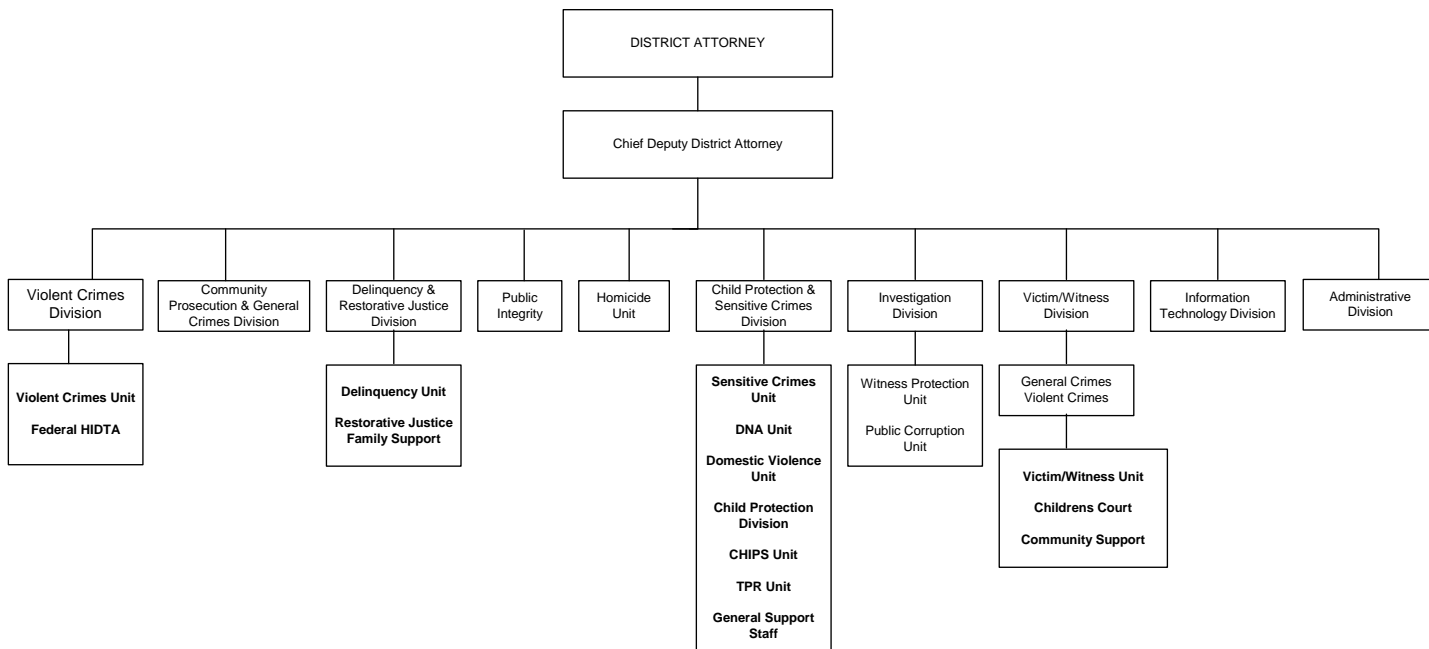


DISTRICT ATTORNEY (4500)



MISSION

The mission of the Milwaukee County district attorney's office is to promote public peace and safety by just and vigorous prosecution; to seek and do impartial justice by ensuring that the guilty are punished and the innocent go free; to protect the health and welfare of children who are victims of child abuse and neglect; and to safeguard the rule of law and promote citizens' participation in law enforcement by treating all persons who come in contact with the criminal justice system with fairness, dignity and respect.

Budget Summary

	2013	2012/2013 Change
Expenditures	18,486,596	(56,829)
Revenue	6,338,208	(594,475)
Levy	12,148,388	537,646
FTE's	139.8	(1.5)

Major Programmatic Changes

- This is a cost-to-continue budget, with no major programmatic changes

OBJECTIVES

- Target, investigate, successfully prosecute and incarcerate shooters, other illegal gun offenders, and other violent criminals through the coordinated efforts of the community prosecution, general crimes, and violent crimes units.
- Reduce crime by coordinating the efforts of the community prosecution, general crimes, and violent crimes units and assigning each general crimes and violent crimes teams to one or more Milwaukee police districts and adjoining suburbs to promote accountability and facilitate investigation and prosecution of criminal gangs and violent offenders.
- Maintain a permanent witness protection unit to ensure that crime victims and witnesses who are threatened or intimidated are able to safely appear and testify in court; and that offenders who threaten, intimidate, or harm crime victims and witnesses are successfully prosecuted and punished.

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- Continue to work closely with the courts, the State Public Defender, Justice 2000 and other community organizations to maintain a successful diversion and deferred prosecution program for nonviolent offenders with serious substance abuse and mental health treatment needs.
- Continue the successful operation of the Violent Crimes Courts project, which aims to bring homicide and sexual assault cases to trial within 90 to 120 days of the issuance of criminal charges.
- Continue to carry out the mandate of the crime victims' rights bill, enacted in response to a 1994 amendment to the Wisconsin Constitution that was effective on April 1, 1998, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended to victims and witnesses of crime are honored and protected no less vigorously than the protections afforded criminal defendants.
- Continue to enhance the prosecution of felony drug cases through the Milwaukee High Intensity Drug Trafficking Area (HIDTA), the Milwaukee Metropolitan Drug Enforcement Group (MMDEG), the community prosecution unit, and the violent crimes unit by targeting, investigating and prosecuting major drug dealers; ridding neighborhoods of drug dealers and nuisance properties; and continuing the successful operation of the Speedy Trial Drug Courts project, which aims to bring drug cases to trial within 120 days of the issuance of criminal charges.
- Continue the successful operation with the state Bureau of Milwaukee Child Welfare of the Termination of Parental Rights (TPR) Speedy Resolution project at the Vel Phillips Juvenile Justice Center to ensure that children do not languish in substitute care for years without realistic prospect of a return home or adoption by a loving family.
- Continue to implement 2005 Wisconsin Act 60, which mandated electronic recording of statements of adults in custodial interrogation, effective January 1, 2007, and requires the district attorney to copy, edit, index, provide discovery, and play in court the electronically recorded statements of defendants in felony cases. Enhance courtroom audio/visual capability by increasing the number of large televisions available for use by prosecutors.

DEPARTMENTAL PROGRAM DESCRIPTION

District Attorney Functions: The district attorney is responsible for the following duties: plans and organizes the prosecution of all criminal, juvenile and applicable ordinance violations in Milwaukee County; recruitment and staffing of all professional positions and making major assignments of personnel and cases; and coordination and supervision of all department activities and approval and control over all departmental policies, procedures and activities.

Chief Deputy District Attorney Functions: The chief deputy district attorney is responsible for the following duties: supervision of all division functions and oversight of the implementation of all departmental policies and procedures; supervision of liaisons with other county officials and departments, city, state, federal officials, law enforcement agencies and community groups; serving as office liaison to the legislature and initiation and review of proposals for criminal and juvenile law legislation; supervision of the homicide and public integrity units; the extradition of defendants from other states on felony charges; and proceedings related to the extradition of uncooperative witnesses on felony cases to or from Milwaukee County.

DA and Chief Deputy DA Program Personnel	
District Attorney	1
Chief Deputy District Attorney	1
County Staff	3
Assistant District Attorneys	8

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MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS – FILINGS				
<u>Workload Statistics</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2010/11 Change</u>
Felony	5,845	6,194	6,109	(85)
Misdemeanor	6,646	7,590	7,362	(228)
Criminal Traffic	5,534	3,446	2,796	(650)
Children in Need of Protective Services (CHIPS)	1,533	1,500	1,597	97
Juvenile Delinquency	1,818	1,555	1,632	77
TPR (Termination of Parental Rights)	346	302	312	10

Community Prosecution and General Crimes Division: The community prosecution division consists of the community prosecutors, who serve the seven Milwaukee police districts and the cities of South Milwaukee and West Allis, and the restorative justice and family support unit. The general crimes division staffs all general felony and misdemeanor courts and presents evidence, argues motions, negotiates cases, and conducts jury and court trials for all general felony, misdemeanor and applicable ordinance violations in Milwaukee County. The division staffs five general felony courts and seven general misdemeanor and intake courts in Milwaukee County circuit court, and strives to ensure application of uniform negotiation policies in general felony, misdemeanor, and ordinance cases, and to develop and maintain systems to ensure the highest quality of prosecution and speedy disposition of general felony, misdemeanor, and ordinance violation cases.

Division Personnel	
Deputy District Attorney	1
County Staff	7
Assistant District Attorneys	36

Administrative and Investigations Divisions: The investigation division, which is headed by the chief investigator, supervises district attorney investigators, who investigate police shootings of civilians and deaths in police custody, public corruption, major multi-jurisdictional crimes, industrial deaths and injuries, as well as providing post-charging investigation on major crimes, and maintain office security. The investigators also run the witness protection program which seeks to insure that witnesses who are threatened or intimidated are able to safely appear and testify in court by focusing enforcement efforts on prosecuting offenders and offering specialized security services to victims and witnesses. The chief investigator also assists the deputy district attorney in charge of administration with long range planning, internal management, and the preparation of the county budget.

The administrative division also administers the department's state and county budgets and fiscal systems, develops and coordinates grants and revenues, and controls the expenditure of funds. The division also supervises internal management, including inventory, purchasing systems and procedures, record management and statistics as well as organizing, staffing, directing and coordinating clerical functions. The division is also responsible for long-range planning, and maintaining liaison with the administrative and fiscal personnel of the state, Milwaukee County, law enforcement agencies and other governmental organizations.

Administrative and Investigations Divisions:

Administrative Division Personnel	
Deputy District Attorney	1
County Staff	23.84

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Investigator Division Personnel	
Chief Investigator	1
County Staff	10

Violent Crimes and Sensitive Crimes Division: The violent crimes division staffs the specialized criminal courts for homicide, sexual assault, felony drug, and firearms cases, and presents evidence, argues motions, negotiates cases, and conducts jury and court trials for all felony violations in the specialized felony Milwaukee County felony courts. The division, which consists of the homicide, sensitive crimes, sensitive crimes victim witness services, violent crimes – drug, and violent crimes – firearms units, staffs seven specialized felony courts in Milwaukee County circuit court and strives to ensure application of uniform negotiation policies in violent crimes’ cases, and to develop and maintain systems to ensure the highest quality of prosecution and speedy disposition of violent crimes’ cases. The sensitive crimes division includes the domestic violence unit, sensitive crimes unit, and child abuse and protection unit.

Deputy District Attorney	1
County Staff	26.5
Assistant District Attorneys	43

Juvenile Division: The juvenile division performs the following functions: reviews all referrals for possible delinquency prosecution and orders additional investigation as required; provides legal advice to the Vel Phillips Juvenile Justice Center staff; drafts and files petitions to declare juveniles delinquent or in need of protection and services (CHIPS) under Chapters 48 and 938 of Wisconsin Statutes; prepares and argues waivers of jurisdiction from juvenile court to adult court; prosecutes all delinquency and CHIPS actions in the juvenile court of Milwaukee County; reviews and prosecutes all matters involving termination of parental rights in the juvenile court of Milwaukee County; conducts a continuing education and informational program for law enforcement personnel, social services agencies, child protection social workers and citizens on latest developments and practices in juvenile law; and directs the victim/witness services unit of the Vel Phillips Juvenile Justice Center, including the witness notification and subpoena functions.

Juvenile Division Personnel	
Deputy District Attorney	1
County Staff	27
Assistant District Attorneys	30.5

Information Technology Division: The information technology division manages the district attorney’s computer network downtown and at the Vel Phillips Juvenile Justice Center which is part of the statewide district attorney computer network; manages the database and user accounts for the State DA case management system PROTECT, manages the Pro-Phoenix law enforcement report management software and database; manages district attorney connections to the county mainframe for the CJIS, JIMS, Advantage, and BRASS applications; trains district attorney staff in office computer applications; prepares courtroom exhibits and presentation equipment and copies, edits and converts electronic media in criminal and juvenile cases; and manages district attorney facilities in the Safety Building and Criminal Justice Facility. The IT manager is certified in the forensic examination of computers and assists district attorney investigators with the examination of computer evidence on major investigations; the office maintains a basic forensic computer examination capability with specialized computers and storage devices.

Information Technology Personnel	
IT Director	1
County Staff	2

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Victim/Witness Division: The victim/witness division provides comprehensive services as required by law to crime victims and witnesses on criminal cases; and includes the Outreach process unit, which serves subpoenas and other process on criminal and juvenile cases.

Victim/Witness Personnel	
Victim/Witness Coordinator	1
County Staff	41

State Prosecutors and the County Payroll and Benefit System: The district attorney’s budget includes 7 FTE prosecutors who elected to remain in the Milwaukee County Employee Retirement System and retained county fringe benefits when district attorneys became state employees on January 1, 1990. There are also 10 prosecutors on the state payroll that retained county fringe benefits when district attorneys became state employees. The budget reflects county payments to prosecutors on the county payroll and state reimbursement for these payments as well as the actual county cost of fringe benefits provided to the 17 FTE prosecutors with county fringe benefits. The county is reimbursed biweekly for salary, social security, and retirement benefits and semi-annually for health, dental, and life insurance. Wis. Stat. §§ 978.12 (5) & (6) provide that state reimbursement must be based on actual county fringe benefits’ costs or comparable state costs, whichever is less.

CHARGES FROM THE STATE

Charges from the state for the salaries and fringe benefits of 28.5 FTE assistant district attorneys decrease by \$303,892 because of the loss of federal funding for 5.0 FTE prosecutors. The costs of these positions are offset with federal and state grant revenue. The state fronts the money for the salaries and fringe benefits of these grant-funded prosecutors, the district attorney receives the revenue for these positions in accounts 2299 and 2699, and the district attorney then passes the revenue on to the state through expenditure account 6090.

CHARGES FROM THE STATE				
Charges from the State	2013 ADA FTE	2012 Budget	2013 Budget	2012/13 Variance
Byrne JAG OJA MMDEG Task Force	4.0	\$ 282,890	\$ 270,728	\$ (12,162)
Byrne JAG Local Milwaukee County	5.0	314,104	347,310	33,206
Byrne JAG Recovery Act	0	90,000	0	(90,000)
Child Support Prosecutor	1.0	89,860	83,797	(6,063)
State DCF CHIPS TPR Grant	8.5	732,900	708,737	(24,163)
State Violence Against Women Act (VAWA)	1.0	86,075	82,200	(3,875)
High Intensity Drug Trafficking Area (HIDTA)	6.0	412,100	447,650	35,550
Federal VAWA Domestic Violence	3.0	488,000	251,615	(236,385)
TOTAL	28.5	\$ 2,495,929	\$ 2,192,037	\$ (303,892)

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Revenue from state grants for 2013 is comprised of six programs that are detailed in the following table:

STATE GRANTS			
State Revenue Programs	2012 Budget	2013 Budget	2012/13 Variance
Victim/Witness Program	\$ 1,299,581	\$ 1,032,250	\$ (267,331)
Victim of Crimes Act (VOCA)	290,300	292,200	1,900
Special Prosecution Courts' Clerks	295,320	314,300	18,980
State DCF CHIPS-TPR Contract	1,227,936	1,219,455	(8,481)
State Violence Against Women Act (VAWA)	148,290	158,520	10,230
VAWA Recovery Act	7,500	0	(7,500)
TOTAL	\$ 3,268,927	\$ 3,016,725	\$ (252,202)

The Victim/Witness Program, which provides services to victims and witnesses of crimes pursuant to Chapter 950 of the Wisconsin Statutes, consists of 36.5 FTE authorized positions: 4.5 victim/witness coordinators, 23 victim/witness advocates, one victim/witness advocate – bilingual, one sensitive crimes victim advocate, three investigators in the witness protection unit, and four clerical personnel. One authorized victim/witness advocate position is unfunded in the 2012 budget.

Wis. Stat. § 950.06 provides that the state can reimburse counties for up to 90 percent of costs of their victim/witness programs. The district attorney's adopted 2012 budget estimated a reimbursement rate of 51 percent for the victim/witness program, but we were advised late last year by the Wisconsin Department of Justice, Office of Crime Victim Services, that the actual reimbursement rate for 2012 will fall to approximately 41 percent of program expenses.

Therefore, we are proposing to unfund 3.5 FTE positions in the 2013 budget: 1.0 FTE victim/witness supervisor and 2.5 FTE positions of victim/witness advocate, which means that 33 FTE of the 36.5 FTE authorized positions for the victim/witness program will be funded in the 2013 budget. We will hold these positions vacant unless the state reimbursement rate increases enough to support filling the positions.

Victims Of Crime Act (VOCA) funding from the Wisconsin Department of Justice, Office of Crime Victim Services (OCVS), will provide funding for five positions in 2013: two victim/witness advocates assigned to the crisis response unit and three assistant sensitive crimes victim advocates in the sensitive crimes victim services unit. OCVS provides 80 percent reimbursement for these positions and operating expenses through VOCA.

The Special Prosecution Courts' Clerks statutory grant provides funding for the salaries and fringe benefits of 6.5 FTE secretaries: 4.5 secretarial assistants and 2.0 clerical assistant 1's in the homicide, sensitive crimes, and violent crimes units. The clerk of circuit court collects the grant revenue from a \$3.50 fee levied on civil case filings, only in Milwaukee County, pursuant to Wis. Stat. § 814.86 (1m).

The CHIPS-Termination of Parental Rights grant will provide continuing funding for 8.5 assistant district attorneys, 5.0 paralegals, and 2.0 secretarial assistants under a state contract with the Department of Children and Families (DCF).

The State Violence Against Women Act (VAWA) Formula Grant for Domestic Violence and Sexual Assault Prosecutions from the Wisconsin Office of Justice Assistance (OJA) will provide funding for one assistant district attorney and one assistant sensitive crimes victim advocate.

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Revenue from federal grants for 2013 is comprised of five programs that are detailed in the following table:

	2012 Budget	2013 Budget	2012/13 Variance
HIDTA	493,200	522,000	28,800
Byrne JAG OJA MMDEG Task Force	602,515	553,865	(48,650)
Byrne JAG Local Milwaukee County	314,104	347,310	33,206
Byrne JAG Recovery Act	90,000	0	(90,000)
Federal VAWA Domestic Violence	731,100	471,275	(259,825)
TOTAL	\$ 2,230,919	\$ 1,894,450	\$ (336,469)

The Milwaukee High Intensity Drug Trafficking Area (HIDTA) grant will provide 100 percent funding from the federal Office of National Drug Control Policy (ONDCP) for six assistant district attorneys and one clerical specialist in the district attorney’s violent crimes –drug and HIDTA units.

The Byrne JAG Local grant, which is administered by the DAS, will provide funding for the salaries and fringe benefits of five assistant district attorneys: the three community prosecutors for Milwaukee police districts three, four, and seven, and the city of West Allis; the juvenile firearms prosecutor; and one prosecutor in the domestic violence unit. We are assuming that the 2012 and 2013 Byrne JAG Local grants will provide sufficient funding for the positions through the end of 2013. If funding ends before the end of 2013, the positions will be vacated for no property tax levy effect.

The Byrne JAG OJA MMDEG Task Force provides funding for four assistant district attorneys in the violent crimes – drug unit and payments to the Milwaukee, South Milwaukee, and West Allis police departments for the salaries and fringe benefits of officers assigned to the MMDEG police unit.

The Federal VAWA Domestic Violence grant will provide funding for the salaries and fringe benefits of three assistant district attorneys dedicated to domestic violence cases, four victim advocates employed by the Sojourner Family Peace Center, cellular telephone expenses for the four Sojourner victim advocates, and reimbursement for required grant travel and training.

Department	2013 CROSSCHARGES Program	2012 Budget	2013 Budget	2012/13 Change
Child Support	Criminal Child Support Prosecutions	176,430	170,367	(6,063)
Health & Human Serv	First Offender Program	43,966	43,966	-
	TOTAL	220,396	214,333	(6,063)

Child Support Enforcement

Wis. Stat. § 948.22 provides criminal penalties for failure to support a child. The Department of Child Support Enforcement (CSE) refers the most egregious cases to the district attorney for criminal prosecution. The district attorney cross charges CSE for services of an assistant district attorney on the state payroll and a full-time county paralegal that prosecute criminal child support cases. CSS receives federal reimbursement of 66 percent for the cost of these positions and charges back the remaining 34 percent to the district attorney. The state charges the district attorney for the costs of the assistant district attorney dedicated to child support cases.

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Department of Health and Human Services

The costs for one half-time district attorney paralegal assigned to the First Time Offender program in the juvenile division at the Vel Phillips Juvenile Justice Center (VPJJC) are crosscharged to the Department of Health and Human Services (DHHS) to recover grant funding that DHHS receives in its budget.

2013 BUDGET

Approach and Priorities

- The district attorney is committed to maintaining current service levels in both quantity and quality. This office is a public safety agency whose duties are mandated by federal and state law. It must meet court-ordered deadlines as well as perform its constitutional and statutory duties in order to enforce criminal and juvenile law to provide for the safety and security of the citizens of Milwaukee County.
- Continue the District Attorney's 20-year record of fiscal discipline.

Programmatic Impacts

- Significant reduction of the reimbursement rate for victim/witness services from the state forces staff restructuring.

Budget Highlights

Staff Restructuring

(\$115,712)

In late 2011, the district attorney was notified by the Wisconsin Department of Justice, Office of Crime Victim Services, that the reimbursement rate for the victim/witness program would drop from 51 percent to approximately 41 percent of program expenses. This change adversely affects the office's ability to provide services to victims as reflected in the 2013 budget, which unfunds 2.5 FTE victim/witness positions (in addition to 1 FTE that was unfunded in 2012) in an attempt to at least partially offset the decline in reimbursement. This change reduces funds spent on services to victims and witnesses by \$115,712.

Capital Outlay

(\$1,623)

Total Operating Capital expenditures decrease by \$1,623 from the 2012 Adopted Budget to \$53,475. This total includes \$12,000 for replacement mobile squad radios, as recommended by IMSD and as part of the ongoing countywide radio interoperability upgrade process. The replacement radios are dual-band capable and will give district attorney investigators the ability to communicate with law enforcement agencies in any of the surrounding counties, which significantly upgrades the capability of the investigator unit. This total also includes \$10,500 for one copier for the newly remodeled domestic violence unit, to be located in room 302 of the Safety Building. This new office space will be furnished using existing surplus county furniture, at a considerable savings to the county. This amount also includes \$5,250 to replace various county-supplied laptop computers and printers that are more than five years old.

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BUDGET SUMMARY				
Account Summary	2011 Actual	2012 Budget	2013 Budget	2012/2013 Change
Personal Services (w/o EFB)	\$ 7,020,890	\$ 7,214,150	\$ 7,186,258	\$ (27,892)
Employee Fringe Benefits (EFB)	5,989,112	5,820,738	6,152,365	331,627
Services	3,328,711	3,505,661	3,116,855	(388,806)
Commodities	146,538	177,733	174,816	(2,917)
Other Charges	0	0	0	0
Debt & Depreciation	0	0	0	0
Capital Outlay	60,999	55,098	53,475	(1,623)
Capital Contra	0	0	0	0
County Service Charges	2,079,237	1,990,441	2,017,160	26,719
Abatements	(209,431)	(220,396)	(214,333)	6,063
Total Expenditures	\$ 18,416,056	\$ 18,543,425	\$ 18,486,596	\$ (56,829)
Direct Revenue	68,437	63,300	73,750	10,450
State & Federal Revenue	6,942,219	6,869,383	6,264,458	(604,925)
Indirect Revenue	0	0	0	0
Total Revenue	\$ 7,010,656	\$ 6,932,683	\$ 6,338,208	\$ (594,475)
Direct Total Tax Levy	11,405,400	11,610,742	12,148,388	537,646

PERSONNEL SUMMARY				
	2011 Actual	2012 Budget	2013 Budget	2012/2013 Change
Position Equivalent (Funded)*	147.1	141.2	139.8	(1.4)
% of Gross Wages Funded	95.8	95.4	96.1	0.7
Overtime (Dollars)	\$ 104,828	\$ 132,564	\$ 145,224	\$ 12,660
Overtime (Equivalent to Position)	0.0	3.1	3.5	0.3

* For 2011 Actuals, the Position Equivalent is the budgeted amount.

PERSONNEL CHANGES						
Job Title/Classification	Title Code	Action	# of Positions	Total FTE	Division	Cost of Positions (Salary & FICA)
Victim Witness Supervisor	00084200	Unfund	(1)	(1.00)	Victim Witness	(52,619)
Victim Witness Advocate	00084170	Unfund	(2)	(1.50)	Victim Witness	(63,093)
TOTAL						\$ (115,712)

All departments are required to operate within their expenditure appropriations and their overall budgets. Pursuant to Section 59.60(12), Wisconsin Statutes, "No payment may be authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against an appropriation unless the director first certifies that a sufficient unencumbered balance is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. An obligation incurred and an authorization of payment in violation of this subsection is void. A county officer who knowingly violates this subsection is jointly and severally liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."