2024-25 and 5.0 GPR positions annually for criminal investigations.

ALT 2	Change to Base	
	Funding	Positions
GPR	\$880,700	5.00

3. Provide \$235,900 GPR in 2023-24 and \$292,400 GPR in 2024-25 and 3.0 GPR positions annually for criminal investigations.

ALT 3	Change to Base	
	Funding	Positions
GPR	\$528,300	3.00

4. Take no action.

Prepared by: Sarah Wynn