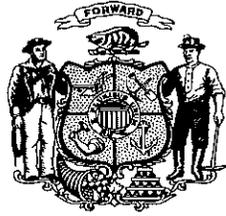


State of Wisconsin

SENATE CHAIR
Alberta Darling

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



ASSEMBLY CHAIR
John Nygren

308 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: January 22, 2019

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

Attached is a copy of a request from the Department of Administration, received January 22, 2019, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Sheboygan County District Attorney's office.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Friday, February 8, 2019**, 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



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary

Date: January 22, 2019

JAN 22 2019
St. Finance

To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable John Nygren, Co-Chair
Joint Committee on Finance

From: Joel T. Brennan, Secretary *JTB*
Department of Administration

Subject: s. 16.515/16.505(2) Request(s)

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:

| <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> |
| DA 20.475(1)(h) | Gifts and grants | | | | 0.5* |

* Project position ending 12/31/2019.

As provided in s. 16.515, the request(s) will be approved on February 12, 2019, 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: January 11, 2019
To: Brian Pahnke
From: Maggie Hamer
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:

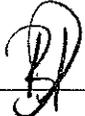
| <u>AGENCY</u> | <u>DESCRIPTION</u> | <u>2017-18</u> | | <u>2018-19</u> | |
|---------------------|--------------------|----------------|------------|----------------|------------|
| | | <u>AMOUNT</u> | <u>FTE</u> | <u>AMOUNT</u> | <u>FTE</u> |
| DAs 20.475(1)(h) | Gifts and grants | | | | 0.5* |

* Position ending 12/31/2019.

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 | | | | 0.5* |

* Position ending 12/31/2019.

BP APPROVAL  (FORWARD TO GAIL TAPPEN)



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Brian Pahnke, Administrator

Date: January 11, 2019

To: Joel Brennan, Secretary
Department of Administration

From: Maggie Hamer
Executive Policy and Budget Analyst

Subject: Request Under s. 16.505(2) from the Sheboygan County District Attorney for Authorization to Create a 0.5 FTE Program Revenue Assistant District Attorney Project Position

Request:

The Department of Administration, on behalf of the Sheboygan County District Attorney's Office, requests the authorization to create a 0.5 FTE program revenue assistant district attorney project position. Position authority is requested from January 1, 2019, through December 31, 2019.

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 Sheboygan County Board to the Sheboygan 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 additional expenditure authority. The Sheboygan County District Attorney's Office would reimburse the salary and fringe benefit costs for the assistant district attorney prosecutor position from the grant award.

Background:

In November 2018, the Sheboygan County Board approved and passed the 2019 Sheboygan County Budget. In this budget, the board included \$40,000 in funding for an additional 0.5 FTE assistant district attorney position to assist with the general caseload of the Sheboygan County District Attorney's Office. Currently, other than the elected District Attorney, the office has authority for 1.0 FTE deputy district attorney position and 5.5 FTE assistant district attorney positions. According to the 2015-17 caseload analysis completed by the State Prosecutors Office, Sheboygan County should have an additional 4.51 FTE assistant district attorney positions to be fully staffed, for a total of 12.01 FTE positions.

Analysis:

Currently, the Sheboygan County District Attorney's Office has 5.5 FTE assistant district attorney positions. The funding from the county board is intended to increase the 0.5 FTE position to a full-time, 1.0 FTE position. The county board authorized the funding for several reasons, including:

- An increase in methamphetamines, opioids and other associated criminal behavior;
- The difficulty of filling and retaining a part-time assistant district attorney position; and
- To increase the timely resolution of cases.

This general prosecutor position would focus on juveniles, domestic violence, theft, drugs, operating a vehicle while intoxicated, and various felony and misdemeanor offenses. The addition of a 0.5 FTE assistant district attorney position would help ensure that cases move swiftly through the criminal justice system while also moving the Sheboygan County District Attorney's Office closer to fully staffed levels.

Sheboygan County operates on a calendar year budget, and in November, the county board approved the funds for this position with the 2019 budget. The currently authorized 0.5 FTE position is filled and the incumbent would fulfill the additional 0.5 FTE if it is approved. The district attorney's office has indicated that at the incumbent's current hourly rate, the \$40,000 that has been budgeted would be sufficient to cover the additional salary and fringe benefit costs for one year. The funds for this position would be monitored closely, and should a shortfall occur, the position would be vacated.

This assistant district attorney would further the state's policy to deter criminal behavior, hold criminals accountable for their actions, support victims or crime and ensure cases move swiftly through the criminal justice system.

Recommendation:

Approve the request.



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Scott Walker, Governor
Ellen Nowak, Secretary
James M. Langdon, Administrator

DATE: December 12, 2018

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

FROM: Kasey Deiss, Director
State Prosecutors Office

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

On behalf of the Sheboygan County District Attorney's Office, I am submitting the attached request for authorization to create a 0.5 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 Sheboygan County District Attorney's Office, requests the creation of a 0.5 FTE program revenue (PR) assistant district attorney (ADA) position from January 1, 2019 through December 31, 2019. The position is in the Sheboygan County District Attorney's (DA's) Office.

II. BACKGROUND

The Sheboygan County Board in their 2019 Budget has authorized funded for a 0.5 FTE Assistant District Attorney (ADA) position in the Sheboygan County District Attorney's Office. This position will be a general prosecutor focusing on juveniles, domestic violence, theft, drugs, OWI and various other felony and misdemeanor level offenses.

Located in eastern Wisconsin, along the shores of Lake Michigan, Sheboygan County is home to 115,000 citizens, as well as many industrial, recreational and agricultural assets. Interstate 43 runs the length of the county, connecting Milwaukee to Green Bay. Sheboygan County has seen an increase in methamphetamines, opioids and other associated criminal behavior. Currently along with the elected District Attorney, the office has authorization for one Deputy District Attorney and 5.5 FTE Assistant District Attorneys. The most recent State Prosecutors Office workload analysis indicated that Sheboygan County DA Office would need an additional 4.5 FTE ADA to be fully staffed to meet current needs. This grant will allow the office to increase the current half-time ADA to full-time by providing \$40,000 in salary and fringe.

III. ANALYSIS

This 0.5 FTE position is in furtherance of the State's policy to deter criminal behavior, to hold criminals accountable for their action, to support victims of crime and to ensure cases move swiftly through the criminal justice system.

IV. FISCAL ANALYSIS

Funding of \$40,000 has been authorized by the Sheboygan County Board for a 0.5 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 Sheboygan County Board via their 2019 Budget. Sheboygan County will reimburse the salary and fringe benefit costs for this 0.5 FTE 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 on the Sheboygan DA Office. The table uses the most current court data available and the positions authorized as of August 9, 2018. 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 Sheboygan County Board of Supervisors designated this funding to the Sheboygan 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 county provided funding has no limitation as to the type of cases which can be prosecuted by the 0.5 FTE ADA. The funding, provided by Sheboygan County, was granted to the Sheboygan County DA's Office to reduce and deter criminal behavior, to hold criminals accountable, to provide relief for victims of crime and to ensure cases move swiftly through the criminal justice system.

FINAL 2015-2017 DISTRICT ATTORNEY OFFICE WORKLOAD ANALYSIS

| DA Office | 8/9/18 GPR- Funded FTE Positions* | 8/9/18 Program Revenue- Funded FTE Positions* | 8/9/18 Total FTE Positions* | Additional FTE Needed | Estimated Total FTE Needed | Additional FTE Needed as a % of 8/9/18 GPR- Funded FTE | Additional FTE Needed as a % of 8/9/18 Total FTE | GPR- Funded FTE as a % of Estimated Total FTE Needed | Total FTE as a % of Estimated Total FTE Needed |
|-------------|---|--|-----------------------------------|-----------------------------|----------------------------------|---|---|--|--|
| Adams | 1.20 | | 1.20 | 2.27 | 3.47 | 189% | 189% | 35% | 35% |
| Ashland | 2.00 | | 2.00 | 1.29 | 3.29 | 65% | 65% | 61% | 61% |
| Barron | 3.00 | | 3.00 | 2.90 | 5.90 | 97% | 97% | 51% | 51% |
| Bayfield | 1.00 | | 1.00 | 0.89 | 1.89 | 89% | 89% | 53% | 53% |
| Brown | 12.00 | 1.00 | 13.00 | 12.76 | 25.76 | 106% | 98% | 47% | 50% |
| Buffalo | 1.00 | | 1.00 | 0.85 | 1.85 | 85% | 85% | 54% | 54% |
| Burnett | 1.25 | | 1.25 | 2.19 | 3.44 | 175% | 175% | 36% | 36% |
| Calumet | 2.00 | | 2.00 | 1.28 | 3.28 | 64% | 64% | 61% | 61% |
| Chippewa | 5.00 | | 5.00 | 2.41 | 7.41 | 48% | 48% | 67% | 67% |
| Clark | 2.00 | | 2.00 | 0.21 | 2.21 | 11% | 11% | 90% | 90% |
| Columbia | 4.75 | | 4.75 | 3.77 | 8.52 | 79% | 79% | 56% | 56% |
| Crawford | 1.00 | | 1.00 | 0.02 | 1.02 | 2% | 2% | 98% | 98% |
| Dane | 26.85 | 2.00 | 28.85 | 4.93 | 33.78 | 18% | 17% | 79% | 85% |
| Dodge | 4.00 | | 4.00 | 2.16 | 6.16 | 54% | 54% | 65% | 65% |
| Door | 2.00 | | 2.00 | 0.16 | 2.16 | 8% | 8% | 93% | 93% |
| Douglas | 3.50 | | 3.50 | 3.73 | 7.23 | 107% | 107% | 48% | 48% |
| Dunn | 3.00 | | 3.00 | 3.14 | 6.14 | 105% | 105% | 49% | 49% |
| Eau Claire | 8.00 | 1.00 | 9.00 | 7.18 | 16.18 | 90% | 80% | 49% | 56% |
| Florence | 0.50 | | 0.50 | -0.11 | 0.39 | -22% | -22% | 128% | 128% |
| Fond du Lac | 5.00 | 2.00 | 7.00 | 4.56 | 11.56 | 91% | 65% | 43% | 61% |
| Forest | 1.00 | | 1.00 | 1.07 | 2.07 | 107% | 107% | 48% | 48% |
| Grant | 2.00 | | 2.00 | 1.29 | 3.29 | 65% | 65% | 61% | 61% |
| Green | 2.00 | | 2.00 | 0.83 | 2.83 | 42% | 42% | 71% | 71% |
| Green Lake | 1.50 | | 1.50 | 1.08 | 2.58 | 72% | 72% | 58% | 58% |
| Iowa | 1.75 | | 1.75 | 1.59 | 3.34 | 91% | 91% | 52% | 52% |
| Iron | 1.00 | | 1.00 | -0.26 | 0.74 | -26% | -26% | 135% | 135% |
| Jackson | 2.00 | | 2.00 | 1.58 | 3.58 | 79% | 79% | 56% | 56% |
| Jefferson | 5.30 | | 5.30 | 2.41 | 7.71 | 45% | 45% | 69% | 69% |
| Juneau | 2.50 | | 2.50 | 0.82 | 3.32 | 33% | 33% | 75% | 75% |
| Kenosha | 15.00 | 1.00 | 16.00 | 6.75 | 22.75 | 45% | 42% | 66% | 70% |
| Kewaunee | 1.50 | | 1.50 | -0.25 | 1.25 | -17% | -17% | 120% | 120% |
| La Crosse | 8.00 | | 8.00 | 5.78 | 13.78 | 72% | 72% | 58% | 58% |
| Lafayette | 1.00 | | 1.00 | 0.37 | 1.37 | 37% | 37% | 73% | 73% |
| Langlade | 1.50 | | 1.50 | 2.16 | 3.66 | 144% | 144% | 41% | 41% |
| Lincoln | 2.00 | | 2.00 | 1.61 | 3.61 | 81% | 81% | 55% | 55% |
| Manitowoc | 5.00 | | 5.00 | 4.71 | 9.71 | 94% | 94% | 51% | 51% |
| Marathon | 8.50 | 2.50 | 11.00 | 6.73 | 17.73 | 79% | 61% | 48% | 62% |
| Marquette | 3.00 | | 3.00 | 0.00 | 3.00 | 0% | 0% | 100% | 100% |
| Marquette | 1.00 | | 1.00 | 0.46 | 1.46 | 46% | 46% | 68% | 68% |
| Milwaukee | 87.00 | 27.50 | 114.50 | -15.24 | 99.26 | -18% | -13% | 88% | 115% |
| Monroe | 3.00 | | 3.00 | 4.25 | 7.25 | 142% | 142% | 41% | 41% |
| Oconto | 2.00 | | 2.00 | 0.59 | 2.59 | 30% | 30% | 77% | 77% |
| Oneida | 2.50 | | 2.50 | 1.93 | 4.43 | 77% | 77% | 56% | 56% |
| Outagamie | 9.00 | | 9.00 | 8.10 | 17.10 | 90% | 90% | 53% | 53% |

December 12, 2018
 Sheboygan County 0.5 FTE General Prosecutor
 s.16.505 Request

| | | | | | | | | | |
|------------------|---------------|--------------|---------------|---------------|---------------|------------|------------|------------|------------|
| Ozaukee | 3.00 | | 3.00 | 2.90 | 5.90 | 97% | 97% | 51% | 51% |
| Pepin | 0.80 | | 0.80 | -0.17 | 0.63 | -21% | -21% | 127% | 127% |
| Pierce | 2.50 | | 2.50 | 1.80 | 4.30 | 72% | 72% | 58% | 58% |
| Polk | 3.00 | | 3.00 | 2.07 | 5.07 | 69% | 69% | 59% | 59% |
| Portage | 4.00 | | 4.00 | 2.80 | 6.80 | 70% | 70% | 59% | 59% |
| Price | 1.00 | | 1.00 | 0.13 | 1.13 | 13% | 13% | 88% | 88% |
| Racine | 18.00 | | 18.00 | 13.49 | 31.49 | 75% | 75% | 57% | 57% |
| Richland | 1.80 | | 1.80 | 0.05 | 1.85 | 3% | 3% | 97% | 97% |
| Rock | 14.00 | | 14.00 | 2.30 | 16.30 | 16% | 16% | 86% | 86% |
| Rusk | 1.50 | | 1.50 | 0.82 | 2.32 | 55% | 55% | 65% | 65% |
| Saint Croix | 6.00 | | 6.00 | 2.59 | 8.59 | 43% | 43% | 70% | 70% |
| Sauk | 5.00 | 1.00 | 6.00 | 0.96 | 6.96 | 19% | 16% | 72% | 86% |
| Sawyer | 2.00 | | 2.00 | 2.34 | 4.34 | 117% | 117% | 46% | 46% |
| Shaw/Men | 3.00 | | 3.00 | 1.83 | 4.83 | 61% | 61% | 62% | 62% |
| Sheboygan | 7.50 | | 7.50 | 4.51 | 12.01 | 60% | 60% | 62% | 62% |
| Taylor | 1.00 | | 1.00 | 0.55 | 1.55 | 55% | 55% | 65% | 65% |
| Trempealeau | 2.00 | | 2.00 | 0.31 | 2.31 | 16% | 16% | 87% | 87% |
| Vernon | 2.00 | | 2.00 | 0.09 | 2.09 | 5% | 5% | 96% | 96% |
| Vilas | 2.00 | | 2.00 | 0.85 | 2.85 | 43% | 43% | 70% | 70% |
| Walworth | 5.00 | | 5.00 | 2.84 | 7.84 | 57% | 57% | 64% | 64% |
| Washburn | 1.25 | | 1.25 | 1.07 | 2.32 | 86% | 86% | 54% | 54% |
| Washington | 5.00 | | 5.00 | 3.81 | 8.81 | 76% | 76% | 57% | 57% |
| Waukesha | 14.50 | 2.00 | 16.50 | 8.76 | 25.26 | 60% | 53% | 57% | 65% |
| Waupaca | 3.50 | | 3.50 | 1.98 | 5.48 | 57% | 57% | 64% | 64% |
| Waushara | 2.00 | | 2.00 | 1.28 | 3.28 | 64% | 64% | 61% | 61% |
| Winnebago | 10.00 | | 10.00 | 5.71 | 15.71 | 57% | 57% | 64% | 64% |
| Wood | 4.00 | | 4.00 | 5.41 | 9.41 | 135% | 135% | 43% | 43% |
| TOTALS | 383.45 | 40.00 | 423.45 | 166.03 | 589.48 | | | | |

*Modifications:

- 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 114.5 rather than higher due to the following factors:
 - a) the 1.0 FTE DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
 - b) Various PR Positions have no federal funding and are vacant, thus not included in the analysis
- 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.
- 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.



**DISTRICT ATTORNEY
SHEBOYGAN COUNTY**

Joel Urmanski
District Attorney

615 North 6th Street
Sheboygan, WI 53081-4692

Telephone (920) 459-3040
Fax (920) 459-4383

December 11, 2018

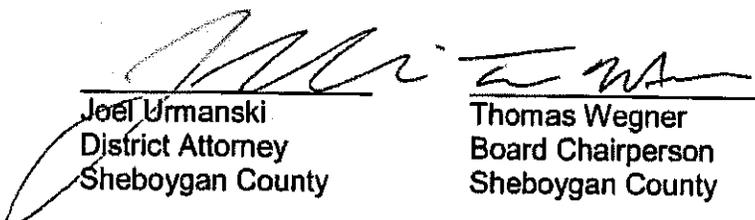
Kasey Deiss
Director – DOA, State Prosecutors Office
101 E Wilson Street, 9th Floor
PO Box 7869

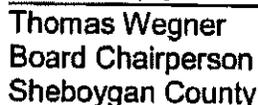
Director Kasey Deiss,

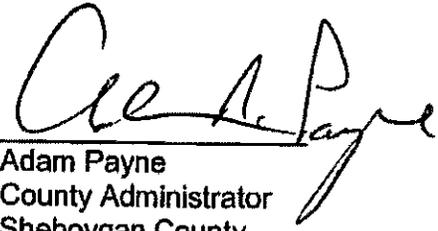
The Sheboygan County Board has included in its 2019 budget funding to be sent to Madison to transform the current 0.5 FTE Assistant District Attorney position in Sheboygan County into a 1.0 FTE time position for the entirety of 2019. Assistant District Attorney Meranda Teller, who currently fills the 0.5 FTE position will fulfill the full-time position. The approval of this funding recognizes the significant need for additional prosecutors in Sheboygan County and the County Board's dedication to its community.

The Sheboygan County Board as evidenced by this letter commits to funding an additional 0.5 FTE Assistant District Attorney Position in the Sheboygan County District Attorney's Office. The County commits to reimbursing the State for all expenses related to this 0.5 FTE position for calendar year 2019. As advised by the State Prosecutors Office, the estimated expense of this position for the requested duration (January 1, 2019 thru December 31, 2019) is approximately \$40,000 for salary, fringe and other payroll expenses. The county has sufficient resources to fund this pressing need. The undersigned Thomas Wegner, Chairperson of the Sheboygan County Board; Adam Payne, Sheboygan County Administrator; and Joel Urmanski, Sheboygan County District Attorney, acting in their official capacities, commit the County to the funding of this position and request the State begin the process of authorizing the creation of this additional PR position in the Sheboygan County District Attorney Office. We respectfully ask that the State move as quickly as possible to address this staffing change.

Sincerely,


Joel Urmanski
District Attorney
Sheboygan County


Thomas Wegner
Board Chairperson
Sheboygan County


Adam Payne
County Administrator
Sheboygan County