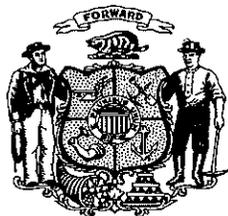


State of Wisconsin

SENATE CHAIR
Alberta Darling

317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-5830



ASSEMBLY CHAIR
John Nygren

309 East, State Capitol
P.O. Box 8593
Madison, WI 53708-8953
Phone: (608) 266-2343

Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: December 19, 2017

Re: s. 16.515/16.505(2), Stats. Request

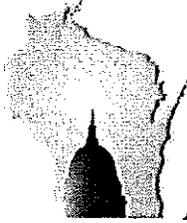
Attached is a copy of a request from the Department of Administration, received December 19, 2017, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Dane County District Attorney's Office.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Tuesday, January 9, 2018**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN:jm



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

SCOTT A. NEITZEL
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842

Date: December 19, 2017
To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance
The Honorable John Nygren, Co-Chair
Joint Committee on Finance
From: Scott A. Neitzel, Secretary
Department of Administration
Subject: s. 16.515/16.505(2) Request(s)

DEC 19 2017
J. Finance

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	2017-18		2018-19	
		AMOUNT	FTE	AMOUNT	FTE
DA 20.475(1)(h)	Gifts and grants		1.0*		1.0*

* Project position ending 11/30/2018.

As provided in s. 16.515, the request(s) will be approved on January 11, 2018, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: December 12, 2017
To: Waylon R. Hurlburt
From: Ryan Hutter
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2017-18</u>		<u>2018-19</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		1.0*		1.0*

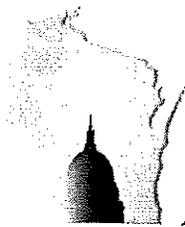
* Project position ending 11/30/2018.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2017-18</u>		<u>2018-19</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		1.0*		1.0*

* Project position ending 11/30/2018.

WRH APPROVAL WRH (FORWARD TO GAIL TAPPEN)



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR
SCOTT A. NEITZEL
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 12, 2017

To: Scott A. Neitzel, Secretary
Department of Administration

From: Ryan Hutter
Executive Policy and Budget Analyst

Subject: Request Under s. 16.505 from the Dane County District Attorney to Extend a 1.0 FTE Program Revenue Assistant District Attorney Project Position.

Request:

The Department of Administration, on behalf of the Dane County District Attorney's Office, requests the extension of a 1.0 FTE program revenue assistant district attorney project position. Position authority is requested through November 30, 2018.

Revenue Sources for Appropriation(s):

The revenue source for the position in the gifts and grants appropriation under s. 20.475(1)(h) is a grant from the Dane County Narcotics Task Force to the Dane County District Attorney's Office. As the grant is funded from a program revenue continuing, all moneys received appropriation, there is no accompanying request for an increase in expenditure authority. The Dane County District Attorney's Office will reimburse the salary and fringe benefit costs for the assistant district attorney prosecutor position from the grant award.

Background:

On October 27, 2015, the Joint Committee on Finance granted position authority for a two-year project assistant district attorney position in Dane County to prosecute drug-related crimes. The assistant district attorney was also tasked with participating with the Dane County Narcotics Task Force on drug investigations, as well as establishing policies for the handling and prosecution of various drug issues, such as drug-endangered children, confidential informant, search-and-seizure, interactions with the state Department of Justice Crime Laboratory and training on drug investigations and prosecutions.

The assistant district attorney was responsible for reviewing cases, warrants and subpoenas, and determining whether cases should be prosecuted under s. 940.02, parts of which are known as the "Len Bias" law, which were first authorized in the late

Scott A. Neitzel, Secretary
Page 2
December 12, 2017

1980s as a companion to federal laws stiffening penalties for drug-related deaths resulting from drug distribution. The position was funded by the Dane County Narcotics Task Force.

The Dane County Narcotics Task Force is a multijurisdictional law enforcement group consisting of the city of Madison Police Department, Dane County Sheriff's Office and University of Wisconsin-Madison Police Department personnel. The task force works in conjunction with state and federal agencies as well as providing support to suburban law enforcement agencies countywide, in an effort to eliminate and reduce drug trafficking.

Analysis:

Currently, Dane County has 24.85 FTE assistant district attorney positions, all of whom may be assigned to drug-related cases. During the years 2010 through mid-2017, Dane County has averaged 124 arrests and 389 charges yearly by members of the task force. Typically, this results in 87 new cases per year relating to drug trafficking offenses. When this position was initially requested in 2015, Dane County had reported averaging 118 arrests and 330 charges per year, with 75 new cases per year relating to drug trafficking offenses. Since January 2015, this position has been tasked with prosecuting 200 felony cases, two misdemeanor cases and seven traffic cases.

This position focuses on "Len Bias" cases, major non-Dane County Narcotics Task Force felony drug cases and drug treatment court. The "Len Bias" cases can come from any and all law enforcement jurisdictions within Dane County, which includes 23 agencies. In addition to the duties described above, the position also handles larger task force referrals and referrals for forfeitures from the task force and other law enforcement agencies. The District Attorney's Office has not handled these referrals in the past due to law enforcement's past practice of taking these forfeitures through the federal system. As part of the agreement between the task force and the assistant district attorney, the individual in the position is required to spend ten hours per month at the task force office in an effort to improve communication, as well as review the status of ongoing cases and concerns of the task force.

The Office of State Prosecutors has indicated that the source of funding for the requested position is from an account held by the task force used to finance some of its operations. It is expected that the position, as a direct liaison to the task force, will expand the opportunity for drug trafficking enforcement and prevention, as well as act as a liaison between law enforcement and the District Attorney's Office.

The State Budget Office received the request on November 2, 2017, prior to its original expiration date of November 30, 2017. All requested follow-up material was received from Dane County on December 1, 2017. There is precedent for approving an extension if the request was received prior to the project position expiration date, and

Scott A. Neitzel, Secretary
Page 3
December 12, 2017

the county has the funds available to support the position, even if the date through which the original position was approved has passed.

Recommendation:

Approve the request.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

SCOTT NEITZEL

SECRETARY

Division of Enterprise Operations

State Prosecutors Office

Post Office Box 7869

Madison, WI 53707-7869

Voice (608) 267-2700

Fax (608) 264-9500

DATE: November 2, 2017

TO: Waylon Hurlburt, Administrator
Division of Executive Budget and Finance

FROM: Amanda Mott, Director
State Prosecutors Office

SUBJECT: ***REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: DANE
COUNTY DISTRICT ATTORNEY'S OFFICE***

On behalf of the Dane County District Attorney's Office, I am submitting the attached request for authorization to continue 1.0 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

DEPARTMENT OF ADMINISTRATION REQUEST UNDER S. 16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA), under s. 16.505 and on behalf of the Dane County District Attorney's Office, requests the continuation of a 1.0 FTE program revenue (PR) assistant district attorney (ADA) position from December 1, 2017 through November 30, 2018. The position is in the Dane County District Attorney's (DA's) Office.

II. BACKGROUND

The Dane County Narcotics Task Force (DCNTF) has funded 1 FTE Assistant District Attorney (ADA) position in the Dane County District Attorney's Office since January 2016. The ADA is a dedicated drug prosecutor for serious drug-related criminal conduct. This ADA serves as a liaison to the DCNTF and local agencies on drug investigations and prosecution matters related to drug-endangered children, confidential informants, and search and seizure, as well as working with the State Crime Laboratory, providing training and developing and maintaining guidelines for the DA's office for charging policies and handling of drug cases.

The ADA focuses on Len Bias cases, major non-DCNTF felony drug cases, drug treatment court and DCNTF referrals to review cases, warrants and subpoenas.

From 2010 – mid-2017, the DCNTF averaged 124 arrests and 389 charges per year, nearly all of which were drug-related (others included weapons, warrants, traffic and miscellaneous offenses that were part of the drug cases. There are approximately 87 new cases per year.

III. ANALYSIS

This position is in furtherance of the State's policy to reduce drug-related crimes and behavior. The grant encourages collaboration between the District Attorney's Office, the DCNTF and other agencies in the justice system.

IV. FISCAL ANALYSIS

Funding of \$85,000 has been authorized by the DCNTF for a 1.0 FTE ADA position for one year. The program revenue appropriation, s. 20.475(1)(h), is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of the grant funds is the Dane County Narcotics Task Force. Dane County will reimburse the salary and fringe benefit costs for the State-paid ADA position in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the District Attorney program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the LAB methodology's results using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the position requested on the Dane County DA's Office. The table uses the most current court data available (2012-2014) and the positions authorized as of July 20, 2016. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Data with which to make this assessment are not available.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The DCNTF awarded this grant to the Dane County DA's Office.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

This grant, funded by the DCNTF, was granted to the Dane County DA's Office to reduce drug-related crimes and behavior.

FINAL 2012-2014 DISTRICT ATTORNEY OFFICE WORKLOAD ANALYSIS

DA Office	7/20/16 GPR- Funded FTE Position s*	7/20/16 Program Revenue- Funded FTE Positions*	7/20/16 Total FTE Positions *	Addition al FTE Needed	Estimate d Total FTE Needed	Addition al FTE Needed as a % of 7/20/16 GPR- Funded FTE	Addition al FTE Needed as a % of 7/20/16 Total FTE	GPR- FTE as a % of Estimate d Total FTE Needed	Total FTE as a % of Estimate d Total FTE Needed
Adams	1.20		1.20	1.36	2.56	113.33%	113.33%	46.88%	46.88%
Ashland	2.00		2.00	0.87	2.87	43.50%	43.50%	69.69%	69.69%
Barron	3.00		3.00	3.22	6.22	107.33%	107.33%	48.23%	48.23%
Bayfield	1.00		1.00	0.90	1.90	90.00%	90.00%	52.63%	52.63%
Brown	12.00	1.00	13.00	11.46	24.46	95.50%	88.15%	49.06%	53.15%
Buffalo	1.00		1.00	0.61	1.61	61.00%	61.00%	62.11%	62.11%
Burnett	1.25		1.25	1.95	3.20	156.00%	156.00%	39.06%	39.06%
Calumet	2.00		2.00	1.01	3.01	50.50%	50.50%	66.45%	66.45%
Chippewa	5.00		5.00	1.49	6.49	29.80%	29.80%	77.04%	77.04%
Clark	2.00		2.00	0.56	2.56	28.00%	28.00%	78.13%	78.13%
Columbia	4.75		4.75	3.32	8.07	69.89%	69.89%	58.86%	58.86%
Crawford	1.00		1.00	-0.25	0.75	-25.00%	-25.00%	133.33%	133.33%
Dane	26.85	3.00	29.85	3.21	33.06	11.96%	10.75%	81.22%	90.29%
Dodge	4.00		4.00	2.12	6.12	53.00%	53.00%	65.36%	65.36%
Door	2.00		2.00	0.71	2.71	35.50%	35.50%	73.80%	73.80%
Douglas	3.50		3.50	3.07	6.57	87.71%	87.71%	53.27%	53.27%
Dunn	3.00		3.00	2.93	5.93	97.67%	97.67%	50.59%	50.59%
Eau Claire	8.00	1.00	9.00	4.46	13.46	55.75%	49.56%	59.44%	66.86%
Florence	0.50		0.50	0.39	0.89	78.00%	78.00%	56.18%	56.18%
Fond du Lac	5.00	2.00	7.00	5.44	12.44	108.80%	77.71%	40.19%	56.27%
Forest	1.00		1.00	1.91	2.91	191.00%	191.00%	34.36%	34.36%
Grant	2.00		2.00	2.09	4.09	104.50%	104.50%	48.90%	48.90%
Green	2.00		2.00	0.99	2.99	49.50%	49.50%	66.89%	66.89%
Green Lake	1.50		1.50	0.67	2.17	44.67%	44.67%	69.12%	69.12%
Iowa	1.75		1.75	0.98	2.73	56.00%	56.00%	64.10%	64.10%
Iron	1.00		1.00	-0.27	0.73	-27.00%	-27.00%	136.99%	136.99%
Jackson	2.00		2.00	1.62	3.62	81.00%	81.00%	55.25%	55.25%
Jefferson	5.30		5.30	1.83	7.13	34.53%	34.53%	74.33%	74.33%
Juneau	2.50		2.50	0.67	3.17	26.80%	26.80%	78.86%	78.86%
Kenosha	15.00	1.00	16.00	7.16	23.16	47.73%	44.75%	64.77%	69.08%
Kewaunee	1.50		1.50	-0.14	1.36	-9.33%	-9.33%	110.29%	110.29%
La Crosse	8.00		8.00	4.95	12.95	61.88%	61.88%	61.78%	61.78%
Lafayette	1.00		1.00	0.26	1.26	26.00%	26.00%	79.37%	79.37%
Langlade	1.50		1.50	1.99	3.49	132.67%	132.67%	42.98%	42.98%
Lincoln	2.00		2.00	1.44	3.44	72.00%	72.00%	58.14%	58.14%
Manitowoc	5.00		5.00	2.73	7.73	54.60%	54.60%	64.68%	64.68%
Marathon	8.50	2.50	11.00	3.60	14.60	42.35%	32.73%	58.22%	75.34%
Marinette	2.50	0.10	2.60	0.49	3.09	19.60%	18.85%	80.91%	84.14%
Marquette	1.00		1.00	0.49	1.49	49.00%	49.00%	67.11%	67.11%
Milwaukee	87.00	33.50	120.50	-21.80	98.70	-25.06%	-18.09%	88.15%	122.09%
Monroe	3.00		3.00	3.15	6.15	105.00%	105.00%	48.78%	48.78%

November 2, 2017
 Dane County Narcotics Task Force Drug Prosecutor
 s.16.505 Request

Oconto	2.00		2.00	0.94	2.94	47.00%	47.00%	68.03%	68.03%
Oneida	2.50		2.50	1.55	4.05	62.00%	62.00%	61.73%	61.73%
Outagamie	9.00		9.00	8.83	17.83	98.11%	98.11%	50.48%	50.48%
Ozaukee	3.00		3.00	1.66	4.66	55.33%	55.33%	64.38%	64.38%
								129.03	129.03
Pepin	0.80		0.80	-0.18	0.62	-22.50%	-22.50%	%	%
Pierce	2.50		2.50	0.67	3.17	26.80%	26.80%	78.86%	78.86%
Polk	3.00		3.00	2.84	5.84	94.67%	94.67%	51.37%	51.37%
Portage	4.00		4.00	3.93	7.93	98.25%	98.25%	50.44%	50.44%
Price	1.00		1.00	0.09	1.09	9.00%	9.00%	91.74%	91.74%
Racine	18.00		18.00	11.23	29.23	62.39%	62.39%	61.58%	61.58%
								105.88	105.88
Richland	1.80		1.80	-0.10	1.70	-5.56%	-5.56%	%	%
Rock	14.00		14.00	2.57	16.57	18.36%	18.36%	84.49%	84.49%
Rusk	1.50		1.50	0.52	2.02	34.67%	34.67%	74.26%	74.26%
Saint Croix	6.00		6.00	1.05	7.05	17.50%	17.50%	85.11%	85.11%
Sauk	5.00	0.80	5.80	1.36	7.16	27.20%	23.45%	69.83%	81.01%
Sawyer	2.00		2.00	1.10	3.10	55.00%	55.00%	64.52%	64.52%
Shaw/Men	3.00		3.00	2.19	5.19	73.00%	73.00%	57.80%	57.80%
Sheboygan	7.50		7.50	4.08	11.58	54.40%	54.40%	64.77%	64.77%
Taylor	1.00		1.00	0.41	1.41	41.00%	41.00%	70.92%	70.92%
Trempealeau	2.00		2.00	1.13	3.13	56.50%	56.50%	63.90%	63.90%
								104.71	104.71
Vernon	2.00		2.00	-0.09	1.91	-4.50%	-4.50%	%	%
Vilas	2.00		2.00	1.17	3.17	58.50%	58.50%	63.09%	63.09%
Walworth	5.00		5.00	2.46	7.46	49.20%	49.20%	67.02%	67.02%
Washburn	1.25		1.25	0.96	2.21	76.80%	76.80%	56.56%	56.56%
Washington	5.00		5.00	4.08	9.08	81.60%	81.60%	55.07%	55.07%
Waukesha	14.50	2.00	16.50	7.68	24.18	52.97%	46.55%	59.97%	68.24%
Waupaca	3.50		3.50	1.36	4.86	38.86%	38.86%	72.02%	72.02%
Waushara	2.00		2.00	1.16	3.16	58.00%	58.00%	63.29%	63.29%
Winnebago	10.00		10.00	5.97	15.97	59.70%	59.70%	62.62%	62.62%
Wood	4.00		4.00	5.40	9.40	135.00%	135.00%	42.55%	42.55%
TOTALS	382.95	46.90	429.85	139.66	569.51				

*Modification

s:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 120.50 rather than 121.50 due to the following factor:
 - a) the 1.0 FTE DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) In Brown, the total FTE used is 13.00 rather than 14.00 due to the following factor:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
- 4) In Fond du Lac the total FTE used is 7.00 rather than 8.00 because the Title IV-E CHIPS/IPR position has no funding.
- 5) In Outagamie, the total FTE used is 9.00 rather than 10.00 because the VAWA position has no funding.
- 6) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 7) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.

8) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.

9) WDAA Executive Board authorized the following changes to the weighted time estimates beginning with the 2007-09 caseload study:

- a) Increase the "reviewing case referrals that are not prosecuted" from 35 to 100 hours per year, thereby reducing hours available per prosecutor to handle individual cases to 1162 per year.
- b) Weighted time estimate for Class A and First Degree Reckless homicides changed from 100 hours each to 160 hours each.
- c) Weighted time estimate for "All other Homicides" changed from 50 to 80 hours each.
- d) The weighted time estimate for misdemeanors changed from 2.17 hours each to 2.91 hours each.
- e) The weighted time estimate for criminal traffic changed from 1.68 hours each to 2.91 hours each.
- f) Weighted time estimate for juvenile delinquency changed from 3.32 hours each to 3.44 hours each.



Dane County Narcotics Task Force

211 South Carroll St.
Madison, WI 53703-3303
(608) 245-5783 □ FAX (608) 242-2300

ADA FUNDED POSITION

The Dane County Narcotics Task Force (DCNTF) has funded one (1) full time Assistant District Attorney (ADA) position in the Dane County District Attorney's Office since January of 2016. The DCNTF committed to funding 100% of this position with a maximum outlay of \$160,000.

In 2018 the DCNTF has agreed to continue funding the same position with a maximum outlay of \$85,000 with the following conditions:

1. The position must continue as a dedicated drug ADA handling all DCNTF cases
2. The ADA and the supervising Deputy DA will meet every other month with the DCNTF Lieutenant for the following purpose:
 - a. Review status of open Task Force criminal cases given to the DA's office
 - b. Review status of pending forfeiture cases
 - c. Address concerns brought forth by either the TF or DA regarding investigative/prosecution activity
3. The ADA will proactively pursue forfeitures brought forward by the DCNTF and that an explanation will be provided in writing for any declination by the DA's office.
4. The ADA will attend one-unit meeting per week at the DCNTF and/or spend approximately ten (10) hours per month at the DCNTF office

These conditions were approved at the July, 2017 Steering Committee meeting on a unanimous vote. DA Ozanne was present and agreed to these conditions.

This position will serve as a liaison the DCNTF and local agencies on drug investigations and prosecution matters, including:

- Establishing and maintaining guidelines for the District Attorney's Office for charging policies and the handling of drug cases
- Drug-endangered children issues
- Confidential informant issues
- Search-and-seizure issues
- K9 drug enforcement issues
- Work with Wisconsin State Crime Laboratory on forensic science issues in drug cases
- Provide training to DCNTF and other agencies as needed on drug investigations and prosecutions

This position will be assigned to:

- DCNTF referrals to review cases, warrants, and subpoenas for the DCNTF and other local agencies on drug investigations
- All Len Bias cases
- Major non-DCNTF felony drug cases (guidelines pending)
- Forfeitures as noted above

The Task Force Commander has agreed to seek 100% funding for the position from HIDTA

beginning in 2019. (HIDTA funding 50% in 2018)

The DA and Task Force Commander will attend the July 2018 Steering Committee meeting to report on:

- The number of DCNTF cases presented to the funded position, along with case resolutions/dispositions
- The number of forfeitures brought forward for filing by the DCNTF and the number pursued by the DA's office
- The amount of time spent at the DCNTF office on a monthly basis by the funded position

Following a recommendation by the DCNTF Commander the Steering Committee will make a determination on funding for the position in 2019.

Lt Erik Fuhremann
Commander Dane County Narcotics Task Force