

State Criminal Justice Functions



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TABLE OF CONTENTS

Introduction.....	1
Chapter 1 -- Services to Law Enforcement Agencies by the Department of Justice.....	3
Training and Standards Bureau.....	3
Crime Information Bureau.....	6
State Crime Laboratories.....	11
County/Tribal Law Enforcement Grant Programs.....	15
Law Enforcement Community Policing Grant Program.....	18
Chapter 2 -- Law Enforcement Activities of the Department of Justice.....	19
Law Enforcement Activities of the Division of Criminal Investigation (DCI).....	19
Field Operations Bureau--Narcotics Enforcement.....	20
Internet Crimes Against Children (ICAC) Task Force.....	23
Special Operations Bureau -- Gaming Investigation Program.....	25
Remaining DCI Operations.....	26
Chapter 3 -- Law Enforcement Related Activities of the Office of Justice Assistance.....	31
Wisconsin Justice Information Sharing Program.....	31
Statistical Analysis Center.....	33
Youth Diversion Grant Program.....	34
Law Enforcement Officer Grants.....	35
Treatment Alternatives and Diversion Program.....	37
Wisconsin Interoperable System for Communications (WISCOM).....	40
Chapter 4 -- Prosecutorial Responsibilities of District Attorneys.....	44
Duties and Responsibilities of District Attorneys.....	44
District Attorney Funding and Staffing.....	44
Prosecutorial Workload.....	48
Chapter 5 -- Prosecutorial and Related Responsibilities of the Department of Justice.....	51
Criminal Appeals Unit.....	51
Civil Litigation Unit.....	52
Criminal Litigation and Public Integrity Unit.....	53
Medicaid Fraud Control and Elder Abuse Unit.....	54
Environmental Protection Unit.....	55
Chapter 6 -- Office of the State Public Defender.....	57
Representation of the Indigent.....	57
Creation of the State Public Defender Function.....	59
Current Public Defender Operations.....	61
Appendices	
Appendix I -- Department of Justice Organizational Chart.....	63
Appendix II -- Office of the State Public Defender Organizational Chart.....	64
Appendix III -- State Crime Laboratory Service Areas.....	65
Appendix IV -- Local Anti-Drug Task Force Funding.....	66
Appendix V -- Court-Appointed Counsel, 2011.....	68
Appendix VI -- State Public Defender Trial Division Offices.....	70

State Criminal Justice Functions

Law enforcement, prosecution, and criminal defense are three components of the state's criminal justice system. This paper focuses on the involvement of the Department of Justice (DOJ), district attorneys (DAs), the Office of the State Public Defender (SPD), and the Department of Administration's Office of Justice Assistance (OJA) in these three areas.

While local units of government are primarily responsible for providing law enforcement protection, DOJ provides law enforcement services to state and local law enforcement agencies. In addition, DOJ is charged with certain law enforcement responsibilities under state statute. The budget for DOJ in 2012-13 totals \$89,796,700 (all funds) and 617.49 full-time equivalent positions. The Department's total funding is comprised of \$41,698,100 general purpose revenue (GPR), \$39,844,300 program revenue (PR), 7,881,200 federal revenue (FED) and \$373,100 segregated revenue (SEG). Among the staff authorized for the Department are 89.0 special agents (law enforcement officers), 85.33 crime laboratory personnel (excluding staff processing the Department's DNA caseload), and 72.0 positions processing the Department's DNA caseload. The organizational chart for DOJ is included as Appendix I.

Under state law, criminal prosecutions are primarily the responsibility of locally elected DAs and their prosecutorial staff. The budget for the state district attorneys function in 2012-13 totals \$45,207,000 (all funds) and (as of July, 2012) 435.15 positions. The state funded DA function is comprised of \$41,895,100 GPR and \$3,311,900 PR. All of the 435.15 state positions are attorney prosecutors. Other than for the state-funded costs of prosecutors' salaries and fringe benefits, the remaining staff and other costs of

DA offices are generally the responsibility of Wisconsin counties. These county-supported costs and positions are not reflected in these figures.

There are 71 elected district attorneys in Wisconsin. Each county in the state is termed a "prosecutorial unit" except that Shawano and Menominee counties form a two-county prosecutorial unit and jointly elect a single district attorney.

While DAs are primarily responsible for criminal prosecutions in the state, DOJ is responsible for: (a) representing the state in all appeals of felony convictions, as well as in appeals of other significant criminal and juvenile delinquency cases; (b) representing the state in prisoner and sexually violent person (sexual predator) conditions of confinement suits; (c) assisting DAs, when requested, in certain criminal prosecutions; and (d) initiating criminal prosecutions and sexual predator commitments under certain circumstances. Among the staff authorized for DOJ are 92.4 attorneys, some of whom are responsible for meeting these obligations of the Department.

Both the United States Constitution and the Wisconsin Constitution provide the right to counsel for individuals accused of a crime. The SPD is generally responsible under state law for providing this required counsel to the indigent. The budget for the SPD in 2012-13 totals \$83,405,600 (all funds) and 579.85 positions. The Office's total funding is comprised of \$82,116,100 GPR and \$1,289,500 PR. Among the staff authorized for the SPD are 346.2 attorney positions in the trial and appellate divisions. The SPD also contracts with private bar attorneys to address a portion of the agency's caseload. The organizational chart for the SPD is included as Appendix II.

The Office of Justice Assistance administers federal criminal justice and homeland security-related grant funding. In addition, OJA collects and reports crime and arrest data, facilitates the integration of criminal justice-related databases across the state, administers state funded criminal justice-related grant programs, and oversees the operation of a statewide public safety interoperable communication system. The OJA budget in 2012-13 totals \$65,049,200 (all funds) and 43.3 positions. The Office's total funding is comprised of \$58,869,800 FED, \$5,585,100 PR and \$594,300 GPR.

The criminal justice functions of these agencies are summarized in the following six chapters of this paper. The first two chapters focus on the law enforcement services and responsibilities of DOJ. The third chapter focuses on OJA's statewide criminal justice database integration efforts, its crime and arrest data, state grant program administration responsibilities, and its operation of the statewide public safety interoperable communication system. The fourth and fifth chapters discuss the prosecutorial functions of DAs and DOJ. The final chapter provides a discussion of the state's criminal defense function as carried out by the SPD.

SERVICES TO LAW ENFORCEMENT AGENCIES BY THE DEPARTMENT OF JUSTICE

Wisconsin law requires counties, cities, and those villages with a population of more than 5,000 to provide law enforcement services to their citizens. Towns and smaller villages are also permitted to provide law enforcement services to their residents. In addition, certain state agencies have specifically defined law enforcement responsibilities. These agencies include: (a) DOJ's Division of Law Enforcement Services and its Division of Criminal Investigation; (b) the State Patrol under the Department of Transportation; (c) the State Capitol Police; (d) the UW Police under the University of Wisconsin System; and (e) the Bureau of Law Enforcement under the Department of Natural Resources.

The Department of Justice's Division of Law Enforcement Services is generally charged with meeting the agency's statutory responsibilities to state and local law enforcement agencies. The budget for the Division in 2012-13 is \$30,540,500 (all funds) and 246.49 positions. The Division is organized into five bureaus. These are the: (a) Training and Standards Bureau; (b) Crime Information Bureau; (c) Milwaukee Crime Laboratory; (d) Madison Crime Laboratory; and (e) Wausau Crime Laboratory.

The Department of Justice's Division of Management Services is generally responsible for: (a) developing and monitoring the Department's budget and finances; (b) providing human resource services to the Department; and (c) providing information technology services to the Department. The Division of Management Services is also responsible for administering three grant programs intended to support law enforcement services on tribal lands and in counties bordering tribal reservations. The budget for these

three grant programs in 2012-13 totals \$1,908,800 PR and 1.0 PR position. In addition, the Division of Management Services is responsible for administering the law enforcement community policing grants program, which provides \$222,700 GPR annually in grant funding to the City of Milwaukee for decentralized law enforcement and crime prevention efforts.

Training and Standards Bureau

The Division of Law Enforcement Services' Training and Standards Bureau has the following responsibilities: (a) staffing the Law Enforcement Standards Board; and (b) administering the training and certification requirements for law enforcement, tribal law enforcement, jail, and secure juvenile detention officers.

The Bureau's budget in 2012-13 is \$63,300 GPR, \$7,205,300 PR and 23.66 PR positions. The Bureau's staff consists of education consultants or training officers (9.0), attorneys (2.0), and other supervisory and support personnel (12.66).

The Bureau's program revenue-funded budget is supported by the penalty surcharge (\$7,205,300 and 23.66 positions). Under current law, whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge of 26% of the total fine or forfeiture. Approximately 45% of all penalty surcharge revenues are allocated to DOJ to fund administration and reimbursement costs associated with recruit training and annual recertification training.

In recent years the penalty surcharge fund has operated in deficit. In 2011-12, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$3,588,800. The penalty surcharge fund is projected to close the 2012-13 state fiscal year with a cumulative deficit of \$3,430,000.

Law Enforcement Training and Certification

Statutory Authorization. The Law Enforcement Standards Board (Board) is established under ss. 15.255(1) and 165.85 of the statutes and is attached to DOJ. The Board consists of the following 15 members: (a) six local law enforcement officers, including one sheriff and one chief of police; (b) two local government officials who occupy executive or legislative posts; (c) one district attorney; (d) one public member not employed in law enforcement; (e) the designee of the Secretary of the Department of Transportation; (f) the designee of the special agent in charge of the Milwaukee office of the FBI; (g) the designee of the Attorney General; (h) the designee of the Secretary of the Department of Natural Resources; and (i) the Executive Director of the Office of Justice Assistance. The representative of the FBI acts in an advisory capacity only and has no vote.

The Legislature has included the following policy statement relating to the Board's responsibilities: "The legislature finds that the administration of criminal justice is of statewide concern, and that law enforcement work is of vital importance to the health, safety and welfare of the people of this state and is of such a nature as to require training, education and the establishment of standards of a proper professional character. The public interest requires that these standards be established and that this training and education be made available to persons who seek to become law enforcement, tribal law enforcement, jail or juvenile detention officers, persons who are serving as these officers in a temporary or probationary capacity and persons already in regular ser-

vice."

The Board has the following duties: (a) ensure that law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits meet the minimum qualifications for recruitment; (b) oversee and fund the training of such recruits; (c) certify such recruits as officers upon the successful completion of their training; (d) oversee and fund the annual recertification training of certified law enforcement, tribal law enforcement, jail, and secure juvenile detention officers; (e) certify schools and instructors that provide preparatory training to recruits and recertification training to certified officers; and (f) maintain an updated statewide record of all certified officers.

Under s. 165.86 of the statutes, the Department is to supply the staffing needs of the Board, and is to coordinate all preparatory, recertification, advanced, and special training activities in law enforcement in the state.

Minimum Qualifications for Recruits. Law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits generally must meet the following minimum qualifications: (a) possess a valid driver's license; (b) be 18 years of age; (c) not have been convicted of any federal felony or any offense which, if committed in Wisconsin, could be punished as a felony unless granted a pardon; (d) possess a high school diploma; (e) possess either a two-year associate degree or a minimum of 60 fully accredited college level credits; (f) be of good character; (g) be free from any physical, emotional or mental condition which might adversely affect the performance of one's duties; and (h) submit to and satisfactorily complete an oral interview with the employing authority.

Preparatory Training of Recruits. Law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits must all successfully complete a minimum requirement of preparatory training in order to be certified as an of-

ficier in Wisconsin. Officers receive this training through academies certified by the Board based on adequacy of facilities and competence of instructional staff. Only training provided by and from Board certified academies is eligible for reimbursement from DOJ. Certified academies may be reimbursed for Board-approved tuition expenses, and employing law enforcement agencies may be reimbursed for Board-approved expenses related to meals, mileage, and lodging for recruits who successfully complete their training.

Law enforcement and tribal law enforcement recruits must successfully complete a minimum of 400 hours of preparatory training. Under 2001 Act 16, the Legislature increased funding to permit the Department to reimburse law enforcement agencies for providing up to 520 hours of preparatory training. All certified academies in the state now offer at least a 520 hour curriculum. Table 1 identifies the amounts expended by the Board in 2011-12 to provide reimbursement for this training to law enforcement agencies and certified academies for 190 recruits. The reimbursements covered the recruits' tuition, lodging, meals, and mileage costs.

Table 1: DOJ Reimbursement of Law Enforcement Recruit Training (2011-12)

Type of Law Enforcement Recruits	Reimbursement
Local	\$523,800
State	255,300
Tribal	<u>11,200</u>
Total	\$790,300

By statute, jail and secure juvenile detention recruits must successfully complete a minimum of 120 hours of preparatory training in order to be certified. However, the Board has authorized a revised curriculum increasing preparatory jail training to 160 hours. In 2011-12, the Department provided reimbursements totaling \$215,600 (\$180,900 PR and \$34,700 GPR) to law en-

forcement agencies and certified academies for providing this preparatory training to 236 jail and secure juvenile detention recruits. The reimbursements covered costs for tuition, lodging, meals, mileage, salary and fringe benefits.

Annual Recertification Training. Law enforcement, tribal law enforcement, jail, and secure juvenile detention officers must complete a minimum of 24 hours of additional training each year in order to maintain their certification. In 2011-12, this recertification requirement applied to 16,206 certified officers.

Under s. 165.85(5)(b) of the statutes, reimbursement of approved expenses for completion of annual recertification training must total at least \$160 per officer. Under current policy of the Attorney General, the annual reimbursement per law enforcement officer is set at a maximum of \$160. In 2011-12 these reimbursements totaled \$2,570,000 PR (an average of \$160 per eligible officer).

Under 2001 Act 16 DOJ was provided \$350,000 PR annually to enable the Bureau to offer a law enforcement management training program. Additional funding of \$150,000 PR annually was also provided to expand training for specialized law enforcement officers. In 2011-12, the Bureau sponsored 102 law enforcement management and specialized and advanced criminal justice training events which were offered to 5,550 law enforcement officers at a cost of \$774,500 PR.

Certification of Schools and Instructors to Train Recruits and to Provide Recertification Training. The Board certifies schools based on the adequacy of facilities and the competency of staff and faculty. A new instructor must complete an instructor development course and other specialized instructor training as designated by the Board. Table 2 identifies the number of academies and instructors (including the number of new instructors) certified to provide preparatory

training and recertification training in 2011-12. While only Board-certified academies can provide preparatory training to recruits, the table also identifies the number of law enforcement agencies that are authorized to provide recertification training to their officers. Currently, state and local law enforcement agencies may provide recertification training to their own officers and are only required to utilize certified training instructors for courses employing Board-approved training guides or curriculum. Law enforcement agencies are not required to utilize Board-approved training guides or curriculum for recertification training. Individual agencies may specify the content of their 24-hour annual recertification training, although many agencies do use Board approved curriculum. Table 3 identifies the 21 academies that were certified by the Board in 2011-12 to provide preparatory and recertification training.

Table 3: Certified Academies

- Blackhawk Technical College
- Chippewa Valley Technical College
- Fox Valley Technical College
- Gateway Technical College
- Lakeshore Technical College
- Madison Area Technical College
- Madison Police Academy
- Mid-State Technical College
- Milwaukee Area Technical College
- Milwaukee County Sheriff's Academy
- Milwaukee Police Academy
- Moraine Park Technical College
- Nicolet Technical College
- North Central Technical College
- Northeast Wisconsin Technical College
- Southwest Wisconsin Technical College
- Waukesha County Technical College
- Western Wisconsin Technical College
- Wisconsin Dept. of Natural Resources
- Wisconsin Indianhead Technical College
- Wisconsin State Patrol Academy

Table 2: Number of Certified Academies and Instructors (2011-12)

Training Certifications	Number
Academies	21
All Instructors	2,931
New Instructors	617
Agencies Authorized to Train	597

Statewide Roster of Certified Officers. The Board must maintain a current statewide roster of certified officers. As necessary, new officers must be certified to the list and existing officers must be decertified from the list. Grounds for decertification include: (a) termination of employment with the law enforcement agency for any reason; (b) failure to comply with a rule or order of the Board relating to curriculum or training; or (c) failure to make child or family support payments. Table 4 identifies the number and type of active certified officers on the roster in June, 2012.

Table 4: Number of Active Certified Officers (June, 2012)

Type of Officer	Number
Law Enforcement	12,258
Law Enforcement and Jail	1,815
Law Enforcement, Jail and Secure Detention	8
Law Enforcement and Secure Detention	0
Jail	2,352
Jail and Secure Juvenile Detention	182
Secure Juvenile Detention	150
Tribal	<u>78</u>
Total	16,843

Crime Information Bureau

The Division of Law Enforcement Services' Crime Information Bureau has the following responsibilities: (a) administration and maintenance of Wisconsin's criminal history database; (b) administration and maintenance of the Transaction Information for the Management of Enforcement (TIME) System; (c) operation of the handgun purchaser record check program; and

(d) administration of the concealed carry licensure program. The handgun purchaser record check and concealed carry licensure responsibilities are addressed in a Legislative Fiscal Bureau informational paper entitled "Concealed Weapons Licensure and Handgun Purchaser Background Checks."

The Bureau's budget in 2012-13 totals \$809,000 GPR and \$6,659,700 PR and 13.0 GPR and 60.5 PR positions. The Bureau's staff consists of license and permit program associates (29.0), criminal history record personnel (20.0), information technology personnel (9.5), and supervisory and support personnel (15.0).

The Bureau's program revenue-supported budget is funded by criminal history search fees (\$3,376,200 and 21.0 positions), TIME System user fees from law enforcement agencies (\$2,429,300 and 6.0 positions), the \$13 handgun purchaser record check fee (\$444,600 and 8.0 positions), and the \$37 concealed weapons license fee and the associated \$13 background check fee (\$409,600 and 25.5 positions).

The Bureau assesses a number of criminal history search fees to various users who request a search of the state's criminal history database for purposes unrelated to criminal justice. Further, as a part of the TIME System, the Bureau is authorized to assess fees on law enforcement and tribal law enforcement agencies for rentals, use of terminals, and related costs and services associated with the system.

Criminal History Database

Statutory Authorization. Under s. 165.83(2)(a) of the statutes, DOJ is directed to obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested or taken into custody in Wisconsin for a variety of offenses. These offenses include:

- An offense which is a felony or which would be a felony if committed by an adult;
- An offense which is a misdemeanor, which would be a misdemeanor if committed by an adult or which is a violation of a local ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substance analogs, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks;
- An offense charged or alleged as disorderly conduct but which relates to an act under the previous bullet point;
- A fugitive from justice; or
- Any other offense designated by the Attorney General.

Within 24 hours of an arrest, the arresting agency must generally forward to DOJ all of the following for inclusion in the criminal history database: (a) fingerprints in duplicate; (b) full face, profile and full length photographs; and (c) other available identifying data. Photographs are forwarded at the discretion of the arresting agency; however, any such photographs retained locally must be available to be forwarded to DOJ if requested by the Department. In calendar year 2011, 177,903 new arrest events were submitted by Wisconsin law enforcement agencies to the Crime Information Bureau. The majority of this information is submitted electronically.

The Department must also accept for the database any fingerprints and other identifying data that have been taken at the discretion of law enforcement agencies relating to persons arrested or taken into custody for offenses other than those previously identified. In addition, the

Department must obtain and file fingerprints and other available identifying data on unidentified human corpses found in the state.

Pursuant to s. 165.83(2)(h) of the statutes, DOJ must collect and maintain all of this submitted data and establish a state system of criminal identification. As a part of this criminal history database, the Department is required to collect information on the legal action taken in connection with offenses committed in Wisconsin from the inception of the complaint to the final discharge of the defendant, as well as any other useful information in the study of crime and the administration of justice. The database receives information on prosecution, court findings and sentences through an interface with the state court system's consolidated court automation program (CCAP).

Section 165.83(2)(j) of the statutes further requires the Department to utilize this database to "compare the fingerprints and descriptions that are received from law enforcement agencies and tribal law enforcement agencies with the fingerprints and descriptions already on file and, if the person arrested or taken into custody is a fugitive from justice or has a criminal record, immediately notify the law enforcement and tribal law enforcement agencies concerned and supply copies of the criminal record to these agencies." The Department is required to operate on a 24-hour-a-day basis, seven days a week in order to comply with this requirement.

Computerized Criminal History Database and Automated Fingerprint Identification System (AFIS). The computerized criminal history database contains detailed information of arrests, arrest charges, prosecution, court findings and sentences, and state correctional system admissions and releases that are required to be submitted to the Department. All information in the database is linked to specific fingerprint records submitted by arresting law enforcement

agencies and stored in the automated fingerprint identification system (AFIS), which is operated and maintained by the Madison Crime Laboratory.

This system is intended to track the history of all arrests in Wisconsin. Beginning in 1971, law enforcement agencies were first required to submit arrest fingerprint cards to DOJ. Arrests without supporting fingerprints are not included in the criminal history database.

The AFIS system was first installed in 1993, with subsequent upgrades occurring during the 2001-03 and 2009-11 biennia. The AFIS system stores electronically the fingerprints that are required to be submitted to DOJ. The AFIS system enables law enforcement agencies to run a check either on a fingerprint collected at a crime scene or on a fingerprint collected from an arrested individual against the entire AFIS fingerprint database. Where a matching fingerprint is found in the AFIS database, the system can positively identify the individual whose fingerprint was run. The AFIS system also allows DOJ to electronically store fingerprints collected at crime scenes that cannot be matched to an individual ("latent" fingerprints). If at a later time, the individual's fingerprint is collected by law enforcement because the individual is arrested, the electronic storing of previously unmatched crime scene fingerprints permits DOJ to link the individual to another crime the person may have committed.

Wisconsin law enforcement agencies currently take fingerprint impressions of all ten fingers (called tenprints) when an individual is arrested. As of August 31, 2012, 1,340,913 tenprints were stored on AFIS. Approximately 3,900 additional tenprints are added to the system monthly. Currently, the system has a storage capacity of 1,500,000 tenprint records and 50,000 latent fingerprint records.

The AFIS system permits the Department to

also electronically store palm prints. Palm prints provide an additional law enforcement tool to positively identify an individual. As of August, 2012, 127,413 sets of palm prints were stored on AFIS. Approximately 5,887 additional palm print sets are being added to the system monthly. The AFIS system has a storage capacity for 1,000,000 palm print sets.

The palm print database has been built in cooperation with the Department of Corrections. The Department of Corrections takes palm prints when new prisoners are admitted to the state correctional system.

As of August, 2012, there were 12,439 cases with latent fingerprint or latent palm print records stored on AFIS. There were 35,392 latent lifts associated with these cases. On average, approximately 88 cases involving 377 latent fingerprints and 59 palm prints are added to the AFIS system monthly.

In addition to Department personnel, access to AFIS has been granted by the agency to 26 law enforcement agencies across the state through fully functional AFIS workstations. These law enforcement agencies include six county sheriff's departments or joint services agencies (Brown, Kenosha, Milwaukee, Racine, Walworth, and Waukesha Counties) and 20 municipal police departments (Ashwaubenon, Burlington, Caledonia, Delafield, East Troy, Fitchburg, Green Bay, Hartland, Kenosha, Madison, Milwaukee, Middleton, Mount Pleasant, New Berlin, Oak Creek, Racine, St. Francis, Sun Prairie, Waukesha, and Wauwatosa).

This access enables these local agencies to independently solve crimes using the AFIS tenprint, palm print, and latent fingerprint/palm print databases and positively identify arrested individuals. This linkage also allows these local users to update the state AFIS and linked criminal history databases.

During calendar year 2011, Department and local law enforcement personnel completed: (a) 329,510 tenprint to tenprint verifications; (b) 167,118 tenprint to unsolved latent fingerprint verifications; (c) 80,679 palm print to unsolved latent palm print verifications; (d) 6,262 latent fingerprint to tenprint verifications; and (e) 61 unsolved latent palm print to palm print verifications.

In order to expand the accessibility and usability of AFIS, as of August, 2012, 92 Fast ID, six Rapid ID, and 75 DigiScan devices are in place at law enforcement agencies and Department of Corrections' facilities across the state. These devices electronically capture two fingerprints and electronically compare them to the fingerprint images on file in AFIS. This capability allows positive identification to occur remotely at these agencies without an AFIS workstation.

The criminal history database is typically searched by name or by fingerprint. Law enforcement agencies may access the database or may have it searched by Department personnel, at no cost if the search is completed for criminal justice purposes.

Because Wisconsin is an "open records" state, governmental agencies, non-profit organizations and any other requester may also have the Department search the criminal history database for non-criminal justice purposes. In calendar year 2011, the crime information bureau received more than 800,000 non-criminal justice search requests of the criminal history database. These types of requests are generally made in connection with an employment or professional licensing application.

Under s. 165.82 of the statutes, DOJ is authorized to charge a fee for non-criminal justice related searches of the criminal history database. A \$7 fee is assessed for a name-based search of the criminal history database. For a \$15 fee, govern-

ment agencies and nonprofit organizations may request a fingerprint-based search of the database.

In addition, a \$5 surcharge is assessed if the requestor must have a paper copy of the results of the search. In 2011-12, the Department received criminal history search fees revenues of \$5,895,400.

Transaction Information for the Management of Enforcement (TIME) System

Statutory Authorization. The Transaction Information for the Management of Enforcement (TIME) System provides law enforcement agencies across the state access to a variety of law enforcement-related databases. Under s. 165.83(2) of the statutes, DOJ must: (a) obtain and file information relating to identifiable stolen or lost property; and (b) generally obtain and file a copy or detailed description of each arrest warrant issued in this state but not served because the whereabouts of the person named on the warrant is unknown or because that person has left the state. In making criminal history information, stolen property, wanted persons and other relevant information available to law enforcement agencies, the statutes further require DOJ to create and administer the TIME System.

The TIME System provides Wisconsin law enforcement agencies electronic access to the following databases:

- State and national wanted, missing and unidentified persons;
- Stolen motor vehicles;
- Identifiable stolen property;
- Driver and vehicle registration files;
- State and national criminal history information;

- The sex offender registry maintained by the Department of Corrections;
- Persons subject to protection orders; and
- Other databases of interest to law enforcement for officer safety.

The relevant data is provided by the TIME System through its access to: (a) DOJ's criminal history, stolen property and wanted persons databases; (b) the Department of Corrections' sex offender registry and probation, parole, and extended supervision files; (c) selected Department of Natural Resources files; (d) the federal National Crime Information Center database; and (e) the National Law Enforcement Telecommunication System, which provides access to out-of-state and Canadian data on criminal history, vehicle registration and driver files.

System Administration. As of August, 2012, the TIME System consists of 12,012 workstations located in 667 local, state and federal law enforcement agencies in Wisconsin. Approximately 5,750 of these terminals are mobile units that provide information directly to the patrol officer. On an average day, the TIME system processes approximately 127,000 initiator transactions returning approximately 630,000 responses.

The Department is authorized to assess fees to law enforcement agencies for the costs of terminal rental and usage, and related services to support the operation of the TIME System. In 2011-12, the Department collected TIME System user fees of \$2,396,700. The TIME System's 2012-13 budget is \$3,155,900 PR and 10.0 PR positions.

The TIME System's 2012-13 budget includes \$2,429,300 PR and 6.0 PR positions, funded from TIME system user fees, for the crime information bureau to administer the system. The TIME System's 2012-13 budget also includes \$726,600 PR and 4.0 PR positions, funded from the penalty

surcharge, for the Division of Management Services' computing services bureau to provide information technology services for the system. Under current law, whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge of 26% of the total fine or forfeiture. A portion of the surcharge supports the TIME System.

As indicated previously, in recent years the penalty surcharge fund has operated in deficit. In 2011-12, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$3,588,800. The penalty surcharge fund is projected to close the 2012-13 state fiscal year with a cumulative deficit of \$3,430,000.

State Crime Laboratories

Under s. 165.75(2) of the statutes, DOJ is required to locate a state crime laboratory in Madison, Milwaukee, and Wausau. Each crime laboratory is considered a bureau within the Division of Law Enforcement Services. The Madison Crime Laboratory was created by the Legislature in 1947; the Milwaukee Crime Laboratory was opened in 1975; and the Wausau Crime Laboratory began operations in 1991.

The state crime laboratories are responsible for providing scientific and technical assistance to state and local law enforcement agencies, upon their request. The budget in 2012-13 for the state crime laboratories (less amounts budgeted for deoxyribonucleic acid (DNA) analysis) totals \$10,129,500 (all funds) and 85.33 positions. The state crime laboratories' funding is comprised of \$5,897,600 GPR, \$4,168,700 PR, and \$63,200 FED and 53.33 GPR, 31.0 PR, and 1.0 FED positions.

The 2012-13 budget for DNA analysis totals \$6,021,000 (all funds) and 72.0 positions. The DNA analysis funding is comprised of \$3,185,500 GPR and \$2,835,500 PR, and 42.5 GPR and 29.5 PR positions.

The state crime laboratories' program revenue-supported budget is funded from a variety of sources: (a) a \$13 crime laboratory and drug law enforcement surcharge and a \$250 deoxyribonucleic acid (DNA) surcharge (\$5,730,600 and 47.5 positions); (b) criminal history search fees (\$773,000 and 11.0 positions); and (c) penalty surcharge revenues (\$500,600 and 2.0 positions).

A \$13 crime laboratory and drug law enforcement surcharge is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. In addition, a court imposes the \$250 DNA surcharge either when it imposes a sentence or places a person on probation for committing certain sex offenses or when it elects to do so under any circumstance in which the court has imposed a sentence or placed a person on probation for a felony conviction.

The criminal history search fees, described earlier in this section, are imposed whenever DOJ receives a request for a non-criminal justice search of the criminal history database.

As indicated previously, the penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture.

In recent years both the crime laboratory and drug law enforcement surcharge fund and the penalty surcharge fund (discussed previously) have operated in deficit. In 2011-12, the crime laboratory and drug law enforcement surcharge fund concluded the fiscal year with a cumulative deficit of \$2,209,200. The crime laboratory and

drug law enforcement surcharge fund is projected to close the 2012-13 state fiscal year with a cumulative deficit of \$462,100.

Statutory Authorization. Under s. 165.75(3)(a) of the statutes, the purpose of the state crime laboratories is to "provide technical assistance to local law enforcement officers in the various fields of scientific investigation in the aid of law enforcement. ...[T]he laboratories shall maintain services and employ the necessary specialists, technical and scientific employees for the recognition and proper preservation, marking and scientific analysis of evidence material in the investigation and prosecution of crimes in such fields as firearms identification, the comparison and identification of toolmarks, chemistry, identification of questioned documents, metallurgy, comparative microscopy, instrumental detection of deception, the identification of fingerprints, toxicology, serology and forensic photography."

Employees of the state crime laboratories may undertake investigation of criminal conduct only upon the request of a sheriff, coroner, medical examiner, district attorney, chief of police, warden or superintendent of any state prison, state agency head, the Attorney General or the Governor. Following such a request, the laboratories must collaborate fully in the complete investigation of criminal conduct and bring to bear the full range of their forensic skills. These efforts may involve field investigations at the scene of the crime. Both the Wausau and Madison crime laboratories have a mobile unit available for such field investigations 24 hours a day, seven days a week.

DOJ is authorized to decline the provision of laboratory services in any case that does not involve a potential felony charge. The state crime laboratories generally do not accept misdemeanor cases.

State Crime Laboratory Operations. Both

the Milwaukee and Madison crime laboratories provide all of the following analytical services to Wisconsin law enforcement agencies:

1. *Drug Identification.* A combination of different tests may be performed on an unknown material until the analyst can identify or eliminate the presence of any controlled substance, narcotic, pharmaceutical, or other ingredient. Controlled substances are those compounds prohibited under Chapter 961 of the statutes.

2. *Toxicology.* An analysis of bodily specimens may be undertaken for the presence of chemicals that are harmful or for which ingestion is in some way defined as a criminal offense. The laboratory identifies and quantifies the amount of drugs, alcohol, and poisons in biological samples such as blood, urine, or tissue.

3. *Trace Evidence.* A comparison and identification of trace evidence may be undertaken. This includes such substances as paints, soil, plastics, glass, metals, insulation, arson accelerants, explosives, and fibers. During a crime negligible amounts of such materials may be transferred from one surface to another. By linking the transferred material back to its original source, a suspect may be linked back to the crime scene.

4. *DNA.* This type of analysis involves the identification and characterization of biological materials, including blood, semen and other body fluids. Except for identical twins, each individual's genetic profile is unique. The genetic profile of a suspect developed from submitted biological material may be compared to the genetic profile developed from biological material collected from a crime scene to link a suspect to a crime.

5. *DNA Databank.* These activities involve the development, identification and cataloging of DNA profiles from biological samples collected from convicted offenders.

6. *Firearms/Toolmarks.* This activity involves the examination of firearms and ammunition, toolmarks and suspect tools, serial number restoration, and distance determination tests. To determine whether a firearm recovered in the case was the firearm that fired the bullets and cartridge cases that have been recovered, the laboratory compares the recovered bullets and cartridge cases with laboratory fired bullets and cartridge cases from the suspected firearm. A subsequent microscopic examination permits a final determination to be made.

7. *Identification.* This activity involves an analysis to determine the presence of fingerprints, palm prints, footprints, or tire treads and the comparison of such prints or treads to establish identity.

8. *Document Examination.* This type of analysis permits the comparison of handwriting, typewriting, and printing, and the analysis of inks, paper, and related materials. These services also include the restoration of charred documents and papers, and the visualization and deciphering of obliterated and indented text.

9. *Forensic Imaging.* This casework is submitted directly from local law enforcement agencies and typically involves still or video photography services. Casework can include making copies of videos to protect the original from damage and capturing and enhancing individual "still" images from a video.

10. *Photo Workorders.* The forensic imaging unit in the state crime laboratories also provides support for the work of other crime laboratory units. These services include specialized forensic photography support using black and white, color, ultraviolet, digital, infrared and infrared luminescence techniques. These images are typically utilized to: (a) record the condition of an item of evidence at the time of receipt; (b) document the location and condition of items of interest (for

example, recording the condition of a crime scene); and (c) recording the results of analytical investigation (for example, producing fingerprint or palm print images).

The Wausau Crime Laboratory provides services generally limited to controlled substances identification, fingerprint and footwear identification, and photography. The Wausau Crime Laboratory region is served by the Madison Crime Laboratory for the forensic service areas not otherwise provided at the Wausau Crime Laboratory. Appendix III identifies the geographic areas of the state served by each crime laboratory.

The three state crime laboratories are currently authorized the following types of specialists (excluding specialists for DNA analysis): (a) fingerprint and footwear examiners (15.0); (b) controlled substance analysts (11.0); (c) forensic program technicians (9.0); (d) toxicologists (7.0); (e) forensic imaging specialists (5.0); (f) firearms and toolmark examiners (4.0); (g) trace evidence examiners (4.0); (h) forensic science training coordinators (2.0); and (i) examiners of questioned documents (1.0). In addition to these 58.0 specialists positions, an additional 27.33 supervisory and support positions include forensic scientist supervisors (5.0), office associates (5.0), forensic science program chiefs (2.0), justice supervisors (2.0), and crime laboratory director (1.0).

The state crime laboratories are also authorized 72.0 positions for DNA analysis activities. These positions include: (a) DNA analysts (66.0); (b) forensic scientist supervisors (5.0); and (c) forensic program technician (1.0).

Table 5 identifies the caseload of the state crime laboratory analysts during 2011-12.

DNA Testing. The analysis of DNA evidence at crime scenes has become an increasingly important forensic tool for law enforcement agencies in recent years. Under s. 165.77 of the stat-

Table 5: Analyst Caseloads in 2011-12

Case Type	Opened	Completed
Drugs	5,211	4,522
DNA	4,601	4,647
Identification	2,783	2,414
Photo workorders	724	739
Toxicology	2,727	2,617
Firearms	595	609
Trace evidence	239	215
DNA databank	223	231
Footwear or tire	76	79
Forensic imaging	78	80
Documents	83	58
Toolmarks	75	62
Field response	26	24
Field photo	16	14
Bloodstain pattern	<u>1</u>	<u>0</u>
Total	17,458	16,311

utes, the state crime laboratories are required to provide DNA analysis and maintain a DNA databank. The laboratories are required to analyze the DNA in a human biological specimen, if requested: (a) by a law enforcement agency regarding an investigation; (b) pursuant to a court order; and (c) by an individual regarding his or her own specimen, subject to rules established by the Department. The laboratories may compare the data obtained from this specimen with data obtained from other specimens, but may not include the data from these specimens in the state DNA databank.

However, under other provisions of current law, the following persons are required to submit a biological specimen for development and inclusion in the state's DNA database:

1. Those found guilty or delinquent of first- or second-degree sexual assault, engaging in repeated sexual assaults of the same child, or sexual assault of a child placed in substitute care (this category includes those in institutional care or those found not guilty of such crimes by reason of mental disease or defect);

2. Those committed as sexually violent

persons;

3. Those in prison for a felony committed in Wisconsin;

4. Those sentenced to prison or placed on probation for a felony conviction (this category includes those in institutional care, or those found not guilty of such crimes by reason of mental disease or defect);

5. Those convicted of certain serious crimes ordered by a judge to submit a DNA sample (this category includes those in institutional care or those found not guilty of such crimes by reason of mental disease or defect);

6. Those on parole, extended supervision or on probation in another state (but supervised in Wisconsin) for a violation in the other state that the Department of Corrections determines would be subject to 1 or 4 above, if committed in Wisconsin; or

7. Those convicted of misdemeanor violations of: (a) intentional failure to submit a required biological specimen; (b) fourth-degree sexual assault; (c) lewd and lascivious behavior; and (d) exposing genitals or pubic area. This category includes those in institutional care, or those found not guilty of such crimes by reason of mental disease or defect.

As of June 30, 2012, there were 169,161 DNA profiles in the state's convicted offender database. Approximately 1,299 additional DNA profiles monthly are added to this database.

"Casework" DNA profiles are developed from biological specimens from crimes scenes that are not tied to a specific individual. As DNA profiles are added to the convicted offender DNA database, DOJ is increasingly able to match "casework" DNA profiles with either known profiles in the convicted offender DNA database or with other "casework" profiles in the casework index.

As of June 30, 2012, there were 10,612 casework DNA profiles in the state database.

Convicted offender DNA profiles and "casework" DNA profiles are both stored on the same computer server. This server currently has a storage capacity for up to 5,000,000 DNA profiles.

The convicted offender DNA database and the casework DNA profiles have become increasingly effective crime-solving tools. In calendar year 2010, there were 692 matches or "hits." These hits matched unknown profiles with 638 known offender profiles and 54 casework profiles, for an average of about 57 hits per month. In calendar year 2011, there were 609 hits matching unknown profiles with 559 known offender profiles and 50 casework profiles, for an average of about 50 hits per month.

Under 2007 Acts 5 and 20, the Legislature provided additional resources to DOJ to address an increasing DNA analysis caseload/ backlog. Prior to the passage of these acts, the state crime laboratories were authorized 29.0 DNA analysts. Together these acts provided position authority and funding for 31.0 additional DNA analysis-related positions including: (a) 29.0 DNA analysts; (b) 1.0 DNA technician; and (c) 1.0 DNA analysis supervisor. These acts also provided funding to DOJ to acquire robotics technology to automate the middle stages of DNA forensic analysis. With the additional resources DOJ eliminated the DNA analysis backlog by the end of 2009-10.

County/Tribal Law Enforcement Grant Programs

The budget for the Division of Management Services includes \$1,908,800 PR and 1.0 PR position in 2012-13 to administer three related grant

programs to support law enforcement services on tribal lands and in counties bordering tribal reservations. Of these budgeted funds and positions in 2012-13: (a) \$631,200 PR is budgeted for grants under the county-tribal law enforcement grant program; (b) \$695,000 PR is budgeted for grants under the tribal law enforcement assistance grant program; (c) \$490,000 PR is budgeted for grants under the county law enforcement services grant program; and (d) \$92,600 PR and 1.0 PR position is budgeted to permit the Department to administer the county-tribal law enforcement grant program. Funding for the grants and for program administration is provided from tribal gaming revenues.

Statutory Authorization. Section 165.90 of the statutes creates the county-tribal law enforcement grant program, and assigns the program's administrative responsibility to DOJ. Any county with one or more federally-recognized Indian reservations within or partially within its boundaries may enter into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. The county and tribe must develop and annually submit to DOJ a joint program plan, and report on the performance of law enforcement activities on the reservation in the previous fiscal year. The joint program plan must identify all of the following: (a) a description of the proposed cooperative county-tribal law enforcement program for which funding is sought, including information on the population and geographic area or areas to be served by the program; (b) the program's need for funding and the amount of funding requested; (c) the governmental unit that will administer the grant funding and the method by which the funding will be disbursed, including specifying the allocation of the aid between the tribe and county; (d) the types of law enforcement services that will be performed on the reservation and the persons who will perform the services; (e) the individual who will exercise daily supervision and control over law enforcement

officers participating in the program; (f) the method by which county and tribal input into program planning and implementation will be assured; (g) the program's policies regarding deputization, training and insurance of law enforcement officers; (h) the record keeping procedures and types of data to be collected by the program; and (i) any other information required by DOJ or deemed relevant by the county and tribe submitting the plan.

Section 165.91 of the statutes creates the tribal law enforcement assistance grant program. Wisconsin tribes are eligible to participate in this grant program. Under the program, a tribe must submit an application that includes a proposed plan for expenditure of the grant funds. DOJ is required to develop criteria and procedures in administering this program.

Section 165.89 of the statutes creates the county law enforcement services grant program. A county is eligible to participate in the grant program if the county: (a) borders one or more federally-recognized Indian reservations; (b) has not established a cooperative county-tribal law enforcement program with each such tribe or band; (c) demonstrates a need for grant-eligible law enforcement services; and (d) applies for a grant and submits a proposed plan showing how the funds will be used to support law enforcement services.

Program Administration. Under section 165.90(3m) of the statutes, DOJ must consider the following factors when determining whether to approve and fund a county/tribal program plan under the county-tribal law enforcement program: (a) the population of the reservation area to be served by the program; (b) the complexity of the law enforcement problems that the program proposes to address; and (c) the range of services that the program proposes to provide. When determining whether to make grants under the county-tribal law enforcement program, the De-

partment also considers the county crime rate and the tribal unemployment rate. The Department further averages the preliminary award for a given year with up to three of the most recent grants for a given tribe, in order to mitigate large grant award fluctuations from year to year.

Table 6 identifies the grant amounts awarded to counties and tribes for calendar year 2012 grant activities. In order to offset budget reductions under 2011 Act 32, the Attorney General supplemented available grant funding with discretionary consumer protection and antitrust settlement balances. The portion of grant awards funded from one-time discretionary settlement balances are separately identified in Table 6. Although some of the grants were awarded to programs that include tribal police departments, most of the grants help pay for services provided by county sheriffs to Indian reservations and communities.

Table 6: Grants Awarded to Counties and Tribes in 2012

County/Tribe	Base Award*	One-Time Settlement Funding	Total
Menominee/Menominee	\$57,504	\$7,640	\$65,144
Sawyer/LCO	48,960	6,500	55,460
Ashland/Bad River	41,674	5,490	47,164
Bayfield/Red Cliff	41,285	5,480	46,765
Vilas/Lac du Flambeau	41,158	5,470	46,628
Shawano/Stockbridge	30,625	4,070	34,695
Brown/Oneida	30,496	4,050	34,546
Forest/Potawatomi	29,007	3,340	32,347
Outagamie/Oneida	26,834	3,570	30,404
Juneau/Ho Chunk	25,741	3,420	29,161
Forest/Sokaogon	25,106	3,850	28,956
Jackson/Ho Chunk	23,116	3,070	26,186
Sauk/Ho Chunk	21,914	2,910	24,824
Monroe/Ho Chunk	18,824	2,500	21,324
Wood/Ho Chunk	15,078	2,010	17,088
Shawano/Ho Chunk	13,746	1,830	15,576
Polk/St. Croix	13,138	1,750	14,888
Burnett/St. Croix	12,332	1,640	13,972
Barron/St. Croix	<u>11,682</u>	<u>1,510</u>	<u>13,192</u>
Total	\$528,220	\$70,100	\$598,320

* Of the \$631,200 in 2011-12 base grant funding, an additional \$102,980 was transferred to the general fund.

Section 165.91 of the statutes delegates the responsibility to DOJ to develop the criteria and procedures to be used in administering the tribal law enforcement grant program. Of the \$695,000 PR in annual grant funding under the program, state statute specifically directs DOJ to allocate \$80,000 annually under the program to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians for tribal law enforcement services. The Department may not consider this designation when determining grant awards from the \$615,000 annually in remaining base funding under the program. DOJ utilizes a three-criteria formula in making the remaining awards that it also utilizes under the county-tribal law enforcement grant program. In evaluating the grant applications and making awards, DOJ considers: (a) reservation population; (b) county crime rate; and (c) tribal unemployment rate. The Department further averages the preliminary award for a given year with up to three of the most recent grants for a given tribe, in order to mitigate large grant award fluctuations from year to year. Table 7 identifies the grant amounts awarded to tribes for calendar year 2012 activities. In order to offset budget reductions under 2011 Act 32, the Attorney General supplemented available grant funding with discretionary consumer protection and antitrust settlement balances. The portion of grant awards funded from one-time discretionary settlement balances are separately identified in Table 7. All of the grants provided under this program support tribal law enforcement operations.

As with the tribal law enforcement grant program, section 165.89 of the statutes delegates to DOJ the responsibility to develop the criteria and procedures to be used in administering the county law enforcement grant program. Of the \$490,000 PR in annual grant funding under the program, however, state statute specifically provides that DOJ must allocate \$300,000 PR annually under the program to Forest County to fund law enforcement services. The Department also utilizes a modified three-criteria formula (county popula-

Table 7: Grants Awarded to Tribes in 2012

Tribe	Base Award*	One-Time Settlement Funding	Total
Lac Courtes Oreilles	\$132,175	\$8,000	\$140,175
Bad River	90,110	13,700	103,810
St. Croix	80,284	12,300	92,584
Lac du Flambeau	62,577	9,600	72,177
Red Cliff	60,896	9,300	70,196
Menomonie	52,967	8,200	61,167
Stockbridge Munsee	38,663	6,000	44,663
Oneida	36,353	5,700	42,053
Ho Chunk	16,819	2,700	19,519
Potawatomi	<u>10,753</u>	<u>1,700</u>	<u>12,453</u>
Total	\$581,597	\$77,200	\$658,797

* Of the \$695,000 in 2011-12 base grant funding, an additional \$113,403 was transferred to the general fund.

tion, county crime rate, and county unemployment rate) to make awards of the remaining \$190,000 PR annually in funding under this program to Wisconsin counties. As with the other programs, in order to mitigate large grant award fluctuations from year to year, DOJ averages the preliminary award for a given year with up to three of the most recent grants for a given county. Table 8 identifies the grant amounts awarded to counties for calendar year 2012 activities. In order to offset budget reductions under 2011 Act

Table 8: Grants Awarded to Counties in 2012

County	Base Award*	One-Time Settlement Funding	Total
Forest	\$300,000	-	\$300,000
Shawano	19,657	\$9,750	29,407
Oneida	19,267	9,550	28,817
Burnett	17,946	8,900	26,846
Menominee	16,775	8,320	25,095
Oconto	14,958	7,420	22,378
Langlade	12,572	6,240	18,812
Barron	<u>8,801</u>	<u>4,320</u>	<u>13,121</u>
Total	\$409,976	\$54,500	\$464,476

* Of the \$490,000 in 2011-12 base grant funding, an additional \$80,024 was transferred to the general fund.

32, the Attorney General supplemented available grant funding with discretionary consumer protection and antitrust settlement balances. The portion of grant awards funded from one-time discretionary settlement balances are separately identified in Table 8. All counties use these grant funds to support law enforcement services, typically near bordering reservation lands.

**Law Enforcement Community
Policing Grant Program**

The Division of Management Services also

administers the law enforcement community policing grants program.

With \$222,700 GPR annually in base funding, the program provides grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime. For calendar year 2012, the City of Milwaukee utilized its grant to fund officer overtime costs and equipment to reduce homicides and gun violence, as well as some officer overtime costs to suppress robbery, burglary and auto theft.

LAW ENFORCEMENT ACTIVITIES OF THE DEPARTMENT OF JUSTICE

Various provisions of the Wisconsin Statutes require DOJ to become involved in active law enforcement activities. Under s. 165.50 of the statutes, DOJ is required to investigate crime that is statewide in nature, importance or influence and to conduct arson investigations.

Further, the Department is specifically authorized to enforce Chapter 108 of the statutes (Unemployment Insurance and Reserves), and selected statutory provisions regulating or prohibiting the following: (a) prostitution; (b) illegal gambling; and (c) smoking.

Finally, under s. 165.70 of the statutes, DOJ is authorized to investigate and enforce selected statutory provisions regulating certain conduct or prohibiting certain crimes that are statewide in nature, importance, or influence. These provisions include: (a) prostitution; (b) illegal gambling; (c) controlled substances; (d) battery or intimidation of jurors and witnesses; (e) machine guns; (f) extortion; (g) usurious loans; (h) loan sharking; (i) obstruction of justice; (j) arson; and (k) use of a computer to facilitate a child sex crime. With respect to these latter provisions, the statutes stipulate that it is not the intent to deprive local law enforcement of its concurrent power and duty to enforce these provisions.

The statutes generally provide DOJ agents the powers of peace officers in carrying out these responsibilities. Under s. 939.22(22) of the statutes, a peace officer is defined as "any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to

specific crimes."

**Law Enforcement Activities of the
Division of Criminal Investigation**

The Department of Justice's Division of Criminal Investigation (DCI) is charged with the responsibility of carrying out and meeting the statutory law enforcement obligations of the Department enumerated above. In addition, in representing the state, or any state department, agency, official, employee or agent, the Department's Division of Legal Services may utilize the investigative expertise of DCI. Finally, on occasion, DCI will also provide investigative assistance to local law enforcement, when requested, to help solve serious crimes.

The budget for the Division in 2012-13 is \$15,764,600 (all funds) and 139.0 positions. The Division is organized into two bureaus, the Field Operations Bureau, and the Special Operations Bureau. The Field Operations Bureau is further divided into an Eastern Region and a Western Region. The narcotics enforcement activities of the Division are separately budgeted, but narcotics enforcement is a part of the Field Operations Bureau. The Internet crimes against children task force unit is also separately budgeted but elements of the unit report to both bureaus. Finally, dedicated funding from tribal gaming and lottery fund revenues support the gaming investigations program, but the gaming investigations program is a part of the Special Operations Bureau.

Field Operations Bureau -- Narcotics Enforcement

The Field Operations Bureau is responsible for carrying out the Division's narcotics enforcement effort. The budget for narcotics enforcement in 2012-13 totals \$7,802,100 (all funds) and 54.0 positions. Funding is comprised of \$2,309,400 GPR, \$4,234,100 PR, and \$1,258,600 FED and 20.0 GPR, 28.0 PR and 6.0 FED positions. Narcotics enforcement staff consist of special agents (44.5), and supervisory and support personnel (9.5).

The program revenue-funded budget for narcotics enforcement is provided from the \$13 crime laboratory and drug law enforcement surcharge and the \$250 DNA surcharge (\$1,965,100 and 16.0 positions) and by the penalty surcharge (\$2,269,000 and 12.0 positions). The \$13 crime laboratory and drug law enforcement surcharge is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. In addition, a court imposes the \$250 DNA surcharge either when it: imposes a sentence or places a person on probation for committing certain sex offenses; or when it elects to do so under any circumstance in which the court has imposed a sentence or placed a person on probation for a felony conviction.

The penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture.

In recent years, however, both the crime laboratory and drug law enforcement surcharge fund and the penalty surcharge fund have operated in deficit. In 2011-12, the crime laboratory and drug law enforcement surcharge fund con-

cluded the fiscal year with a cumulative deficit of \$2,209,200. The crime laboratory and drug law enforcement surcharge fund is projected to close the 2012-13 state fiscal year with a cumulative deficit of \$462,100.

In 2011-12, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$3,588,800. The penalty surcharge fund is projected to close the 2012-13 state fiscal year with a cumulative deficit of \$3,430,000.

Statutory Authorization. Under s. 165.70 of the statutes, the Department is charged with enforcing the Uniform Controlled Substances Act (Chapter 961) for violations that are statewide in nature, importance or influence. Further, s. 165.72 of the statutes provides that DOJ must maintain a single toll-free telephone number during normal retail business hours where persons may provide anonymous tips regarding suspected controlled substances violations and where pharmacists may report suspected controlled substances violations. The Department of Justice is required to cooperate with the Department of Public Instruction in publicizing the use of this toll-free telephone number in the public schools.

Program Administration. The Field Operations Bureau administers a statewide drug enforcement program to stem the flow of drugs into and within the state. The Bureau participates in cooperative anti-drug efforts with local, state, and federal law enforcement agencies by providing investigative assistance.

Organized Crime Drug Enforcement Task Force. The Bureau participates in the federal Organized Crime Drug Enforcement Task Force. This task force is a program administered by the United States Attorneys' Offices in both the Eastern District and the Western District of Wisconsin. The task force targets organized, high-level drug trafficking groups. State and local

agencies investigating high-level drug traffickers apply to the United States Attorney for task force funding. Task force funding ordinarily pays for overtime, travel and other expenses related to drug investigations. The task force made 37 prosecution referrals in 2010-11, and 24 prosecution referrals in 2011-12.

High Intensity Drug Trafficking Area Task Force. The Bureau is also involved in the Milwaukee High Intensity Drug Trafficking Area Task Force (HIDTA). The goal of this multi-jurisdictional task force is to apply enhanced intelligence processes, a high level of enforcement, coordination, and prosecution to reduce organized drug distribution, drug-related violent crime, and money laundering.

The enforcement component of the HIDTA task force consists of two investigative initiatives: (a) the Regional Enforcement Activity for Current Threats (REACT) Task Force; and (b) the Joint Drug/Gang Task Force. The REACT task force, supervised by the Field Operations Bureau, investigates organizations and individuals involved in high-level heroin trafficking in the Milwaukee HIDTA region. In addition, the REACT task force also coordinates regional enforcement efforts with law enforcement agencies throughout southeastern Wisconsin in an attempt to intercept the transportation of controlled substances and currency into, out of, and through the Milwaukee HIDTA area of responsibility. The Joint Drug/Gang Task Force is a multi-agency initiative supervised by the Milwaukee Police Department. The Joint Drug/Gang task force focuses on the identification, infiltration, disruption, and dismantling of violent street gangs involved in drug trafficking in the Milwaukee area.

Agents of the Field Operations Bureau are involved as task force members in both of these enforcement initiatives. The Bureau also provides clerical, analytical, and technical support to the HIDTA Task Force.

In 2010-11, the REACT task force made 190 drug prosecution referrals, while in 2011-12 the task force made 115 prosecution referrals. The Joint Drug/Gang task force made 226 prosecution referrals in 2010-11 and 158 in 2011-12.

Cannabis Enforcement and Suppression Effort. The Field Operations Bureau coordinates the Cannabis Enforcement and Suppression Effort (CEASE), which is a law enforcement program directed at the reduction of cultivated and non-cultivated marijuana and marijuana demand. The CEASE program supports federal, state, and local law enforcement efforts to curb marijuana cultivation, distribution and use. The primary goal of the program is to augment local law enforcement efforts in locating indoor and outdoor marijuana grow operations and arresting those responsible. The program also supports efforts to eradicate wild marijuana. The CEASE program informs the public on issues related to marijuana legalization efforts and educates citizens and youth about the dangers associated with marijuana and illegal drug use in general. CEASE program management compiles statewide statistics, intelligence data and distributes funds, equipment and information to be used for the investigation and eradication of domestic marijuana grows. Reports on CEASE activity are prepared and forwarded to the U.S. Drug Enforcement Administration and law enforcement agencies throughout Wisconsin. The Field Operations Bureau provides training and equipment to local law enforcement agencies throughout the state for their marijuana eradication efforts, and reimburses local agencies for pre-approved overtime expenses involving marijuana eradication efforts. The CEASE program made 278 prosecution referrals in 2010-11, and 200 in 2011-12. Under the CEASE program, 275 marijuana grow operations were destroyed in 2010-11, and an additional 194 marijuana grow operations were destroyed in 2011-12.

Clandestine Laboratory Enforcement and Response Team. The Department of Justice has

identified as a significant challenge the proliferation of methamphetamine laboratories, particularly in northwestern Wisconsin. The Field Operations Bureau identified and decommissioned 25 laboratories in 2010-11 and 36 laboratories in 2011-12. In 2010-11, DOJ opened 31 methamphetamine-related criminal cases, while in 2011-12, DOJ opened 45 methamphetamine-related criminal cases.

To combat the spread of methamphetamine, the Department has developed the Clandestine Laboratory Enforcement and Response Team (CLEAR). This multi-jurisdictional team of approximately 73 members represents 27 law enforcement agencies across the state, including 27 special agents from the Field Operations Bureau.

Members of the CLEAR team are trained to dismantle methamphetamine laboratories, collect evidence, and prepare these laboratory sites for outside contractors to dispose of hazardous chemicals. The CLEAR team is also involved in community education and prevention efforts.

Drug Tipline and Pharmacy Hotline. Section 165.72 of the statutes requires the Department of Justice to operate both the drug tipline and the pharmacy hotline from the same toll-free telephone number. All calls made to this telephone number are received by the Dane County Dispatch Center, which operates the tipline and hotline under contract with DOJ. This toll-free telephone number received 406 calls in 2010-11 and 465 calls in 2011-12.

Training. The Field Operations Bureau provides drug enforcement training to law enforcement recruits at nearly all of Wisconsin's police recruit academies. This six-hour block of instruction provides basic knowledge of controlled substance abuse and recognition. In addition, specialized training is provided to certified local law enforcement officers in the form of basic and advanced drug enforcement schools. Topics include

specific training in search and seizure law, execution of search warrants, undercover activity, surveillance, consent searches, and the latest drug trends throughout the state. In 2010-11, the Bureau provided two basic 40-hour drug schools and 106 basic drug enforcement training sessions. In 2011-12, the Bureau provided one basic 40-hour drug school and 113 basic drug enforcement training sessions.

Local Anti-Drug Task Forces. The Field Operations Bureau works with all anti-drug task forces in the state on a regular basis. In the Lake Winnebago Area Multi-Agency Enforcement Group (LWAM), an assigned DOJ special agent-in-charge is the task force commander.

Under current law, DOJ and the Department of Administration's Office of Justice Assistance (OJA) jointly administer a program to provide grant funding to local anti-drug task forces. OJA provides funding for the task forces under the federal Byrne Justice Assistance Grant program, while DOJ provides state penalty surcharge funding.

In providing funding for local anti-drug task forces, the first priority under the program is to support task forces with a significant multi-jurisdictional component. Priority under the program is also given to those task forces rated high under a threat assessment of drug trafficking.

Appendix IV identifies the grant funding provided to local anti-drug task forces for calendar year 2012. The appendix also identifies budgeted allocations for the task forces for calendar year 2013. For calendar year 2010, an advisory panel, including local law enforcement officials, made recommendations on funding to the Executive Director of OJA. These recommendations were adopted and are reflected in the funding allocations for calendar year 2012. These recommendations continue to be the basis for budgeted calendar year 2013 allocations.

Bureau Caseload. In 2010-11, the Field Operations Bureau opened 514 narcotics cases and closed 69 narcotics cases, while in 2011-12, the Bureau opened 537 narcotics cases and closed 352 narcotics cases. The Field Operations Bureau is generally the lead agency in these cases.

Internet Crimes Against Children Task Force

The Internet crimes against children (ICAC) task force unit at DOJ is responsible for investigating Internet crimes against children in conjunction with other law enforcement partners in the Internet Crimes Against Children Task Force. The budget for the ICAC Unit at DOJ in 2012-13 is \$2,690,500 (all funds) and 31.0 positions. The unit's total funding is comprised of \$2,012,600 GPR, \$482,100 PR, and \$195,800 FED. The unit's program revenue-funded budget is supported by the \$13 crime laboratory and drug law enforcement surcharge and the \$250 DNA surcharge. The \$13 crime laboratory and drug law enforcement surcharge is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. In addition, a court imposes the \$250 DNA surcharge either when it: imposes a sentence or places a person on probation for committing certain sex offenses; or when it elects to do so under any circumstance in which the court has imposed a sentence or placed a person on probation for a felony conviction.

The Wisconsin ICAC task force was created in 1998 with federal funding to counter the threat of offenders using online technology to sexually exploit children. The task force conducts investigations, provides investigative, forensic and prosecutorial assistance to police agencies and prosecutors, encourages statewide and regional collaboration, and provides training for law en-

forcement, prosecutors, parents, teachers, and other community members. The task force also coordinates with the Wisconsin Clearinghouse for Missing and Exploited Children, to provide support services to children and families that have experienced victimization. As of July, 2012, there were 181 law enforcement agencies, including DOJ, participating in the Wisconsin ICAC task force.

Internet crimes against children cases generally fall into four broad categories: (a) investigations of cybertips received from individuals and Internet service providers through the National Center for Missing and Exploited Children; (b) online child enticement investigations; (c) "peer-to-peer" investigations; and (d) cases involving other law enforcement agencies. In 2010-11, the ICAC task force opened 1,015 ICAC investigations, while in 2011-12 the ICAC task force opened 1,122 ICAC investigations. The Department indicates that its current electronic statistical tool for tracking these ICAC investigations does not permit it to identify the number of these investigations in which DOJ took the lead investigative role versus the number of investigations in which affiliated law enforcement agencies took the lead role across all case types.

All 181 law enforcement agencies participating in the Wisconsin ICAC task force have a capacity to conduct "reactive" ICAC investigations, responding to tips or information that an Internet crime against a child may have occurred. In addition, most of these agencies can also conduct "proactive" investigations such as peer-to-peer investigations and online child enticement investigations.

In 2000, Congress mandated that all internet service providers register and report any child pornography on their servers to the cybertiplines program at the National Center for Missing and Exploited Children. In 2010-11, the Wisconsin ICAC task force received 366 cyber tips from the

National Center for Missing and Exploited Children. From these 366 cyber tips, the ICAC task force opened 214 cases, of which 145 were investigated by DOJ and 69 were referred to affiliate law enforcement agencies. In 2011-12, the Wisconsin ICAC task force received 909 cyber tips from the National Center for Missing and Exploited Children. From these 909 cyber tips, the ICAC task force opened 668 cases, of which 450 were investigated by DOJ and 218 were referred to affiliate law enforcement agencies. When the ICAC task force receives multiple cyber tips involving the same suspect, these cyber tips are consolidated into a single case for subsequent follow-up by DOJ or affiliated law enforcement agencies.

Department of Justice staff indicates that the current electronic statistical system for the ICAC task force does not permit the Department to identify the number of cases opened by the whole task force that can be attributed to online child enticement investigations and "peer-to-peer" investigations. As a result the statistics for case openings for 2010-11 and 2011-12 for these case types only include case openings by DOJ special agents as one participant in the ICAC task force.

Online child enticement investigations involve investigations of chat rooms and other web-based communication sites to identify adults who want to meet children for the purpose of engaging in sexual activity, or adults who are willing to make their children available for adult sexual contact. These investigations also include cases in which adults direct obscenity towards minors. In 2010-11, DOJ special agents initiated 242 child enticement investigations, while in 2011-12, DOJ special agents initiated 254 child enticement investigations.

"Peer-to-peer" investigations identify the illegal sharing of child pornography images and videos over the Internet. In 2010-11, DOJ special agents initiated 149 peer-to-peer investigations,

while in 2011-12, DOJ special agents initiated 47 peer-to-peer investigations. It should be noted that the decline in peer-to-peer investigations was due, in part, to a shift in technologies utilized by offenders to share child pornography images. Law enforcement staff completed training to respond to these changes.

Finally, cases involving other law enforcement agencies include: (a) child exploitation initiatives with other law enforcement agencies, such as following up on customer information from web-based companies identified as illegally trafficking images of child pornography; (b) assisting local law enforcement agencies with investigations of Internet-based or other child exploitation cases; and (c) assisting other ICAC task forces around the country.

In 2010-11, the Wisconsin ICAC task force made 124 arrests, and in 2011-12, the Wisconsin ICAC task force again made 124 arrests. Of the 124 arrests made by the Wisconsin ICAC task force in 2010-11, 46 arrests were for cases which had been assigned to DOJ special agents. Of the 124 arrests made by the Wisconsin ICAC task force in 2011-12, 58 arrests were for cases which had been assigned to DOJ special agents. DOJ staff indicates that it does not currently have an electronic reporting system that would permit it to report either for the ICAC task force as a whole, or for DOJ individually, as to the case types to which these arrests could be attributed.

Department staff indicates that its electronic statistical analysis system does not currently permit it to provide data on annual ICAC case closings. "Our current statistical tool does not accurately capture convictions. While the DCI reporting system captures final case dispositions, compiling that data would require an exhaustive hand search of each ICAC case conducted by each individual agent over the given time frame."

Computer forensic analysis is an important

element to the successful prosecution of ICAC cases. Criminal analysts are responsible for conducting on-site forensic previews of evidence and subsequently developing the evidence more thoroughly in the laboratory. The analysis involves: (a) the creation of a duplicate image of relevant evidence; (b) an examination of all relevant computer files; and (c) restoring information pertinent to the investigation. Department staff indicates that this work can be laborious often due to the large volume of data involved in ICAC investigations. In 2010-11, the ICAC task force conducted 2,096 forensic ICAC examinations. In 2011-12, the ICAC task force conducted 2,768 forensic ICAC examinations.

Criminal analysts in the DOJ ICAC unit investigate crimes committed using the computer and analyzes information contained in electronic formats. The personnel in this unit are trained to conduct forensic analysis of computer evidence. These cases include Internet crimes against children cases, audio and video enhancements, cell phone forensics, and other digital evidence and technical assistance cases. In 2010-11, these DOJ criminal analysts at the DOJ ICAC unit opened 275 cases and closed 257 cases, while in 2011-12 they opened 310 cases and closed 327 cases.

When the Wisconsin ICAC task force was first created, DOJ did not have full-time special agents to address its ICAC caseload. Instead, the ICAC caseload was addressed by special agents who worked overtime. The Department first retained dedicated full-time staff to work ICAC investigations in 2000. The Department utilized federal funding to hire a full-time special agent. In addition, DOJ: (a) reallocated a program and planning analyst position to the ICAC unit; and (b) trained a special agent in its technical services unit to conduct computer forensic examinations.

Department staff attributes additional resource reallocations to the ICAC unit to budget initiatives in 2002 and 2003, including the

merger of the Division of Narcotics Enforcement with the Division of Criminal Investigation. As of 2006-07, the ICAC unit had 10.0 FTE positions (5.5 GPR positions, 3.5 PR positions, and 1.0 FED position) including: (a) 0.5 criminal investigation director; (b) 2.0 operations program associates; (c) 3.0 criminal analysts; and (d) 4.5 special agents.

Under 2007 Act 20, the Legislature created an additional 5.0 GPR-funded FTE positions for the unit. Likewise, the provisions of 2009 Act 28 created an additional 5.0 GPR-funded FTE positions for the unit. Finally, 2011 Act 32 created an additional 11.0 GPR-funded FTE positions for the unit.

Since 2006-07, the number of positions at the unit has increased from 10.0 FTE to 31.0 FTE. The unit is currently authorized the following positions: (a) 13.0 criminal analysts; (b) 12.5 special agents; (c) 3.0 operations program associates; (d) 1.0 program and policy analyst-advanced; (e) 1.0 office operations associate; and (f) 0.5 criminal investigation director.

Special Operations Bureau -- Gaming Investigation Program

The budget for the gaming investigation program in 2012-13 is \$524,500 (all funds) and 4.0 positions. The program's total funding is comprised of \$151,400 PR and \$373,100 SEG and 1.25 PR and 2.75 SEG positions. The program's staff consists of a director and 3.0 special agents.

The program's PR-funded budget is supported by tribal gaming revenues. The program's SEG-supported operations are funded from lottery fund revenues.

Statutory Authorization. Prior to the enact-

ment of 1991 Wisconsin Act 269, DOJ had enforcement responsibilities relating to bingo control, crane games, racing and pari-mutuel wagering, the lottery, gambling on Indian lands and general gambling prohibitions.

Act 269 specified that DOJ establish a bureau to oversee the Department's gambling-related responsibilities, and provided additional funding and staffing for these enforcement activities. The primary consideration for providing the additional resources appears to have been the increased workload associated with the new tribal gaming compacts. [The provisions of 2011 Act 32 eliminated the requirement that DOJ have a separate Gaming Enforcement Bureau.]

The legalization of gaming on Indian lands initially raised a number of jurisdictional questions with respect to which federal, state or local entity had primary enforcement authority. On August 26, 1992, the United States Attorneys for the Eastern District and the Western District of Wisconsin, the FBI, and DOJ agreed that the Division of Criminal Investigation, through its Gaming Enforcement Bureau, would be the primary contact for reporting and investigating all alleged criminal activity affecting the operation and administration of Class III (casino) Indian gaming in Wisconsin. This agreement does not preclude criminal investigation by local or tribal law enforcement agencies; however, the Division is to be apprised by local or tribal law enforcement agencies (or others) of criminal allegations and investigations affecting the integrity of Indian gaming in Wisconsin. This notification requirement is intended to ensure the coordination of investigations of common interest and to encourage the prompt dissemination of information that may be of concern to other gaming operations or enforcement agencies.

Under ss. 165.60 and 165.70 of the statutes, the Department is granted criminal law enforcement responsibilities relating to pari-mutuel rac-

ing, the Wisconsin Lottery, Indian gaming, charitable gaming, bingo and illegal gambling. The Department of Revenue's Division of Lottery and DOA's Division of Gaming are required by statute to report all suspected criminal activity to DOJ.

The gaming investigation program also conducts background investigations related to major procurement contracts for the Wisconsin Lottery, and assists DOA's Division of Gaming in conducting background investigations of contractors and individuals seeking certification or licensure relating to Indian gaming or pari-mutuel racing. In addition, the program assists local law enforcement in meeting its responsibility to enforce the state's gambling laws.

Program Administration. In 2012, Wisconsin had 16 casinos and nine ancillary gambling facilities with more limited games. These 25 casinos and ancillary gambling facilities had 16,273 gaming devices in 2012.

The program's staff opened 89 cases and closed 81 cases in 2010-11, and in 2011-12, program staff opened 72 cases and closed 114 cases. The gaming investigation program is generally the lead agency in these cases.

In 2010-11, the gaming investigation program conducted 292 background investigations for DOA's Division of Gaming and 27 background investigations for the Wisconsin Lottery. In 2011-12, the program conducted 214 background investigations for DOA's Division of Gaming and 18 background investigations for the Wisconsin Lottery.

Remaining DCI Operations

The budget in 2012-13 for the Special Opera-

tions and Field Operations Bureaus (less amounts specifically budgeted for narcotics enforcement, the ICAC task force unit, and the gaming investigation program) is \$4,747,500 (all funds) and 50.0 positions. This funding is comprised of \$4,167,500 GPR and \$580,000 PR, and 43.5 GPR and 6.5 PR positions. The staff authorized for these operations consists of special agents (29.0), office operations associates (4.8), criminal analysts (4.0), investigative associates (2.0), and supervisory and support personnel (10.2).

The program revenue-funded portion of these budgets is supported by inter- and intra-agency assistance funding (\$580,000 and 5.5 positions) and annual subscriber fees assessed on members of the private sector participating in the crime alert network (\$0 and 1.0 position). Inter- and intra-agency assistance funding generally represents receipts from DOJ billings of other agencies or units for the Department's services.

Special Operations Bureau

Wisconsin Statewide Information Center (WSIC). The WSIC is not restricted to a law enforcement or terrorism focus, but rather, at the recommendation of the Department of Homeland Security (DHS), has been developed as an all crimes, all hazards information sharing center that has a broad emergency response focus. In an emergency it is the responsibility of the WSIC to provide "actionable information" to assist Wisconsin Emergency Management or other state and local agencies in coordinated response to the emergency. It is also the responsibility of the WSIC to serve as the state agency intelligence lead for any criminal investigation resulting from a major incident.

The WSIC receives and disseminates law enforcement and threat information, while facilitating information sharing between federal, state and local law enforcement as well as emergency response agencies. In carrying out these func-

tions, most WSIC staff has obtained varying security clearances to receive sensitive information from the federal government. WSIC staff receives daily briefings and intelligence information from the FBI, DHS and other federal agencies engaged in counter terrorism and law enforcement. In turn, WSIC staff provides daily intelligence briefings for the Governor, Attorney General, Adjutant General, members of its governance board and selected executive level law enforcement personnel statewide. In addition, WSIC issues a weekly law enforcement bulletin to all law enforcement agencies across Wisconsin as well as to other state intelligence centers and federal agencies.

WSIC staff is involved in assisting law enforcement agencies and prosecutors across the state with ongoing criminal investigations. The Information Center coordinates the state's drug task force information sharing initiative and a gang intelligence initiative (both statewide and in the Fox Valley Region). As of July, 2012, 183 law enforcement agencies and 18 drug taskforces statewide participate in the drug task force information sharing initiative, and 101 law enforcement agencies statewide participate in the gang intelligence initiative, with 17 of these agencies located in the Fox Valley region.

In carrying out these responsibilities, the WSIC is undertaking the following activities: (a) building a database of threats and intelligence compliant with federal privacy laws; (b) linking state information technology systems, wherever possible, to permit the sharing of data in these disparate systems; (c) conducting threat assessments and critical infrastructure evaluations in cooperation with Wisconsin Emergency Management and establishing a risk analysis database; (d) providing law enforcement agencies broad-level access to the DCI criminal investigation database (although for specific case information law enforcement agencies may need to follow-up with WSIC intelligence analysts); and

(e) providing 24-hour per day access for law enforcement agencies to law enforcement bulletins and broader law enforcement and threats information provided by WSIC or by other intelligence centers or the federal government.

The WSIC has also established a threat liaison officer program that trains government officials and members of the private sector across the state to: identify potential terrorist activity, report suspicious activity, respond to natural or man made catastrophic events, work to protect critical infrastructure and engage in information sharing across disciplines to benefit the state overall. In carrying out this program, the state has been divided into six regions that mirror the regions developed by Wisconsin Emergency Management. Each region is represented by a coordinating team including a local law enforcement or emergency manager, a member of the FBI and an assigned WSIC analyst. As of July, 2012, 60 counties have a trained officer participating in the threat liaison officer program. As of July, 2012, 191 command-level government officials, emergency service providers, and private sector individuals participated in the threat liaison officer program. In 2011-12, the program trained 34 command-level government officials and 225 emergency service providers. In addition, the program also trained 67 private sector individuals.

In 2010-11 the WSIC opened 44 criminal cases, while in 2011-12 the WSIC opened 98 criminal cases. Its primary responsibility, however, remains information sharing.

Technical Services Unit. This unit provides covert surveillance investigative support for all types of criminal investigations. Special agents from this unit install and operate the equipment necessary to gather information on criminal activity. Assistance is available to all law enforcement agencies for nearly all forms of felony criminal investigations. The Division of Criminal

Investigation may limit its investigative involvement in a given case to the provision of technical surveillance services. The Department indicates that through partnerships with federal programs and initiatives, the Division has been able to secure state-of-the-art covert surveillance equipment. The technical services unit provided 90 case assists in 2010-11, and 222 case assists in 2011-12.

Analytical Services Unit. This unit provides analysis and specialized investigative support to DCI and to other law enforcement agencies in the state through the WSIC. The unit offers both experienced criminal intelligence analysts and specialized analytical software. Analytical services are normally free of charge to Wisconsin law enforcement agencies and prosecutors for investigations of all types of crime. During 2010-11, the unit provided 642 case assists, while during 2011-12, the unit provided 1,562 case assists.

Investigative Records Section. This section provides information gathering, program support and background searches, and manages the Division's investigative records. The section serves as the Wisconsin liaison to the FBI's Violent Criminal Apprehension Program (ViCAP). ViCAP is a national data center organized to collect, collate and analyze specific investigative data. The purposes of the system are to enable local and state law enforcement agencies to link potentially related cases and to establish state and local crime trends.

Wisconsin Clearinghouse for Missing and Exploited Children. The clearinghouse serves as a resource for both law enforcement and affected families in investigating cases involving missing and abducted children. The state works in conjunction with the National Center for Missing and Exploited Children, and forms part of a nationwide network that works to reunite missing and abducted children with their families.

In 2010-11, the clearinghouse received 178 calls for service, while in 2011-12, the clearinghouse received 158 calls for service. In 2010-11, the clearinghouse opened 89 cases and closed 80 cases. In 2011-12, the clearinghouse opened 129 cases and closed 114.

In April, 2003, Congress passed the Protect Act of 2003. This act created the national Amber Alert System. Under Amber Alert, the public is quickly informed through television and radio public service announcements of a child's abduction. This immediate and widespread dissemination of information alerts the public, some of whom may be able to provide relevant and timely information to law enforcement that could end an abduction and result in the apprehension of the perpetrator.

The clearinghouse has been responsible for establishing and monitoring the state Amber Alert System. The Division of Criminal Investigation has entered into a contract with the Dane County Dispatch Center to provide the technical services associated with a statewide Amber Alert. [This same contract provides for the Drug Tipline and Pharmacy Hotline.] In 2010-11, the clearinghouse evaluated 13 requests for Amber Alert activation, fully activated the system on three occasions, and safely recovered six children. In 2011-12, the clearinghouse evaluated nine requests for Amber Alert activation, fully activated the system on two occasions, and safely recovered two children.

Special Assignments Caseload. During 2010-11, the Special Operations Bureau opened 10 homicide cases and closed 3 such cases, while in 2011-12, the Bureau opened 14 homicide cases and closed 9 such cases. The Bureau is typically the lead law enforcement agency in these cases.

Field Operations Bureau

Arson Unit. Under s. 165.55(1) of the stat-

utes, the fire chief or chief executive of every Wisconsin municipality must investigate all fires in the jurisdiction causing more than \$500 in damage, and report those of suspicious origin to the state fire marshal in the arson unit of the Field Operations Bureau.

The arson unit responds to fatal fires, fires with statewide importance, large commercial structure fires, fires suspected to be arson by local authorities, explosions, and fires involving injury or death to first responders. The unit does not respond to requests from insurance companies or private citizens. According to DOJ, most local jurisdictions depend on the unit to conduct these investigations because the local authorities typically lack the resources to develop a high level of expertise in arson cases.

In 2010-11, the unit opened 123 arson cases and closed 88 arson cases, while in 2011-12, the unit opened 150 arson cases and closed 224 arson cases. It should be noted that: (a) these figures represent an estimate; and (b) arson cases are often complex and may be investigated for a year or two before charges are filed, much less closed. In addition to this arson caseload, unit staff provides fire and arson investigation training to local fire and law enforcement officials. In 2011-12, the unit provided 54 hours of specialized fire investigation training to public and private entities.

Financial Crimes Caseload. The Field Operations Bureau conducts criminal investigations of complaints relating to: (a) economic or "white collar" crimes (such as embezzlement, theft, bank fraud, security fraud, health care fraud, insurance fraud and identity theft); and (b) antitrust violations (such as bid rigging, territory allocation and restraint of trade). The Bureau generally conducts investigations at the request of local district attorney offices and local law enforcement agencies, as well as through coordination with assistant attorneys general or as a result of citizen re-

ports. In 2010-11, the Bureau opened 38 financial crimes cases and closed 11 cases, while in 2011-12, the Bureau opened 31 financial crimes cases and closed 17 cases.

Public Integrity Caseload. Under s. 165.50 of the statutes, DCI is authorized to investigate crime that is statewide in nature, importance, or influence. While the Division is not specifically authorized to investigate crimes arising under the Code of Ethics for Public Officials (Chapter 19), bribery and official misconduct provisions (Chapter 946), or violations of state election or campaign laws under the state election code (Chapters 5 through 12), district attorneys may refer cases arising under these statutory provisions to the Department for prosecution. Under such circumstances, the Field Operations Bureau is authorized to assist DOJ attorneys in the prosecution of the case.

The Department also has primary enforcement responsibility regarding the state's open records and open meetings laws.

The Bureau generally works in cooperation with other agencies such as the Government Accountability Board, local law enforcement agencies, and district attorneys in evaluating and investigating civil and criminal complaints involving state election and ethics laws, campaign finance, and misconduct in public office violations. The Bureau has independent authority to investigate violations of the state's open meetings and open records laws.

Referrals to the Field Operations Bureau

come from a number of sources. These include: (a) internal requests from assistant attorneys general to investigate complaints received from citizens or other sources; (b) requests from local law enforcement agencies or district attorneys for investigative assistance; and (c) requests from other state agencies for investigative assistance with complaints involving matters within their regulatory jurisdiction.

In 2010-11, the Bureau opened 12 public integrity cases and closed 6 public integrity cases. In 2011-12, the Bureau opened 17 public integrity cases and closed 8 public integrity cases.

Cold Case Homicide Caseload. Investigation of the cold case homicide caseload is staffed by two retired special agents and a supervisor. These retired special agents work with local, state, and federal law enforcement agencies to resolve cold case homicides. The work of these agents include: (a) reviewing historical case files; (b) creating lead sheets; (c) evaluating evidence for possible re-submission to the state crime laboratories for analysis; (d) collecting and submitting suspect and witness DNA to the state crime laboratories for comparison; (e) conducting interviews; (f) subpoenaing records; (g) conducting surveillance; (h) applying for and executing search warrants; (i) interrogating suspects; (j) arresting suspects; and (k) referring cases to prosecutors for possible prosecution. In 2010-11, the Field Operations Bureau opened two cases and closed 19. In 2011-12, the Bureau opened 10 cases and closed 15. Due to the previously unsolved nature of this caseload, many of the cases worked are open for years.

LAW ENFORCEMENT RELATED ACTIVITIES OF THE OFFICE OF JUSTICE ASSISTANCE

The Office of Justice Assistance (OJA) was created on October 1, 1987, pursuant to the 1987-89 biennial budget act and was attached administratively to the Department of Administration (DOA). The Office of Justice Assistance was established to replace the former Council on Criminal Justice, which had also been attached to DOA. That legislation provided that OJA would be responsible for: (a) administering three federal grant programs (the Juvenile Justice and Delinquency Prevention Act, the Justice Assistance Act, and the Byrne Anti-Drug Abuse Act); and (b) providing advice and assistance to state and local governments regarding criminal and juvenile justice issues.

In addition, through a gubernatorial veto, the newly created OJA also retained the Council on Criminal Justice's responsibility to administer the state's Statistical Analysis Center (SAC). Under s. 16.964(1m)(f) and (g) of the statutes, the SAC is responsible for: (a) serving as a clearinghouse of justice system data and information; (b) conducting justice system research and data analysis; (c) collecting and publishing statewide crime and arrest data from all participating law enforcement agencies (primarily local law enforcement agencies); and (d) forwarding statewide crime and arrest data to the FBI and participating in the FBI's Uniform Crime Reporting (UCR) program.

Since its creation, OJA has expanded its role as the state's administering agency (SAA) for a number of federal criminal justice grant programs including the Violence Against Women Act grant program, Grants to Encourage Arrests, National Criminal History Improvement Program, National Instant Criminal Background Check System, and the Residential Substance Abuse

Treatment Program. Since 2003, OJA has also served as the SAA for some federal homeland security grant funding.

In subsequent years, the Legislature has also added state funded law enforcement-related programs to OJA's administrative duties. The remainder of this chapter primarily reviews these state funded law enforcement-related programs administered by OJA.

**Wisconsin Justice Information
Sharing Program**

Under s. 16.971(9) of the statutes, DOA may maintain, promote and coordinate automated justice information systems between counties and state criminal justice agencies. From 1995 through 2002, the Bureau of Justice Information Systems (BJIS) in DOA and then in the Department of Electronic Government (DEG) furthered this automation. The first major BJIS initiative designed and implemented the statewide prosecutor computer system which has evolved into the district attorney information technology (DA IT) program. [DA IT is discussed in greater detail in Chapter 4 -- Prosecutorial Responsibilities of District Attorneys.]

In 2002, DEG dissolved BJIS before itself being dissolved and transferred to DOA under the provisions of 2001 Wisconsin Act 109. The Department of Administration's Division of Enterprise Technology subsequently entered into an agreement with OJA to have OJA further the automation of justice information systems, although

DA IT remains statutorily under DOA.

This OJA initiative is known as the Wisconsin Justice Information Sharing (WIJIS) program. For 2012-13, the WIJIS program budget is \$947,300, including \$797,300 PR and \$150,000 FED, and 5.3 PR and 1.0 FED funded positions. The program revenue is provided from the justice information system surcharge. The \$21.50 justice information system surcharge is generally assessed with a court fee for the commencement or filing of certain court proceedings, including civil, small claims, forfeiture, wage earner, or garnishment action, an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action.

The two primary IT initiatives of WIJIS are the Justice Gateway and the WIJIS Workflow Services.

Justice Gateway. The Justice Gateway is a web-based tool which provides law enforcement with a single, secure point of read-only access to information stored in separate justice-related state, local, and tribal databases from communities across Wisconsin. The objective of the Justice Gateway is to improve public safety and domestic preparedness through the sharing of justice information across geographic and organizational boundaries. Only authorized law enforcement personnel are authorized to use the Gateway in the conduct of their official duties. Participating government agencies decide which records they will make available on the Gateway.

The Gateway permits authorized users to do a name search of law enforcement contact, arrest, and investigation records. [In addition to formal arrest records, law enforcement agencies often make records of non-arrest contacts that their personnel have with individuals.]

The Gateway also permits authorized users to access: (a) prosecutor records from the Prosecu-

tor Technology for Case Tracking (PROTECT) system under DA IT; and (b) court records in the Circuit Court Automation Program (CCAP). The prosecutorial data permits authorized users to review: (a) all cases referred to a district attorney office for prosecution; and (b) the charging history for these referred cases. The court data permits the subsequent disposition of charged criminal cases to be tracked.

As of July 1, 2012, the Gateway contained approximately 8.7 million accessible records from 180 participating local law enforcement agencies, circuit court branches in 71 counties, and 69 district attorney offices.

Access to the Gateway is not limited to agencies that make their records accessible. As a result, as of July 1, 2012, 401 local law enforcement agencies had registered 4,195 users on the Gateway. Approximately 540 searches per week were being conducted on the Gateway during 2011-12.

WIJIS Workflow Services. The Workflow Services is designed to support many different types of information exchange securely over authenticated Internet connections. The intent of Workflow Services is to streamline the processing of criminal justice records across multiple agencies. By providing a central hub for integration, Workflow Services allows agencies to implement information exchanges faster and at a lower cost than alternatives requiring multiple point-to-point exchanges. Workflow Services is generic technology that accommodates a wide variety of information sharing business processes.

For example, the Workflow Services application eCitation supports the secure exchange of electronic citations originated by law enforcement agencies. Workflow Services routes citations to the courts, prosecutors, local municipal court systems, and multiple tracking/reporting databases, based on business routing rules estab-

lished by the users of the system.

The eCitations application has eliminated duplicative data entry of citation information. Prior to eCitations, each court, district attorney office, and the Department of Transportation (DOT) had to manually key in information for each citation. The eCitations application has enabled DOT to satisfy federal requirements for posting convictions on driving records within 10 days of adjudication. Currently, two-thirds of Wisconsin law enforcement agencies, including the State Patrol, submit electronic traffic citations via eCitations. Office staff believes that the remaining law enforcement agencies will begin utilizing eCitations in 2013, with the result that most of the state's one million annual traffic citations will be submitted electronically.

Statistical Analysis Center (SAC)

As indicated earlier, under s. 16.964(1m)(f) and (g) of the statutes, OJA's SAC is responsible for: (a) serving as a clearinghouse of justice system data and information; (b) conducting justice system research and data analysis; (c) collecting and publishing statewide crime and arrest data from all participating law enforcement agencies (primarily local law enforcement agencies); and (d) forwarding statewide crime and arrest data to the FBI and participating in the FBI's Uniform Crime Reporting (UCR) program. Data collected and managed by the SAC is utilized to satisfy federal grant reporting requirements for two federal programs, as well as to produce statewide crime publications.

No state funding is currently budgeted to specifically carry out these functions. As a result, the work of the SAC is completed under the restrictions of utilized federal funding. For 2012-13, the SAC has a budget of \$199,900 FED and 1.5 FED positions. The Office has utilized federal

Justice Assistance Grant (JAG) funds to support the SAC. While in previous years the SAC has had an annual operating budget of \$325,000 FED annually from JAG, due in part to federal funding reductions the JAG funding provided to SAC has been reduced by approximately 40%.

Data currently collected by the SAC is utilized to satisfy federal grant reporting requirements for OJA's Violence Against Women Act (VAWA) and Juvenile Justice programs. The Office's VAWA program utilizes the SAC access to Circuit Court Automation Program (CCAP) records to meet federal reporting requirements for temporary restraining orders and restraining orders, thereby ensuring the state's eligibility to continue to receive federal VAWA funding.

The SAC also collects and maintains a statewide database of juvenile admission records to Wisconsin's secure detention centers. The juvenile justice program at OJA utilizes this data to assess the state's compliance with the federal Juvenile Justice Delinquency Prevention Act (JJDP) and to satisfy federal reporting requirements. Maintaining compliance with JJDP is necessary in order to receive federal juvenile justice grant funding.

In the 1920s, the UCR program was first developed by the International Association of Chiefs of Police to create a national uniform collection of crime statistics for trend comparison and data analysis. The initial UCR program tracked offense and arrest data for seven crimes: (a) murder and non-negligent manslaughter; (b) forcible rape; (c) robbery; (d) burglary; (e) aggravated assault; (f) theft/larceny; and (g) motor vehicle theft. In 1978, Congress added arson as a crime to be tracked under the UCR program. Under the UCR program, in a multiple offense case only the most severe offense is counted.

In 1930, the FBI assumed responsibility for the UCR program. The FBI collected, organized, and disseminated criminal offense and arrest data

voluntarily submitted by local, state, federal, and tribal law enforcement agencies under the UCR program.

In the late 1970s, the law enforcement community identified a need for a more detailed crime reporting program. In 1988, the National Incident-Based Reporting System (NIBRS) was created. NIBRS expands on the original UCR system, now referred to as the Summary-Based Reporting System (SBR), by increasing the number of crimes for which data is collected and reported from eight to 46. While NIBRS provides information on alleged offenses and arrests (similar to SBR), it also provides additional information on associated victims, offenders, property, and arrestees. In addition, NIBRS does not limit data collection in a multiple offense case to only the most severe offense.

The UCR system now encompasses both the traditional SBR system, as well as the NIBRS system. With slight modifications, Wisconsin adopted NIBRS as the Wisconsin Incident-Based Reporting System (WIBRS). The Office has been working towards transitioning more law enforcement agencies from SBR to WIBRS reporting as local technology capacity improves and federal grant funding becomes available.

The Office of Justice Assistance collects, validates, and synthesizes this crime data. There are currently 320 law enforcement agencies in Wisconsin reporting offense and arrest data under the UCR-SBR system and 82 law enforcement agencies reporting this data under the UCR-WIBRS system. Many of these law enforcement agencies submit not only their own offense and arrest data, but also offense and arrest data for other law enforcement agencies who do not report directly to OJA. [There are currently 575 law enforcement agencies in Wisconsin.]

Reports for both systems are collected on a monthly basis, however UCR-SBR reports are submitted by paper and UCR-WIBRS reports are submitted electronically. This data is organized

into annual statewide reports, as well as forwarded to the FBI for nationwide trend and comparison reports on crime. Major SAC reports include the annual crime, arrest, and sexual assault reports.

In recent years, some federal funding has been utilized to begin WIBRS implementation. As of July 1, 2012, 82 law enforcement agencies in Wisconsin have been certified to participate in the WIBRS system, including 27 sheriff's offices and Wisconsin's three largest police departments (Milwaukee, Madison, and Green Bay). As of July 1, 2012, 39% of the population in Wisconsin is covered by WIBRS reporting agencies. There is currently no federal deadline for states to convert from the UCR-SBR system to the UCR-NIBRS system.

The UCR data collected by OJA is used to calculate Wisconsin's federal JAG funding and to satisfy certain federal reporting requirements. This UCR data is the only statewide source of long-term crime and arrest data, law enforcement staffing levels information, and data on law enforcement officers killed or injured in the line of duty.

In August, 2011, the SAC introduced the Wisconsin Justice Data Portal. The Justice Data Portal is an online tool that permits justice agencies and the public to query statewide UCR data for crime trend and data analysis purposes. The portal was designed to increase public access to UCR data and reduce the amount of time and resources necessary to locate and identify statistical crime information in Wisconsin.

Youth Diversion Grant Program

Under s. 16.964(8) of the statutes, OJA is required to utilize \$1,200,000 annually (\$380,000 GPR and \$820,000 PR) in funding provided to its GPR and PR youth diversion program appropria-

tions to enter into contracts with organizations for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs. The statutes specifically direct OJA to enter into the following contracts for the following amounts: (a) \$500,000 to an organization in Milwaukee County; (b) \$150,000 to an organization in Racine County; (c) \$150,000 to an organization in Kenosha County; (d) \$150,000 to an organization located in Ward 2 in the City of Racine; (e) \$150,000 to an organization in Brown County; and (f) \$100,000 to an unspecified organization (which OJA has awarded to the City of Racine).

The program revenue funding is provided from the penalty surcharge. Under current law, whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge of 26% of the total fine or forfeiture.

The statutes further specify that OJA may not distribute more than \$300,000 PR annually in funding from its interagency and intra-agency aids appropriation to the organization it has contracted with in Milwaukee County for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program. These funds are provided by the Department of Health Services from federal funds that it administers.

Table 9 identifies awarded youth diversion grants for 2011-12, including the county in which the grantee operates, the amount of the award, a description of the youth diversion project for 2011-12, and information on how many youths were provided services under the project during the fiscal year. For 2011-12, full grants were not awarded under the program as: (a) all sources of program funding were reduced under 2011 Wisconsin Act 32; and (b) penalty surcharge funding was reduced to partially address a deficit in the penalty surcharge fund.

In 2011-12, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$3,588,800. The penalty surcharge fund is projected to close the 2012-13 state fiscal year with a cumulative deficit of \$3,430,000.

Law Enforcement Officer Grants

Under 1993 Wisconsin Act 193, the Legislature created a law enforcement officer supplement grants program under OJA. Act 193 initially appropriated \$1,000,000 GPR in 1994-95 to fund grants under the new program. This annual level of grant funding was maintained in each succeeding fiscal year through 2006-07. Under this program, OJA provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling.

A city is eligible to apply for a grant under this program if it has a population of at least 25,000. The Office of Justice Assistance must make grant awards to the ten eligible cities submitting applications that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available from the FBI's UCR system. OJA may not award an annual grant in excess of \$150,000 to any one city.

A city applying for a grant under the program must include a proposed plan for expenditure of the grant monies. Such funding may be utilized only for salary and fringe benefits costs; further, the grantee must provide a 25% local match to any grant funds received under the program. Cities may generally not utilize the grant funding to pay for overtime costs (except in the first year of a city's initial grant under the program), and the grant funding must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties.

Table 9: Youth Diversion Grants Awarded in 2011-12

County	Award	Project Description
Brown	\$124,350	The Brown County Ties project is a gang diversion initiative for Brown County youth involving collaboration between local youth service agencies and law enforcement. Project activities included educational, recreational and employment readiness programs. Youth development staff of the Green Bay Boys and Girls Club targeted at-risk youth and slotted them into structured programs best suited to their needs. The program also provided culturally appropriate services for youth susceptible to recruitment by Asian and Hispanic gangs and worked with the Green Bay Police Department to enhance the relationship between youth and law enforcement officers during outings and recreational programming. During 2011-12, educational services were provided to 1,077 youth, recreational services were provided to 1,168 youth, employment services were provided to 364 youth, and other services were provided to 280 youth.*
Kenosha	\$124,350	The Kenosha County Gang Prevention Committee oversees gang prevention programming and strategies facilitated by three community-based provider agencies. Kenosha officials have found that a significant number of delinquent cases in their courts are gang-related. This project supported a Gang Prevention Committee that oversaw programs provided by several local organizations including the Kenosha Boys and Girls Club, the Spanish Centers of Kenosha, Racine, and Walworth counties, and the Racine and Kenosha Urban Leagues. During 2011-12, educational services were provided to 92 youth, recreational services were provided to 65 youth, employment services were provided to 30 youth, and other services were provided to 131 youth.*
Milwaukee	\$414,100	The Community Relations-Social Development Commission's (SDC) project continued programs that target at-risk youth through its Youth Development Program (YDP). The YDP's clients include juvenile law offenders, substance users/abusers, gang members or any youth considered at-risk for any of these behaviors. Youth are referred to the YDP by the Milwaukee Police Department, City Attorney's Office, municipal court systems, other juvenile authorities, school officials, and community based organizations of parents. This specific project expanded the use of wrap-around programs to meet the multiple needs of low income juveniles. Project elements included peer training, education opportunities, targeting of youth with prior records and aggressive family-based services including family prevention. During 2011-12, educational services were provided to 1,348 youth, recreational services were provided to 2,279 youth, and employment services were provided to 541 youth.*
Milwaukee	\$281,600	The Community Relations-SDC continued providing programs that targeted at-risk youth through its Youth Diversion Program. This specific project was designed to reduce the incidence of drug use among youth and reduce the number of juvenile arrests for narcotics, drugs and alcohol use. During 2011-12, 1,896 youth attended prevention and educational programming, 712 youth were referred for pre-assessments of suspected AODA needs, 702 youth received prevention/education regarding mental health/anger management assessment and services, 92 youth completed a comprehensive adolescent psychosocial assessment, and 47 youth were diagnosed as experiencing mental health or co-occurring disorders and received treatment.*
Racine	\$124,350	The George Bray Neighborhood Center received funds to be used for the Center's "Operation Survival" program to divert young people from joining or staying involved in gang activity and other violent behavior. The project used personal asset development strategies and promoted academic commitment. The target population was at least 100 youth between ages 12-18, plus parent involvement. The Bray Center sought to maintain a consistent, trusted, and reliable presence in the community. During 2011-12, educational, recreational, employment and other services were provided to 104 youth.*
Racine	\$81,900	The City of Racine works closely with Racine's Youth Gang Diversion Collaborative to provide a community-wide model to prevent and reduce youth gang involvement. The Collaborative includes the following organizations: Racine Vocational Ministry, Racine

County	Award	Project Description
		County Human Services, and Why Gangs. Each organization works in partnership with the criminal justice system, Racine Police Department, Racine Unified School District, faith-based organizations, social service organizations, mental health agencies, and government to provide wrap-around services to youth offenders and at-risk youth. During 2011-12, educational services were provided to 207 youth, employment services were provided to 58 youth, and other services were provided to 367 youth.
Racine	\$124,350	This grant represented an effort to improve low income, minority segments of the Racine community. Three sites of the Youth Leaders Academy, a community-based organization, worked with the City of Racine's Park and Recreation Department to increase programming to improve academic achievement and behavior of at risk, inner city minority youth. During 2011-12, educational services were provided to 150 youth, recreational services were provided to 151 youth, and other services were provided to 170 youth.*
Total	\$1,275,000	

*While OJA has attempted to avoid double-counting participating youth, this is most likely to have occurred in the area of recreational services which is not "slot" driven like other service areas.

Under 2007 Wisconsin Act 20, an additional \$450,000 GPR annually was provided to increase the available grant funding under the program to \$1,450,000 GPR annually. Under 2009 Wisconsin Act 28, however, funding for the program was reduced by 6.135% annually to \$1,361,000. Grant funding under the program was reduced by an additional 10% annually under 2011 Wisconsin Act 32 to \$1,224,900. In addition, Act 32 eliminated GPR funding for the program and instead provided justice information system surcharge funding to support the grant program. As a result, Table 10 indicates that for the 2011-12 fiscal year, the Cities of Madison and Milwaukee each received a grant of \$126,714 under the pro-

gram. The remaining eight cities receiving grant funding under the program in 2011-12 each received grants totaling approximately \$121,434. Table 10 identifies for 2011-12, the cities receiving grant funding, the amount of the state grant, the amount of the local match, and a project description for the grant.

Treatment Alternatives and Diversion Program

Provisions of 2005 Wisconsin Act 25 created the Treatment Alternatives and Diversion (TAD)

Table 10: Law Enforcement Officer Supplement Grants Awarded in 2011-12

Grantee	Award	Local Match	Project Description
Beloit	\$121,434	\$40,478	Beloit funded a portion of two beat patrol officers.
Fond du Lac	121,434	40,478	Fond du Lac police department funded two street crimes officers.
Green Bay	121,434	40,478	Green Bay maintained five officers to perform beat patrol duties.
Kenosha	121,434	40,478	Kenosha funds were used to support four beat patrol officer positions.
La Crosse	121,434	40,478	La Crosse police department funded one and a half beat patrol officers.
Madison	126,714	42,238	Madison Police Department funded salary and fringe benefits of four officers.
Milwaukee	126,714	42,238	City of Milwaukee funded a portion of salary and fringe benefits of three officers assigned to beat patrol duties.
Racine	121,434	40,478	City of Racine Police Department funded two beat patrol officers.
Wausau	121,434	40,478	Wausau Police Department supported portions of the salary and fringe benefits of three officers.
West Allis	<u>121,434</u>	<u>40,478</u>	West Allis funded a portion of the salary and fringe benefits of three officers assigned to daily patrol duties.
Total:	\$1,224,900	\$408,300	

grant program under OJA. The program is intended to provide grants to counties to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, which provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs.

Act 25 created an annual GPR appropriation under OJA for making grants and evaluating the TAD program, but provided no funding. Act 25 also created a continuing PR appropriation under OJA for grant funding and program evaluation. Program revenue for this latter appropriation is provided from: (a) the drug abuse program improvement surcharge (DAPIS); and (b) a \$10 drug offender diversion surcharge assessed for property crime convictions under Chapter 943 of the statutes created by Act 25.

Program expenditures for TAD have exceeded program revenues from DAPIS and the drug diversion surcharge leading the program to operate in deficit. The cumulative program deficit from these revenues totaled \$1,957,900 PR at the end of the 2011-12 state fiscal year. With projected annual revenues of \$46,900 from these surcharges, and projected annual expenditures of \$7,500 charged to this surcharge revenue, the cumulative deficit in this surcharge fund is projected to total \$1,839,700 at the end of the 2013-15 biennium.

While the DAPIS and \$10 drug offender diversion surcharge fund is projected to remain in deficit, under 2009 Wisconsin Act 28, the Legislature increased the justice information system surcharge from \$12 to \$21.50. This surcharge is generally assessed with a court fee for the commencement or filing of certain court proceedings, including civil, small claims, forfeiture, wage earner, or garnishment actions, an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action. Act 28 created a PR annual appropriation to receive and expend justice information system surcharge revenue for

grants to counties under the TAD program. Funding derived from \$1.50 of every \$21.50 justice information system surcharge that was assessed. During the 2009-11 biennium, this PR appropriation was provided \$705,000 annually in expenditure authority.

Under 2011 Act 32, the Legislature provided an additional \$39,500 PR annually to the program for program administration and evaluation. Act 32 also provided an additional \$333,900 PR annually in additional TAD grant funding. For 2011-12, this funding was provided to Milwaukee County as a grant for its TAD program.

Act 32 further provided that any county receiving a grant under the TAD program on or after January 1, 2012, must provide matching funds equal to 25% of the amount of the grant. Finally, beginning in 2012-13, and every five years thereafter OJA must make TAD grants available to counties on a competitive basis. Table 11 identifies for 2011-12, the grant awards to counties funded from the justice information system surcharge.

Table 12 identifies the number of individuals who successfully completed TAD treatment for each of the TAD programs during 2011-12 ("program graduates"). These figures do not include individuals who successfully completed TAD treatment during a prior fiscal year or who were still participating in the program as of July 1, 2012. Finally, it should be noted that the joint Ashland and Bayfield County TAD program was not established until January 1, 2012.

Under 2005 Act 25, the Legislature directed OJA, in collaboration with the Departments of Corrections and Health Services, to submit a report to the Legislature by December 31, 2011, identifying savings generated through implementation of the grant program. This report was filed with the Legislature on December 22, 2011. The Executive Director of OJA summarized the report as finding that, "TAD projects effectively divert non-violent offenders with substance abuse

Table 11: Treatment Alternatives and Diversion Grants Awarded in 2011-12

County	Award	Project Description
Ashland, Bayfield	\$176,250	The grant was used to begin a jail diversion program, deferred entry of judgment program, and a day report center to divert individuals from jail or relieve crowding in the jail. The target populations are offenders who have alcohol and drug problems, non-violent, and charged with a crime. This is an intensive case management program that utilizes evidence based AODA programming. Based on the level of risk and needs a graduated system of monitoring, sanctions, and incentives is used to promote behavioral and cognitive change.
Burnett, Washburn	105,358	Burnett and Washburn Counties along with the St. Croix Tribe applied jointly to continue treatment, alternatives and diversion program (TAD) projects in 2012. During 2011 they strengthened collaborative efforts to address the needs of nonviolent substance abusing offenders. Burnett (2006) and Washburn (2007) Counties developed their Drug and Alcohol Courts (DAC) and in 2011 continued a two-county joint Matrix program with TAD funds. Services under the Matrix program included case management, coordinated treatment, high frequency interaction, testing for drug and alcohol use, and support/encouragement appropriate to the assessed needs of the individual client. This program is run by Aurora Community Services. The drug and alcohol courts refer individuals to the Matrix program and the program provides the treatment and reports back to the courts.
Dane	115,820	Continued funding from the treatment, alternatives and diversion (TAD) grant allowed the Dane County Department of Human Services to maintain a criminal justice day reporting and treatment program (DART), and to support the county's Treatment Alternatives Program (TAP) and Drug Court Treatment Program (DCTP). TAD funding was the first new funding source in a number of years to allow Dane County to enhance TAP and DCTP, while developing a supervision and treatment program (DART). DART is unique in that it is based in arraignment court and serves non-violent offenders who have identified substance treatment needs and are medium to high risk of re-offending.
Milwaukee	333,900	Milwaukee County used funds to contract with Justice 2000, a private non-profit agency, to identify non-violent arrestees who had a substance abuse and/or co-occurring mental health disorder for diversion or deferred prosecution. Funds were also used to contract with Justice 2000 to provide community supervision of treatment, alternatives and diversion (TAD) eligible offenders who entered into a diversion/deferred prosecution agreement.
Rock	110,931	Eligible non-violent offenders were diverted from jail by agreeing to participate in Community RECAP, the treatment and case management portion of the Rock County Drug Court Program. Community RECAP is a program that includes AODA treatment services, cognitive intervention programming, anger management, and referrals to community resources such as education and employment services. Case managers also assist participants with housing needs and provide services to participants' families to promote family reunification. Offenders who agreed to participate in the program were required to submit to drug testing, AODA and mental health assessments, monitoring, and graduated sanctions. Offenders ordered to the program and overseen by the courts who successfully completed the program had their charges reduced or dismissed. Community RECAP is modeled after the Rock County Education and Criminal Addictions Program (RECAP) operated by the Rock County Sheriff's Department.
Washington	92,635	Washington County Community Re-entry Center allowed for the provision of new and expanded services to non-violent offenders with AODA and/or co-occurring mental health issues through court diversion and/or as an alternative to revocation. Dually credentialed/certified clinicians provided AODA/co-occurring counseling, daily intensive case management - recovery support coordination, court-based AODA/risk/need evaluation, crisis management, and diversion services for individuals convicted of a second OWI offense, as well as services for individuals under Department of Corrections supervision as an alternative to revocation. Services included individual and group education and counseling.
Wood	104,006	A Drug Treatment Court in Wood County provided a collaboration of judicial, treatment, community resources, probation, social services, law enforcement, and case management services to meet the needs of the community and Drug Court participants.
Total	<u>\$1,038,900</u>	

Table 12: Number of TAD Program Graduates During 2011-12

County	# of Program Graduates
Ashland, Bayfield	2
Burnett, Washburn	3
Dane	14
Milwaukee	60
Washington	54
Wood	6
Rock	<u>37</u>
Total	176

treatment needs from incarceration thereby avoiding costs associated with incarceration." Specifically, the report concluded, based on five years of program data, that the seven funded TAD projects generated \$1.93 of savings in the form of reduced incarceration and reduced future crime for every \$1.00 spent on the TAD projects.

Wisconsin Interoperable System for Communications (WISCOM)

State law provides for the creation of a 15-member Interoperability Council attached to the Department of Administration (DOA) consisting of: (a) 10 members appointed by the Governor to staggered four-year terms, including a chief of police, a sheriff, a chief of a fire department, a director of emergency medical services, a local government elected official, a local emergency management director, a representative of a federally recognized American Indian tribe or band in Wisconsin, a hospital representative, a local health department representative, and one other person with relevant experience or expertise in interoperable communications; (b) the Wisconsin Adjutant General (head of the Department of Military Affairs); (c) the Secretary of the Department of Natural Resources; (d) the Secretary of the Department of Transportation; (e) the Ex-

ecutive Director of DOA's Office of Justice Assistance (OJA); and (f) a representative from DOA with knowledge of information technology. The identified state officials may all appoint designees to represent them on the Council.

The Interoperability Council is required to: (a) identify types of agencies and entities, including public works and transportation agencies, hospitals, and volunteer emergency services agencies to be included, in addition to public safety agencies, in a statewide public safety interoperable communication system; (b) recommend short-term and long-term goals to achieve a statewide public safety interoperable communication system; (c) recommend and periodically review a strategy and timeline for achieving such a statewide communication system including objectives for local units of government; (d) assist OJA in identifying and obtaining funding to implement a statewide public safety interoperable communication system; and (e) advise OJA on allocating funds, including those available for homeland security, for the purpose of achieving a statewide communication system.

The Interoperability Council is also directed to make recommendations to OJA regarding: (a) technical and operational standards for public safety interoperable communication systems; (b) guidelines and procedures for using public safety interoperable communication systems; (c) minimum standards for public safety interoperable communication systems, facilities, and equipment used by dispatch centers; and (d) certification criteria for persons who operate public safety interoperable communication systems for dispatch centers. Under state statute, "interoperability" means the ability of public safety agencies to communicate with each other and other relevant agencies and entities by means of radio or associated communications systems, including the exchange of voice, data, or video communications on demand and in real time, as needed and authorized.

The Department of Administration's Office of Justice Assistance is required to provide staff support for the Interoperability Council, as well as oversight of the development and operation of a statewide public safety interoperable communication system. This system has become known as the Wisconsin Interoperable System for Communications (WISCOM).

In many communities local emergency responders may be able to communicate with responders from adjacent communities by programming public safety radios with a small number of shared "mutual aid" channels. This method does not support communications between agencies outside of these established mutual aid networks. In addition, four regional interoperability initiatives have been developed in the state to improve interoperable communications in these regions. However, much of the state was not included in any of these regional interoperability initiatives, and these regional approaches leave unaddressed the need for interoperable communications between regions and statewide. The WISCOM system was developed to permit state, local, and private emergency responders statewide to communicate with each other.

From inception through 2011-12, the state has expended \$21.2 million in federal grant funding and state matching funds to develop and construct WISCOM. This system is intended to permit first responders from across the state to communicate during a major disaster or incident. The base WISCOM system consists of communications equipment installed at 80 radio towers statewide. As of July 1, 2012, equipment at 76 of these radio towers was active providing targeted 95% mobile radio coverage statewide. In addition to the base WISCOM system: (a) the State Patrol has purchased two additional sites for WISCOM and plans to install the communications equipment during the remainder of calendar year 2012; and (b) an 800 megahertz site has been developed in Milwaukee to demonstrate WISCOM. Finally, the State Patrol has a mobile "site on wheels" that

can be sent anywhere in the state to provide or enhance WISCOM communications coverage in an emergency.

The base WISCOM system consists of five Very High Frequency (VHF) channels that permit emergency responders to carry on four simultaneous conversations in a given area utilizing a particular radio tower. Utilizing the VHF band for WISCOM has enabled the state to develop statewide coverage with fewer radio towers and lower infrastructure expense. Additional VHF channels can be added to the system as needed.

The VHF band on which WISCOM relies, does not penetrate buildings as well as other radio bands and can be more difficult to utilize in urban settings with increased radio traffic. In addition, portable radios that emergency responders use have weaker antenna ranges and may not be able to gain access to the system from all locations in their jurisdictions. However, the installation of local enhancement infrastructure improves portable coverage. All six daily users referenced below are using grant funding to install this infrastructure to improve portable coverage.

Sawyer, Taylor, Iowa, Kewaunee and Douglas Counties, as well as the City of Fond du Lac are planning to be daily users of the WISCOM system. As daily users these jurisdictions will forego having separate communications systems for their emergency responders, and instead will make use of the WISCOM system for their emergency response communications needs. In addition to the 80 core radio towers, there are eight local enhanced coverage sites being planned and installed by these daily WISCOM user jurisdictions to provide expanded coverage for portable radios. In addition to the \$21.2 million in federal grant and state matching funds provided to develop the base WISCOM system, OJA provided six \$1 million dollar grants with federal grant funding (\$5 million from homeland security funding and \$1 million from ARRA justice assistance grant funding) to these local jurisdictions to

fund the development of these eight local enhanced coverage sites. Finally, OJA utilized \$5.1 million in 2009 and 2011 federal homeland security funding for equipment grants to local public safety agencies to improve their connectivity to the WISCOM system.

One additional VHF channel has already been added to WISCOM in the Fond du Lac area in preparation for the City of Fond du Lac becoming a daily user of WISCOM. In addition, OJA staff indicates that \$500,000 in federal grant funding has been allocated to add additional channel capacity on high-traffic sites in higher population areas on an as needed basis. As of October, 2012, final utilization of this grant funding has not yet been determined.

As of May, 2012, there were 250 state, local, and private agencies with 8,000 radios registered to participate on WISCOM. Office of Justice Assistance staff indicates that they believe the number of agencies and associated radios registered to participate on WISCOM will continue to grow as agencies upgrade their radios and receive training on WISCOM.

The Office is authorized to charge a public safety agency that is a state agency a fee for the use of WISCOM. A "public safety agency" is defined as a functional division of a public agency, which provides fire fighting, law enforcement, medical, or other emergency services. Examples of state public safety agencies to which the provision applies include the Department of Justice, the Department of Transportation (State Patrol), the Department of Natural Resources, and the Capitol Police.

The Office has not yet begun to invoice state agencies for the use of WISCOM. While the Department of Transportation and the Department of Natural Resources are both state agencies that are public safety agencies which could be assessed WISCOM user fees, OJA indicates that these agencies are exempt from WISCOM user

fees as a result of their contributions of infrastructure to WISCOM.

Under 2011 Act 32, OJA is authorized to charge a person that is not a state agency a fee for the use of the public safety interoperable communication system (WISCOM). The Office has also not yet begun to invoice local or private agencies for the use of WISCOM, but anticipates that there will be fee-based users of WISCOM by the end of 2012.

Under 2011 Act 32, the Legislature created a program revenue appropriation to provide funding to operate WISCOM. Under Act 32 the appropriation was provided \$410,800 PR in 2011-12, \$1,073,100 PR in 2012-13, and 1.35 PR positions annually to support the development and operation of WISCOM. Funding to the appropriation is provided from the justice information system surcharge. The \$21.50 justice information system surcharge is generally assessed with a court fee for the commencement or filing of certain court proceedings, including civil, small claims, forfeiture, wage earner, or garnishment action, an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action.

The Interoperability Council created a Statewide System Management Group (SSMG) which was charged with advising the state on the development and operation of WISCOM. The SSMG recommended a six-tier fee structure which is identified in Table 13.

Justice information system surcharge funding provided to support WISCOM under 2011 Act 32 permits the state to not charge state, local, and private agencies for Tier 1 and Tier 2 use. The SSMG approved a fee structure for Tier 3 users in July, 2012. The Tier 3 fees will be \$50 per user radio (public safety coverage), \$100 per user radio (other public service entities), and \$200 per user radio (federal agencies all uses), for Tier 3

daily users beginning in 2012. The SSMG approved an early adopter program to encourage public safety agencies to begin using the system. The following jurisdictions are "early adopters" and will be exempted from WISCOM user fees until June 30, 2015: (a) Iowa County; (b) Sawyer

County; (c) Taylor County; (d) Kewaunee County; (e) Douglas County; and (f) the City of Fond du Lac. Office staff anticipates that, "Projected user fee revenue is not likely to generate a significant amount of revenue during the first few years of system operation."

Table 13: Interoperable Communications Fee Structure

<u>Tier</u>	<u>Usage Type</u>	<u>Description</u>
1	Interoperability Usage	Tier 1 involves radio communications in support of a multi-agency response to an incident on pre-defined interoperability channels. This would typically involve scenarios across county lines and when responding agencies would not have access to local common channels.
2	Itinerant/Travel Usage	Tier 2 involves radio communications in support of units operating outside of their home areas or system. This would typically involve a unit leaving its home county.
3	Daily Use/Dispatch	Tier 3 would involve an agency that would elect to use WISCOM for daily radio traffic and for dispatch, with no additional infrastructure build-out required for WISCOM. Small to medium sized agencies with modest communications needs can operate within the current five channel WISCOM system.
4	Affiliated Sub-System	Tier 4 would involve an agency with its own stand-alone radio system that would connect to WISCOM through an interface or gateway.
5	Integrated Build-Out	Tier 5 would involve an agency that would elect to use WISCOM for daily radio traffic and dispatch, but due to its communications needs the WISCOM system would require additional infrastructure build-out.
6	Data Use (Future)	Tier 6 would involve a possible future use of WISCOM for data sharing. It is unknown at this time whether or how WISCOM would be utilized for data sharing and whether there would be a fee for this.

PROSECUTORIAL RESPONSIBILITIES OF DISTRICT ATTORNEYS

There are 71 district attorneys in Wisconsin. Under Article VI, Section 4 of the Wisconsin Constitution, a district attorney (DA) is elected to a four-year term at the general election held in each presidential election year. Each county in the state is termed a "prosecutorial unit" except that Shawano and Menominee counties form a two-county prosecutorial unit and jointly elect a single district attorney. Under current law, district attorneys are part-time positions in Buffalo (0.5), Florence (0.5), and Pepin (0.8) Counties, and are full-time in all other prosecutorial units.

**Duties and Responsibilities
of District Attorneys**

District attorneys are required to perform the following duties within their respective prosecutorial units:

1. Prosecute all criminal actions in state courts.
2. Except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws.
3. Participate in John Doe proceedings (proceedings to determine whether a crime has been committed and by whom).
4. When requested, appear before grand juries to examine witnesses and provide advice and legal services to the grand jury.
5. Assist the Departments of Children and

Families and Health Services in conducting welfare fraud investigations.

6. At the request and under the supervision of the Attorney General, brief and argue felony and other significant criminal cases, brought by appeal or writ of error or certified from a county within the DA's prosecutorial unit, to the Court of Appeals or Supreme Court.

7. Commence or appear in certain civil actions.

8. Commence or appear in sexually violent person commitment proceedings.

9. Perform duties in connection with certain court proceedings under the Juvenile Justice Code (Chapter 938), including juvenile delinquency actions.

10. Enforce certain provisions relating to the sale, transportation and storage of explosives.

In addition to these duties, a county has the option of designating the district attorney as its representative in certain proceedings involving children or juveniles. These proceedings include matters relating to: (a) children or juveniles alleged to have violated civil laws or ordinances; (b) children alleged to be in need of protection or services; (c) the termination of parental rights to a minor; (d) the appointment and removal of a guardian; and (e) the adoption of children.

District Attorney Funding and Staffing

While some counties have a single district at-

torney to perform the duties identified above, most DAs have one or more assistant DAs who are also authorized to perform the duties. If a county has a population of 100,000 or more, the DA may appoint between one and five deputy DAs, depending on the county's total population. Deputy DAs perform supervisory and administrative responsibilities in addition to prosecuting cases.

Prior to January 1, 1990, district attorneys, deputy DAs, and assistant DAs were county employees. Under 1989 Wisconsin Act 31, prosecutors became state employees on January 1, 1990, and the state now pays for prosecutors' salaries and fringe benefits.

A court may appoint a special prosecutor on its own motion to perform the same duties as a state-employed prosecutor. In addition, a district attorney may request that the court appoint a special prosecutor to assist the district attorney in a prosecution, grand jury or John Doe proceeding, sexually violent person commitment proceeding, or in investigations. The state pays for the compensation of special prosecutors, while other expenses reimbursed to special prosecutors are paid by counties. A special prosecutor may typically be appointed when: (a) there is no district attorney; (b) the district attorney is absent; (c) the district attorney or a member of his or her staff has a conflict of interest; (d) the district attorney is unable to attend to his or her duties; (e) the district attorney is serving in the armed forces; (f) the district attorney is charged with a crime; (g) the district attorney is the subject of a John Doe proceeding; or (h) the district attorney cannot perform his or her duties due to a medical situation. In 2010-11, the state incurred \$431,600 GPR in special prosecutor expenses, while in 2011-12, the state incurred \$633,900 GPR in special prosecutor expenses.

Other than for the state-funded costs of prosecutors' salaries and fringe benefits, the remaining staff costs of DA offices are generally the re-

sponsibility of counties. The only exception is that 6.5 clerk positions in the Milwaukee County District Attorney's office are supported through a special prosecution clerks fee. This \$3.50 fee is assessed only in Milwaukee County whenever a person pays: (a) a fee for any civil, small claims, forfeiture (except for safety belt use violations), wage earner or garnishment action; or (b) files an appeal from municipal court, a third party complaint in a civil action, or a counterclaim or cross complaint in a small claims action. The fee supports staff serving prosecutors who handle violent crime and felony drug violations in Milwaukee County's speedy drug and violent crime courts (4.5 clerks) and violations relating to the unlawful possession or use of firearms (2.0 clerks). In 2012-13, \$314,300 PR is budgeted to fund the salary and fringe benefit cost of these clerk positions.

In order to administer the state's responsibility as employer of DAs, deputy DAs and assistant DAs, 1989 Act 31 created the State Prosecutors Office in the Department of Administration (DOA). The State Prosecutors Office is responsible for coordinating DOA administrative duties relating to district attorney offices. Major responsibilities of the Office include: (a) payroll; (b) fringe benefits; (c) budgets; (d) billing counties for program revenue positions; (e) collective bargaining (restricted to salary increases only); (f) advising elected DAs on their rights and responsibilities under the state compensation plan, Office of State Employment Relations administrative code, and the statutes; (g) producing fiscal notes and bill analyses for legislative proposals affecting DAs; and (h) serving as a central point of contact for all prosecutors. The State Prosecutors Office is budgeted \$173,600 GPR and 1.0 GPR position in 2012-13.

Through DOA, the state also provides funding and staff for computer automation in district attorney offices statewide, including the development of a DA case management system and justice information system interfaces to share infor-

mation between DAs and the courts, law enforcement, and other justice agencies. These systems are being implemented on a county-by-county basis. Budgeted funding for the DOA program in 2012-13 is \$4,120,000 PR supported with an allocation from the \$21.50 justice information surcharge. Through September 30, 2012, the state has installed: (a) local area networks and related hardware and software in all 71 DA offices statewide, plus Milwaukee Children's Court; (b) the DA case management system in 69 DA offices, plus Milwaukee Children's Court; (c) a connection to the state court system's database (CCAP) in 69 DA offices; (d) an interface to the criminal history repository to provide updated criminal history records to 69 DA offices; (e) an interface with the State Patrol and other law enforcement agencies to process criminal citations in 69 DA offices; and (f) an interface with law enforcement agencies to electronically process other referrals in 12 DA offices. Prosecutor information is also shared through the WIJIS Justice Gateway to all participating law enforcement agencies. [The WIJIS Justice Gateway is discussed in more detail in Chapter 3 of this paper.] The remaining implementations of the case management system are expected to occur in the 2012-13 fiscal year. Over the 2011-13 biennium, a major upgrade of the existing case management system was completed and, in 2012, a mechanism was developed to share juvenile information among prosecutors as allowed under 2011 Act 270. Counties continue to have financial responsibility for other costs related to the operation of a district attorney's office.

On the date of transition to state service, 332.05 prosecution positions became state employees. As of July, 2012, 435.15 prosecutor positions were authorized, including 380.9 funded from general purpose revenue and 54.25 funded from program revenue. Of the 435.15 prosecutors statewide, 69.8 are elected DAs, 23.8 are Deputy DAs, and the remaining 341.55 are ADAs. Funding for DAs in 2012-13 is \$41,895,100 GPR and \$3,311,900 PR.

In addition to the general prosecutor positions authorized for county DA offices, there are currently two types of specialized state-funded prosecutor positions. First, 1.0 GPR-funded sexually violent person commitment prosecutor position has been assigned, by statute, to Brown County and to Milwaukee County, respectively. By statute, these two positions may only engage in proceedings related to the civil commitment of sexually violent persons. While these positions are primarily responsible for such proceedings in Brown and Milwaukee Counties, these prosecutors may also be assigned to similar types of cases in other counties in the state. In calendar year 2011, the Brown County sexually violent person commitment prosecutor handled four original cases and approximately 55 post-commitment petitions for supervised release or discharge. In calendar year 2011, the Milwaukee County sexually violent person commitment prosecutor handled five original cases and 61 post-commitment petitions for supervised release or discharge.

Second, 1.0 PR-supported statewide DNA evidence prosecutor position has been assigned to Milwaukee County. This position is funded from a portion of the \$13 crime laboratory and drug law enforcement surcharge and from the \$250 DNA surcharge, which are imposed in certain criminal and forfeiture actions. This PR-funded DNA evidence prosecutor position is primarily responsible for: (a) prosecuting criminal cases where DNA evidence plays a critical role; (b) developing and presenting appropriate training sessions statewide relating to the use of DNA evidence; and (c) providing expert advice on DNA evidence to a variety of criminal justice agencies in the state.

The three most significant sources of support for program revenue-funded prosecutor positions are the Edward Byrne Memorial Justice Assistance Grant Program, federal Title IV-E funding under the Social Security Act, and the Violence Against Women Act (VAWA) grant program. These three revenue sources provide support for

approximately 70% of the PR funded prosecutorial positions.

Federal Byrne Justice Assistance Grant funds, which are administered by OJA, may be used to address drug control, violent and serious crimes. The funding of positions to prosecute these types of crimes is an authorized use of Byrne grant monies. As of July, 2012, 21.25 PR authorized prosecutor positions were supported with Byrne funds.

Title IV-E funds under the federal Social Security Act are available to support prosecutorial positions providing legal services for child welfare actions under the Children's Code (Chapter 48 of the statutes), primarily involving children in need of protection and services and termination of parental rights actions. As of July, 2012, 9.5 PR authorized prosecutor positions were supported with Title IV-E funding.

There are a number of grant programs authorized under the federal Violence Against Women Act. The purpose of these grant programs is to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. As of July, 2012, 8.0 PR authorized prosecutor positions were supported with funds from these VAWA grant programs.

Under current law, the salaries of DAs are established under the biennial state compensation plan. The compensation plan must establish separate salary rates for DAs depending on the population size of each prosecutorial unit. For DA terms beginning January 7, 2013, the rates have been established as shown in Table 14. [Under the Wisconsin Constitution, the compensation of elected officials may generally not change during their terms in office. As elected district attorneys now serve four-year terms, compensation for elected district attorneys will not change again until January, 2017.]

Table 14: District Attorney Salaries

Prosecutorial Unit Population	Salary
More than 500,000	\$134,200
250,000 to 500,000	121,405
100,000 to 250,000	115,296
75,000 to 100,000	115,296
50,000 to 75,000	109,781
35,000 to 50,000	109,781
20,000 to 35,000	98,147
Not more than 20,000	98,147

The range of assistant DA compensation is established under a state compensation plan developed by the Office of State Employment Relations and approved by the Joint Legislative Committee on Employment Relations. Under the 2011-13 state compensation plan, the minimum annual assistant DA salary is \$49,429 and the maximum is \$119,471.

Under 2011 Act 238, the Legislature created an annual pay progression plan for assistant DAs to provide increased compensation for prosecutors. The pay progression plan consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest salary (\$49,429) and the highest salary (\$119,471) for assistant DAs contained in the state compensation plan. Under the 2011-13 state compensation plan, a salary step currently equals \$4,120. Beginning July 1, 2014, a supervising DA may increase the hourly salary of an assistant DA by an hourly salary step, or part thereof, above the prosecutor's hourly salary on the immediately preceding June 30. Notwithstanding the creation of a 17 hourly salary step pay progression plan, supervising DAs are authorized to: (a) deny annual salary increases to individual assistant DAs; and (b) increase the salary of individual assistant DAs by up to 10% per year. Even at the minimum annual salary of \$49,429, a 10% annual wage increase (\$4,942.90) exceeds the value of the current hourly step (\$4,120). There is currently no base funding for the pay progression system for assistant DAs created under Act 238.

Assistant DAs are the only class of attorneys in state government to have a statutorily established pay progression system to provide increased compensation.

Table 15 shows the number of prosecutor positions authorized for each county as of July, 2012.

Table 15: State Prosecutor Positions – 2012-13

County	Positions	County	Positions
Adams	1.20	Marathon	11.00
Ashland	1.75	Marinette	2.50
Barron	3.00	Marquette	1.00
Bayfield	1.00	Milwaukee	123.50
Brown	14.00	Monroe	3.00
Buffalo	1.00	Oconto	1.50
Burnett	1.00	Oneida	3.30
Calumet	2.00	Outagamie	10.90
Chippewa	5.00	Ozaukee	3.00
Clark	2.00	Pepin	0.80
Columbia	4.50	Pierce	2.50
Crawford	1.00	Polk	3.00
Dane	29.60	Portage	4.00
Dodge	4.00	Price	1.00
Door	2.00	Racine	18.00
Douglas	3.50	Richland	1.80
Dunn	3.00	Rock	14.00
Eau Claire	8.00	Rusk	1.50
Florence	0.50	Saint Croix	7.20
Fond du Lac	7.40	Sauk	4.50
Forest	1.00	Sawyer	2.00
Grant	2.00	Shawano/ Menominee	3.00
Green	2.00	Sheboygan	7.50
Green Lake	2.25	Taylor	1.00
Iowa	1.75	Trempealeau	2.00
Iron	1.00	Vernon	2.00
Jackson	2.00	Vilas	2.00
Jefferson	5.30	Walworth	5.00
Juneau	2.50	Washburn	1.50
Kenosha	16.00	Washington	5.00
Kewaunee	1.50	Waukesha	16.50
LaCrosse	8.00	Waupaca	3.50
Lafayette	1.00	Waushara	1.50
Langlade	1.50	Winnebago	10.40
Lincoln	2.00	Wood	4.00
Manitowoc	5.00		
		Total	435.15

Prosecutorial Workload

The Wisconsin District Attorneys Association (WDAA) is an association of elected DAs, deputy DAs, and assistant DAs that meet to discuss various issues that affect DAs. Since DAs do not have an official state governing board, the WDAA acts, *de facto*, on behalf of elected DAs. The WDAA utilizes a caseload measurement of prosecutorial workload to estimate the need for prosecutors in the 71 DA offices across the state. While the Governor and the Legislature approve changes in authorized position authority for the DA function, neither the Governor nor the Legislature independently reviews and approves changes made to the caseload measurement by the WDAA. Rather, changes to the caseload measurement of prosecutorial workload and the methodology employed to make these changes, are determined solely by the WDAA. The WDAA caseload measurement of prosecutorial workload is intended to identify the number of prosecutors that could be added to or deleted from DA offices across the state to permit prosecutors, on average, to work 40-hour work weeks.

Based on recommendations included in a December, 1995 Legislative Audit Bureau (LAB) audit, the WDAA caseload measurement of prosecutorial workload estimates the number of hours that a full-time prosecutor has available per year for prosecution. A full-time prosecutor begins with 2,088 hours per year available for prosecution (this assumes a 40 hour work week). The caseload measurement then reduces this estimate of available time by seven and a half weeks per year (300 hours) attributable to the number of state holiday hours, personal hours, sick leave, and vacation time per prosecutor.

The caseload measurement then reduces the estimate of available time by an additional 15 and a half weeks per year (626 hours) associated with

various other responsibilities of prosecutors that do not involve the prosecution of criminal and other cases for which prosecutors receive credit under the WDAA's caseload measurement of prosecutorial workload. The WDAA caseload measurement estimates that, on average, a prosecutor spends: (a) five weeks per year (200 hours) reviewing law enforcement referrals for cases that are not charged and investigative work with law enforcement; (b) more than four weeks per year (169 hours) on general administrative duties, prosecutor training, community service, service on boards and commissions, and providing training for law enforcement; (c) two and a half weeks per year (100 hours) on contested civil ordinance and civil traffic cases; (d) 50 hours per year on criminal appeals; (e) 30 hours per year on search warrants; (f) 25 hours per year on post-conviction hearings; (g) 20 hours per year on John Doe proceedings; (h) 20 hours per year on document subpoenas; and (i) 12 hours per year on wage claims, public record requests, writs, weatherizations, and probation revocations.

In total, the WDAA estimates that for approximately 23 working weeks per year (926 hours) a full-time prosecutor's time is reserved for the activities and leave time addressed above. The WDAA estimates that a full-time prosecutor has the remaining 29 working weeks per year (1,162 hours) available to prosecute specific cases for which a prosecutor receives credit under the WDAA caseload measurement of prosecutorial workload, including all criminal cases. Based on recommendations included in the 1995 LAB audit, the WDAA caseload measurement of prosecutorial workload then estimates the number of prosecutorial hours required for different types of cases. Table 16 identifies the case weights assigned by the WDAA to various types of cases.

Finally, the WDAA caseload measurement of prosecutorial workload multiplies the number of annual cases for each case type by the estimated number of hours required to complete the case type, to determine the annual number of prosecu-

Table 16: Case Weights Adopted by the WDAA

Case Type	Hours Per Case
Class A homicides	160.00
Class B homicides	160.00
Sexual predator	100.00
Other homicides	80.00
Inquests	64.00
2 nd and 3 rd strike non-homicides	50.00
Termination of parental rights	35.00
Security fraud	30.00
All other felony cases	8.49
Children in need of protection and services	6.00
CHIPS Extensions	3.50
Guardianships	3.50
Juvenile delinquency	3.44
Misdemeanors	2.91
Criminal traffic	2.91
Writs of habeas corpus	2.00

torial hours for each prosecutorial office and statewide. This estimate of prosecutorial hours is divided by 1,162 hours (the number of hours available per year per full-time prosecutor for prosecution) to estimate the number of prosecutors needed for each prosecutorial office and statewide.

Based on a three-year average of cases filed in calendar years 2007 through 2009, the WDAA caseload measurement of prosecutorial workload estimates that an additional 215 prosecutors would be needed across the state in order to permit prosecutors, on average, to address their caseload and work 40-hour work weeks. This would represent a 49% increase in the number of authorized prosecutor positions when compared to the number of authorized prosecutor positions as of July, 2012.

The hourly weights for various activities and case types in the WDAA caseload measurement are not based on a recent time study in which prosecutors tracked the amount of time spent on these specific activities and case types. In its 2007 audit of the WDAA caseload measurement of prosecutorial workload, the LAB recommended that, "the Department of Administration report to the Joint Legislative Audit Committee by

March 14, 2008, on its plans for initiating a new time study to more accurately measure prosecutors' work."

In response, the State Prosecutors Office (SPO) in a letter to the Joint Legislative Audit Committee dated April 7, 2008, stated that:

The SPO has considered the initiation of a new time study to measure prosecutors' work. However, there is no consensus among stakeholder groups on this issue. More specifically, there is no agreement as to how long the study should last, which activities should be included, how the study should consider all time worked by prosecutors, and how the data should be verified. In addition, there are concerns among prosecutors that a new a time study conducted under current staffing levels will not accurately measure their workloads under optimal conditions. Based upon the status of discussions on this issue, the SPO has not developed a specific plan to initiate a new time study.

Since the 2007 LAB audit the WDAA has made a number of changes to its caseload measurement of prosecutorial workload, but has not initiated a new time study.

In its 2007 audit, the LAB also identified that variations in charging practices between DA offices may lessen the reliability of the WDAA caseload measurement of prosecutorial workload. The LAB provided the following example of the

effect of charging practices on caseload counts:

The effect of charging practices on caseload counts can be illustrated using an example of similar situations in two different counties. In the first situation, a prosecutor combined five worthless check offenses, committed by one defendant over a four-month span, into one case. The defendant was found guilty of one charge, and the other charges were considered in sentencing. In the second situation, a prosecutor filed 12 separate cases for worthless check offenses committed by one defendant in a three-week span. As in the first situation, the defendant was found guilty of one charge, and the other charges were considered in sentencing. Although the two situations had similar circumstances and outcomes, the first county was credited with 1 misdemeanor case, while the second was credited with 12 cases.

The LAB recommended in its 2007 audit that the Department of Administration report to the Joint Legislative Audit Committee on its efforts to implement short-term improvements to the WDAA caseload measurement, including voluntary guidelines for case charging practices. As of this writing, the WDAA has not adopted voluntary guidelines for case charging practices. However, it may be worth noting that dating back to the 1995 LAB audit, prosecutors have expressed the belief that "flexibility in charging is an important tool for setting office priorities and addressing different criminal activities."

PROSECUTORIAL AND RELATED RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE

While district attorneys are primarily responsible for prosecuting criminal and juvenile delinquency offenses at the trial or hearing level, DOJ's Division of Legal Services represents the state in felony and other significant criminal and juvenile delinquency cases on appeal. In addition, the Division: (a) represents the state in prisoner and sexually violent person ("sexual predator") conditions of confinement suits; (b) assists DAs, when requested, in certain criminal prosecutions; and (c) initiates criminal prosecutions and sexual predator commitments under limited circumstances.

These prosecutorial and related functions constitute only a portion of the work of the Division and are primarily the responsibility of the following units in the Division: (a) Criminal Appeals; (b) Civil Litigation; and (c) Criminal Litigation and Public Integrity. This chapter discusses the prosecutorial and related workload of each of these units. In addition, this chapter discusses the criminal caseload of the Medicaid Fraud Control and Elder Abuse Unit and the Environmental Protection Unit.

The criminal justice workload of the Division is generally GPR funded, supported by the Division's general program operations appropriation.

Criminal Appeals Unit

Statutory Authorization. Under s. 165.25(1) of the statutes, DOJ is required to represent the state in all appeals of felony convictions to the state Court of Appeals or Supreme Court. Under s. 165.25(1) of the statutes, DOJ also represents

the state in appeals of significant criminal and juvenile delinquency cases. However, at the request of and under supervision of the Attorney General, a district attorney may brief and argue before the state Court of Appeals or Supreme Court a felony or other significant criminal or juvenile delinquency case on appeal from his or her jurisdiction.

Under s. 752.31 of the statutes, misdemeanor, juvenile delinquency, and traffic appeals are normally decided by a single Court of Appeals judge. However, any party to the appeal may request that the case be decided by a three-judge panel.

A district attorney who filed a misdemeanor, juvenile delinquency, or traffic case that is on appeal to a single Court of Appeals judge, must represent the state. However, if a request for a three-judge panel is granted in such an appeals case, the district attorney must transfer all relevant files and papers relating to the case to the Attorney General.

Because of these responsibilities, the Criminal Appeals Unit has a significant criminal justice workload.

Program Administration. While most initial felony prosecutions are handled by the district attorney of jurisdiction, the Criminal Appeals Unit is charged with preparing briefs and presenting arguments before state appellate or any federal court hearing a challenge to a felony conviction.

The unit also represents the state in these courts on appeals arising from sexual predator commitments, and on appeals of selected misde-

meanor, traffic, and juvenile delinquency cases.

While district attorneys are authorized to accept felony and other significant criminal and juvenile delinquency cases on appeal, at the request and under the supervision of the Attorney General, this delegation to district attorneys is only rarely done.

The Criminal Appeals Unit also defends state criminal convictions in federal habeas corpus proceedings. In a petition for federal habeas corpus relief, a convicted criminal defendant argues in federal district court that his or her conviction and/or sentence should be overturned because it was obtained in violation of the defendant's federal constitutional rights. Attorneys from the Criminal Appeals Unit also represent the state when these habeas corpus cases are appealed to the United States Court of Appeals and to the United States Supreme Court.

The Criminal Appeals Unit prepares and distributes training materials, briefing memoranda, and other publications to assist local prosecutors. Staff of the unit also review and draft legislation affecting the criminal justice system and advise the Governor on extradition matters.

In 2010-11, the criminal appeals unit opened 1,649 cases and closed 2,221 cases. In 2011-12, the unit opened 1,565 cases and closed 2,232 cases.

Civil Litigation Unit

Statutory Authorization. The civil litigation unit is responsible for representing the state in prisoner and sexual predator conditions of confinement suits. Under ss. 801.02(7) and 893.82(3) of the statutes, a prisoner condition of confinement suit generally may not be brought against an officer, employee or agent of the state

for an act committed by such an individual in the performance of his or her duties unless the claimant in the matter serves written notice of the claim on the Attorney General within 120 days of the event. Section 893.82(3m) further stipulates that where the claimant is a prisoner, an action may not be commenced until the earlier of the Attorney General's denial of the claim or 120 days after the notice has been served on the Attorney General.

Under s. 165.25(6) of the statutes, the head of any department of state government may request the Attorney General to defend any state department, officer, employee, or agent in a civil action or other matter in a court or administrative agency relating to any act committed by the state department, officer, employee, or agent in the lawful course of their duties.

Program Administration. The nature of the prisoner and sexual predator conditions of confinement lawsuits and the focus of the unit's work are substantially the same for both types of cases.

Typically, these types of lawsuits involve one or more allegations of the following acts committed by state officers, employees, or agents: (a) allegations of religious discrimination; (b) failure to provide adequate medical care; (c) excessive force by staff; (d) denial of access to court; (e) interference with privacy of mail communications; (f) failure to allow mailings of certain kinds of literature; (g) denial of access to a notary public; (h) failure to follow due process and administrative rule requirements in imposing discipline; (i) erroneous application of administrative code or prison policy when imposing discipline; (j) erroneously calculating prison release date; (k) illegal revocation of probation, extended supervision, or parole; (l) negligence; (m) unconstitutional strip search; (n) harassment and retaliation for suing staff; (o) cruel and unusual punishment; (p) unlawful denial of visitors; (q) invalid transfer from one facility to a more restrictive facility; (r) erroneous security classification; (s) denial of the

right to speak in a foreign language in the presence of officers; (t) denial of access to rehabilitation programs necessary to enhance parole eligibility; (u) errors in denying discretionary parole; and (v) invalid confiscation of contraband.

The civil litigation unit normally seeks dismissal of these suits before they reach the trial stage, either through motions to dismiss for failure to state a claim or failure to exhaust administrative remedies, or by a motion for summary judgment. If such motions are denied, the case proceeds to trial. Cases are tried in both state and federal courts. Any appeals from such cases are also handled by the unit's attorneys.

In 2010-11, the unit opened 313 prisoner conditions cases and closed 421 such cases, while in 2011-12, the unit opened 234 prisoner conditions cases and closed 403 such cases.

During 2010-11, the unit opened 19 sexual predator condition of confinement cases and closed 19 such cases, while in 2011-12, the unit opened three sexual predator condition of confinement cases and closed 16 such cases.

Criminal Litigation and Public Integrity Unit

Statutory Authorization. Attorneys in the Criminal Litigation and Public Integrity Unit frequently act as "special prosecutors."

Under s. 978.045 of the statutes, a court may appoint a special prosecutor either on its own motion or at the request of a district attorney. A special prosecutor has all of the powers of a district attorney and may assist a district attorney in the prosecution of persons charged with a crime, in grand jury or John Doe proceedings, in sexually violent person commitment proceedings, or in investigations.

Further, before a court makes a special prosecutor appointment that exceeds six hours per case, the court or the requesting district attorney must request assistance from staff in other prosecutorial units or from an assistant attorney general in DOJ's Criminal Litigation and Public Integrity Unit.

Typically, a special prosecutor may be appointed when: (a) there is no district attorney; (b) the district attorney is absent; (c) the district attorney or a member of his or her staff has a conflict of interest; (d) the district attorney is unable to attend to his or her duties; (e) the district attorney is serving in the armed forces; (f) the district attorney is charged with a crime; (g) the district attorney is the subject of a John Doe proceeding; or (h) the district attorney cannot perform his or her duties due to a medical situation.

Section 165.255 of the statutes provides that DOJ may represent the state in commitment proceedings for sexually violent persons under Chapter 980.

Under s. 165.25(3) of the statutes, DOJ is required to consult and advise with district attorneys, when requested by them, in all matters pertaining to the duties of their office. This consultation frequently involves the Criminal Litigation and Public Integrity Unit.

Program Administration. Unit attorneys act as "special prosecutors" throughout Wisconsin by court motion or at the request of a district attorney. Frequently, these appointments involve homicide and white-collar crime cases, and other cases where the district attorney is unable to act. Most of the unit's criminal prosecutions result from such "special prosecutions." The unit's remaining criminal prosecutions involve cases for which the Department has original jurisdiction to initiate the criminal case. For 2010-11, and 2011-12, Table 17 breaks down the criminal referrals to the unit by case type and case disposition.

Table 17: Criminal Referrals

	2010-11	2011-12
<i>Case Type</i>		
Special Prosecution	63	80
Original Jurisdiction--Security Fraud & Tax	<u>3</u>	<u>2</u>
Total	66	82
<i>Case Resolution</i>		
Charged	46	45
No Charge or Ongoing Investigation	<u>20</u>	<u>37</u>
Total	66	82

Unit attorneys also handle sexual predator commitments and currently process a significant portion of all such commitments in the state. Under current law, a petition alleging that an individual is a sexually violent person may be filed by either: (a) DOJ at the request of the "agency with jurisdiction" (either the Department of Corrections or the Department of Health Services); or (b) a district attorney. If an individual is found guilty of a sexual violent offense, he or she is sentenced to prison, while if an individual is found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, he or she is committed to an institution under the Department of Health Services (DHS). Subsequent to an individual serving a prison sentence or being released from the care of DHS for having committed a sexually violent offense, the individual may be committed to DHS as a sexually violent person based on the petition filed by DOJ or a district attorney. If, after a trial, an individual is determined to be a sexually violent person, the court must enter a judgment on the finding and commit the person as a sexually violent person. In that event, the court must order the person committed to the custody of DHS for control, care, and treatment until the person is no longer a sexually violent person.

In 2010-11, the unit assumed responsibility for eight of the 20 sexually violent person referrals it received. In 2011-12, the unit assumed responsibility for six of the 12 sexually violent person referrals it received. The remaining sexually

violent person commitments are being handled by district attorneys. Sexual predator commitment cases assumed by the Department generally stay open for an extended period of time as there are ongoing annual evaluations of sexual predator commitments. In 2010-11, the unit handled 122 sexually violent person post-commitment proceedings, while in 2011-12, the unit represented the state in 117 sexually violent person post-commitment proceedings.

The Criminal Litigation and Public Integrity Unit meets the Department's statutory responsibility to consult and advise with district attorneys, in part, through the staffing of an on-call service that state prosecutors can contact for advice. Further, the unit targets publications and training sessions to local prosecutors. In addition, the unit sponsors training for newly elected district attorneys. This training reviews the duties of the office of district attorney and highlights the resources that are available through DOJ and other state and federal agencies.

Medicaid Fraud Control and Elder Abuse Unit

Statutory Authorization. The Medicaid Fraud Control and Elder Abuse Unit investigates and prosecutes crimes committed against vulnerable adults in nursing homes and other facilities, as well as fraud perpetrated by providers against the Wisconsin Medicaid program. Under ss. 49.49 and 49.495 of the statutes, DOJ is responsible for prosecution of criminal laws affecting the medical assistance program including Medicaid fraud, as well as the health, safety and welfare of recipients of medical assistance. The unit also prosecutes civil enforcement actions affecting Medicaid, including those authorized by either house of the Legislature or the Governor, and those brought under the Wisconsin False Claims Act (s. 20.931).

Program Administration. The Department of Justice is the state agency responsible for conducting a statewide program for the investigation and prosecution of providers that defraud the Wisconsin Medicaid program. In 2010-11, the unit received 259 referrals, opened 167 cases, closed 94 investigations, and obtained four criminal convictions for fraud and abuse. In 2011-12, the unit received 163 referrals, opened 117 investigations, closed 78 investigations, and obtained 13 criminal convictions. Unit attorneys are also periodically appointed special prosecutors by district attorneys for Medicaid-related offenses. During 2010-11 the unit recovered a total of \$17,886,100 in restitution, fines and forfeitures for fraudulent Medicaid activities, while in 2011-12, the unit recovered \$5,564,800 in restitution, fines and forfeitures for these fraudulent activities.

Environmental Protection Unit

Statutory Authorization. Primarily under ss. 30.03 and 299.95 of the statutes, the Attorney General is required to enforce several environmental law chapters which include criminal provisions. In addition, s. 978.05(8)(b) of the statutes provides that district attorneys may request DOJ to assist in the investigation and prosecution of any matter for which a district attorney has jurisdiction. District attorneys have duties to prosecute criminal violations of certain fish, wildlife and environmental laws. Typically a district attorney will request that DOJ prosecute a case when: (a) the district attorney or a member of the staff has a conflict of interest; (b) the case is of such a magnitude or specialty that the district attorney could not adequately attend to his or her other duties upon attending to the case; (c) the case is outside the area of the district attorney's expertise and is within the expertise of the assistant attorney general; or (d) the case involves the same crime committed in several counties.

Program Administration. The Department of Natural Resources' (DNR) conservation enforcement wardens and environmental enforcement specialists, assisted by regulatory program staff, perform audit, investigation and enforcement functions with respect to state environmental laws. Generally, DNR applies a "stepped enforcement" process with the violator in an attempt to obtain compliance, prevent further violations, and avoid escalation of enforcement measures. However, if there are serious, damaging, continuous, or repetitive violations, the staff present their evidence and facts in an enforcement referral packet to DNR Division of Enforcement and Science staff for review and recommendation to the DNR Secretary. If approved, the DNR Secretary sends a letter requesting enforcement, copied to the violator, to the Attorney General with an accompanying confidential investigation packet of evidence and materials that justify the prosecution request.

When received by DOJ, DNR's enforcement "referral packet" is sent to the Legal Services Division Administrator for referral to the unit. The unit director assigns the case to an appropriate assistant attorney general (AAG) for review and potential prosecution. If, after review and consultation with DNR staff as necessary, the AAG believes prosecution is justified, the AAG prepares a justification memorandum and draft complaint for prosecution. Depending on the circumstances, the AAG may have pre-filing discussions of the matter with the accused and his or her attorney. Upon approval of the justification memorandum by the unit director and the Legal Services' administrator or deputy administrator, the case is commenced. A judgment may be entered upon stipulated settlement between the defendant and DOJ in consultation with DNR enforcement staff, or the case may go to trial and appeal. The unit handles its own criminal appeals. The environmental protection unit brought two criminal prosecutions in calendar year 2010, four in 2011, and none in 2012 as of July 1, 2012.

Unit attorneys may also occasionally act as special prosecutors upon request of district attorneys under s. 978.05(8)(b) of the statutes. In calendar year 2009 the unit handled one criminal

case as special prosecutor. Through July 1, 2012, there have been no additional cases in which unit attorneys acted as special prosecutors.

Representation of the Indigent

Both the United States Constitution and the Wisconsin Constitution provide the right to counsel for individuals accused of a crime. The Sixth Amendment to the United States Constitution provides, in part, that, "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense." In *Gideon v. Wainwright* (1963), the United States Supreme Court held that the constitutional right to counsel guaranteed by the Sixth Amendment requires the government to provide counsel to indigent criminal defendants.

Article I, Section 7 of the Wisconsin Constitution provides, in part, that, "In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel,..." As early as 1859, the Wisconsin Supreme Court determined that an indigent defendant was entitled to counsel at county expense for his or her defense (*Carpenter v. Dane County*).

However, under subsequent United States and Wisconsin Supreme Court decisions there is no absolute right to the appointment of counsel in non-criminal cases carrying no threat of loss of physical freedom. Nevertheless, both courts have concluded that due process requires an individualized determination of the necessity for appointment of counsel under the circumstances presented by a particular case. Finally, in the case of *Malmstadt v. Wisconsin* (1996), the Wisconsin Supreme Court ruled that under the separation of powers doctrine the Legislature may not prohibit the courts from appointing counsel for certain classes of individuals.

The cost of providing required counsel to the indigent in Wisconsin is generally the responsibility of the state through the Office of the State Public Defender (SPD). The SPD provides legal representation for indigent persons: (a) facing a possible sentence that includes incarceration; (b) involved in certain proceedings under the Children's and Juvenile Justice Codes (Chapters 48 and 938); (c) subject to petitions for protective placement (Chapter 55); (d) facing involuntary commitment; and (e) involved in certain post-conviction or post-judgment appeals.

The SPD standard for determining whether an individual accused of a crime is indigent is modeled after the 2011 Wisconsin Works (W-2) eligibility standard for an employment position. As a result, gross income of an individual in excess of 115% of the 2011 federal poverty guideline will generally be considered available to pay the costs of legal representation. [While the W-2 financial eligibility requirements for an employment position adjust annually to reflect any changes in inflation captured by an updated federal poverty guideline, under 2011 Act 32 the SPD indigency standard remains linked to the 2011 federal poverty guideline.]

An individual's assets that exceed \$2,500 in combined equity value are also considered available to pay for representation. In determining the combined equity value of assets available to pay for representation, up to \$10,000 in the equity value of vehicles would be excluded, as well as the first \$30,000 of the equity value of a home that serves as the individual's homestead. Under 2011 Act 32 the SPD indigency standard no longer adjusts for any future changes to the W-2 asset standard.

The SPD is required to determine whether a person has the ability to pay the costs of representation. The Public Defender Board is required to establish, by rule, fixed payments for the cost of SPD representation in various types of cases. Known as the prepayment option, an indigent defendant may elect to prepay the amount (or amounts, if several different types of proceedings are involved) if a determination has been made that the person has some ability to pay for his or her representation. If an indigent person elects to pay this fixed amount, the individual cannot be held liable for any additional payment for counsel. However, the indigent client must pay this fixed amount within 60 days of appointment of counsel by the SPD. Table 18 identifies the current optional prepayment amounts for the different types of SPD representation, as established by rule by the Public Defender Board.

Table 18: Prepayment Options for SPD Representation

Case Type	Amount
First-Degree Intentional Homicide	\$600
Other Class A, B or C Felony	120
Sexual Predator under s. 980.02	120
Trial Appeal	120
Other Felony	60
Misdemeanor	60
Plea Appeal	60
Parole/Probation Revocation	60
Termination of Parental Rights	60
Paternity	60
Special Proceeding	30
Sexual Predator Post-Commitment	30

Persons determined to be indigent who receive SPD representation and do not exercise the prepayment option are required to pay for the cost of SPD representation, subject to their ability to pay. Table 19 summarizes the fee schedule established by rule by the Public Defender Board. These fee amounts are based on the average costs for representation for the type of case, as determined by the Board.

Table 19: Schedule for Repayment of SPD Costs by Clients Determined to Have an Ability to Pay

Case Type	Amount
First-Degree Intentional Homicide	\$7,500
Other Class A, B or C Felony	1,200
Sexual Predator under s. 980.02	1,200
Trial Appeal	1,200
Other Felony	480
Plea Appeal	480
Termination of Parental Rights	480
Juvenile Felonies	480
Chapter 55 (Protective Placement)	480
Misdemeanor	240
Parole/Probation Revocation	240
Other Juveniles	240
Paternity	240
Special Proceeding	120
Commitment	120

In 2011-12, the SPD received \$1,723,900 PR in payments from its indigent clients, including receipts from court-ordered recoupment. These amounts are used primarily to offset the cost of retaining private bar attorneys to represent individuals qualifying for SPD representation.

If an individual does not meet the statutory indigency standard of the SPD, but is nonetheless determined by a circuit court to have a constitutional right to counsel, the court may appoint an attorney at county, rather than state, expense.

Appendix V identifies expenditures, recoupment and net costs, for counties in calendar year 2011 for court-appointed defense counsel by county. While 69 counties reported \$5.6 million in costs for providing defense counsel in 2011, the net expenditure by these counties for these cases in 2011 totaled \$2 million. In reviewing the data, the following should be noted: (a) not all counties reported information; (b) the reports are unaudited; and (c) counties may not be consistent in how they reported costs. Further, the amounts identified as recoupment by a county may be from previous calendar years. In some counties during 2011, recoupment of appointed counsel costs exceeded appointed counsel expenses.

Creation of the State Public Defender Function

Chapter 479, Laws of 1965 first created the State Public Defender position under the Wisconsin Supreme Court. The duties of the early SPD were limited to post-conviction appeals for indigent persons. Counties retained the sole responsibility for providing constitutionally required counsel to indigent persons at the trial level. Counties generally met this responsibility through court-appointed private counsel.

Under Chapter 29, Laws of 1977, the SPD was transferred from the judicial branch to the executive branch and became an independent agency under the Public Defender Board. Chapter 29 also provided funding for a phase-in of the state's public defender program at the trial level. The SPD was directed to phase-in its services at the trial level over the biennium to the extent that funding and position authority permitted. The SPD provided representation at the trial level both through the use of staff attorneys as well as through the retention of private counsel.

Chapter 418, Laws of 1977, directed that the state assume responsibility for indigent trial defense in all counties, effective July 1, 1979. Chapter 34, Laws of 1979, subsequently provided funding for the 1979-80 fiscal year to implement the statewide public defender system. However, appropriations for the SPD for the 1980-81 fiscal year were vetoed with the exception of funding for the retention of private counsel. Nonetheless, by the 1979-80 fiscal year, the SPD had established 31 district offices providing indigent trial defense services in all 72 Wisconsin counties.

Chapter 356, Laws of 1979, restored funding for the SPD for program administration and for both trial and appellate representation by SPD staff for the 1980-81 fiscal year. Chapter 356 also mandated that 100% of the indigency cases at the

trial level in 25 counties be assigned to private counsel. The remaining 47 counties were assigned to three statutory groups with not less than 15%, 25%, or 50% respectively, of these cases assigned to private counsel, with the remaining balance of cases assigned to SPD staff. Further, Chapter 356 requested the Legislative Council to study the state public defender program and to report its findings and recommendations to the Legislature no later than January 1, 1985. Finally, Chapter 356 sunsetted the SPD on November 15, 1985.

Under 1985 Wisconsin Act 29, all requirements mandating that a certain percentage of cases in each county be assigned to private counsel were repealed, again permitting public defender staff attorneys to represent the indigent in all 72 counties. Act 29 also created annual caseload standards for SPD trial attorneys and repealed the sunset provision for the SPD.

Provisions of 1995 Wisconsin Act 27 significantly revised the operation of the state public defender program and imposed a series of cost-cutting measures described as follows:

1. *SPD Representation.* Act 27 eliminated SPD representation in the following cases where there is no clear constitutional right to representation:

- all conditions of confinement cases;
- situations where adults and juvenile persons, suspected of criminal or delinquent acts, have not yet been formally charged with a crime (subsequently restored in 2001 Wisconsin Act 16);
- sentence modification actions which are filed outside of the statutory time limit for such actions;
- probation and parole modification and revocation cases unless the modification or revo-

cation is contested and jail or prison time is sought;

- appeals cases which are filed after the statutory time limit, unless the Court of Appeals extends the time limit;

- contempt of court for failure to pay child or family support, if the matter was not brought by the state, and the judge or family court commissioner certifies that the person would not be incarcerated if found in contempt;

- paternity actions, except actions to determine paternity where an initial blood test indicates a greater than 0%, but less than 99% probability of fatherhood; and

- representation for parents whose children are alleged to be in need of protection or services (CHIPS), except for parents who are themselves minors.

2. *Client Reimbursement.* Act 27 newly required the SPD to determine each client's ability to pay for representation and to collect for the cost of that representation. Under these client reimbursement provisions, a represented person must be permitted to meet his or her reimbursement obligations to the SPD either by: (a) paying a non-refundable, reasonable fixed fee within the first 60 days of representation, set by the Public Defender Board by rule; or (b) being charged a fee based on the average cost of representation for the client's case type, but considering the client's ability to pay.

3. *Workload.* Act 27 also reinstated higher workload standards for trial staff attorneys that had been modified under 1991 Act 39. The caseloads for the following types of cases were adjusted as follows: (a) felony caseloads increased from 166.8 cases per year to 184.5 cases per year; (b) misdemeanor caseloads increased from 410.9 cases per year to 492.0 cases per year; and (c) juvenile caseloads increased from 228.4 cases per

year to 246.0 cases per year.

4. *Private Bar Compensation.* Act 27 reduced, in part, the compensation paid to private bar attorneys retained by the SPD. Prior to Act 27, private attorneys were paid \$50 per hour for in-court time, \$40 per hour for out-of-court time and \$25 per hour for certain travel. Under Act 27, the in-court rate was reduced to \$40 per hour.

5. *Fixed-Fee Contracts with Private Attorneys.* Finally, Act 27 required the State Public Defender Board to enter into annual fixed-fee contracts with private attorneys and law firms for some cases. The maximum number of cases assigned in this manner cannot exceed one-third of the total number of cases at the trial level. The SPD entered into fixed-fee contracts for up to 5,865 misdemeanor and commitment cases in 2012-13.

The provisions of 2007 Wisconsin Act 20 eliminated the requirement that the SPD make a finding of indigency prior to representing adults subject to involuntary civil commitment, protective placement, or involuntary administration of psychotropic medication. Instead, during or after relevant court proceedings, the court may inquire as to the individual's ability to reimburse the state for the cost of representation. If the court determines that the individual is able to make reimbursement for the costs of representation, the court may order the individual to reimburse the state an amount not to exceed the maximum amount established by the SPD Board, by rule, for the type of case at issue.

Under 2009 Wisconsin Act 164, the SPD indigency standard was generally modeled after the Wisconsin Works (W-2) eligibility standard for an employment position, effective with case appointments on or after June 19, 2011. While under Act 164, the SPD indigency standard would adjust over time to reflect changes in the W-2 eligibility standard, under 2011 Act 32, the SPD indigency standard is linked to the 2011 W-2 fi-

financial eligibility requirements for an employment position. As a result, the SPD indigency standard remains linked to the 2011 federal poverty guideline and to the W-2 asset standard as it existed in 2011.

Current Public Defender Operations

A nine-member Public Defender Board oversees the operation of the Office of the State Public Defender. Members of the Board are appointed by the Governor to staggered three-year terms, with the advice and consent of the Senate. At least five of the nine Board members must be members of the State Bar of Wisconsin.

The principal duties of the Board are the following: (a) appointment of a State Public Defender; (b) promulgation of administrative rules for determining financial eligibility; (c) promulgation of administrative rules establishing procedures to assure that the representation of indigent clients by the private bar is at the same level as the representation provided by SPD staff; and (d) supervision of the administration of the Office.

In 2011-12, state SPD expenditures totaled \$90,591,900 to provide legal representation for eligible indigent persons in Wisconsin. Of that amount, \$31,560,000 (34.8%) was paid to private attorneys for their time and certain legal expenses (investigators and expert witnesses). The remaining \$59,031,900 (65.2%) funded staff attorneys, their legal expenses and program overhead. The SPD has been budgeted \$82,116,100 GPR and \$1,289,500 PR in 2012-13 and is currently authorized 574.85 GPR and 5.0 PR positions.

The Office is organized into four divisions: trial, appellate, assigned counsel and administrative services. As previously indicated, the current organizational chart for the agency is included as Appendix II.

The trial division consists of 507.85 positions, including 318.45 attorneys and attorney supervisors. The trial division is housed in 35 district offices across the state. (See Appendix VI for the location of these trial division offices). Each trial division attorney (and generally each attorney supervisor) must meet one of the following annual statutory caseload requirements: (a) 184.5 felony cases; (b) 15.0 homicide or sexual predator cases; (c) 492.0 misdemeanors cases; (d) 246.0 other cases; or (e) some combination of these categories. The SPD has interpreted these caseload standards as representing the workload averages that must be achieved by all the trial attorneys in the agency collectively, as opposed to a standard that is applied to each individual attorney. In practice, most staff attorneys work on a variety of case types during the year, with some (such as new attorneys) taking fewer cases than the statutory requirement and others taking more in order to meet the overall requirement for the agency. In 1999 Wisconsin Act 9, 10 attorney supervisor positions were exempted from the statutory caseload requirement. This caseload exemption is spread among 51.80 supervising attorneys. In practice, most supervisors are relieved of some portion of their caseload responsibilities. In 2011-12, 81,257 new cases were assigned to SPD trial division attorneys.

The appellate division consists of 43.35 positions, including 27.75 attorneys and attorney supervisors who provide assistance to eligible indigent clients involved in appeals, including post-conviction and postcommitment proceedings. The SPD typically sets the caseload standard for each appellate attorney between 54 and 60 cases per year, depending on the complexity of the attorney's case mix and the attorney's level of experience. In 2011-12, 1,523 new cases were assigned to SPD appellate division attorneys.

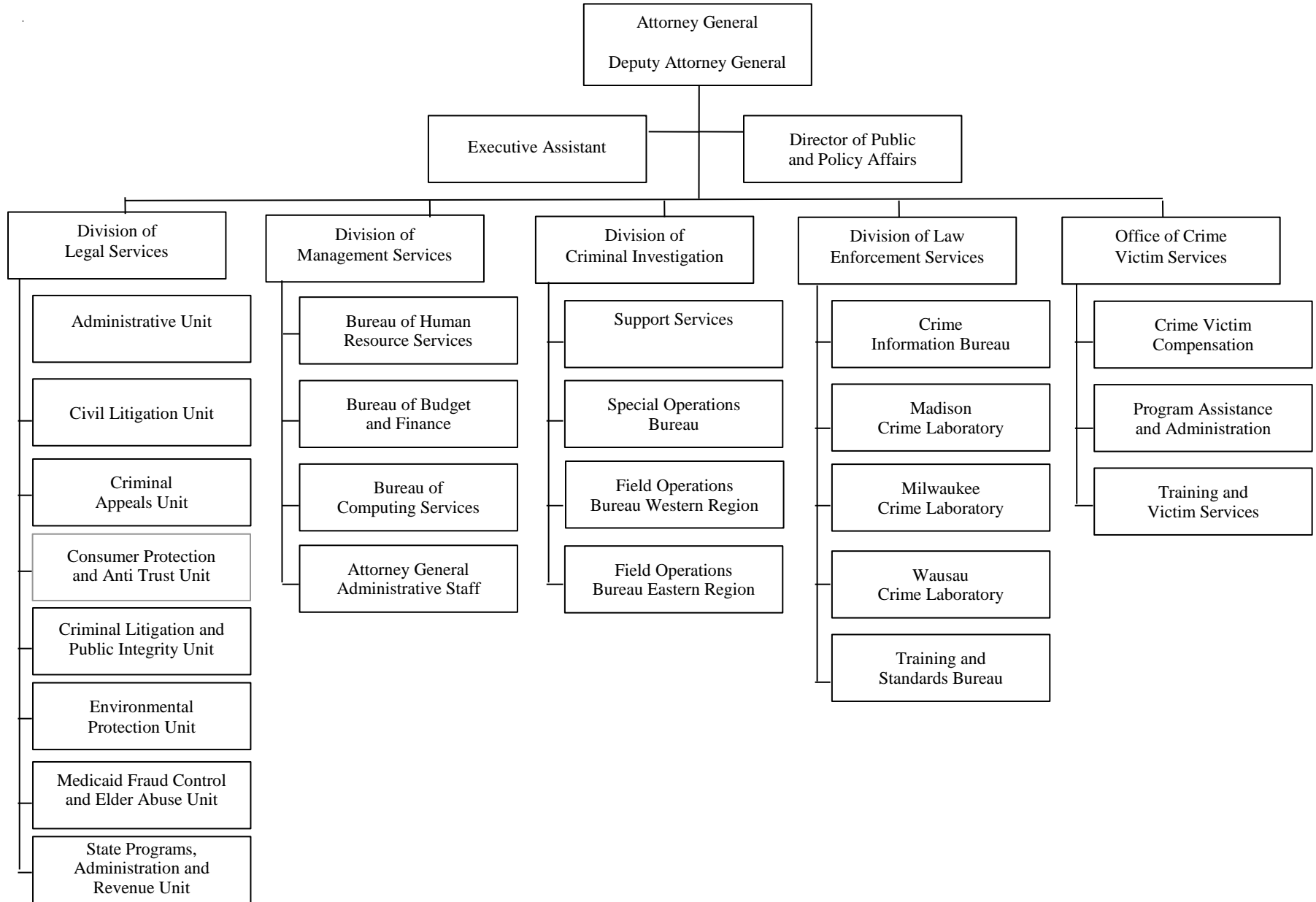
The assigned counsel division consists of 5.25 positions that oversee certification, appointment, and payment of the private attorneys who represent eligible indigent clients. Private attorneys are

paid in two ways: (a) an hourly rate (generally \$40 per hour); or (b) for some misdemeanor and commitment cases, a flat, per case contracted amount. As of July 1, 2012, 1,084 private attorneys were certified by the SPD to represent indigent clients. In 2011-12, 55,944 new SPD cases were accepted by private attorneys.

The administrative services division consists of 23.4 positions that oversee the general administration of the Office. In particular, this staff provides support services in the areas of budget preparation, fiscal analysis, purchasing, payroll, personnel, and client accounts.

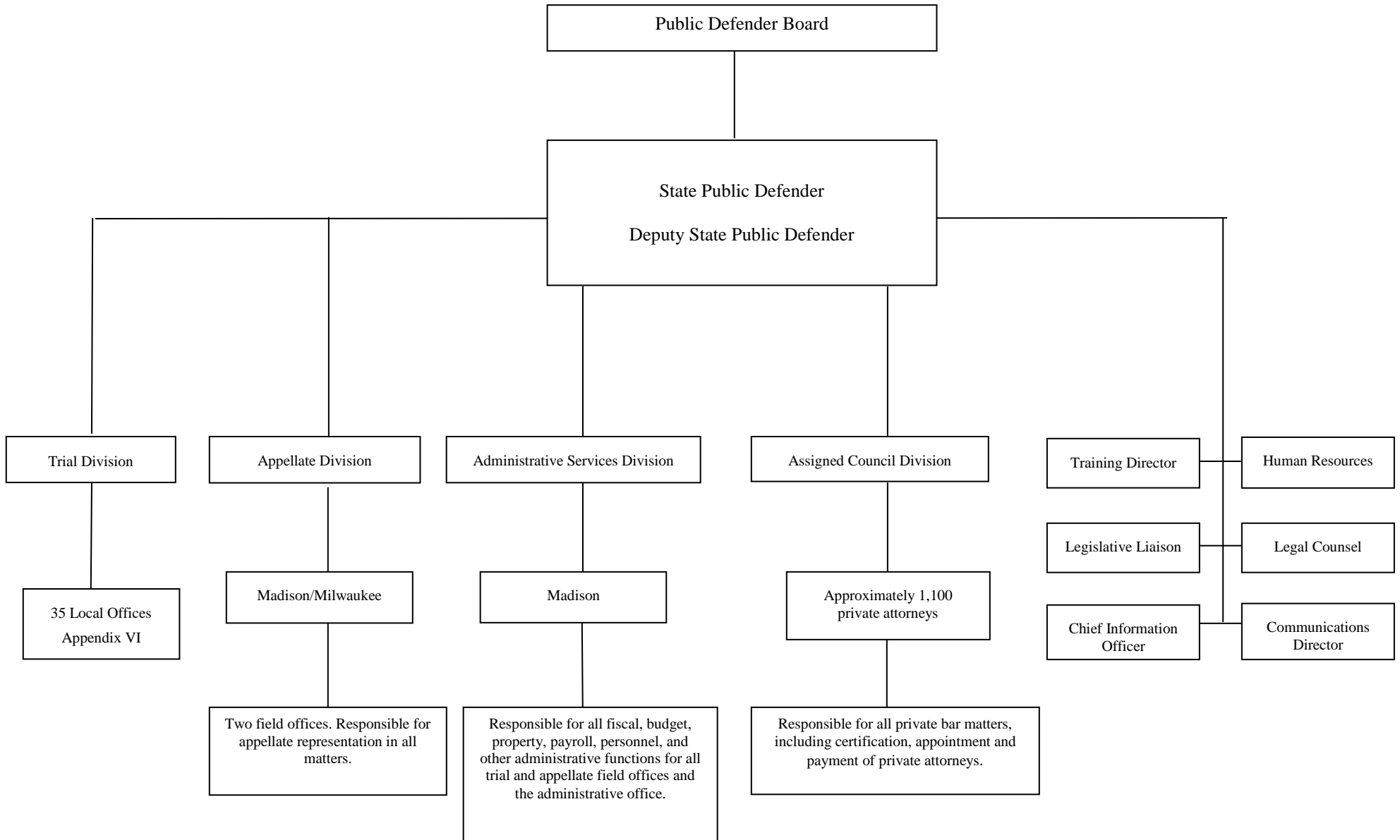
APPENDIX I

Department of Justice Organizational Chart



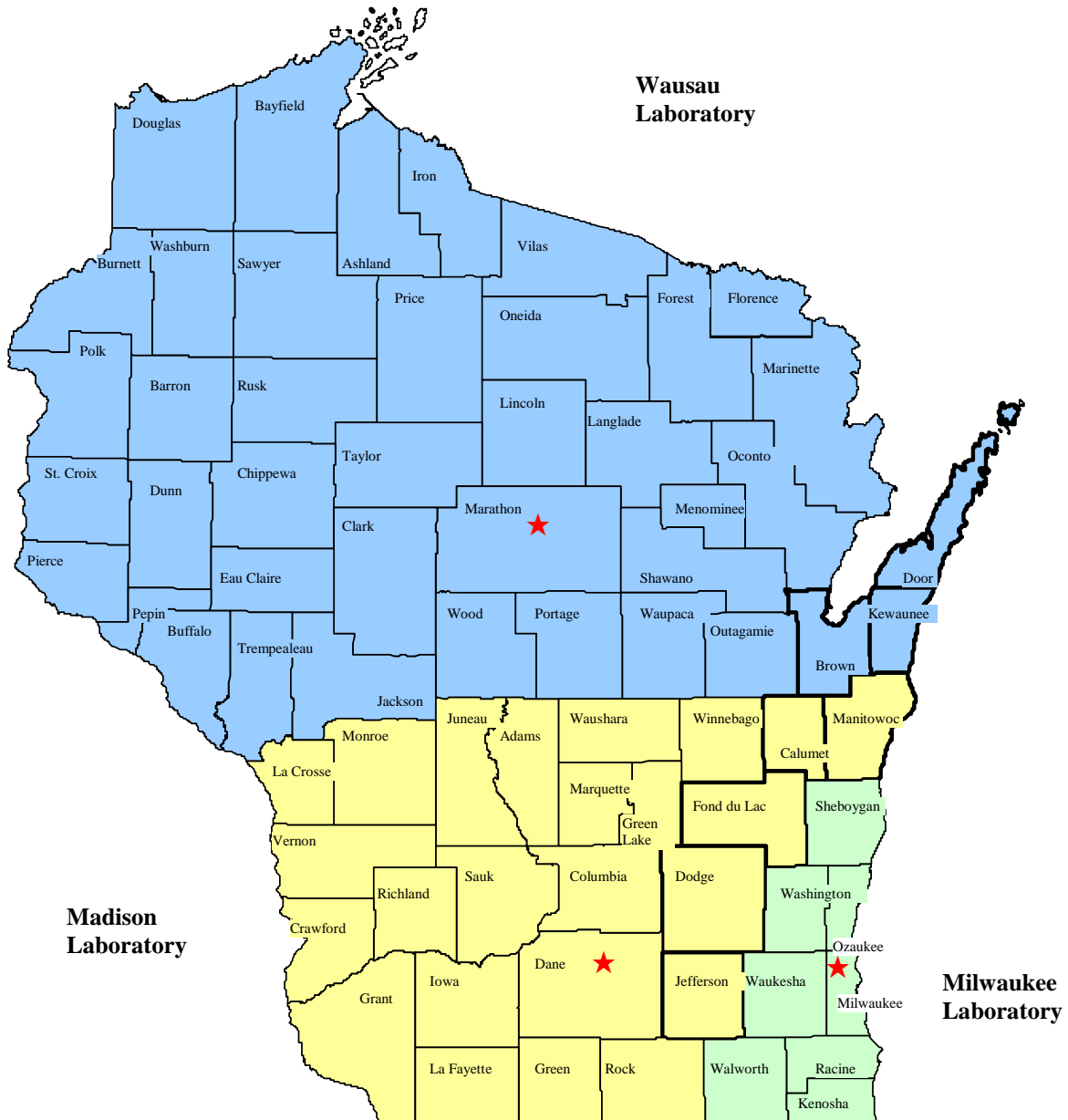
APPENDIX II

Office of the State Public Defender Organizational Chart



APPENDIX III

State Crime Laboratory Service Areas



The state is served by three crime laboratories located in Madison, Milwaukee, and Wausau. This appendix shows the service area for each lab. The Milwaukee lab serves the southeast corner of the state, generally taking cases from an eight county area. The only exception is Milwaukee's Questioned Document unit, which serves an additional eight counties marked off in bold above.

APPENDIX IV

Local Anti-Drug Task Force Funding

Task Force	Participating Counties	Lead Agency*	<u>2012 Funding</u>		<u>2013 Funding</u>	
			Byrne	Penalty Surcharge	Byrne	Penalty Surcharge
Milwaukee Metropolitan Drug Enforcement Group	Milwaukee	Milwaukee County District Attorney's Office	\$321,100	\$222,200	\$321,100	\$222,200
South East Area Drug Operations Group	Dodge, Jefferson, Kenosha, Racine, Walworth	Walworth County Sheriff's Office	125,200	86,600	125,200	86,600
Lake Winnebago Area MEG Unit	Calumet, Fond du Lac, Outagamie, Winnebago	Lake Winnebago Area MEG Unit	78,800	54,500	78,800	54,500
Dane County Narcotics and Gang Task Force	Dane	Dane County Sheriff's Department	78,100	54,100	78,100	54,100
Central Wisconsin Drug Task Force	Adams, Green Lake, Juneau, Marquette, Portage, Waupaca, Waushara, Wood	Juneau County Sheriff's Department	54,000	37,300	54,000	37,300
Waukesha County Metropolitan Drug Enforcement Unit	Waukesha	Waukesha County Sheriff's Department	52,900	36,600	52,900	36,600
Brown County Drug Task Force	Brown	Brown County Sheriff's Department	49,000	33,900	49,000	33,900
West Central Drug Task Force	Buffalo, Clark, Chippewa, Dunn, Eau Claire, Pepin	Eau Claire County Sheriff's Department	41,800	28,900	41,800	28,900
NADGI Tribal Task Force	Wisconsin Tribes	Oneida Police Department	37,800	26,200	37,800	26,200
St. Croix Valley Drug Task Force	Pierce, Polk, St. Croix	St. Croix County Sheriff's Department	33,400	23,100	33,400	23,100
North Central Drug Enforcement Group	Forest, Langlade, Lincoln, Oneida, Price, Taylor, Vilas	Oneida County Sheriff's Department	30,300	21,000	30,300	21,000
Central Area Drug Enforcement Group	Marathon	Marathon County Sheriff's Department	26,300	18,200	26,300	18,200
Northwest Area Crime Unit	Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, Washburn	Douglas County Sheriff's Department	24,300	16,800	24,300	16,800

Task Force	Participating Counties	Lead Agency*	<u>2012 Funding</u>		<u>2013 Funding</u>	
			Byrne	Penalty Surcharge	Byrne	Penalty Surcharge
West Central MEG Drug Task Force	Jackson, La Crosse, Monroe, Trempealeau, Vernon	La Crosse County Sheriff's Department	\$23,200	\$16,000	\$23,200	\$16,000
Washington County Multi-Jurisdictional Drug Unit	Washington	Washington County Sheriff's Department	19,000	13,200	19,000	13,200
Manitowoc County Metro Drug Unit	Manitowoc	Manitowoc County Sheriff's Department	14,600	10,100	14,600	10,100
Sheboygan County MEG Unit	Sheboygan	Sheboygan Police Department	14,200	9,900	14,200	9,900
Richland-Iowa-Grant Drug Task Force	Grant, Iowa, Richland	Iowa County Sheriff's Department	<u>13,500</u>	<u>9,300</u>	<u>13,500</u>	<u>9,300</u>
Total			\$1,037,500	\$717,900	\$1,037,500	\$717,900

*Lead law enforcement agencies for some of the task forces may change in calendar year 2013.

APPENDIX V

**Court-Appointed Counsel, 2011
Expenditures, Recoupment and Net Expenditures**

County	Court-Appointed Counsel Expenditures	Percent of Total Cost	Court-Appointed Counsel Recoupment	Percent of Total Recoupment	Net Expenditure	Percent of Net Expenditures
Adams	\$39,715	0.7%	\$36,326	1.0%	\$3,389	0.2%
Ashland	20,888	0.4	32,837	0.9	-11,949	-0.6
Barron	58,448	1.0	27,035	0.7	31,413	1.6
Bayfield	36,156	0.6	12,887	0.4	23,269	1.2
Brown	292,864	5.2	241,150	6.7	51,714	2.6
Buffalo	8,289	0.1	16,913	0.5	-8,624	-0.4
Burnett	27,735	0.5	19,804	0.5	7,931	0.4
Calumet	29,768	0.5	16,599	0.5	13,169	0.7
Chippewa	52,451	0.9	41,557	1.2	10,894	0.5
Clark	9,743	0.2	15,531	0.4	-5,788	-0.3
Columbia	152,382	2.7	38,501	1.1	113,881	5.7
Crawford	16,159	0.3	12,057	0.3	4,102	0.2
Dane	387,674	6.9	125,524	3.5	262,150	13.1
Dodge	71,245	1.3	71,189	2.0	56	0.0
Door	34,096	0.6	29,168	0.8	4,928	0.2
Douglas	30,832	0.6	20,025	0.6	10,807	0.5
Dunn	24,115	0.4	11,215	0.3	12,900	0.6
Eau Claire	115,402	2.1	108,618	3.0	6,784	0.3
Florence	18,192	0.3	0	0.0	18,192	0.9
Fond du Lac	304,858	5.4	137,097	3.8	167,761	8.4
Forest	18,929	0.3	20,072	0.6	-1,143	-0.1
Grant	76,837	1.4	65,104	1.8	11,733	0.6
Green	39,343	0.7	14,165	0.4	25,178	1.3
Green Lake	11,916	0.2	8,603	0.2	3,313	0.2
Iowa	45,333	0.8	22,348	0.6	22,985	1.2
Iron	18,530	0.3	4,701	0.1	13,829	0.7
Jackson	60,161	1.1	32,481	0.9	27,680	1.4
Jefferson	119,123	2.1	77,009	2.1	42,114	2.1
Juneau	38,742	0.7	0	0.0	38,742	1.9
Kenosha	114,002	2.0	57,975	1.6	56,027	2.8
Kewaunee	28,478	0.5	22,994	0.6	5,484	0.3
La Crosse	95,692	1.7	107,317	3.0	-11,625	-0.6
Lafayette	4,707	0.1	2,456	0.1	2,251	0.1
Langlade	18,203	0.3	22,323	0.6	-4,120	-0.2
Lincoln	45,707	0.8	48,951	1.4	-3,244	-0.2
Manitowoc	92,036	1.6	47,126	1.3	44,910	2.3
Marathon	258,344	4.6	138,544	3.8	119,800	6.0
Marinette	70,304	1.3	57,462	1.6	12,842	0.6
Marquette	82,204	1.5	61,775	1.7	20,429	1.0
Menominee	0	0.0	0	0.0	0	0.0

County	Court-Appointed Counsel Expenditures	Percent of Total Cost	Court-Appointed Counsel Recoupment	Percent of Total Recoupment	Net Expenditure	Percent of Net Expenditures
Milwaukee	\$305,989	5.5%	\$138,988	3.9%	\$167,001	8.4%
Monroe	106,895	1.9	17,333	0.5	89,562	4.5
Oconto	47,855	0.9	80,807	2.2	-32,952	-1.7
Oneida	55,713	1.0	45,693	1.3	10,020	0.5
Outagamie	176,117	3.1	107,241	3.0	68,876	3.5
Ozaukee	50,761	0.9	46,292	1.3	4,469	0.2
Pepin	4,948	0.1	7,511	0.2	-2,563	-0.1
Pierce	16,337	0.3	8,506	0.2	7,831	0.4
Polk	33,961	0.6	11,729	0.3	22,232	1.1
Portage	79,548	1.4	42,077	1.2	37,471	1.9
Price	0	0.0	284	0.0	-284	0.0
Racine	160,592	2.9	101,700	2.8	58,892	3.0
Richland	32,516	0.6	9,018	0.3	23,498	1.2
Rock	212,826	3.8	74,464	2.1	138,362	6.9
Rusk	0	0.0	0	0.0	0	0.0
Sauk	121,389	2.2	119,454	3.3	1,935	0.1
Sawyer	42,680	0.8	42,841	1.2	-161	0.0
Shawano	16,742	0.3	15,212	0.4	1,530	0.1
Sheboygan	137,069	2.4	124,262	3.4	12,807	0.6
St. Croix	83,428	1.5	90,416	2.5	-6,988	-0.4
Taylor	15,024	0.3	17,292	0.5	-2,268	-0.1
Trempealeau	60,678	1.1	26,294	0.7	34,384	1.7
Vernon	5,515	0.1	7,235	0.2	-1,720	-0.1
Vilas	28,149	0.5	7,410	0.2	20,739	1.0
Walworth	77,897	1.4	102,620	2.8	-24,723	-1.2
Washburn	38,869	0.7	26,678	0.7	12,191	0.6
Washington	184,057	3.3	144,954	4.0	39,103	2.0
Waukesha	205,107	3.7	122,850	3.4	82,257	4.1
Waupaca	40,931	0.7	28,586	0.8	12,345	0.6
Waushara	35,319	0.6	46,826	1.3	-11,507	-0.6
Winnebago	176,967	3.2	118,343	3.3	58,624	2.9
Wood	<u>78,937</u>	1.4	<u>48,430</u>	1.3	<u>30,507</u>	1.5
Total	\$5,602,419		\$3,606,785		\$1,995,634	

APPENDIX VI

State Public Defender Trial Division Offices

