State of Wisconsin

SENATE CHAIR
Alberta Darling

317 East, State Capitol
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ASSEMBLY CHAIR
John Nygren

308 East, State Capitol
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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: October 24, 2019

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

Attached is a copy of a request from the Department of Administration, received October 24, 2019, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Eau Claire County District Attorney's office.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Tuesday, November 12, 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: October 24, 2019

OCT 24 2019
J. 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
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:

		2019-20		2020-21	
AGENCY	DESCRIPTION	AMOUNT	FTE	AMOUNT	FTE
DAs 20.475(1)(h)	Gifts and grants		1.0		1.0

As provided in s. 16.515, the request(s) will be approved on November 14, 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

***CORRESPONDENCE/** Memorandum*

State of Wisconsin
Department of Administration

Date: October 21, 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:

		2019-20		2020-21	
AGENCY	DESCRIPTION	AMOUNT	FTE	AMOUNT	FTE
DAs 20.475(1)(h)	Gifts and grants		1.0		1.0

AGENCY REQUEST:

		2019-20		2020-21	
AGENCY	DESCRIPTION	AMOUNT	FTE	AMOUNT	FTE
DAs 20.475(1)(h)	Gifts and grants		1.0		1.0

BP APPROVAL _____ (FORWARD TO GAIL TAPPEN)

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
Tony Evers, Governor
Joel Brennan, Secretary
Brian Pahnke, Administrator

Date: October 21, 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 Eau Claire County District Attorney for the Creation of a 1.0 FTE Program Revenue Assistant District Attorney Permanent Position.

Request:

The Department of Administration, on behalf of the Eau Claire County District Attorney's Office, requests the creation of a 1.0 FTE program revenue assistant district attorney permanent position.

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 state Department of Justice, Office of Crime Victim Services to the Eau Claire 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 Eau Claire County District Attorney's Office would reimburse the salary and fringe benefit expenses for the assistant district attorney position from the grant award.

Background:

The Services, Training, Officers and Prosecutors (STOP) Violence Against Women Act Specialized Prosecution Regional Resource Prosecutor program began as a part of a competitive grant process through the Department of Justice that allowed counties to seek funding for a full-time assistant district attorney position. The counties that received funding for the positions created assistant district attorney positions to act as a regional prosecutor specializing in cases of violence against women. The Eau Claire County Regional Violence Against Women Act Prosecutor grant was a three-year grant, for which the first year was competitive, and the second and third years were noncompetitive. The Department of Justice then provided noncompetitive funds for a fourth year of the project position carrying it through September 30, 2019.

According to the Department of Justice, the goals of the program are "to ensure prosecution response to violence against women is effective, keeps victims safe, and holds perpetrators accountable." The Regional Violence Against Women Resource Prosecutors are to be

established in four regions across the state "to provide technical assistance and training to their established region." Eau Claire County is in Region 3.

Other program responsibilities for grant recipients include:

- Working with local, regional and state partners, including law enforcement, domestic violence and sexual assault victim service providers, court systems, domestic violence and sexual assault statewide coalitions, the Department of Justice, and other identified partners to assess the need for, develop and provide technical assistance for prosecutors and others;

- Providing legal research and technical assistance to prosecutors on issues of crimes of violence against women, including sexual assault, domestic violence and stalking;

- Providing technical assistance to trial prosecutors in the form of research and briefing assistance, trial strategy and victim/witness preparation;

- Identifying best practice policies for the prosecution of crimes of violence against women; and

- Serving on advisory councils, local community coordinated response and/or sexual assault response teams, committees and other related boards.

The prosecutor is required to maintain a 40 percent caseload in the county and perform outreach in the established region, which for the northwest region encompasses 22 counties. The remaining 60 percent of the position's activity is focused on the items listed above.

Analysis:

The Regional Violence Against Women Prosecutor is required to maintain a 40 percent caseload. In 2018, the Eau Claire County attorney prosecuted 136 of the 179 cases that were received during the period. This reflects nearly a 75 percent charge rate for cases that are viewed as difficult to follow through with prosecution.

In the initial grant application, the county indicated that it intended to use the grant resources to develop best practices in the management of Violence Against Women support and prosecution activities, which includes establishing protocols for the investigation of technology used by offenders in the perpetration of their crimes, survivor treatment programs, juror education and coordinated community response team activities. In 2018, the Regional Violence Against Women Prosecutor was able to provide training to approximately 130 prosecutors and law enforcement officers in the areas of strangulations, injury/biological evidence, expert testimony and sexual assault.

In addition to training prosecutors and law enforcement officers, the Regional Prosecutor works in Eau Claire County and the other counties of Region 3 to:

- Assist in the prosecution of domestic violence cases;

- Oversee building a data reporting system to track domestic violence cases in the county;
- Attend relevant trainings, and develop best practice policies for prosecution and management of crimes against women;
- Work with regional law enforcement and judicial partners to identify issues which might cause a delay in prosecution; and
- Coordinate with the statewide Department of Justice Violence Against Women Act Resources Prosecutor on a regular basis.

The Department of Justice has indicated that approximately $110,000 will be awarded to Eau Claire County to support the Violence Against Women assistant district attorney position for another year. The department has also notified the State Prosecutor's Office that the funding stream for this position is expected to be continued long-term with noncompetitive renewals every year. Because of the continued support for this position, the Eau Claire County District Attorney's Office is requesting a 1.0 FTE permanent position. The funds for this position would be monitored closely and should a shortfall occur or if the grant were not renewed, the position would be vacated.

The assistant district attorney position furthers the State's policy to fight domestic violence by developing and strengthening effective responses to violence against women and building relationships with collaborative partners in the criminal justice system and the advocacy groups that serve victims in Eau Claire County and the surrounding region.

Recommendation:

Approve the request.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
James M. Langdon, Administrator

DATE: September 20, 2019

TO: Brian Pahnke, Administrator
Division of Executive Budget and Finance

FROM: Kasey Deiss, Director
State Prosecutors Office

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

On behalf of the Eau Claire County District Attorney's Office, I am submitting the attached request for authorization to create a 1.0 FTE program revenue permanent position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

September 20, 2019
Eau Claire County VAWA Regional Resource Prosecutor - Northwestern Wisconsin
s.16.505 Request

DEPARTMENT OF ADMINISTRATION REQUEST UNDER S. 16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, the creation of a permanent 1.0 FTE program revenue (PR) assistant district attorney (ADA) position beginning October 1, 2019. The position will be in the Eau Claire County District Attorney's (DA's) Office and will be funded via appropriation s.20.475(1)(h)..

II. BACKGROUND

Beginning in October 2015, the Wisconsin Department of Justice (DOJ) Office of Crime Victim Services awarded $110,202 for a full-time ADA position in the Eau Claire County District Attorney's Office for one year. This position funds the Regional Violence against Women Act Resource Prosecutor ("RVAWRP") position for a 22-county region in northwest Wisconsin. This program is designed to provide victim centered, offender focused guidance and assistance to prosecutors and other systems actors in the areas of domestic violence, sexual assault, and stalking and human trafficking while utilizing evidence based best practices. The program is now entering its fifth year in the Eau Claire County District Attorney Office. Because the grant is non-competitive, Eau Clair County anticipates receiving the funds for which it has applied this year and every year thereafter. The application anticipates $109,297 for payroll and additional employee benefits this cycle. This amount is sufficient to cover the cost of a 1.0 FTE prosecutor from October 1, 2019 through September 30, 2020. Furthermore, as the program is now fully established with a five-year track record of consistent funding, staffing and support at the local, state and federal levels, it is appropriate to convert this position from a Project Position to a Permanent PR position.

Past funding under this grant was utilized by the Eau Claire County DA's office to create a regional resource prosecutor position specializing in cases of violence against women. The ADA improved safety in Wisconsin by improving efficiency in case disposition time in Eau Claire County and counties in the northwestern Wisconsin region; provided training and collaborated with law enforcement agencies in the county to begin implementation of a Domestic Violence Lethality Screen on all domestic violence contacts; and, provide training and collaborate with victim witness services.

Cases of violence against women are very prevalent in Eau Claire County. In 2018, the Eau Claire County District Attorney's Office received 5,295 referrals from law enforcement with 509 referrals coded as domestic violence cases, which would not necessarily encapsulate all intimate partner violence referrals. The RVAWRP received 179 cases for review and prosecuted 136 cases in 2018. This reflects an almost 75% charge rate for cases traditionally viewed as difficult to follow through with prosecution.

Of note in 2018, the RVAWRP was able to secure a difficult conviction in a child sex trafficking prosecution related to the victimization of a child beginning when she was just eight years of age and continuing for another eight years. The RVAWRP engages in evidence based approaches and focuses on trauma informed investigation and prosecution. A focus on trauma informed investigation and prosecution increases offender accountability and better serves the interests of the victim and community because it changes the lens in which a case is viewed. It can often explain and validate victim behaviors and responses that in the past may have served to undermine the credibility of the victim.

The RVAWRP has prioritized and focuses on improving non-fatal strangulation investigations in her region. After an influx of strangulation homicides, the San Diego District Attorney's Office reviewed 300 non-fatal strangulation assaults. Part of their findings revealed that there were visible injuries in 50% of the cases and only 15% percent of the cases yielded usable photographs. These are cases that often do not leave injury and instill fear in the victim that the offender is capable of killing. There is a very strong correlation between strangulation and lethality. Strangulation account for approximately 10% of domestic homicides; however, research has shown that non-fatal strangulation had occurred in 43-47% of domestic homicides.

III. ANALYSIS

This position is in furtherance of the State's policy to fight domestic violence by developing and strengthening effective responses to violence against women. The grant encourages collaboration between the primary players in the criminal justice system (victim/witness counselors, prosecutors, and law enforcement) and the advocacy groups that serve Eau Claire County and surrounding counties. Victim safety and offender accountability are important aspects of the grant.

IV. FISCAL ANALYSIS

A fifth year of funding of $109,297 will be authorized by the DOJ Office of Crime Victim Services for a 1.0 FTE ADA position for one additional 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 revenue source for the position in the gifts and grants appropriation under s. 20.475(1)(h), Wis. Stats., WI Department of Justice (DOJ), Office of Crime Victim Services grant to the Eau Claire County DA'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 Eau Claire County District Attorney's Office will reimburse the State of Wisconsin District Attorney Department the salary and fringe benefit costs for the ADA position from the grant award.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the 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 Eau Claire 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 WI DOJ Office of Crime Victim Services awarded this grant to the Eau Claire 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 DOJ Office of Crime Victim Services, is intended for the Eau Claire County DA's Office to develop and strengthen effective responses to violence against women in Eau Claire County and surrounding counties.

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%
Marinette	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%
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.

OFFICE OF DISTRICT ATTORNEY
Gary King | District Attorney
Peter Rindal | Deputy District Attorney

September 12, 2019

Kasey Deiss, Director
State Prosecutors Office
Post Office Box 7860
Madison, WI 53707-7869

RE: Eau Claire County's Request for Continued Funding for Regional Violence Against Women Resource Prosecutor

Dear Mr. Deiss:

Introduction:

The Eau Claire County District Attorney's Office respectfully requests continued financing for the Regional Violence Against Women Act Resource Prosecutor ("RVAWRP") position for a 22 county region in northwest Wisconsin. This program is designed to provide victim centered, offender focused guidance and assistance to prosecutors and other systems actors in the areas of domestic violence, sexual assault, stalking and human trafficking while utilizing evidence based best practices.

This grant cycle will begin on October 1, 2019 and end September 30, 2020. Of course, Eau Claire County will continue to request these grant funds as long as they are made available to us.

Eau Claire County is requesting a total of $109,297.00 in federal dollars. The match dollars will come through office space and additional staff salaries. Salary and benefits makes up $100,000.00 of the federal dollars. A total grant amount, including match dollars is $147,709.00. This makes up the full grant budget being requested through this grant announcement.

Analysis:

In 2010, the Center for Disease Control released the National Intimate Partner and Sexual Violence Survey. The results of the survey revealed that nearly 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) in the United States have experienced rape, physical violence and/or stalking by an intimate partner in their lifetimes. End Abuse in Wisconsin's 2016 Homicide Report documented 59 domestic-violence related homicide in 2016, which was an increase from 2015.

In 2018, the Eau Claire County District Attorney's Office received 5,295 referrals from law enforcement in 2018 with 509 referrals coded as domestic violence cases, which would not necessarily encapsulate all intimate partner violence referrals. The RVAWRP received 179 cases for review and prosecuted 136 cases in 2018. This reflects an almost 75% charge rate for cases traditionally viewed as difficult to follow through with prosecution.

ASSISTANT DISTRICT ATTORNEYS
Meri C. Larson | Benjamin J. Webster | Loralee Clark | Ellen M. Anderson
Kelly Mandelstein | Crystal Jensen | Angela L. Beranek

721 Oxford Avenue, Suite 2570 Eau Claire, WI 54703 715-839-4828 | 715-831-5818 Fax

Additionally in 2018, the RVAWRP was able to assist in a high profile child sex trafficking case in Eau Claire County. The victim was eight years old when her mother began to allow adult men to have sex with the child in exchange for money and illegal drugs. The abuse ended when the child was sixteen. The RVAWRP and co-worker were able to secure a conviction for one of the adult men involved. It is unlikely that this conviction could have been secured without the RVAWRP's assistance and participation in the prosecution.

In addition, managing this case load, the Northwest RVAWRP has attended and built relationships in 15 of the 22 county region by attending various multidisciplinary team meetings that focus on domestic violence and sexual assault.

In 2018, the RVAWRP provided training to approximately 130 prosecutors and law enforcement officers in the areas strangulation, handling recantation in domestic violence cases, and assisting in training sexual assault nurse examiners ("SANE"). These trainings occurred both the RVAWRP's region and throughout the State of Wisconsin, allowing smaller counties to attend with less travel and greater convenience.

Domestic violence and sexual assault offenses are inherently difficult to prosecute, because they often involve people that know each other closely and who are also the only witnesses to the crime. Specifically in domestic violence cases, victims are often encouraged by the offender and offender's family to not cooperate or participate in the case's prosecution. It is very common for a victim to remain in the relationship with the offender for a variety of reasons.

These difficulties can be overcome and the RVAWRP encourages and utilizes a number legal strategies such as pursuing victimless prosecutions, incorporating advocacy, and reaching out to and speaking victims to potentially address or lessen some of the more traditional boundaries. Vigorous prosecution of domestic violence cases results in helping to break the cycle of family violence and homicide prevention.

The RVAWRP engages in evidence based approaches and focuses on trauma informed investigation and prosecution. A focus on trauma informed investigation and prosecution increases offender accountability and better serves the interests of the victim and community because it changes the lens in which a case is viewed. It can often explain and validate victim behaviors and responses that in the past may have served to undermine the credibility of the victim.

The RVAWRP has prioritized and focuses on improving non-fatal strangulation investigations in her region. After an influx of strangulation homicides, the San Diego District Attorney's Office reviewed 300 non-fatal strangulation assaults. Part of their findings revealed that there were visible injuries in 50% of the cases and only 15% percent of the cases yielded usable photographs. These are cases that often do not leave injury and instill fear in the victim that the offender is capable of killing. There is a very strong correlation between strangulation and lethality. Strangulation account for approximately 10% of domestic homicides; however, research has shown that non-fatal strangulation had occurred in 43-47% of domestic homicides.

Additionally, the RVAWRP engages in evidence based approaches. The RVAWRP assisted in implementing the Maryland lethality assessment program ("LAP") for agencies in Eau Claire County, which is an incredibly important step for improving law enforcement response and the opportunity for survivors to receive services. The LAP is one of two best practices models available to assess the risk of lethality and/or serious harm for a victim of domestic violence. The State of Maryland that first developed and implemented the tool saw a 25% reduction of domestic related homicides over a six year period. Continued programming will help ensure the ongoing utilization of this program.

Finally, the RVAWRP serves a large, rural geographical area with many of the counties only having one or two additional assistance district attorneys in addition to the elected official. The limited number of positions require that prosecutors learn a little about every area of criminal law, but make it difficult to fully learn and practice in one specific area. This grant positions allows an experienced, practiced prosecutor present in the region to assist and find solutions that work for counties with limited resources.

Request:

The Eau Claire District Attorney' Officer respectfully requests that funding continue, so that the citizens of Eau Claire County and Northwest Wisconsin can continue to benefit from the skill and knowledge of the RVAWRP program. Thank you for your time and attention.

Sincerely,

Crystal L. Jensen
Assistant District Attorney
Eau Claire County
Regional Violence Against Women Resource Prosecutor

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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17 West Main Street
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September 11, 2019

Mr. Kasey Deiss, Director
State Prosecutor's Office
P.O. Box 7869
Madison, WI 53707-7869

Dear Mr. Deiss:

The Wisconsin Department of Justice Office of Crime Victim Services (OCVS) receives the STOP VAWA federal formula grant every year from the US Department of Justice. STOP VAWA is a reliable funding stream awarded annually to every state.

The Wisconsin Regional Violence Against Women Resource Prosecutors Program is a permanent program funded through this grant. Brown, Dane, Eau Claire, Milwaukee, and Waukesha counties receive STOP VAWA funding for a Regional Violence Against Women Resource Prosecutor in each county. OCVS anticipates this program will be funded long-term, with non-competitive renewals every year.

Please contact Shira Phelps, VAWA Grants Administrator, at phelpssr@doj.state.wi.us with any additional questions.

Sincerely,

Michelle L. Viste

Michelle L. Viste
Executive Director

MLV:srp