



Legislative Fiscal Bureau

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November 4, 2015

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Justice: Section 13.10 Request to Provide GPR Funding for 2.0 Assistant Attorneys General for Gun Violence Prosecution -- Agenda Item I

REQUEST

The Department of Justice (DOJ) is requesting the transfer of \$220,000 GPR annually from the Joint Committee on Finance's supplemental appropriation to DOJ's legal services general program operations appropriation. In addition, the Department requests that the Committee increase the position authority of the legal services appropriation by 2.0 permanent GPR positions. The increase in funding and position authority would support 2.0 assistant attorneys general (AAGs) who would serve as special prosecutors that assist the Milwaukee County District Attorney's office handle investigations and prosecutions of firearm-related criminal offenses in the City of Milwaukee.

BACKGROUND

During deliberations of the 2015-17 biennial budget bill, the Joint Committee on Finance appropriated \$220,000 GPR annually to the Committee's supplemental appropriation in order to support 2.0 AAGs in DOJ who would serve as special prosecutors that prosecute cases related to gun violence and the illegal possession of a firearm. Under the provision, release of funding to DOJ would be contingent upon the Department submitting a plan to the Committee, under s. 13.10 of the statutes, which would detail how DOJ would utilize the funding and the 2.0 AAG positions. The gun violence special prosecutor provision was included in the 2015-17 biennial budget that was adopted by the Legislature and approved by the Governor as 2015 Act 55.

Special Prosecutors

Generally, the responsibility of prosecuting individuals at the trial level falls to the locally-elected district attorney (DA) and his or her prosecutorial staff. However, s. 978.05(8)(b) of the statutes provides that the DA may request the assistance of assistant attorneys general in DOJ. Further, a court may request the assistance of an AAG in DOJ prior to appointing a private

attorney as a special prosecutor. Under such circumstances, AAGs may appear and assist in the investigation and prosecution of any matter for which the district attorney is responsible with the same authority as the district attorney.

Assistant attorneys general in DOJ's Criminal Litigation Unit handle these special prosecution appointments. The Criminal Litigation Unit is currently comprised of 23.0 full-time equivalent positions, including: 1.0 director, 14.0 AAGs and AAG supervisors, 3.0 paralegals, 4.0 legal secretaries and 1.0 training officer. In 2013-14, AAGs in the Unit were referred 412 criminal cases for special prosecution, while in 2014-15 Unit attorneys were referred 106 of these cases.

Milwaukee Gun Violence Reduction Initiative

On July 20, 2015, DOJ, the Milwaukee County DA office, the Milwaukee Police Department (MPD), the Department of Corrections, and the Milwaukee Mayor's Office entered into a memorandum of agreement (MOA) entitled the "Milwaukee Gun Violence Reduction Initiative" (attached). The Initiative is aimed at improving the investigation and prosecution of firearm-related crimes in the City of Milwaukee. According to the MOA, the Initiative is intended to address, "an increase in firearm-related crimes, injuries and deaths in the city of Milwaukee." The MOA will remain in effect until July 1, 2017, or as otherwise agreed upon by the involved parties, and may be extended by mutual agreement. Under the agreement, any party may terminate its participation with a 30 day written notice to the other signatories, setting forth the specific reasons for early termination.

The following points summarize the responsibilities of each party involved in the Initiative under the MOA.

- *Wisconsin Department of Justice.* The Department will provide 2.0 AAGs who will act as special prosecutors that assist the Milwaukee County DA's office handle firearm-related investigations and prosecutions, including cases involving the unlawful possession of a firearm and non-fatal shootings. The assigned AAGs will be housed in the Milwaukee County DA's office and will be under the day-to-day supervision of the Milwaukee County DA for the purpose of work assignments. The Department will retain the overall general authority to supervise the two AAGs.

In addition, DOJ will make \$50,000 in federal Byrne justice assistance grant (JAG) funding available to the Milwaukee Police Department for overtime expenses related to the investigative activities of the detectives assigned to the Initiative. The Department will also seek additional overtime funding for MPD officers should DOJ deem it necessary, subject to funds being available.

- *Milwaukee Police Department.* The Police Department will dedicate at least 12 experienced detectives who will: (a) investigate firearm-related cases; (b) assist in the development of investigative and prosecutorial strategies; and (c) conduct any necessary investigative and crime prevention activities. The dedicated unit of MPD detectives will not be

used for normal day-to-day general policing activities.

In addition, MPD will take the primary, but not exclusive, role of identifying the most dangerous individuals to be targeted for special prosecution. The Police Department will also assist agents from the Department of Corrections on home and workplace visits.

- *Wisconsin Department of Corrections.* Corrections will assign probation and parole agents directly to MPD districts, and consult with MPD to ensure that an appropriate number of agents are assigned to each district. In addition, Corrections will, "...aggressively expand the use of its agents for home visits, workplace visits, bar checks, and other locations known to attract criminal activity provided MPD provides the necessary uniformed officers to assist." Finally, Corrections will: (a) work closely with MPD to assist in the location and apprehension of absconders; (b) participate in targeting high risk offenders likely to be involved in firearm-related violence; (c) share data with law enforcement partners to identify priority targets for prosecutors and MPD officials; (d) participate as needed in "call ins" scheduled by law enforcement; (e) continue its participation on Milwaukee's Homicide Review Commission; (f) seek GPS monitoring for offenders identified for enhanced supervision; and (g) expedite revocation holds and revocation proceedings for all firearm-related crimes or rule violations. ["Call ins" are meetings between high risk offenders, the offender's support system (such as the offender's family) and law enforcement officials that occur after the offender is released on probation, parole, or extended supervision.]

- *Milwaukee County District Attorney Office.* The Milwaukee County DA office will provide office space, clerical support and supplies for the 2.0 AAG positions provided by DOJ. The Milwaukee DA office will also fund any work-related expenses incurred by the two AAGs while performing their duties.

In addition, the Milwaukee County DA office will: (a) work with DOJ, MPD, Corrections, the Milwaukee Mayor's Office and others to assist in the development of investigative and prosecutorial strategies and procedures; (b) maintain its existing level of resources, including prosecutors and investigators, involved in firearm-related cases; and (c) use any other available resources to supplement the efforts of the Initiative. [The two AAGs provided by DOJ will join four prosecutors in a specialized unit at the Milwaukee County DA office.]

- *Milwaukee Mayor's Office.* The Mayor's Office will assign a senior representative to attend meetings with all of the parties involved in the Initiative. Further, the Mayor's office will direct various City departments (such as the Milwaukee Police Department, the Milwaukee Department of Neighborhood Services, and the Milwaukee Health Department) to take measures to further reduce firearm-related violence and promote public safety.

- *Other Agencies and the Public.* Under the MOA, each of the parties agree to collaborate with and seek the assistance of other public and private entities, including the United States Attorney's office, the Milwaukee County Circuit Court, the Milwaukee Homicide Review Commission, the Milwaukee Health Department, and the Milwaukee Department of Neighborhood Services. The parties will also work to engage community leaders and the public, "in recognizing the scope of the problem, developing strategies for responding, and creating support in reducing firearm-related crimes."

In addition to the responsibilities noted above, the MOA provides for the development of investigative and prosecutorial policies within 45 days of the execution of the agreement. According to the MOA, guidelines will be developed for cases and investigations involving: (a) individuals with a history of violence; (b) individuals who may not be found in possession of a firearm but have committed other crimes that may warrant prosecution; (c) possession of firearms by felons, individuals under Corrections' supervision, and other individuals who are prohibited from possessing a firearm; and (d) the use of firearms including cases involving death and injury.

Finally, the agreement establishes an ongoing review process for the Initiative. Specifically, the parties agree to meet biweekly for the first six months following the effectuation of the MOA, and then monthly thereafter, to discuss the status and results of the work performed under the Initiative. In addition, the Milwaukee County DA's office and MPD agree to provide DOJ with data associated with the Initiative. The Department of Justice will analyze this data and submit an annual report to the Joint Committee on Finance on the results of the Initiative.

Firearm-Related Crime in the City of Milwaukee and Wisconsin

The purpose of the Initiative is to address an increase in firearm-related crimes, injuries and deaths in the City of Milwaukee. The following tables provide crime data compiled by the uniform crime reporting (UCR) program and the Milwaukee Homicide Review Commission for the City of Milwaukee, as well as Wisconsin as a whole. [It should be noted that population estimates compiled for the purposes of the UCR program were utilized to calculate crime rates per 100,000 residents. It should also be noted that the Homicide Review Commission is a predominately federal grant-funded project developed to research and prevent homicide in the City of Milwaukee.]

Similar to the nation, violent crime rates in Wisconsin are generally higher in urban, highly populated cities. Under the UCR, a violent crime is defined as either murder (homicide), forcible rape, robbery, or aggravated assault. Table 1 identifies the rates of violent crime per 100,000 residents in Wisconsin cities with over 100,000 residents (Milwaukee, Madison, and Green Bay) and in the state as a whole.

TABLE 1

**Violent Crime Rates Per 100,000 Residents for Cities
with a Population over 100,000 and Wisconsin***

<u>Year</u>	<u>Milwaukee</u>	<u>Madison</u>	<u>Green Bay</u>	<u>Wisconsin</u>
2005	1,020	379	487	242
2006	1,320	438	549	256
2007	1,370	371	593	288
2008	1,223	385	497	276
2009	1,099	368	468	259
2010	1,047	398	370	250
2011	1,116	352	416	252
2012	1,298	379	492	280
2013	1,339	358	461	268
2014	1,461	334	464	279

*Identified offenses for Milwaukee, Madison, and Green Bay were reported by the Milwaukee Police Department, the Madison PD, and the Green Bay PD.

Source: UCR program

Focusing further on crimes involving a firearm in the City of Milwaukee, Table 2 compares the rate of homicides, aggravated assaults, robberies, and forcible rapes involving a firearm per 100,000 residents in the City of Milwaukee and Wisconsin.

TABLE 2

**Rate of Homicides, Aggravated Assaults, Robberies, and Forcible Rapes Involving a
Firearm Per 100,000 Residents in the City of Milwaukee and Wisconsin**

<u>Year</u>	<u>Milwaukee Firearm Crime Rate per 100,000 Residents*</u>	<u>Wisconsin Firearm Crime Rate per 100,000 Residents*</u>
2005	502.3	69.1
2006	814.8	103.4
2007	768.9	98.9
2008	696.5	93.0
2009	626.5	84.3
2010	578.5	77.4
2011	557.5	72.3
2012	629.6	80.3
2013	648.0	82.3
2014	775.7	97.3

*"Firearm Crime" only includes homicides, aggravated assaults, robberies, and forcible rapes in which a firearm was utilized.

Source: UCR program

Finally, Table 3 provides data compiled by the Milwaukee Homicide Review Commission on homicides and non-fatal shootings in the City of Milwaukee from 2006 to 2015 (through October 18, 2015). Specifically, the table identifies the following crime statistics for the City: (a) the number of homicides; (b) the number of homicides caused by a firearm; (c) the number of non-fatal shooting victims; and (d) the number of firearm homicide victims and non-fatal shooting victims per 100,000 residents.

TABLE 3

**City of Milwaukee Firearm Homicides and Non-Fatal Shooting Victims
2006-2015**

<u>Year</u>	<u>Number of Homicides</u>	<u>Homicides Involving a Firearm</u>	<u>Non-Fatal Shooting Victims</u>	<u>Firearm Homicide Victims and Non-Fatal Shooting Victims</u>	<u>Rate of Firearm Homicide Victims and Non-Fatal Shooting Victims Per 100,000 Residents</u>
2006	103	77	621	698	120.1
2007	104	83	485	568	96.2
2008	73	48	448	496	82.1
2009	71	53	439	492	81.4
2010	95	66	402	468	77.4
2011	87	60	473	533	89.6
2012	91	75	500	575	96.2
2013	105	81	530	611	101.7
2014	86	75	583	658	110.4
2015*	120	96	508	604	101.3

*Through October 18, 2015

Source: Milwaukee Homicide Review Commission

ANALYSIS

The 2015-17 budget act provided \$220,000 GPR annually to the Committee's GPR supplemental appropriation for the purpose of supporting 2.0 AAG gun violence special prosecutor positions in the Department of Justice. The release of this funding is contingent upon DOJ submitting a plan to the Committee, under s. 13.10 of the statutes, which details how DOJ will utilize the funding and the 2.0 AAG positions.

Accordingly, under s. 13.10 of the statutes, DOJ requests that the Committee transfer \$220,000 GPR annually (\$158,000 for salaries and \$62,000 for fringe benefits) to DOJ's legal services general program operations appropriation to support 2.0 AAGs. [Supplies and service costs associated with the positions would be supported by the Milwaukee County DA office.] In addition, DOJ requests that the Committee increase the position authority of the legal services appropriation by 2.0 permanent GPR positions. Table 4 summarizes the Department's request.

TABLE 4

Cost of 2.0 Assistant Attorneys General Under Department's Request

<u>Cost of 2.0 AAGs</u>	<u>2015-16</u>	<u>2016-17</u>
Salary	\$158,000	\$158,000
Fringe benefits	<u>62,000</u>	<u>62,000</u>
Total	\$220,000	\$220,000

As discussed above, the Department would utilize the 2.0 AAG positions to fulfill DOJ's primary role in the Milwaukee Gun Violence Reduction Initiative. The Department's AAGs would be housed within the Milwaukee District Attorney office, and handle firearm-related investigations and prosecutions, including cases involving the unlawful possession of a firearm and non-fatal shootings. The two AAGs will join four Milwaukee County prosecutors in a specialized unit for firearm-related cases.

The Milwaukee DA office is currently staffed with 120.5 prosecutor positions, comprised of 87.0 GPR-funded prosecutors and 33.5 PR-funded prosecutors. In 2013, the Office prosecuted 464 felon in possession of a firearm cases, while in 2014, the Office prosecuted 554 such cases. According to the Milwaukee County DA office, annual data does not currently exist regarding the total number of firearm-related offenses prosecuted by the Office because the Office's caseload database does not distinguish between certain crimes that involve a weapon. [For example, the caseload database does not distinguish between armed robberies involving a firearm as opposed to a weapon other than a firearm.] Notwithstanding these data reporting issues, the Office states that, "...We can confidently say that, in 2014, we prosecuted in excess of 1,100 cases involving a firearm." The Office anticipates prosecuting a greater number of firearm-related offenses in 2015 since the City of Milwaukee has experienced an increase in homicides and non-fatal shootings.

With regards to the Office's current ability to prosecute all firearm-related offenses in the City with existing staff levels, Office staff indicates the following: "The current staff of the Milwaukee County District Attorney's Office reviews all firearm related criminal offenses that originate in the City of Milwaukee, and prosecutes all such offenses that meet the legal burden of proof. While the attorneys who handle those cases maintain heavy caseloads, these caseloads do not prevent them from reviewing and prosecuting these cases. Cases in Milwaukee County are not pended or uncharged due to caseload issues."

Notwithstanding the Office's current ability to handle its prosecutorial caseload, the Office has indicated that the 2.0 AAGs are important for the successful implementation of the Initiative. Under the proposal, the 2.0 AAGs would assist with an anticipated increase in case referrals that will result from MPD's enhanced investigative efforts. Further, the AAGs would assist the DA office expedite the prosecution of firearm-related cases, most notably cases involving the illegal possession of a firearm. Typically, these cases are handled by a single gun court in Milwaukee. However, according to the DA office, the large number of these cases that have gone to jury trial

has caused a delay in prosecution. In order to remedy these delays, the Chief Judge of District One of the Circuit Court system has directed that felony gun possession cases be referred to five other courts in addition to the current gun court. The AAGs will assist the DA office prosecute cases in these other courts. [District One of the Circuit Court system is comprised of Milwaukee County only.]

In summary, the Committee could approve DOJ's request for \$220,000 GPR annually and 2.0 GPR positions given that: (a) the Legislature reserved funding for 2.0 AAG positions in the 2015-17 biennial budget; (b) funding and position authority transferred to DOJ would assist the Department effectuate its role in the Milwaukee Gun Violence Reduction Initiative; and (c) the Milwaukee DA office has expressed a need for additional prosecutorial resources [Alternative 1]. Under this alternative, the Committee would transfer \$220,000 GPR annually from its supplemental appropriation to DOJ's general program operations appropriation and increase the position authority of DOJ's appropriation by 2.0 permanent GPR positions.

Alternatively, the Committee could provide DOJ the position authority to support 2.0 AAG positions for the Initiative, but modify the Department's request by: (a) transferring a reduced level of funding; or (b) providing DOJ the position authority for 2.0 project positions as opposed to 2.0 permanent positions.

Reduced level of funding. As previously discussed, the Department requests that the Committee transfer \$220,000 annually to support 2.0 AAG positions, comprised of \$158,000 for salaries and \$62,000 for fringe benefits. Requested funding for salaries would support an hourly salary of \$37.98 per hour (\$79,000 annually) for each of the two attorneys. Under the 2015-17 compensation plan, however, the minimum hourly salary for an assistant attorney general and an assistant district attorney is \$23.68 per hour (\$49,300 annually). Typically, when budgeting for new positions, including assistant DAs, positions are budgeted at the minimum hourly salary rate. Given that the 2.0 AAGs will have comparable responsibilities to assistant DAs in the Milwaukee County DA office, the positions could be funded in a similar manner that is utilized to budget for assistant DAs.

Further, funding requested by the Department would provide 12 months of support for the 2.0 AAG positions in both 2015-16 and 2016-17. However, to date, four months of 2015-16 have been completed. In addition, due to issues related to recruitment and selection, newly-created positions are generally budgeted to start three months after creation. As a result of these timing considerations, it could be argued that the Department should be provided five months of funding in 2015-16 (and 12 months of funding in 2016-17) to support the 2.0 AAGs.

Based on these considerations, if the Committee decides to provide DOJ 2.0 AAG positions, the Committee could provide a reduced level of funding as compared to the amount requested by DOJ. Specifically, the Committee could transfer \$57,200 GPR in 2015-16 and \$137,400 GPR in 2016-17 to DOJ to support 2.0 AAG positions [Alternative 2a]. Table 5 summarizes the amount of funding that would be transferred to DOJ under Alternative 2a.

TABLE 5

**Cost of 2.0 AAGs With Minimum Salary and Five Months of Funding in 2015-16
(Alternative 2a)**

<u>Cost of 2.0 AAGs</u>	<u>2015-16</u>	<u>2016-17</u>
Salary	\$41,000	\$98,600
Fringe benefits	<u>16,200</u>	<u>38,800</u>
Total	\$57,200	\$137,400

In reviewing this reduced funding alternative, it should be noted that while newly-hired positions are typically awarded the minimum hourly salary under the compensation plan, AAGs have a broadband pay schedule. Newly-hired positions with a broadband pay schedule may be compensated up to a maximum appointment hourly salary rate. Under the 2015-17 compensation plan, the maximum appointment salary rate for AAGs is \$40.45 per hour (\$84,100 annually). As noted in Table 4, funding requested by DOJ would support an annual salary of \$79,000 for each AAG special prosecutor. Providing funding to support a higher initial salary for the AAGs as requested by DOJ may allow the Department to recruit more experienced candidates. On the other hand, assistant DAs do not have a broadband pay schedule, and therefore newly-hired assistant DAs are generally awarded the minimum hourly salary.

If the Committee were to provide funding to support the 2.0 AAGs at the minimum salary level, but the Department determines that it needs to provide a greater starting salary in order to recruit its desired candidates, DOJ would have to support the difference in funding through existing base resources.

It should also be noted that while newly-hired positions are typically budgeted to start three months after creation due to issues related to recruitment, DOJ has already begun the recruitment process for these two positions. Therefore, DOJ may not require three months to recruit candidates for the requested positions.

After considering the issues discussed above, the Committee may determine that the 2.0 AAGs should be budgeted at the salary level requested by the Department with no three-month recruitment period. However, given that four months of 2015-16 have passed, funds could be provided for eight months in the first year. In this instance, the Committee could transfer \$146,800 GPR in 2015-16 and \$220,000 GPR in 2016-17 to DOJ to support the 2.0 AAG positions [Alternative 2b]. Table 6 summarizes the amount of funding that would be transferred to DOJ under Alternative 2b.

TABLE 6

Cost of 2.0 AAGs with Eight Months of Funding in 2015-16 (Alternative 2b)

<u>Cost of 2.0 AAGs</u>	<u>2015-16</u>	<u>2016-17</u>
Salary	\$105,400	\$158,000
Fringe benefits	<u>41,400</u>	<u>62,000</u>
Total	\$146,800	\$220,000

Create project positions as opposed to permanent positions. The Department requests the creation of 2.0 permanent AAG positions in order to fulfill DOJ's role in the Milwaukee Gun Violence Reduction Initiative. Under the request, funding and position authority provided to DOJ to support the permanent positions would be included in the agency's 2017-19 base budget.

However, under the current MOA, the Initiative, "will remain in effect until July 1, 2017, or as otherwise agreed by the parties, and may be extended by mutual agreement." In light of the fact that the Initiative could cease after July 1, 2017, one may question the need to create permanent positions within the Department. Rather, the Committee could provide DOJ with 2.0 project AAG positions that would expire on June 30, 2017. [Alternative 3]. Under this alternative, funding and position authority provided to DOJ would not be included in the agency's base budget for the 2017-19 biennium. If the Milwaukee Gun Violence Reduction Initiative is extended beyond July 1, 2017, DOJ could request that funding and position authority for the 2.0 AAGs be included in the 2017-19 biennial budget.

In considering whether to create project or permanent positions, it should be noted that it may be more difficult for the Department to recruit qualified candidates if the longevity of the positions is uncertain.

ALTERNATIVES

1. Approve the Department's request to transfer \$220,000 GPR annually from the Committee's supplemental appropriation [s. 20.865(4)(a)] to DOJ's legal services general program operations appropriation [s. 20.455(1)(a)] to support 2.0 assistant attorneys general who would assist the Milwaukee County District Attorney's office handle investigations and prosecutions of firearm-related criminal offenses in the City of Milwaukee. In addition, create 2.0 permanent GPR positions in DOJ's appropriation.

2. Modify Alternative 1 by providing a reduced level of funding in either of the following manners.

a. Transfer \$57,200 GPR in 2015-16 and \$137,400 GPR in 2016-17, as opposed to \$220,000 GPR annually, in order to support 2.0 AAG positions. [The reduced level of funding differs from the amount requested by DOJ in that the funding would support: (a) the minimum salary awarded to assistant attorneys general; and (b) five months of funding in 2015-16, as

opposed to 12 months of funding.]

b. Transfer \$146,800 GPR in 2015-16 and \$220,000 GPR in 2016-17, as opposed to \$220,000 GPR annually, in order to support 2.0 AAG positions. [The reduced level of funding differs from the amount requested by DOJ in that the funding would support eight months of funding in 2015-16, as opposed to 12 months of funding.]

3. In addition to Alternative 1, 2a, or 2b, create 2.0 project AAG positions that would end on June 30, 2017, rather than 2.0 permanent positions. In addition, rather than provide ongoing salary and fringe benefit funding to support the 2.0 project positions, provide one-time financing to support the 2.0 project positions.

4. Deny the request.

Prepared by: Michael Steinschneider
Attachment

MILWAUKEE GUN VIOLENCE REDUCTION INITIATIVE

MEMORANDUM OF AGREEMENT BETWEEN THE WISCONSIN DEPARTMENT OF JUSTICE, WISCONSIN DEPARTMENT OF CORRECTIONS, MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE, MILWAUKEE POLICE DEPARTMENT, AND CITY OF MILWAUKEE

PURPOSE:

This Memorandum of Agreement (MOA) is entered into between the Wisconsin Department of Justice (WDOJ), the Milwaukee County District Attorney's Office (MDAO), the Milwaukee Police Department (MPD), the Wisconsin Department of Corrections (WDOC), and the Milwaukee Mayor's Office (MMO) for the purpose of working cooperatively to improve the investigation and prosecution of firearm-related crimes in the city of Milwaukee. The agreement is intended to address an increase in firearm-related crimes, injuries and deaths in the city of Milwaukee. The parties agree that addressing this issue will require the commitment of time and resources by all parties. The Wisconsin legislature has recognized the importance of this issue to the citizens of Milwaukee and has appropriated new resources to WDOJ to assist in addressing the problem.

The thorough investigation and aggressive prosecution of unlawful firearm-related cases could have a substantial impact on the problem facing Milwaukee. Achieving a reduction in firearm-related crimes requires close cooperation between law enforcement agencies, prosecutors, governmental agencies, elected officials, and members of the community. This agreement is premised upon the need to devote adequate dedicated law enforcement resources to develop enforcement strategies and to thoroughly investigate crimes and to commit experienced prosecutors to work with law enforcement and to pursue appropriate criminal charges focused on serious crimes and offenders. As a committed team, the parties agree to work to identify criminals who pose a particularly high threat to the safety of the citizens and to aggressively investigate and prosecute those who have committed serious crimes.

WDOJ INVOLVEMENT:

The WDOJ shall provide two (2) Assistant Attorneys General (AAGs) to work with the MDAO to handle firearms related investigations and prosecutions including cases involving unlawful possession of firearms and non-fatal shootings. These positions will supplement, but not replace, any MDAO positions currently assigned to handle firearm related prosecutions.

The parties agree that the assigned AAGs will act as special prosecutors under Wisconsin Statute § 978.05(8)(b).

The assigned AAGs will be housed in the offices of the MDAO and be under the day-to-day supervision of the MDAO for purposes of work assignments. However, the WDOJ retains the overall general authority to supervise these positions. The WDOJ and MDAO will work collaboratively to ensure proper use of the AAGs with WDOJ being responsible for the payment of salaries and benefits of any assigned AAGs.

The assignment of the AAGs and the involvement of the WDOJ are contingent upon the commitment of adequate law enforcement resources from MPD to ensure complete investigations that are essential to the successful prosecution of criminal charges.

WDOJ will make \$50,000 in federal JAG grant funding available to MPD for overtime expenses related to the investigative activities of the detectives assigned to this initiative, as discussed below. WDOJ agrees to seek additional overtime funding should it be deemed necessary by WDOJ, subject to any such funds being available.

MDAO INVOLVEMENT:

The MDAO will provide reasonable and adequate office space, clerical support and supplies and equipment for the AAG special prosecution positions and pay for any work related expenses incurred while handling MDAO assignments.

The MDAO will work with WDOJ, MPD, WDOC, MMO and other partners as may be called upon to assist in the development of investigative and prosecution strategies and procedures, maintain its existing level of resources, including prosecutors and investigators, involved in unlawful firearm-related cases, and to use any other available resources to supplement the efforts of this MOA.

MPD INVOLVEMENT:

The principal intent of this MOA is to create a collaborative team of law enforcement officers, prosecutors, and other professionals whose primary focus is dealing with firearms related violence and public health and safety matters. To further that goal, MPD agrees to dedicate at least twelve (12) experienced detectives to be assigned primarily to the investigation and prosecution of firearm-related cases under this agreement, to work collaboratively with the MDAO, WDOJ, MMO, WDOC and other parties as may be called upon to assist in the development of investigative and prosecution strategies, and to conduct any necessary investigative and crime prevention activities. MPD will work collaboratively with other parties and take the primary, but not exclusive role of identifying the most dangerous individuals to be targeted for special prosecution.

It is understood that MPD will continue its normal law enforcement activities relating to all crimes, including firearm-related crimes, and the dedicated unit of detectives contemplated under this MOA will not be used for normal day-to-day general policing activities nor will any overtime funding made available by WDOJ be used for normal day-to-day policing activities. Nothing in this agreement limits the allocation of additional MPD resources to deal with firearms related crimes that MPD may decide to dedicate to this project. It is anticipated that other officers within MPD will be utilized as part of the effort to reduce firearm-related crimes in the city of Milwaukee as part of its general duties and responsibilities. Specifically, MPD will assist WDOC agents on home and workplace visits and on other expanded activities proposed by WDOC, as more fully described below.

It is further understood that the assigned MPD detectives to this project will be an integral part of fulfilling the goals of this MOA to ensure thorough follow-up investigations that are essential for successful prosecutions.

As with the WDOJ, WDOC, and MDAO, MPD retains the right to supervise any of its employees assigned to participate in this MOA.

MMO INVOLVEMENT:

The Milwaukee Mayor's Office agrees to assign a senior representative to attend the meetings with all parties and to direct the cooperation of City resources, such as the Milwaukee Police Department, the Milwaukee Department of Neighborhood Services and the Milwaukee Health Department as may be needed to further the goal of firearms violence reduction and creating a safer Milwaukee.

WDOC INVOLVEMENT:

The Wisconsin Department of Corrections agrees to assign probation and parole agents directly to MPD Districts. WDOC agrees to consult with MPD on the appropriate number of agents to be assigned and the specific districts where said agents shall be assigned. As part of this agreement, WDOC also agrees to aggressively expand the use of its agents for home visits, workplace visits, bar checks and other locations known to attract criminal activity provided MPD provides the necessary uniformed officers to assist. WDOC further agrees to: (1) work closely with MPD to locate absconders and assist in their apprehension; (2) participate in targeting high risk offenders likely to be involved in firearm-related violence; (3) share data from its network as needed with law enforcement partners to identify priority targets of gun prosecutors and MPD; (4) participate as needed in "call ins" scheduled by law enforcement; (5) continue its participation on Milwaukee's Homicide Review Commission; (6) seek GPS monitoring on identified offenders for enhanced supervision; and (7) expedite revocation holds and revocation proceedings for all firearm-related crimes or rule violations.

INVOLVEMENT OF OTHER AGENCIES/ENTITIES AND THE PUBLIC:

To further the goals of this MOU, the parties agree to collaborate with and to seek the assistance of any other federal, state or local agencies or entities, including, but not limited to, the United States Attorney's Office, the Milwaukee County Circuit Court, the Milwaukee Homicide Review Commission, the Milwaukee Health Department, and the Milwaukee Department of Neighborhood Services.

The parties also agree to work to actively engage community leaders and the public in recognizing the scope of the problem, developing strategies for responding, and creating support in reducing firearm-related crimes.

INVESTIGATIVE AND PROSECUTION POLICIES:

Within 45 days of the execution of this agreement, the parties will develop reasonable

and appropriate goals and investigative and prosecution guidelines. This will include cases and investigations involving persons with a history of violence and those who may not be found in possession of a firearm but have committed other crimes which may warrant prosecution, possession of firearms by felons and persons under DOC supervision, other unlawful firearm possession cases, and cases involving the use of firearms including those involving death and injury.

ONGOING REVIEW:

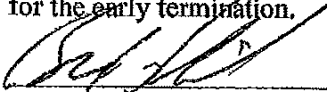
The parties agree to meet biweekly for the first six (6) months and then monthly thereafter to discuss the status and results of the work being performed under this MOA. The parties agree to coordinate the investigation and prosecution of cases on a daily and on-going basis. MDAO and MPD agree to provide any and all data as requested by WDOJ to analyze the effectiveness of this program and for purposes of preparing an annual report for the Wisconsin Legislaturc's Joint Finance Committee.

AMENDMENTS AND CHANGES:


This agreement may be updated or modified at any time upon mutual agreement of the parties.

DURATION AND TERMINATION OF AGREEMENT:

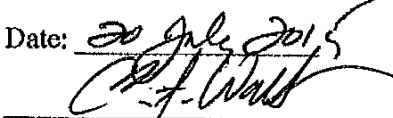
This MOA shall become effective upon execution and will remain in effect until July 1, 2017, or as otherwise agreed by the parties, and may be extended by mutual agreement. All signatories to this MOU agree that their respective agency contributions are necessary to the success of this firearm-reduction initiative. Any party may terminate their participation in this agreement with a 30 day written notice to the other signatories, setting forth the specific reasons for the early termination.



Brad D. Schimel
Wisconsin Attorney General

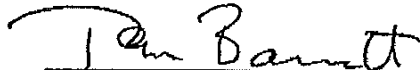
Date: 7/20/2015


Edward A. Flynn, Chief
Milwaukee Police Department

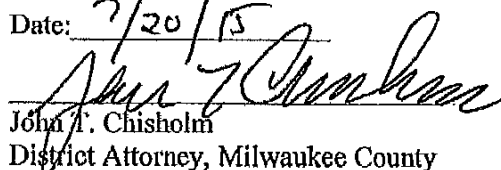
Date: 20 July 2015


Edward F. Wall, Secretary
Wisconsin Department of Corrections

Date: 07/21/2015



Tom Barrett, Mayor
City of Milwaukee

Date: 7/20/15


John T. Chisholm
District Attorney, Milwaukee County

Date: 7/20/2015